

## RESOLUTION NO. 2023-87

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONSENTING TO THE CREATION AND DIVISION OF GARFIELD MUNICIPAL UTILITY DISTRICT NO. 1 AND OTHER MATTERS RELATED THERETO; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to House Bill No. 3612, Acts of the 78<sup>th</sup> Legislature, Regular Session, Ch. 776, Texas Session Law Services 2003 (as amended from time to time, the "Creation Legislation"), the Texas Legislature approved the creation of a conservation and reclamation district over approximately 3,030.926 acres of land (as more particularly described in the Creation Legislation, the "Land") located partially in the extraterritorial jurisdiction of the City of Bastrop, Texas (the "City") in Bastrop County, Texas known as Garfield Municipal Utility District No. 1 (the "District") and the division of such District in to two or more contiguous districts (each, a "Subsequent District" and collectively, the "Subsequent Districts"), subject, in each case, to the approval of the City; and

**WHEREAS**, the City has received the Petition for Consent to the Creation of a Municipal Utility District attached as **Exhibit "A"** to this Resolution (the "Petition") requesting the City's consent to and approval of the creation and division of the District in accordance with the Creation Legislation, as amended, and to the acquisition by the District, and any Subsequent District, of road powers under Section 54.234 of the Texas Water Code, as amended; and

**WHEREAS**, the City desires to grant the Petition subject to the terms and conditions set forth in this Resolution.

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

**SECTION 1.** The foregoing recitals are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein; and

**SECTION 2.** The City hereby grants the Petition and, in accordance with Section 42.042 of the Texas Local Government Code, Section 54.016 of the Texas Water Code, and the Creation Legislation, specifically gives its written consent to and approval of the creation of the District over the Land. The City's consent to the creation of the District will expire on the date that is ten years after the date of this Resolution if, as of such ten-year anniversary date, the creation of the District has not been confirmed by the voters within the District at an election called for such purpose in accordance with Section 49.102 of the Texas Water Code. The City further consents to: (a) the division of the District into two or more contiguous Subsequent Districts as provided in the Creation Legislation; (b) the annexation and exclusion of areas within the Land between or among Subsequent Districts in order to conform the boundaries of the Subsequent Districts to the eventual development plan for the Land; and (c) the acquisition by the District, and/or any Subsequent District, of road powers under Section 54.234 of the Texas Water Code. No further action on the part of the City will be required to evidence the City's consent to the foregoing, but the City agrees to provide specific resolutions confirming such consent and approval if requested to do so.

**SECTION 3.** The City acknowledges that, in order to complete the confirmation of the

creation of the District in accordance with applicable law, the deadline in Section 12 of the Creation Legislation will need to be extended, and the City hereby consents to, approves, and supports the amendment of the Creation Legislation to extend or delete the deadline by which the District must hold its confirmation and initial directors election.

SECTION 4. The development standards for development of any portion of the Land within the District or any Subsequent District, including connectivity with adjacent land, will be established by subsequent tri-party development agreement(s) between the City, Bastrop County, and the owner(s) of the applicable portion of the Land at the time that development is proposed by the owner(s). No portion of the Land may be final platted, or subdivided for purposes of laying out single family residential lots of five acres or less, until a tri-party development agreement with the City and Bastrop County is in place for such portion of the Land. However, for the avoidance of doubt, the requirements of this Section 4 will not apply to any portion of the Land excluded or removed from the District or any Subsequent District.

SECTION 5. The Mayor and City Secretary are hereby authorized to execute any documents necessary to effectuate this Resolution.

SECTION 6. The City's consent is specifically limited to the matters contained in this Resolution and nothing herein will otherwise abrogate, diminish, or otherwise alter any rights, powers, privileges, functions, or authority of the City granted to it by the laws of the State, including, but not limited to, Chapter 42 of the Texas Local Government Code and Chapter 54 of the Texas Water Code, related to the creation of municipal utility districts in the City's extraterritorial jurisdiction.

SECTION 7. The City Council of the City hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

SECTION 8. This resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Bastrop, Texas, on the \_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney