

RESOLUTION NO. 2015 - R-2015-03

**A RESOLUTION OF THE CITY OF BASTROP, TEXAS, INDICATING PRELIMINARY SUPPORT FOR THE FUTURE FORMATION AND DEVELOPMENT OF THE PROPOSED MCCALL RANCH MUNICIPAL UTILITY DISTRICT(S) WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION**

**WHEREAS**, the City of Bastrop is a home rule municipality, authorized by the State of Texas, pursuant to the Local Government Code, Chapter 42, *et seq.*, to have authority over the development of land and special districts, including municipal utility districts ("MUDs") formed and developed pursuant to Chapter 54 of the Texas Water Code, that are proposed to be located within the City's jurisdiction; and

**WHEREAS**, McCall Ranch, L.P. owns 972.304 acres of land in Bastrop County, Texas, Mary Jo Goertz owns a contiguous interior tract of 10.006 acres (which land totals 982.31 acres and is collectively referred to in this Resolution as the "McCall Ranch Property"), all of which is located within the jurisdiction of the City of Bastrop, Texas. A map of the McCall Ranch Property is attached as Exhibit A; and

**WHEREAS**, McCall Ranch, L.P. and Mary Jo Goertz (collectively referred to herein as "McCall Ranch Owners") have advised the City of Bastrop, Texas (the "City") that they desire to develop the McCall Ranch Property as a master-planned mixed-use community (the "Project") and have requested the City's consent to allow the McCall Ranch Owners' to create up to three (3) MUDs, (with approval by the City to be in the form of a Consent Agreement), and are contemporaneously seeking the City's approval of a Development Agreement that will contain certain details related to the development of the McCall Ranch Property as a MUD(s); and

**WHEREAS**, the City desires to ensure a high quality development of the McCall Ranch Property as Municipal Utility District(s); and

**WHEREAS**, on November 18, 2014 the City Council conducted a workshop presentation by the McCall Ranch Owners, at which time McCall Ranch's attorneys and consultants provided the Council with an overview of the proposed future formation of the MUD and the Project, as well as an overview of a draft of a proposed Development Agreement and an Agreement Consenting to the Formation of the MUD(s); and

**WHEREAS**, at its meeting held on January 27, 2015, McCall Ranch Owners asked the City to pass this "Resolution of Preliminary Support" for the future formation and of the McCall MUD(s) pursuant to a future Consent Agreement, and for the concepts and plans detailed in the draft Development Agreement, to ensure high quality development of the McCall Ranch Property as Municipal Utility District(s); and

**WHEREAS**, the Council is generally supportive of the concept of allowing large tracts of land that are located within the City's Extraterritorial Jurisdiction to be developed and financed as municipal utility districts, pursuant to the applicable provisions of the Water Code, and the Local Government Code, when the owners/developers of the land are willing and able to properly develop and adequately operate such districts, pursuant to the terms of pertinent contracts and agreements such as Development Agreements and Agreements Consenting to the Formation of Special Districts.

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

**Section 1.** The City Council, having heard and considered the presentation of the McCall Ranch Owners, having received the input of City staff, and having reviewed initial drafts of a proposed 'Development Agreement' and an 'Agreement Consenting to the Creation of Municipal Utility Districts' along with related plans and exhibits (collectively referred to in this Resolution as the "McCall MUD Consent/ Development Agreement", see **Exhibit B**), hereby indicates its preliminary support of the Project's concept, proposed density, and plans presented by the McCall Ranch Owners and for the inclusion of the Property within and the future formation of the proposed McCall Ranch Municipal Utility District(s) within the City's extraterritorial jurisdiction, and commits to its future consideration of McCall MUD Consent/Development Agreement, at such time as the McCall Ranch Owners present these documents to the Council in a final form for the Council's further evaluation, comment, consideration and request for approval thereof. The McCall Ranch Owners have acknowledged and agreed that this Resolution is subject to continuing review of the McCall Ranch MUD Consent/ Development Agreement by City staff as provided in Section 2 below, and does not obligate the City Council, its City Manager or staff to any future position, or action regarding the MUD formation or the related agreements; rather, those will be evaluated and acted upon when presented for final action by the City Council.

**Section 2.** The City Manager, the City Attorney and all other City staff are authorized to continue to work with the McCall Ranch Owners in the negotiations and development of the McCall MUD Consent/Development Agreement, so long as the City Manager deems such work to be progressing and beneficial to the City and the McCall Ranch Owners. Further, subject to the timely satisfaction of any additional items to be provided by McCall Ranch Owners, the McCall Ranch may present the final McCall MUD Consent/ Development Agreement for approval by the City Council on or near March 10, 2015, unless otherwise agreed by the McCall Ranch Owners and the City.

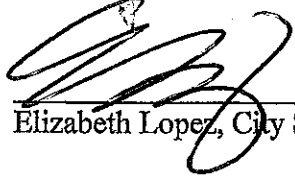
**Section 3.** This Resolution of Preliminary Support shall take effect immediately from and after its passage.

**PASSED AND APPROVED** on this 10 day of January, 2015.

**THE CITY OF BASTROP, TEXAS**

  
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Ken Kesselus Mayor

ATTEST:

  
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Elizabeth Lopez, City Secretary