

RESOLUTION NO. 2014-_____

A RESOLUTION CONSENTING TO THE ISSUANCE OF
BONDS BY GALVESTON COUNTY MUNICIPAL UTILITY
DISTRICT NO. 45 FOR THE CONSTRUCTION OF ROAD
FACILITIES WITHIN THE CITY OF LEAGUE CITY, TEXAS

WHEREAS, at the May 27, 2003 regular City Council meeting, Council approved Resolution No. 2003-29 consenting to the creation of Galveston County Municipal Utility District No. 45 (the "District") consisting of 593.48 acres of land, more or less; and

WHEREAS, at the March 9, 2006 regular City Council meeting, Council approved Resolution No. 2006-09 consenting to the inclusion of an additional 256.382 acres into the District; and

WHEREAS, at the September 26, 2006 regular City Council meeting, Council approved Resolution No. 2006-43 consenting to the inclusion of an additional 65.44 acres into the District; and

WHEREAS, at the January 14, 2014 regular City Council meeting, Council approved Resolution No. 2014-01 consenting to the inclusion of an additional 30.59 acres into the District; and

WHEREAS, Section 54.234 of the Texas Water Code provides that a municipal utility district may acquire the power under the Texas Constitution to design, acquire, construct, finance, issue bonds for, and convey to this state, a county, or a municipality for operation and maintenance, a thoroughfare, arterial, or collector road or any improvement in aid of the road ("road powers"); and

WHEREAS, the District seeks to acquire road powers from the Texas Commission on Environmental Quality and, to secure such powers, requires the consent of the City to the District's issuance of bonds to finance road facilities in accordance with Section 54.234 of the Texas Water Code; and

WHEREAS, the City Council desires to adopt this resolution as set forth herein for the purpose of facilitating the District's acquisition of road powers, subject to the terms and conditions set forth herein;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this Resolution are true and correct.

Section 2. The City Council of the City of League City, Texas gives its written consent to Galveston County Municipal Utility District No. 45 for the issuance of bonds to finance road facilities within the City of League City, Texas.

Section 3. It is hereby deemed that the consent granted herein is expressly subject to the following conditions:

A. That the District shall secure the completion of the extension of Olympia Springs Drive from its current terminus in Whispering Lakes Ranch subdivision through the Hidden Lakes subdivision and terminating at South Shore Boulevard no later than ten (10) years from the date of this resolution or completion of the section of the Hidden Lakes subdivision that includes the property through which Olympia Springs Drive is to be extended, whichever occurs first.

B. That any and all access easements shall be conveyed to the City to ensure that a roadway may be constructed in the future that allows for the extension of Olympia Springs Drive in a manner similar to that shown in the Concept Plan associated with the Planned Unit Development approved by City Council in accordance with Ordinance 2003-68.

C. That if within ninety (90) days of the adoption of this resolution the Maintenance Association of Whispering Lakes Ranch, Inc. shall provide a resolution to the City and the District expressing the desire of the residents of Whispering Lakes Ranch for the extension of Olympia Springs Drive as referenced above, then in that event a development agreement governing the terms of such extension shall be presented to City Council for its consideration and possible approval. In the event that either (i) the Maintenance Association shall fail to secure such resolution as provided herein or (ii) City Council shall not approve such development agreement on or before December 31, 2014, then in that event the developer of Hidden Lakes subdivision shall only be required to secure the conveyance of the above-referenced access easement in order to allow the City or another associated party to complete the roadway extension.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED AND ADOPTED the ____ day of _____, 2014.

TIMOTHY PAULISSEN,
Mayor

ATTEST:

DIANA STAPP,
City Secretary