

**RESOLUTION NO. R-2025-01**

**AMENDED AND RESTATED TRI-PARTY AGREEMENT REGARDING FUTURE CONNECTIONS**

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING AN AMENDED AND RESTATED TRI-PARTY AGREEMENT FOR FUTURE CONNECTIONS IN THE COLONY PROJECT TO OFF-SITE ROADWAYS, AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Bastrop previously entered into a “Consent for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal Utility District No. 1: on February 23, 2004; and

**WHEREAS,** the City of Bastrop City entered into a “First Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1” on June 14, 2016; and

**WHEREAS,** the City of Bastrop entered into a “Second Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1” on November 7, 2017; and

**WHEREAS,** the City of Bastrop entered into a “Third Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1” on November 12, 2019; and

**WHEREAS,** the City of Bastrop entered into a “Fourth Amendment to Consent Agreement for The Colony Municipal Utility District No. 1” on November 10, 2020; and

**WHEREAS,** the developer and the County are seeking to clarify the construction requirements for the Future Connections outside of the project boundary; and

**WHEREAS,** the developer and the County are seeking to clarify which roadways within the development will be maintained as public county roads.

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

- Section 1:** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2:** The City Council approves and authorizes the execution of the Amended and Restated Agreement, attached hereto as **Exhibit "A"**, on behalf of the City.
- Section 3. Repealer:** To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.
- Section 4. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.
- Section 5. Effective Date:** This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.
- Section 6. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 14th day of January 2025.**

**APPROVED:**

\_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED AS TO FORM:**

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City Attorney