

ORDINANCE NO.

AN ORDINANCE ADOPTING A STRATEGIC PARTNERSHIP AGREEMENT WITH THE RIVER PLACE MUNICIPAL UTILITY DISTRICT; ANNEXING TERRITORY WITHIN THE RIVER PLACE MUNICIPAL UTILITY DISTRICT FOR THE LIMITED PURPOSES OF PLANNING AND ZONING AND FOR FULL-PURPOSES; ESTABLISHING INTERIM ZONING; AND WAIVING CITY CODE SECTION 25-2-222.

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

PART 1. The City Council finds that:

- (A) The City of Austin and the River Place Municipal Utility District (“District”) negotiated a Strategic Partnership Agreement (“Agreement”), attached as Exhibit 1 to this ordinance, specifying the terms for limited and full-purpose annexation of territory within the District, as described in Exhibit 2 to this ordinance.
- (B) The Agreement and the Service Plan, attached as Exhibit F to the Agreement, serve the interests of the current and future residents of the City of Austin.
- (C) Notices for two public hearings concerning adoption of the Agreement and the annexation of territory within the District for limited and full-purposes were published in a newspaper of general circulation in the District and in the City.
- (D) The City conducted public hearings regarding the Agreement and the annexation of territory within the District for limited and full purposes at Austin City Hall on August 20, 2009, and on August 27, 2009.
- (E) The District conducted two public hearings regarding the Agreement on August 19, 2009, and on August 25, 2009.
- (F) The Agreement and the Service Plan were made available prior to the public hearings in accordance with the annexation requirements of the Local Government Code.
- (G) The Service Plan was explained at the public hearings regarding the Agreement.

1 (H) The Agreement was adopted by the Board of Directors of the District on
2 August 25, 2009, in accordance with Section 43.0751 of the Local
3 Government Code.

4 (I) All procedural requirements imposed by state law have been met for the
5 adoption of the Agreement and the Service Plan and for the limited and full-
6 purpose annexations.

7 **PART 2.** The Agreement is adopted by the Council and the City Manager is authorized
8 to execute the Agreement on behalf of the City.

9 **PART 3.** As provided by the Agreement, the territory described in Section 1 of Exhibit 2
10 is annexed for the limited purposes of planning and zoning on the effective date of this
11 ordinance, and the territory described in Section 2 of Exhibit 2 is annexed for full
12 purposes effective on December 31, 2017.

13 **PART 4.** As provided by the Agreement, the present boundary limits of the City are
14 amended to include the territory described in Section 1 of Exhibit 2 for the limited
15 purposes of planning and zoning. The territory is within the extraterritorial jurisdiction
16 and adjacent to the city limits of the City of Austin in Travis County, Texas.

17 **PART 5.** As provided by the Agreement, the District is converted to the River Place
18 Limited District on December 31, 2017. In accordance with state law, the City shall
19 assume ownership of property and other assets and shall assume debts, liabilities, and
20 obligations of the District as described in the Agreement.

21 **PART 6.** The Council waives the classification requirement of City Code Section 25-2-
22 222 (*Designation of Annexed Land*) for the property described in Section 1 of Exhibit B
23 and classifies the area described in Section 1 of Exhibit B as interim single-family
24 residence standard lot (SF-2), interim rural residential (I-RR), and interim Lake Austin (I-
25 LA), as indicated on the map attached as Exhibit 3 to this ordinance.

26 **PART 7.** The City Council declares that its purpose is to include within the City of
27 Austin each part of the area described in Exhibit 1 as provided in this ordinance,
28 regardless of whether any other part of the described area is effectively annexed to the
29 City. If this ordinance is held invalid as to any part of the area annexed to the City of
30 Austin, that invalidity does not affect the effectiveness of this ordinance as to the
31 remainder of the area.

32 If any area or lands included within the description of the area set out in Exhibit 1 are: (1)
33 presently part of and included within the general limits of the City of Austin; (2)
34 presently part of and included within the limits of any other city, town, or village; or (3)
35 are not within the jurisdiction or power of the City of Austin to include within the City,
36 then that area is excluded and excepted from the area covered by this ordinance.

PART 8. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk