

ORDINANCE NO. O-2020-102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, CONSENTING TO THE CREATION OF ROSE CITY MUNICIPAL UTILITY DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rose City Municipal Utility District (“District”) was created by special act of the 86th Texas Legislature, codified as Chapter 7958, Texas Special District Local Laws Code, as amended (“Enabling Legislation”); and

WHEREAS, the District currently contains approximately 21,118 acres of land, as more particularly described by metes and bounds in Exhibit A attached hereto (the “District Area”); and

WHEREAS, the District Area lies wholly within the corporate limits and extraterritorial jurisdiction of the City of Tyler, Texas (“City”); and

WHEREAS, the Enabling Legislation requires consent to the creation of the District by the City,

WHEREAS, the City Council of the City is willing to consent to the creation of the District subject to certain conditions;

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

PART 1. All of the matters and facts set out in the preamble hereof are true and correct and are adopted as findings of the City Council.

PART 2. The City Council officially finds, determines, recites and declares 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 Law, Texas Government Code, Chapter 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

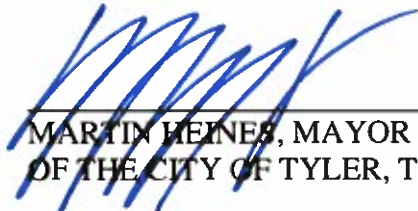
PART 3. The City Council of the City of Tyler, Texas, hereby consents to the creation of the District and the inclusion of the District Area within the District, subject to the following terms and conditions:

- A. The District shall construct all facilities to serve the District Area in accordance with plans and specifications that have been approved by the City.
- B. The City shall have the right to inspect all facilities being constructed by the District.
- C. The City shall have the right to review and approve the District’s bonds and notes prior to issuance and may place restrictions on the terms and provisions of the District’s bonds and notes issued to provide service to the District Area and conditions on the sale of the District’s bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the District unmarketable.

- D. No land located within the corporate limits or extraterritorial jurisdiction of the City shall be added or annexed to the District until the City has given its written consent by resolution or ordinance of the City Council to such addition or annexation.
- E. The District shall not provide retail sewer utility service to areas receiving such service from the City, inside or outside of the District Area, without the express written consent from the City Manager of the City.
- F. The District shall not oppose annexation by the City of any area inside the District Area, and the City may, at its discretion, assume the right to provide retail sewer service within any area served by the District inside the corporate limits of the City, provided that the City assumes or pays off the proportionate share of financial obligations of the District that are attributable to the annexed area.
- G. The parties may negotiate further and, subject to City Council approval, may contract, in writing, to modify the foregoing terms and conditions of the City's consent to the creation and purpose of the District and the inclusion within the District of the District Area.

PART 4. This Ordinance shall be effective immediately upon adoption

ADOPTED this 28th Day of October 2020.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY