

MUNICIPAL UTILITY DISTRICT (MUD) REVISION REVIEW SHEET

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

PC DATE: January 24, 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.

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. Further, the Developer has offered to return a portion of the proposed increased reimbursement to the City for use in providing affordable housing and park improvements within the MUD.

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.

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.

SUMMARY STAFF RECOMMENDATION: Regarding the two part request:

(1) The applicant's proposed amendment is to increase the allowed reimbursement to the Developer from MUD bonds from 70% to 100% of the actual cost of the design, engineering, and construction of internal water, wastewater, drainage and water quality facilities: **Staff does not recommend approval of an amendment that would increase the developer reimbursement to 100%. Although increasing the allowed reimbursement would reduce the investment required of the developer, remaining outstanding debt may be passed on to the City at the time of full purpose annexation.**

(2) The applicant's proposed amendment is to update to the Developer's obligations for right-of-way dedication and roadway improvements: **Staff recommends approval of an amendment to the Consent Agreement that ensures 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 Developer has remaining unfulfilled consent agreement requirements for park improvements or construction facilities of equivalent value with PARD's consent. While the proposed recreational improvements would certainly be welcome, SR Development should fund them as envisioned in the consent agreement.

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.

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.

URBAN TRANSPORTATION COMMISSION RECOMMENDATION: On January 10, 2017 the UTC did not make a recommendation for or against approval of an amendment

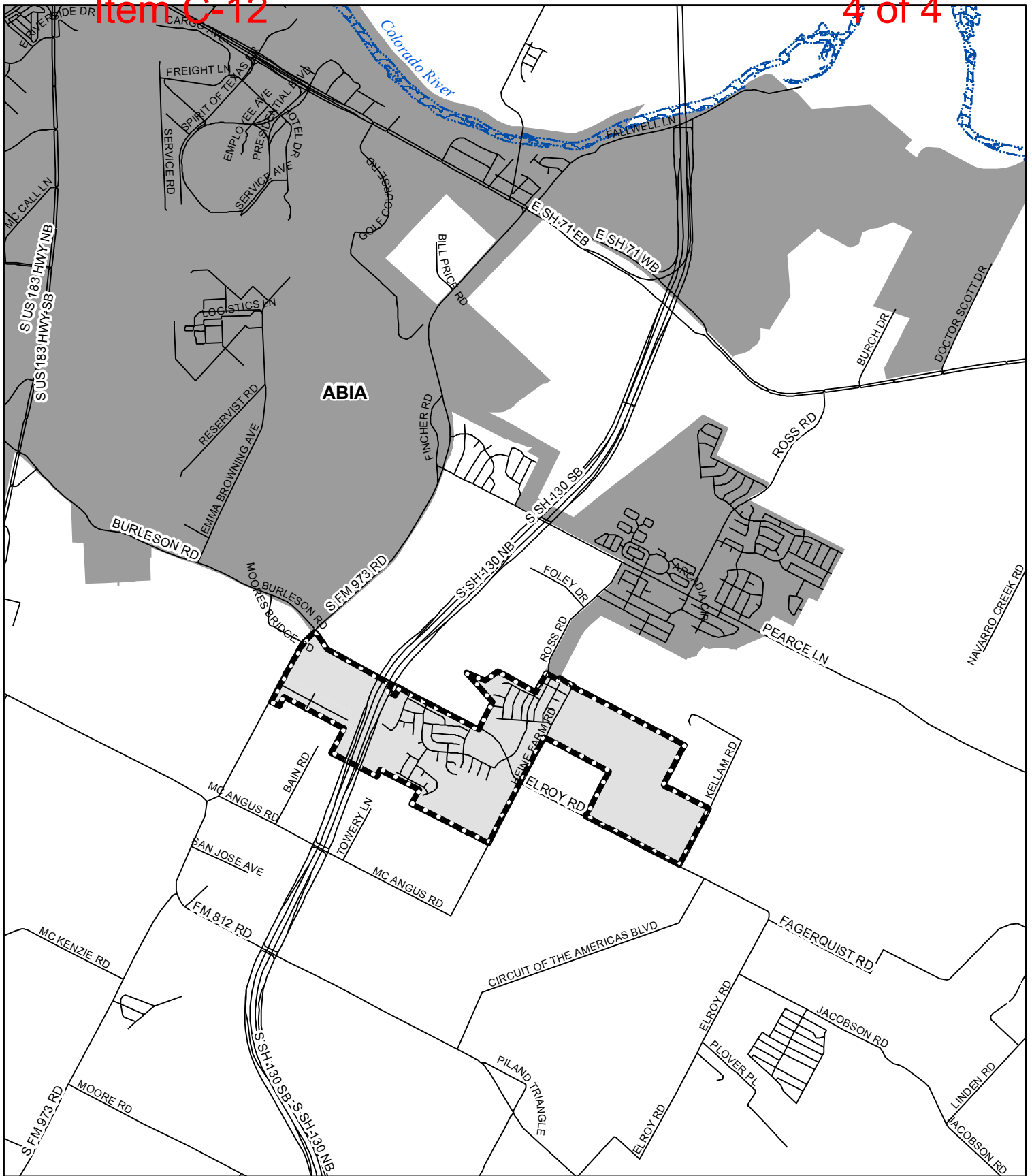
WATER & WASTEWATER COMMISSION RECOMMENDATION: On January 11, 2017 the WWW Commission did not recommend an amendment

CITY COUNCIL DATE: February 2, 2017

ACTION:

CASE MANAGER: Virginia Collier
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PHONE: (512)974-2022



Moore's Crossing Municipal Utility District



City of Austin PDRD
J. Chuter
July 14, 2011



Legend



Moore's Crossing MUD



Lake



Street

CURRENT JURISDICTION

Austin Full Purpose

Austin Limited Purpose

Austin ETJ