

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS APPROVING THE "FIRST AMENDMENT TO THE CONSENT AGREEMENT" CONCERNING WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 34 ALSO KNOWN LOCALLY AS THE SHADOW CANYON SUBDIVISION, LOCATED IN WILLIAMSON COUNTY, TEXAS CONSISTING OF APPROXIMATELY 397.768 ACRES GENERALLY SITUATED NORTH OF SH 29 AND EAST OF THE CIMARRON HILLS SUBDIVISION; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, 278 Georgetown, Inc., a Texas corporation ("**Owner**"), is the owner and developer of approximately 278.21 +/- acres of land consisting of all the land within Williamson County Municipal Utility District No. 34 (the "**District**") and known locally as the Shadow Canyon or Riverview Subdivision (the "**Land**").

WHEREAS, effective June 8, 2016, City of Georgetown, Texas ("**City**"), Owner, and the District entered into that certain "Consent Agreement" concerning, among other things, the authority of the District and development of the Land (the "**Original Consent Agreement**").

WHEREAS, Owner has applied for an amendment to the Original Consent Agreement to, among other things, increase the Bond Amount Limit from \$19.9 Million to \$26 Million, address traffic signalization at the intersection of River Terrace Drive and State Highway 29, clarify the deadlines for commencing and completing construction of the trail along the South San Gabriel River and provide for installation of related trail enhancements, address architectural and masonry standards, and make other conforming changes.

WHEREAS, the "First Amendment to Consent Agreement" attached as **Attachment 1** (the "**First Amendment**") provides for the development of the Land and construction of public infrastructure and the City Council finds that it has the authority approve the First Amendment pursuant to Section 212.172 of the Texas Local Government Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this Ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 in effect at the time of its adoption.

Section 2. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this Ordinance complies with the Vision Statement of the City of Georgetown 2030 Comprehensive Plan.

Section 3. The “First Amendment to Consent Agreement” concerning Williamson County Municipal Utility District No. 34 (also known locally as the Shadow Canyon and/or Riverview Subdivision) in substantially the form attached hereto as **Attachment 1**, is hereby approved by the City Council and incorporated into this Ordinance for all purposes by this reference.

Section 4. If any provision of this Ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. The Mayor is hereby authorized to execute this Ordinance and the “First Amendment to Consent Agreement” in substantially the form attached here to as **Attachment 1**, and the City Secretary to attest. The “First Amendment to Consent Agreement” and this Ordinance shall become effective in accordance with the provisions of the Charter of the City of Georgetown.

Attachments:

Attachment 1 – First Amendment to Consent Agreement, including the following exhibits:

- Exhibit K Intersection Fiscal Security – Letter of Credit
- Exhibit L Intersection Fiscal Security – Escrow Agreement
- Exhibit M Residential Standards
- Exhibit N Parkland/Trails/Open Space/Amenity Center Requirements
- Exhibit O Joinder in and Consent to Partial Assignment of Receivables Agreement

PASSED AND APPROVED ON FIRST READING ON THE 11TH DAY OF MAY, 2021.

PASSED AND APPROVED ON SECOND READING ON THE ____ DAY OF MAY 2021.

ATTEST:

THE CITY OF GEORGETOWN:

Robyn Densmore, City Secretary

Josh Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney