



**Outside Counsel
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 6
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 1**

SUBJECT: Authorize negotiation and execution of a legal services agreement with BROWN McCARROLL, L.L.P., Austin, TX, for legal representation, advice and counsel concerning proceedings pertaining to the application of Central Texas Water Solutions, L.P. to the Texas Commission on Environmental Quality for wastewater certificate of convenience and necessity dual certification, for a total contract amount not to exceed \$150,000.

AMOUNT & SOURCE OF FUNDING: Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Water Utility.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION: Marty Terry**

FOR MORE INFORMATION CONTACT: David Allan Smith, City Attorney / 974-2268; Sharon Smith, Assistant City Attorney / 974-4773

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

This agreement relates to legal services by Brown McCarroll, L.L.P. for legal representation for a total contract amount not to exceed \$150,000.

Central Texas Water Solutions, L.P. has applied with the Texas Commission on Environmental Quality (TCEQ) to obtain dual certification with a portion of the City of Austin's wastewater certificate of convenience and necessity (CCN), and to obtain a wastewater CCN. The City of Austin protested this application and the TCEQ referred the matter to the State Office of Administrative Hearings (SOAH). SOAH will conduct a formal contested case hearing on the application, beginning September 27, 2005.

The hearing will be a legal proceedings similar to a civil trial in state district court. SOAH evidentiary hearings, and related proceeding before and afterwards, are complex and time-consuming. The Law Department can provide expertise and assistance in the matter but it would be difficult to handle the SOAH hearing without outside counsel and still be able to provide adequate legal counsel on water and wastewater matters to Austin Water Utility and to the City.



**Annexation - Conduct and Approve
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 7
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 1**

SUBJECT: Approve second/third readings of an ordinance to annex the Watersedge Area for the limited purposes of planning and zoning (Approximately 418 acres in Travis County east of Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive).

AMOUNT & SOURCE OF FUNDING: Limited purpose annexation does not have a significant impact on the general fund.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Alice Glasco

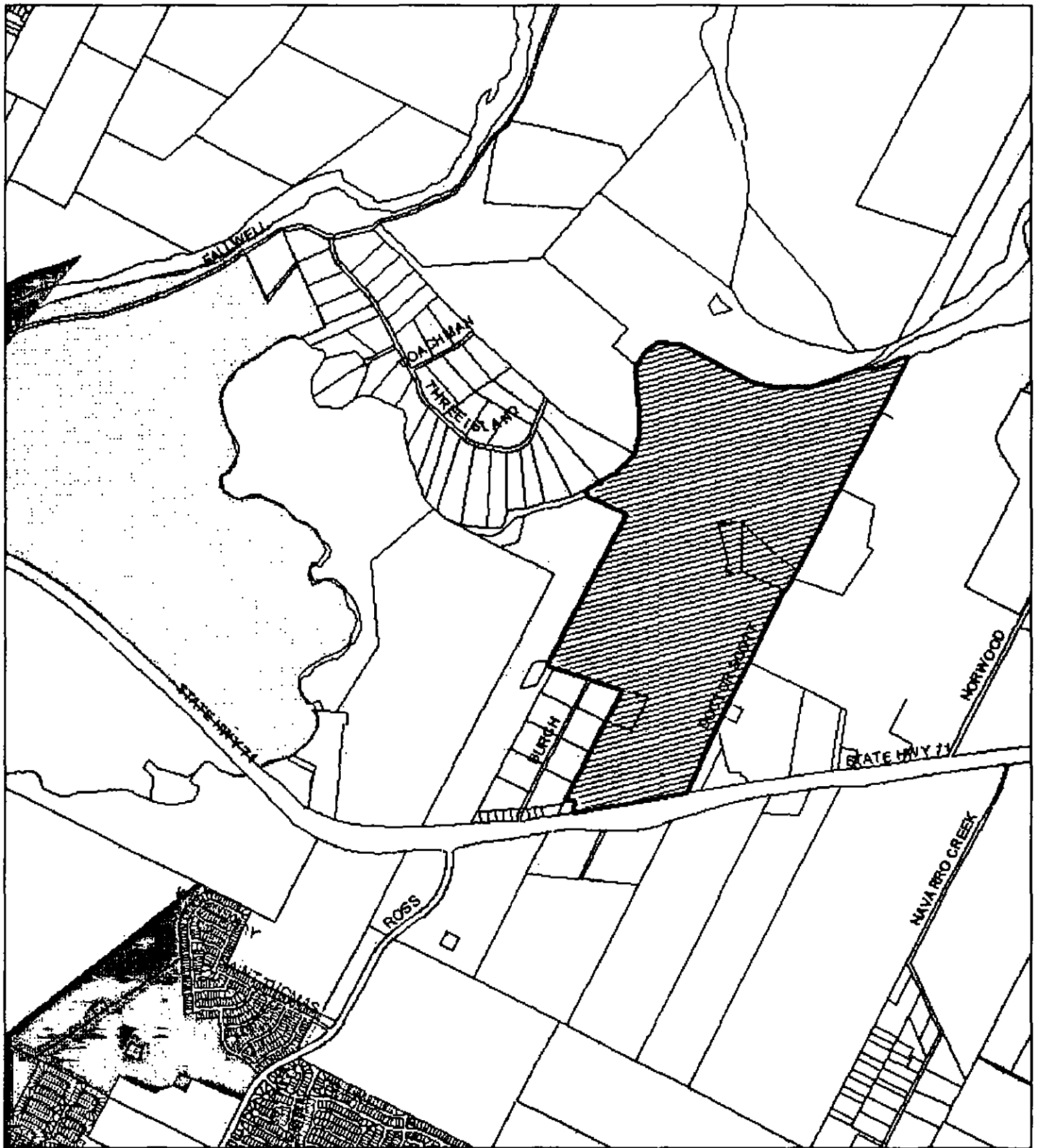
FOR MORE INFORMATION CONTACT: Virginia Collier, 974-2022; Sylvia Arzola, 974-6448

PRIOR COUNCIL ACTION: First reading approved on June 23, 2005.

BOARD AND COMMISSION ACTION: N/A





The Watersedge area (approximately 418 acres) is located in Travis County east of Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive. This property is currently undeveloped and is the site of a proposed mixed-use Planned Unit Development (PUD). The proposed Watersedge PUD includes approximately 1,356 single-family units, 400 multi-family residential units, 300 townhomes, and 469,142 square feet of retail uses.

The Watersedge area is being proposed for consensual limited purpose annexation and phased conversion to full purpose status in accordance with the developer's request for annexation.



Watersedge C7L-05-003

City of Austin
Neighborhood Planning & Zoning Department
March 30, 2005

-  Proposed Limited Purpose Annexation Area
-  Austin Full Purpose City Limit
-  Austin Limited Purpose City Limit
-  Austin ETJ

0.25 0.125 0 0.25 Miles



ORDINANCE NO.

AN ORDINANCE ANNEXING FOR THE LIMITED PURPOSES OF PLANNING AND ZONING ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 417.93 ACRES OF LAND OUT OF THE JOSE ANTONIO NAVARRO GRANT, ABSTRACT 18, LOCATED IN TRAVIS COUNTY, TEXAS, AND REFERRED TO AS THE "WATERSEdge" AREA.

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

PART 1. The Council makes the following findings.

- (A) Notice of two public hearings concerning the limited purpose annexation of the territory described in Exhibit A, referred to as the Watersedge Area, was published in a newspaper of general circulation in the City of Austin; in the area to be annexed; and on the City of Austin internet website.
- (B) A report containing a planning study and regulatory plan for the territory to be annexed was prepared more than 10 days before the first public hearing.
- (C) Notice of the availability of the report was published twice in a newspaper of general circulation in the area to be annexed.
- (D) The public hearings were held during City Council meetings, and concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation.
- (E) The Regulatory Plan, as amended by City Council, shall be approved by separate ordinance.
- (F) The limited purpose annexation of this territory serves the interests of the current and future residents of the City of Austin.
- (G) All procedural requirements imposed by state law for the limited purpose annexation of the territory described in Exhibit A have been met.

PART 2. The present boundary limits of the City are amended to include the territory described in Exhibit A for limited purposes. The territory is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas. The territory is annexed into the City for the limited purposes of planning and zoning.

PART 3. The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

PART 4. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 § _____
 §
 §
 § Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk

C71-05-003

Area to be Annexed for Limited
Purposes.

Approximately 417.93 acres of
land out of the Jose Antonio
Navarro Grant, Abstract 18 in
Travis County, Texas.
(Unplatted land)

LEGAL DESCRIPTION

**LEGAL DESCRIPTION FOR APPROXIMATELY
417.93 ACRES OF LAND OUT OF THE JOSE
ANTONIO NAVARRO GRANT, ABSTRACT 18 IN
TRAVIS COUNTY, TEXAS, OF WHICH
APPROXIMATELY 417.93 ACRES OF LAND ARE
TO BE TAKEN INTO AND MADE A PART OF THE
CITY OF AUSTIN, FOR LIMITED PURPOSES AND
BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:**

BEING approximately 417.93 acres of land out of the
Antonio Navarro Grant, Abstract 18 in Travis County, Texas,
being all of that certain called 417.93 acre tract of land
conveyed to MAK Marshall Ranch, LP in Document No.
2005006637 of the Official Public Records of Travis County,
Texas.

"This document was prepared under 22 TAC 663.21, does not
reflect the results of an on the ground survey, and is not
to be used to convey or establish interests in real property
except those rights and interests implied or established by
the creation or reconfiguration of the boundary of the
political subdivision for which it was prepared".

LEGAL DESCRIPTION: John E. Moore
05-20-2005

John E. Moore 5-20-2005

APPROVED: John E. Moore, RPLS NO. 4520
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD Maps 03-1541 & 03-1550, 03-2341 & 03-2350
Austin Grid Q-16, R-15, R-16 & R-17