

ORDINANCE NO. 2024-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS GRANTING CONSENT TO THE CREATION OF SEDONA MUNICIPAL UTILITY DISTRICT NO. 2 AND THE INCLUSION THEREIN OF APPROXIMATELY 337.396 ACRES OF LAND LOCATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION IN THE VICINITY OF STATE HIGHWAY 123 AND FM 1978; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE ON ONLY ONE READING AS AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS:

1. The City of San Marcos ("City") received a Petition for Consent to the Creation of Sedona Municipal Utility District No. 2 and the inclusion therein of approximately 337.396 acres of land located within the City's extraterritorial jurisdiction in the vicinity of State Highway 123 and FM 1978, a copy of which petition is attached as Exhibit A.

2. Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code provide that land within a municipality's extraterritorial jurisdiction may not be included within a district without the municipality's written consent.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. That the City Council of the City of San Marcos, Texas, gives its written consent to the creation of Sedona Municipal Utility District No. 2 and the inclusion therein of approximately 337.396 acres of land located within the City's extraterritorial jurisdiction as described in the attached petition, in accordance with the terms stated herein.

SECTION 2. In lieu of a Consent Agreement, Sedona Municipal Utility District No. 2 ("the MUD") will execute a joinder agreeing to be bound by the terms of the City of San Marcos' Regional Wastewater Services and Facilities Cost Sharing Agreement entered into in 2024 with JLBC 710 Investments, LLC and other parties. Pursuant to the terms of that Agreement, the MUD will serve the purposes of a conservation and reclamation district and will issue bonds for any and all purposes authorized by law, including water, sewer, drainage and road facilities and improvements.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. Due to timing requirements in the Agreement the importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the San

Marcos City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED as an emergency measure on only one reading on August 5, 2024.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Samuel J. Aguirre
City Attorney

EXHIBIT A
[ATTACH PETITION]