

MUNICIPAL UTILITY DISTRICT (MUD) REVISION REVIEW SHEET

CASE: C12M-2016-0006 Moore's Crossing Municipal Utility District (MUD) Amendment to Consent Agreement

URBAN TRANSPORTATION COMMISSION DATE: January 10, 2017

PROPOSED CHANGES: The applicant proposes to amend provisions of the Consent Agreement relating to (1) the amount of reimbursements to the Developer for internal water, wastewater, drainage, and water quality facilities; and (2) the Developer's obligations for right-of-way dedication and roadway improvements.

APPLICANT/OWNER: SR Development, Inc. and MC Joint Venture (William G. Gurasich)

AGENT: Coats Rose (John M. Joseph)

LOCATION OF MUD: The Moore's Crossing Municipal Utility District is located in southeastern Travis County east of FM 973 at the intersection of FM 973 and Elroy Road.

DESIRED DEVELOPMENT ZONE: Yes

WATERSHED: Dry Creek East and Onion Creek

ZONING: Zoning designations located throughout the MUD include residential, community commercial, limited industrial service and public districts.

BACKGROUND: In 1986, the City of Austin consented to the creation of the Moore's Crossing Municipal Utility District located in southeastern Travis County east of FM 973 at the intersection of FM 973 and Elroy Road. The MUD was created to operate within the corporate limits of the City. The Consent Agreement between the City and the MUD contains provisions regarding development requirements for future development within the MUD.

In 1994, the first amendment to the Agreement deferred by five years the first possible date for the City to dissolve the MUD because of delays in starting the development within the MUD.

In 1995, special legislation afforded several municipal utility districts in the Austin area the option to provide tax relief to their residents by petitioning the City to alter the annexation status of land in the municipal utility district from full purpose to limited purpose. The MUD did so in September of 1995.

In 1998, the second amendment to the Agreement provided for a reduction in the amount of reimbursement to the Developer to not exceed 70% of the actual cost for design and construction of internal water, wastewater, drainage, and water quality facilities. The MUD has previously issued bonds in the aggregate principal amount of \$12,420,000 of which \$9,495,000 is currently outstanding. The MUD also currently has remaining \$19,580,000 authorized but unissued in bonds for water, wastewater, and drainage facilities. The MUD is not currently scheduled for annexation; however, when the City

does annex the MUD, the City would assume all obligations otherwise assigned by law to a municipality that annexes a district, including any outstanding debt.

In 2003, the Agreement and Land Plan were amended again to reflect the amount and location of land to be dedicated to the City for parkland, affordable housing, and for sites for fire stations, emergency medical services, and library facilities and to update the proposed alignment of Elroy Road and Ross Road.

The current request is to amend provisions of the Agreement relating to (1) the amount of reimbursements to the Developer for internal water, wastewater, drainage, and water quality facilities; and (2) the Developer's obligations for right-of-way dedication and roadway improvements.

The applicant's proposed changes to the Consent Agreement would allow for the amount of reimbursement to the Developer for internal water, wastewater, drainage, and water quality facilities to not exceed 100% of the actual cost for design and construction of the same. The Developer has indicated that additional housing benefits have been and will be provided to justify the increase in the amount of reimbursement to the Developer for internal infrastructure.

Proposed changes to Section 8.10 of the Consent Agreement are intended to make clear the Developer's obligation for the design and construction of transportation infrastructure and to ensure consistency between the Consent Agreement and other adopted roadway plans and agreements for the same roads.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of an amendment to the Consent Agreement that ensures that any right of way dedication or roadway improvements constructed by the developer (1) meet the City of Austin's Drainage Criteria Manual (DCM) and current code and (2) are consistent with other adopted roadway plans and agreements; and also that Section 8.10 (7) related to traffic impact analysis in the current Agreement remains.

DEPARTMENT COMMENTS: The application to amend the Consent Agreement was distributed for review to staff members of the following departments: Austin Energy, Austin Resource Recovery, Austin Water, Development Services, Fire, Law, Neighborhood Housing and Community Development, Planning and Zoning, Public Works, Transportation, and Watershed Protection. Staff reviewers provided the following responses:

PARD: The Parks and Recreation Department does not have any comments on this consent agreement amendment.

AWU: Austin Water staff does not recommend approval of the amendment because:

1. City staff have not verified compliance with the existing housing requirement within the Consent Agreement,
2. the amount of funding associated with increasing the reimbursement amounts for internal infrastructure has not been defined or limited, and
3. City staff have not numerated a specific and contractually binding additional benefit to the City if the amendment is authorized.

ATD: ATD recommends that any right of way dedication or road improvements for future phases comply with current code and that Section 8.10 (7) related to traffic impact analysis in the current Agreement remains.

WPD: Our recommendation is that any road improvements constructed by the developer meet the City of Austin's Drainage Criteria Manual (DCM) criteria.

ATTACHMENTS:

Exhibit A – Moore's Crossing MUD Location Map

CONSENT AGREEMENT AMENDMENT PROCESS: Section 25-9-253 of the City Code requires staff and boards and commissions determined to have an interest in this application to review and make a recommendation on the application no later than the 60th day after the date the application is filed. The City Council will act on the application no later than the second regular Thursday City Council meeting following board and commission recommendations.

WATER & WASTEWATER COMMISSION RECOMMENDATION: To be considered January 11, 2017

PLANNING COMMISSION RECOMMENDATION: To be considered January 24, 2017

CITY COUNCIL DATE: February 2, 2017

ACTION:

CASE MANAGER: Virginia Collier
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