

RESOLUTION NO. R-2019-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONSENTING TO THE CREATION OF BASTROP COUNTY MUNICIPAL UTILITY DISTRICT NO. 2.; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by petition filed October 29, 2007, Double Eagle Estates, Ltd. requested the written consent of the City of Bastrop, Texas (the "City"), to the inclusion of land within, and creation of a municipal utility district pursuant to Section 42.042, Local Government Code, and Section 54.016, Water Code; and

WHEREAS, subsequent to the receipt of the above described petition, the City adopted Resolution R-2008-5 (the "Initial Consent Resolution") consenting to the creation of Double Eagle Ranch Municipal Utility District No. 1 on January 29, 2008, attached as Exhibit "A" providing such consent; and

WHEREAS, the Initial Consent Resolution expired on September 1, 2009 and is no longer effective; and

WHEREAS, the Texas Legislature passed House Bill 4772 during the 81st Legislative Session, creating Bastrop County Municipal Utility District No. 2 (the "District") and establishing Chapter 8335, Special District Local Laws Code; and

WHEREAS, Chapter 8335 requires the District, prior to holding a confirmation and director's election, to receive consent to creation of the district and to the inclusion of land in the district from each municipality in whose corporate limits or extraterritorial jurisdiction the district is located; and

WHEREAS, Chapter 8335 requires the District to comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district; and

WHEREAS, Chapter 8335 requires the District to enter into a written contract with any municipality within whose extraterritorial jurisdiction the district is wholly or partly located:

WHEREAS, (1) regulating the continuation of the extraterritorial status of the district and its annexation by the municipality; (2) regulating the development within the boundaries of the district in a manner that the parties agree will further the health, safety, and welfare of the residents of the district; and (3) containing other terms and consideration that the municipality determines to be reasonable and appropriate; and

WHEREAS, although the City and Petitioner are cooperating in good faith to negotiate the required City Agreements, including the Consent Agreement and the agreements required under Chapter 8335, these City Agreements have not yet been finalized; and

WHEREAS, DE Development Inc. ("the Developer"), the current owner of the property in the District, plans to develop the property in the District and seeks to obtain consent from the City; and

WHEREAS, the District was initially created over approximately 700.8 acres in the extraterritorial jurisdiction of the City. The District has or will exclude certain lands from the boundaries of the District such that the revised boundaries of the District, following said exclusions, will total approximately 408.031 acres, as more particularly described in Exhibit "B"; and

WHEREAS, the District boundary is located over 7 miles from the city limits; and

WHEREAS, the District is located within the certificated service area of Aqua Water Supply Corporation and will receive water service from such corporation; and

WHEREAS, the District is located within the certificated wastewater service area of the City but due to its proximity to the City, District will not receive wastewater service from the City; and

WHEREAS, the City and the Developer are currently cooperating to negotiate a development agreement, relating to development within the District in a manner that the parties agree will further the health, safety, and welfare of the residents of the district; and

WHEREAS, the City desires to grant its written consent to the creation of the District at this time and conditioning the bond issuance upon the City's future, final approval of the requisite Consent Agreement and any related development agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

SECTION 1. That the City Council of the City of Bastrop, Texas, in satisfaction of Section 54.016, Water Code, hereby consents to the creation of and inclusion of land in Bastrop County Municipal District No. 2 and consents to the exclusion of land from the boundaries of the District and to the inclusion within the District of the approximately 408.031 acres of land described on Exhibit "B" in Bastrop County Municipal Utility District No. 2.

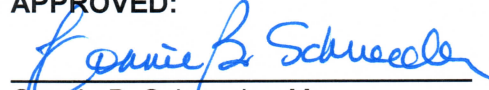
SECTION 2. District shall be designated as a non-city service district

SECTION 3. District shall construct all facilities to serve the land in accordance with plans and specifications which have been approved by the City and City shall have the right to inspect all facilities being constructed by District.

SECTION 4. The City further determines and agrees that the District is authorized to conduct elections, including elections to confirm the creation of the District, elect directors, and to authorize bonds and taxes; provided that the District shall not issue bonds until such time as (i) a Consent Agreement between the City and the Developer has been finally negotiated and executed by the City, the landowner and the District, (ii) a Development Agreement between the City and the Developer has been finally negotiated and executed by the City, the landowner and the District, and (iii) any other agreements related to the development of the MUD have been fully resolved to the satisfaction of the City, the Landowner and the District. If the execution of the above noted agreements has not taken place on or before February 28, 2020 then the City's consent to the formation of the District, provided herein, shall become void, on February 29, 2020, unless otherwise agreed upon between the City, the Landowner, and the District, which agreement shall be memorialized in writing.

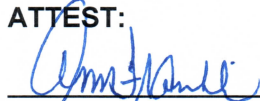
DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, Texas this 27th day of August 2019.

APPROVED:



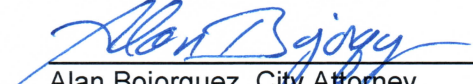
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney