

COUNCIL CHAMBER

December 13, 2017

WHEREAS, in 1975, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas's extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

WHEREAS, on February 13, 2002, City Council authorized the creation of four Municipal Utility Districts within the City of Dallas's extraterritorial jurisdiction that would include approximately 1,550 acres on property located in Kaufman and Rockwall Counties east of Lake Ray Hubbard by Resolution No. 02-0685; and

WHEREAS, on December 13, 2006, City Council authorized support for Kaufman County Municipal Districts No. 2, 3, 4, 5, 6, and 7 in their effort to seek authorization from the Texas Legislature to issue tax exempt bonds to finance the purchase, construction, acquisition, repair, extension, and improvement of land, easements, works, and improvements of roads inside the boundaries of the municipal utility districts located in the City of Dallas's extraterritorial jurisdiction in Kaufman County south and east of Lake Ray Hubbard by Resolution No. 06-3397; and

WHEREAS, on June 17, 2015, City Council authorized an addition to Kaufman County Municipal Utility District No. 5 within the City of Dallas's extraterritorial jurisdiction that would include approximately 257 acres on property located in Kaufman County east of Lake Ray Hubbard by Resolution No. 15-1180; and

WHEREAS, Resolution No. 15-1180 failed to include the authority to sale tax exempt bonds for roadway improvements within the boundaries of Kaufman County Municipal District No. 5; and

WHEREAS, City Council wishes to correct Resolution No. 15-1180 to include the authority to sale tax exempt bonds for road improvements;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That Section 3 of Resolution No. 15-1180 is hereby corrected to read as follows:

“Section 3. That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Municipal Utility District shall be subject to the following terms and provisions:

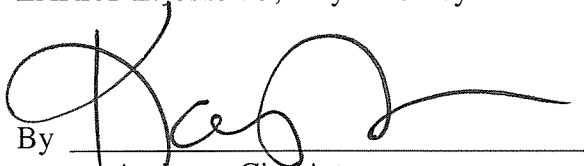
- (a) That the Municipal Utility District must construct all facilities in accordance with plans and specifications which have been approved by the City of Dallas.

- (b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Municipal Utility District.
- (c) That the Municipal Utility District 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 the district; ~~and~~
 - (iv) provide payment of organization expenses, 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.
- (d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the Municipal Utility District and its officials to observe and comply with the terms and provisions prescribed by this resolution.”

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it us accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

