

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONSENTING TO THE CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 179 IN MONTGOMERY COUNTY, TEXAS AND ESTABLISHING CONDITIONS APPLICABLE TO THE CREATION OF THE DISTRICT.

\*\*\*

WHEREAS, on or about March 15, 2019, the City of Montgomery, Texas (the "City") supported the passage of special legislation in the 86<sup>th</sup> Texas Legislature for the creation of the Montgomery County Municipal Utility District No. 179 (the "District"); and

WHEREAS, on or about June 14, 2019, the District was created by the 86<sup>th</sup> Texas Legislature and codified in Chapter 8082 of the Special District Local Laws Code; and

WHEREAS, pursuant to Section 8082.0104 of the Special District Local Laws Code, temporary of directors may not hold an election under Section 8082.0103 until each municipality in whose corporate limits the district is located has consented by ordinance to the creation of the district and to the inclusion of land in the district; and

WHEREAS, the City intends to prepare and enter into a Utility Agreement related to service and development of the District tract, and the City Council of the City has determined it is in the best interest of the City to consent to the creation of the District for the purposes of the District holding a confirmation election, election of officers, maintenance and operations tax election, and bond election in compliance with Section 8082.0104 of the Texas Special District Local Laws Code; and

WHEREAS, the City Council is willing to provide consent, subject to the limitations described herein, to the creation of the District and to the inclusion of 56.7111 acres of land, owned by Speedy Angeles, LLC, wholly within the corporate boundaries of the City, more particularly described in **Exhibit A** (the "District Tract"), attached hereto and incorporated by reference; and

WHEREAS, the District will be designated as a "city service district" as defined in Section 54.016 (a) of the Texas Water Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. All of the matters and facts set out in the preamble hereof are true and correct and are adopted as findings of the City Council.

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, Chapter 551 and that this meeting has been open to the public as required by law at all times during

which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. The City Council of the City of Montgomery, Texas, hereby conditionally consents to the creation of the District and the inclusion within the District of the territory described by metes and bounds in **Exhibit A**. Subject to the provisions of this Ordinance, the District may be organized for such purposes as are set forth in the legislation authorizing the creation of the District and shall have the powers permitted to districts organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto, and the legislation authorizing the creation of the District.

Section 4. In addition to the rights and remedies provided by the laws of the state of Texas, in the event the District violates the terms and provisions of the City's consent, the City shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the District and its officials to observe and comply with the terms and conditions of this Ordinance.

Section 5. This Ordinance shall be effective as of the date hereof for purposes of providing the City's consent to the creation of the District, provided, however, no such development of the land within the District may be commenced prior to the City Council's approval of the Utility Agreement related to service and development of the land to be located within the District.

Section 6. The District shall be subject to the following restrictions until a Utility Agreement is approved by City Council:

- i. the District shall not issue bonds;
- ii. the District Tract shall not receive water or sewer service from the City or connect to City facilities or infrastructure;
- iii. the District shall not construct, own, or operate utilities, facilities or infrastructure on the District Tract;
- iv. the District shall not levy taxes; and
- v. the District shall not contract with any entity for water and/or sewer service.

These conditions will terminate automatically upon City Council's approval of a Utility Agreement.

PASSED AN APPROVED this the 25<sup>th</sup> day of October 2022.

---

BYRON SANFORD, Mayor

APPROVED:

---

ALAN P. PETROV, Attorney

ATTEST:

---

NICOLA BROWE, City Secretary