

5-19-05
#43

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CREATION OF WINFIELD MUNICIPAL UTILITY DISTRICTS NOS. 1, 2, 3 AND 4, EXECUTION OF A CONSENT AGREEMENT, AND THE INITIATION OF A STRATEGIC PARTNERSHIP AGREEMENT PROCESS.

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

PART 1. The City Council consents to and authorizes the creation of Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4 to be developed on a tract of land of approximately 2,428 acres generally located in Travis and Hays counties (1.5 miles east of IH-35, south of Turnersville Road, east of County Road 118, north of County Road 107, and west of South Turnersville Road), under substantially the same terms and conditions set out in the Consent Agreement between the City, 2428 Management, L.L.C., and Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4, attached as Attachment 1 and incorporated as part of this ordinance.

PART 2. 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 for a Strategic Partnership Agreement with Winfield Municipal Utility District No. 2 (MUD 2), containing substantially the same terms and conditions as the Strategic Partnership Agreement attached to the Consent Agreement as Exhibit E, and incorporated as part of this ordinance, to allow the delayed annexation of MUD 2, allow the City to recover sales tax in MUD 2, and address administrative matters.

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. After the execution of the Consent Agreement by the City and 2428 Management, L.L.C., the City Council agrees to withdraw the City's protest filed with the Texas Commission on Environmental Quality related to the formation of Winfield Municipal Utility Districts Nos. 1, 2, 3, and 4.

PART 6. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk