

## **ORDINANCE NO.**

### **AN ORDINANCE AUTHORIZING THE CREATION OF RIO DE VIDA MUNICIPAL UTILITY DISTRICT NO. 1, FINALIZATION AND EXECUTION OF AN INTERIM CONSENT AGREEMENT, AND NEGOTIATION OF A PERMANENT CONSENT AGREEMENT; WAIVING CERTAIN SECTIONS OF CITY CODE CHAPTER 25 RELATED TO THE INTERIM CONSENT AGREEMENT; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Austin, Texas, has received a Petition for Consent to the Creation of a municipal utility district to be known as Rio de Vida Municipal Utility District No. 1 (the "District"), covering approximately 2,132 acres of land located in the City's extraterritorial jurisdiction, a copy of which petition is attached as Exhibit 1; and

WHEREAS, the creation of the District has previously been authorized by Chapter 8379, 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 Rio de Vida Municipal Utility District No. 1 over the 2,132 acre tract of land referenced in the petition attached as Exhibit 1 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 Interim Consent Agreement between the City, TXI Operations, LP, and Rio de Vida Municipal Utility District No. 1, attached as Exhibit 2 and incorporated as part of this ordinance, including the property description attached thereto as Exhibit A.

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

**PART 3.** The City Council waives the provisions of City Code Section 25-9-155 (*Review by City Employees*) requiring employees of appropriate City departments to review the petition and prepare a report on the petition.

**PART 4.** The City Council waives the provisions of City Code Section 25-9-156 (*Board and Commission Review and Recommendation*) requiring certain boards and commissions to review the petition and prepare a recommendation on the petition.

**PART 5.** The City Council waives the provisions of City Code Section 25-9-157 (*Distribution of Reports*) requiring the City Manager to compile City department reports and board and commission recommendations and provide the document for further review.

**PART 6.** 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 7.** The City Manager is authorized to negotiate a permanent Consent Agreement with Rio de Vida Municipal Utility District No. 1, for which permanent Consent Agreement City Code Sections 25-9-155 through 25-9-157 and Section 25-9-159 are not waived.

**PART 8.** If the Interim Consent Agreement is terminated for any reason other than being superseded by execution of a Permanent Consent Agreement, the City's consent to the District is void.

**PART 8.** **PART 9.** The District will dissolve pursuant to the Enabling Legislation unless this ordinance is adopted before September 1, 2012, and council finds that this constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health and safety.

**PASSED AND APPROVED**

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

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

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