

ORDINANCE NO. 20140626-031

AN ORDINANCE AUTHORIZING THE CREATION OF THE UNION CREEK METRO PARK DISTRICT AND THE EXECUTION OF A CONSENT AGREEMENT.

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

PART 1. Findings

- (A) The City Council of the City of Austin, Texas, approved Resolution No. 20130328-016, consenting to the special legislation creating a municipal management district known as Onion Creek Metro Park ("the District"), covering 701.655 acres of land located in the City's corporate limits.
- (B) The creation of the District has previously been authorized by Chapter 3924, Subtitle C, Title 4, Texas Special District Local Laws (the "Enabling Legislation").
- (C) In accordance with Section 54.016 of the Texas Water Code, land within the City's corporate limits may not be included within a district without the City's written consent.
- (D) The City Council consents to and authorizes the creation of Onion Creek Metro Park District over the 701.655 acre tract described in the metes and bounds description included as part of the Enabling Legislation and attached as Exhibit A and incorporated as part of this ordinance, in accordance with the Enabling Legislation.
- (E) The District is entirely within the City's corporate limits.

PART 2. The District intends to contribute funds toward the operation and maintenance of certain improvements within the Onion Creek Metro Park.

PART 3. The City Council's approval is on the terms and conditions set out in the Consent Agreement between the City of Austin, Goodnight Ranch LP, and Onion Creek Metro Park District attached as Exhibit B and incorporated as part of this ordinance.

PART 4. To be qualified to serve as a director for the Onion Creek Metro Park District a person must be a resident of the City of Austin.

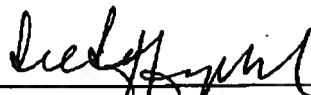
PART 5. The City Council approves, and the City Manager is authorized to execute, the Consent Agreement in substantially the form attached.

PART 6. This ordinance takes effect on July 7, 2014.

PASSED AND APPROVED

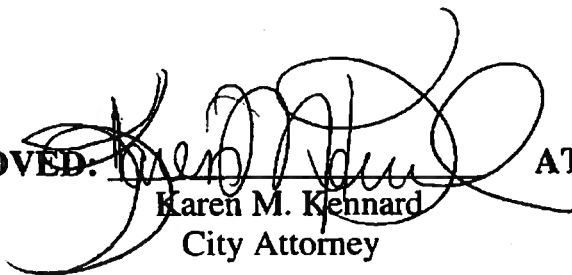
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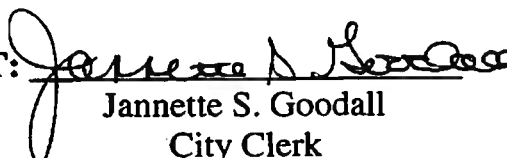
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

(ii) that such tax will be in addition to the tax imposed by the City,

(iii) that the District tax is expected, in part, to provide funds for planning, design, maintenance and operation, and phased construction, if, as, and when possible, of park and recreational facilities within the District and within the OCMPGC.

(b) In addition to the notice to purchasers required by Section 3.01(a) above, the District will promulgate and record in the Official Public Records of Travis County, Texas a supplemental "plain speak" notice in the form attached as Exhibit "E-1."

(c) The "plain speak" Notice to Purchasers shall be made available in both Spanish and English. The Developer may make the Notice to Purchasers required by the Texas Water Code available in Spanish and English, at its option.

Section 3.02. Master Park Plan. The Developer agrees to advance funding on behalf of the District to the APF to pay the cost of master planning the park and recreational facilities within the OCMPGC. The elements of the Master Park Plan are reflected in Exhibit "F".

Section 3.03. In-District Improvements. The Developer intends to advance funding on behalf of the District to pay the costs of planning, design, and construction of public park improvements within the District, generally in the locations depicted on Exhibit "B", including the Underpasses, a three-mile loop for hiking and biking, the trails along Slaughter Lane that provide access from the District to OCMPGC, the Pond and other open space areas within the southern portion of the development, and to convey such improvements to the District upon completion of construction and acceptance.

Section 3.04. Enabling Legislation Incorporated into Agreement. The provisions of the Enabling Legislation, attached to this Agreement as Exhibit "A," are incorporated into and made a part of this Agreement for all purposes.

ARTICLE IV

DISTRICT GOVERNANCE

Section 4.01. District Board of Directors. (a) The Enabling Legislation provides that the District is to be governed initially by a Board of seven appointed directors. This Article IV contains the procedures for appointing persons to the Board of Directors as vacancies occur in the slate of initial permanent directors named below:

1. Susan Roth
2. Greg Canally
3. Jeff Francell
4. Philip Koske

5. Tyler Zickert
6. Sara Partridge
7. Andrea Rado Hamilton

(b) The Parties agree to the following system of Board member appointment:

(1) Of the seven members of the Board named above, the City has nominated three persons (Places 1, 2 and 3 above), and the Developer, on behalf of the District, has nominated four persons (Places 4, 5, 6 and 7 above). With the adoption of this Consent Agreement by the City, the City appoints all seven of the initial permanent directors as members of the Board.

(2) Members of the Board shall serve four-year terms, except for the initial one year term required in the Enabling Legislation in order to establish terms that are staggered, as set forth below. No member shall serve more than two consecutive terms of four years each. All directors must meet the qualifications set forth in the Enabling Legislation and more particularly specified in the City's Ordinance No. _____. The City shall appoint the members of the Board according to the procedure it follows when it appoints other citizen members of City Boards and Commissions.

(3) As vacancies occur, the City shall nominate directors to replace Places 1, 2 and 3 above ("City Directors") and the District, after its execution of this Consent Agreement, shall nominate directors to replace Places 4, 5, 6 and 7 above ("District Directors"). Until the District executes this Consent Agreement, the Developer shall nominate directors to replace Places 4, 5, 6 and 7 above.

(4) Nomination and Appointment of City Directors. In nominating and appointing City Directors, the City will follow the procedure set forth in the City Code for appointments to a board with fewer than seven members. The City will make its appointments and provide notice setting forth the appointments to the Board within 60 days of receipt of notice that a vacancy exists among the Board appointments that are made by the City in this Consent Agreement.

(5) Nomination and Appointment of District Directors. In nominating District Directors, the District will follow the procedure set forth in Texas Water Code Section 49.105(a), and the City shall appoint the District's nominees by adopting a resolution setting forth the appointments to the Board within 60 days of receipt of the District's nomination(s).

(6) Notwithstanding Sections 4.01(b) (4) and (5) preceding, if a Board vacancy, whether a City Director or a District Director, has not been filled before the 61st day after the vacancy occurs, the remaining members of the Board may fill the