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**ORDINANCE NO.**

**AN ORDINANCE EXTENDING THE BOUNDARY LIMITS OF THE CITY TO INCLUDE WITHIN THE FULL PURPOSE CITY LIMITS, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE “LOST CREEK MUD COMMERCIAL PROPERTY”, CONSISTING OF APPROXIMATELY 45 ACRES OF LAND OUT OF THE JOHN SWESEY SURVEY NO. 506, THE ALEXANDER EANES SURVEY NO. 506 AND THE ALEXANDER EANES SURVEY NO. 507 IN TRAVIS COUNTY, TEXAS, IN ACCORDANCE WITH THE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE LOST CREEK MUNICIPAL UTILITY DISTRICT.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Council finds that:

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- (A) The City and the Lost Creek Municipal Utility District negotiated a Strategic Partnership Agreement, in accordance with state law, specifying terms for annexation and related issues. Following arbitration and litigation over the Agreement, the Agreement was upheld, and the parties executed the Agreement.
  - (B) Under the terms of the Strategic Partnership Agreement and the Agreed Final Judgment in Lost Creek Municipal Utility District v. City of Austin, et al, Cause No. D-1-GN-001377, in the 126<sup>th</sup> Judicial District Court, Travis County, Texas, the area identified in the Agreement as the “Lost Creek MUD Commercial Property” shall become annexed into the City at 12:01 a.m. on December 31, 2008.
  - (C) This ordinance extends the City limits to include the Lost Creek MUD Commercial Property in accordance with City Charter Article I, Section 6, which provides that the City shall fix its boundary limits by ordinance.

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**PART 2.** The present boundary limits of the City are amended to include the following territory which is within the city’s limited purpose jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for the full purposes:

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Six tracts of land containing 45 acres of land, more or less, the tract hereinafter described as Tract One containing approximately 2.07 acres of land out of the John Swesey Survey No. 506 in Travis County, Texas; the tract hereinafter described as

1 Tract Two containing approximately 7.35 acres of land out of the John Swesey  
2 Survey No. 506 and the Alexander Eanes Survey No. 506 in Travis County, Texas;  
3 the tract hereinafter described as Tract Three containing approximately 4.549 acres  
4 of land out of the Alexander Eanes Survey No. 506 and the John Swesey Survey  
5 No. 506 in Travis County, Texas; the tract hereinafter described as Tract No. Four  
6 containing approximately 1 acre of land out of the John Swesey Survey No. 506  
7 and the Alexander Eanes Survey No. 506 in Travis County, Texas; the tract of land  
8 hereinafter described as Tract Five containing approximately 15.517 acres of land  
9 out of the Alexander Eanes Survey No. 506 in Travis County, Texas; and the tract  
10 of land hereinafter described as Tract Six containing approximately 14.6192 acres  
11 of land out of the Alexander Eanes Survey No. 506 and the Alexander Eanes  
12 Survey No. 507 in Travis County, Texas; of which said 45 acres of land, more or  
13 less, are more particularly described in Exhibit A.

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15 **PART 3.** The City Council declares that its purpose is to include within the City of  
16 Austin each part of the area described in Exhibit A as provided in this ordinance, whether  
17 any other part of the described area is effectively annexed to the City. If this ordinance is  
18 held invalid as to any part of the area annexed to the City of Austin, that invalidity does  
19 not affect the effectiveness of this ordinance as to the remainder of the area.  
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21 If any area or lands included within the description of the area set out in Exhibit A are:  
22 (1) presently part of and included within the general limits of the City of Austin; (2)  
23 presently part of and included within the limits of any other city, town, or village; or (3)  
24 are not within the jurisdiction or power of the City of Austin to include within the City,  
25 then that area is excluded and excepted from the area covered by this ordinance.  
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**PART 4.** This ordinance takes effect 12:01 a.m. on December 31, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, 2008      § \_\_\_\_\_  
                                         § \_\_\_\_\_  
                                         § \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Gentry  
City Attorney      City Clerk