

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MISSION, TEXAS AMENDING
CHAPTER 98 'SUBDIVISIONS, SECTION 98-137 - ASSIGNMENT
OF WATER RIGHTS TO CITY' OF THE CITY OF MISSION'S
CODE OF ORDINANCES, BY ADDING COST PARTICIPATION, AND
PROVIDING FOR A PUBLICATION**

WHEREAS, The City has grown until it is using most of its water allotment and would have an insufficient water allotment for dry years and for providing water services to new subdivisions being developed on land that was formerly agricultural in character, and the City will have to provide such land with water out of a depleting supply; and,

WHEREAS, the development of agricultural land frees agriculture water for conversion into municipal water, though it may not have been converted fully in the past; and,

WHEREAS, Chapter 49, Subchapter O of the Texas Water Code provides a mechanism under which municipal water suppliers, like the City, may petition an irrigation district that formerly provided irrigation water to land that is now subdivided for the purpose of acquiring such water and converting it to municipal use; and,

WHEREAS, THE City has and is diligently attempting to reach mutually acceptable agreements with area irrigation districts in which the City of Mission is located; and,

WHEREAS, among other justifiable reasons, the developers of land within the City's CCN for water and that desire city services and utilities should provide the water rights to the City, or reimburse the City for the cost of acquiring municipal water, in order to enable the City to furnish the subdivisions created by such developers with adequate water services.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, THAT:

Section 1: That the Owner of a subdivision located within the City of Mission's Water CCN, shall:

- (a) if such subdivided land (provided that such land is subdivided for other than agricultural or open space use) is not within the boundaries of a District (as that term is defined in Section 49.001(a)(1) of the Texas Water Code), convey to the City of Mission water rights for municipal use in an amount equal to the amount specified in Section 2 of this Ordinance, and such water rights may be appurtenant to the subdivided land or acquired separately by the Owner of the land;
- (b) if such subdivided land (provided that such land is subdivided for other than agricultural or open space use) is located in a District (as that term is defined in Section 49.001(a)(1) of the Texas Water Code) with which the City does not have

an agreement concerning such District's transfer of water rights to the City, (i) exclude such subdivided land from the boundaries of such District (which shall be filed with the District prior to the approval of the plat and shall include the payment of all taxes, assessments and other lawful charges of the District related to such land, along with the proportionate share of any outstanding bonded indebtedness or indebtedness incurred in connection with a loan from an authorized agency of the United States for which such land is liable, as determined by the applicable provisions of the Texas Water Code) and work with said District to effect the assignment or transfer of municipal use water rights to the City in an amount equal to the amount specified in Section 2 of this Ordinance, or (ii) reimburse the City for the costs associated with the City's acquisition of such water rights from the District pursuant to Chapter 49, Subchapter O of the Texas Water Code; or

- (c) if such subdivided land (provided that such land is subdivided for other than agricultural or open space use) is located in a District (as that term is defined in Section 49.001(a)(1) of the Texas Water Code) with which the City does have an agreement concerning the transfer of water rights, the subdivided land's acreage shall be excluded from said District for use other than agricultural or open space (which shall be filed with the District prior to the approval of the plat and include the payment of all taxes, assessments and other lawful charges of the District related to such land, along with the proportionate share of any outstanding bonded indebtedness or indebtedness incurred in connection with a loan from an authorized agency of the United States for which such land is liable, as determined by the applicable provisions of the Texas Water Code), and the Owner shall reimburse the City for the costs associated with the City's acquisition of such water rights from the District under any such agreement to acquire water rights or pursuant to Chapter 49, Subchapter O of the Texas Water Code. The applicable action must have been taken prior to the plat being signed by Mission's P&Z Chair and Mayor.

Section 2: The Owner of all portions of acreage that is being subdivided for use other than agricultural or open space use shall be required to furnish at least One and One-Quarter (1 ¼) acre-feet per annum of municipal water rights per subdivided acre, regardless of whether or not said subdivided land has water rights appurtenant thereto. It shall be sufficient for purposes of this Ordinance for the Owner of said subdivided property to furnish a permanent water supply contract with a District (as that term is defined in Section 49.001 of the Texas Water Code, or another permanent source of water, which contract or source shall be satisfactory to the City in its sole discretion and so long as such contract or source furnishes an amount of water that is equal to the amount required under this Section 2.

Section 3: In the event subdivided land is to be excluded from a District (as that term is defined in Section 49.001 of the Texas Water Code), it shall be sufficient if the Owner of such land executes and files a petition for exclusion of the land from the District, or executes an irrevocable power of attorney favor of the City that allows the City to file a petition to exclude such land from the District, and deposits with the City One Hundred Twenty-five percent (125%) of the estimated amount necessary to pay the proportionate share of any bonded indebtedness of such district that is secured by the land and also reimburse the City for the cost of acquiring water rights from the

District in an amount equal to the amount specified in Section 2 and converting such water rights to municipal use. Any excess funds remaining after the payment of any bonded indebtedness and the acquisition and conversion of water rights to municipal use shall be refunded to the owner.

Section 4: The City Council shall have the right to vary this requirement in case of injustice or to better accomplish the purpose of obtaining sufficient permanent water supply **for the estimated population's projected consumption/use of potable water.**

Section 5: This Ordinance shall become effective, on passage, and apply to all Subdivisions that have not received preliminary **(or final)** plat approval; or approved single lot variances from the City Council by June 14, 2024. **This condition shall also apply to any single lot variances that may be approved by the City of Mission, Texas.**

Section 6: The caption of this ordinance, upon its passage and signature by the Mayor of Mission, Texas, shall be published in a newspaper of local circulation according to regulatory protocol.

CITY OF MISSION, TEXAS

ATTEST:

Norie Gonzalez Garza, Mayor

ANNA CARRILLO, City Secretary

APPROVED AS TO FORM: _____
CITY ATTORNEY