

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS BRICKSTON MUNICIPAL UTILITY DISTRICT AND MAKING CERTAIN FINDINGS RELATED THERETO

WHEREAS, the City of Elgin has received a Petition for Consent to Include Land in a Municipal Utility District, dated January, 2019, a copy of which is attached hereto as Exhibit “A”; and,

WHEREAS, the City wishes to evidence its support for the creation of the Brickston Municipal Utility District (“District”) within its extraterritorial jurisdiction by special act of the 86th Texas Legislature; and,

WHEREAS, the creation of the Brickston Municipal Utility District was previously contemplated through a Development Agreement executed by and between the City of Elgin and Texas Bridle Trails LLC; and,

WHEREAS, the City passed Resolution No. 2019-02-05-02 to evidence consent and support of the creation of the Brickston Municipal Utility District; and,

WHEREAS, the City amended Resolution No. 2019-02-05-02 with Resolution No. 2019-04-16-09 on April 16, 2019; and

WHEREAS, the City of Elgin and Texas Bridle Trails wish to amend Resolution No. 2019-04-16-09.

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

Section 1. That the above recitals are true and correct; and that the City Council hereby grants its consent to and permission for the creation of the Brickston Municipal Utility District by special act of the 86th Texas Legislature within its extraterritorial jurisdiction which is described more fully in the field notes attached to the Petition described in Exhibit B; a copy of which being attached hereto and made part of this Resolution as if copied verbatim therein.

Section 2 That the Mayor and City Secretary are hereby authorized to execute any documents necessary to effectuate this Resolution.

Section 3 That the City Council further states that it has not relinquished any rights, duties or powers relating to the inclusion of the District within its extraterritorial jurisdiction and that while the City consents to the creation of the District, it does not release the area within the District from its extraterritorial jurisdiction

Section 4. That Texas Bridle Trails has made a commitment that the Brickston Municipal Utility District will contain, in addition to those matters in the Development Agreement, with the Effective Date of February 6, 2019, the following related to Affordable Housing:

(a) Not less than 7.5 percent of the multifamily residential units developed on the real property in the district must be deed restricted for rent to individuals or families with incomes at

or below 30 percent of the area median family income at an annual rent not to exceed 30 percent of the income of the individual or family renting the unit.

(b) Not less than 7.5 percent of the multifamily residential units developed on the real property in the district must be deed restricted for rent to individuals or families with incomes at or below 50 percent of the area median family income at an annual rent not to exceed 30 percent of the income of the individual or family renting the unit.

(c) Multifamily residential units reserved for rent to certain individuals and families under this section must be reserved in the same proportion of the type and size of multifamily residential units that are offered in the residential development as a whole.

(d) The District, once created, will monitor compliance of the provisions in subsections (a)-(c) above. The District will present an annual report to the City Council on those requirements.

Section 5 That Texas Bridle Trails has further committed that the Brickston Municipal Utility District will not take any actions that will be inconsistent with the objectives of the most recently adopted state water plan.

Section 6 The Brickston Municipal Utility District, once created, will monitor compliance with provision (a) above and present an annual statement to the City Council that it has not taken any actions that are inconsistent with the objectives of the most recently adopted state water plan.

Section 7. The City Council hereby find and declares that written notice of the date, 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, Texas Government Code, as amended.

Section 8. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of June, 2019.

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary