

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CREATION OF PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5, THE FINALIZATION AND EXECUTION OF A CONSENT AGREEMENT, THE INITIATION OF A STRATEGIC PARTNERSHIP PLANNING PROCESS, AND THE NEGOTIATION OF A STRATEGIC PARTNERSHIP AGREEMENT, AND CONTAINING CERTAIN OTHER PROVISIONS RELATING TO THE CREATION OF SUCH DISTRICT.**

WHEREAS, the City of Austin, Texas, has received a Petition for Consent to the Creation of a municipal utility district to be known as Pilot Knob Municipal Utility District No. 5 (the “District”), covering 327.482 acres of land located in the City’s extraterritorial jurisdiction, a copy of which petition is attached as Exhibit A; and

WHEREAS, the creation of the District has previously been authorized by Chapter 8374, Subtitle F, Title 6, Texas Special District Local Laws (the “Enabling Legislation”); and

WHEREAS, in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code, land within the City’s extraterritorial jurisdiction may not be included within a district without the City’s written consent;

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

**PART 1.** The City Council consents to and authorizes the creation of Pilot Knob Municipal Utility District No. 5 over the 327.482 acre tract of land described in the petition attached as Exhibit A and incorporated as a part of this ordinance, in accordance with the Enabling Legislation and on substantially the terms and conditions set out in the Consent Agreement between the City, Qualico CR, L.P., and Pilot Knob Municipal Utility District No. 5 attached as Exhibit B and incorporated as part of this ordinance.

**PART 2.** The City Council approves, and the City Manager is authorized to finalize and execute, the Consent Agreement.

**PART 3.** The City Manager is authorized to initiate a strategic partnership planning process with Pilot Knob Municipal Utility District No. 5 and to negotiate a Strategic Partnership Agreement, containing substantially the terms and conditions set out in the Strategic Partnership Agreement attached as Exhibit C and incorporated as part of this ordinance.

**PART 4.** The City Council waives the provisions of City Code Section 25-9-159 (*Initial Action by City Council*) requiring the Council to act by resolution and to instruct the City Attorney to prepare and provide the related documents.

**PART 5.** The City Council approves the cost participations, waivers and reimbursements set forth in the attached Consent Agreement.

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, 2012      §  
                                 §  
                                 § \_\_\_\_\_  
                                 Lee Leffingwell  
                                 Mayor

**APPROVED:** \_\_\_\_\_  
                         Karen M. Kennard  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Gentry  
                         City Clerk