

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 15-2002 BY ADDING A NEW SUBSECTION 2(c)(v) TO ALLOW KAUFMAN COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 TO ISSUE BONDS FOR ROADWAY IMPROVEMENTS ON APPROXIMATELY 145 ACRES OF PROPERTY COMMONLY KNOWN AS TRAVIS RANCH AND LOCATED IN KAUFMAN COUNTY, TEXAS, A PORTION OF WHICH IS WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION.

WHEREAS, Section 54.016 of the Texas Water Code requires that an applicant request a City's written consent to create a Municipal Utility District within the City's extraterritorial jurisdiction; and

WHEREAS, on March 18, 2002, the City Council of the City of Mesquite adopted Resolution No. 15-2002 consenting to the creation of Kaufman County Municipal Utility District No. 5, formerly known as Lake Vista Ranch Municipal Utility District No. 1 ("the District"), a portion of which lies within the City's extraterritorial jurisdiction; and

WHEREAS, among other things, said Resolution No. 15-2002 authorized the District to issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to: 1) provide a water supply for municipal uses, domestic uses and commercial purposes; 2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and 3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District; and

WHEREAS, on September 1, 2007, the District acquired road powers pursuant to Chapter 8196 of the Texas Special District Local Laws Code, and on May 10, 2008, held an election at which additional bond authorization was approved for road bonds in the amount of \$211.5 million; and

WHEREAS, on August 14, 2017, the District filed a request with the City to amend Resolution No. 15-2002 to allow the District to issue bonds for roadway improvements; and

WHEREAS, the City Council wishes to amend Resolution No. 15-2002 to include the authority to issue tax exempt bonds for road improvements.

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

SECTION 1. That Section 2(c) of Resolution No. 15-2002 is hereby amended to read as follows:

- (c) That LVRMUD No. 1 (hereinafter referred to as Kaufman County MUD No. 5) may only issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (i) Provide a water supply for municipal uses, domestic uses and commercial purposes;
- (ii) Collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (iii) Gather, conduct, divert and control local storm water or other local harmful excesses of water in Kaufman County MUD No. 5;
- (iv) Provide payment of organization expenses and operation expenses during construction and interest during construction; and
- (v) Provide roadway improvements and for the payment of organization expenses, operation expenses during roadway construction, and interest during roadway construction.

SECTION 2. That the City Council of the City of Mesquite, Texas, consents to the issuance of roadway bonds by the District with the express understanding and acknowledgement by the District that the City of Mesquite shall not be liable for, and, specifically does not assume any liability for payment of, said roadway bonds.

SECTION 3. That Article I-C of the Mesquite Subdivision Ordinance extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City of Mesquite and that all infrastructure for the provision of water, sewer, storm drainage and roadways shall conform to the approved standards and specifications of the City of Mesquite.

SECTION 4. That this resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 16th day of January, 2018.

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Stan Pickett  
Mayor


ATTEST:

APPROVED:

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Sonja Land  
City Secretary

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B. J. Smith  
City Attorney