

1 **ORDINANCE NO.**

2 **AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO THE**
3 **AGREEMENT CONCERNING THE CREATION AND OPERATION OF**
4 **SUNFIELD MUNICIPAL UTILITY DISTRICTS NOS. 1, 2, 3, AND 4 RELATING**
5 **TO THE FOLLOWING FOR THE OPERATION OF SUNFIELD MUNICIPAL**
6 **UTILITY DISTRICT NO. 2: BOND REIMBURSEMENT FOR WATER AND**
7 **WASTEWATER PROJECTS; BOND ISSUANCE AND REIMBURSEMENT FOR**
8 **ROAD PROJECTS; COST PARTICIPATION FOR A WATER RESERVOIR;**
9 **UPDATES TO THE WATER SERVICE PLAN; AND A NON-SUBSTANTIVE**
10 **CHANGE TO UPDATE THE LOCATION OF THE AFFORDABLE HOUSING**
11 **AGREEMENT.**

12 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

13 **PART 1.** The Council finds that:

- 14 (A) Sunfield Municipal Utility Districts (MUDs or Districts) Nos. 1, 2, 3, and 4 are
15 conservation and reclamation districts, and governmental agencies of the State
16 of Texas created under Article XVI, Sec. 59 of the Texas Constitution by an
17 order of the Texas Commission on Environmental Quality (formerly Texas
18 Water Commission). The Districts operate under Chapter 54 and 49 of the
19 Texas Water Code.
- 20 (B) The City granted its consent to the creation of the Districts in 2005. The City,
21 the Districts, and 2428 Partners, LLC, a Texas limited liability company,
22 original developer and landowner of the Districts, entered into an "Agreement
23 Concerning Creation and Operation of Winfield Municipal Utility Districts 1,
24 2, 3, and 4 " ("Consent Agreement"), which sets forth terms and conditions for
25 creation an operation of the Districts. The names of Winfield MUDs Nos. 1, 2,
26 3, and 4 were later changed to Sunfield MUDs Nos. 1, 2, 3, and 4,
27 respectively.
- 28 (C) The City adopted the first amendment to the Agreement Concerning Creation
29 and Operation of Winfield k/n/a Sunfield Municipal Utility Districts Nos. 1, 2,
30 3, and 4 in 2015. The City, the Districts, and 2428 Partners, LLC, a Texas
31 limited liability company and A&M Option 541, LLC, a Texas limited liability
32 company and successors in interest to the original developer and landowner of
33 the Districts, entered into the "First Amendment to Agreement Concerning
34 Creation and Operation of Winfield Municipal Utility Districts 1, 2, 3, and 4."

36 (D) Sunfield Development LLC, a Delaware limited liability company, and
37 Sunfield Investments LLC, a Delaware limited liability company, (collectively
38 the current “Landowners” and successors in interest to all previous
39 landowners) and the Districts have proposed this Second Amendment to
40 Agreement Concerning Creation and Operation of Sunfield Municipal Utility
41 Districts 1, 2, 3, and 4 (Second Amendment) to amend the terms and
42 conditions of the Consent Agreement relating to the following for the
43 operation of District No. 2: bond reimbursement for water and wastewater
44 project; bond issuance and reimbursement for road projects; cost participation
45 with the city for a water reservoir; and updates to the water service plan; and a
46 non-substantive change to update the location of the affordable housing
47 agreement.

48 (E) All relevant City departments have reviewed and approved the proposed
49 amendments to the Consent Agreement.

50 **PART 2.** The Second Amendment relating to the following for the operation of Sunfield
51 Municipal Utility District No. 2 is approved: bond reimbursement for water and
52 wastewater project; bond issuance and reimbursement for road projects; cost participation
53 with the city for a water reservoir; and updates to the water service plan; and a non-
54 substantive change to update the location of the affordable housing agreement. The
55 Second Amendment is attached as Exhibit A and incorporated as part of this ordinance.

56 **PART 3.** The City Manager may execute the amendment and do all things necessary to
57 implement the Second Amendment.

58 **PART 4.** This ordinance takes effect on _____, 2024.

59 **PASSED AND APPROVED**

60 _____
61 _____
62 _____, 2024

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Kirk Watson
Mayor

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67 **APPROVED:** _____
68 Deborah Thomas
69 Acting City Attorney

ATTEST: _____
Myrna Rios
City Clerk