ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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MEMORANDUM

TO:

Robin Campbell

Brenda Richter

Felix Amaro, Jr.

Scott Gray Alex Martinez

FROM:

Cindy Arias, Legal Assistant

DATE:

February 8, 2013

RE:

Northtown Municipal Utility District

February 13, 2013 Special Meeting

Attached please find the agenda and meeting materials for a *special* meeting of the Board of Directors of Northtown Municipal Utility District scheduled for <u>Wednesday</u>, February 13, 2013 at 5:45 p.m. at the Wells Branch Tech Center, 1421 Wells Branch Parkway, Suite 106, Pflugerville, Texas.

Please let us know if you will be unable to attend the meeting so that we can determine if a quorum of the Board of Directors will be present.

cc:

Sue Brooks Littlefield

Robert Anderson Scott Foster Cheryl Allen Mary Bott Mona Oliver

Michael DeMotte*
Keith Kinnard*
Tom Anker*
Lupe Serna*

Lee Hill via email*

Chrissie Bryant, Wildflower HOA via email*

Amanda Gomez via email* Alan J. Rivaldo via email*

Tawnya Walker, Wildflower HOA via email*

James N. Nias* Richard Fadal* Trent Rush* Ray Bryant* Carol Polumbo*

John Zinsmeyer, KB Home*

Kathy Haught*
Kay Taylor*
Blake Magee*

Leonard De Leon via email*
Nick Contreras via email*
Ian Asselstine via email*
Pat Patterson via email*
Dustin Butler via email*
Esmeralda Tapia via email*

^{*}Agenda Only

NORTHTOWN MUNICIPAL UTILITY DISTRICT AGENDA

February 13, 2013

TO: THE BOARD OF DIRECTORS OF NORTHTOWN MUNICIPAL UTILITY DISTRICT AND ALL OTHER INTERESTED PARTIES:

Notice is hereby given that the Board of Directors of Northtown Municipal Utility District will hold a special meeting at **5:45 p.m. on Wednesday**, **February 13**, **2013**, at the District office located at the Wells Branch Tech Center, 1421 Wells Branch Parkway, Suite 106, Pflugerville, Texas. The following matters may be considered and acted upon at the meeting:

PUBLIC INPUT

- 1. Resident communications;
- 2. Board member announcements;

DISCUSSION/ACTION ITEMS

- 3. Report from Village @ Northtown, including Resolution Authorizing Change in Land Use Plan, Contingent Upon Consent of the City of Austin;
- 4. Future agenda items.

The Board of Directors is authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code, to convene in closed or executive session for certain purposes, including receiving legal advice from the District's attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074) and discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session to discuss any item on this agenda, the presiding officer will announce that an executive session will be held and will identify the item to be discussed and the provision of the Open Meetings Act that authorizes the closed or executive session.

(SEAL)

Attorney for the District

Northtown Municipal Utility District is committed to compliance with the Americans With Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request. Please call Armbrust & Brown, PLLC at (512) 435-2300 for additional information.

RESOLUTION AUTHORIZING CHANGE IN LAND-USE PLAN FOR NORTHTOWN MUNICIPAL UTILITY DISTRICT CONTINGENT UPON CONSENT OF THE CITY OF AUSTIN

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

WHEREAS, Northtown Municipal Utility District (the "<u>District</u>") is a political subdivision of the State of Texas, created and operating under Chapters 49 and 54 of the Texas Water Code; and

WHEREAS, under the "Agreement Concerning Creation and Operation of Northtown Municipal Utility District No. 1" between Pflugerville Joint Venture, the City of Austin and the District, as amended (the "Consent Agreement"), all development within the District is subject to compliance with a land plan approved by the City (the "Land Plan"), and changes in the land uses shown on the Land Plan may only be made with the consent of a majority of the members of the Board of Directors of the District and the City of Austin (the "City"); and

WHEREAS, Village at Northtown, Ltd. (the "<u>Applicant</u>") has requested the District's approval of the changes in the designated uses of the property within the District owned by the Applicant (the "<u>Land</u>") depicted on the attached <u>Exhibit A</u>; and

WHEREAS, the Board of Directors of the District has determined that the changes in the Land Plan requested by the Applicant, as depicted on the attached <u>Exhibit A</u> would, subject to the terms of this Resolution, not adversely affect other properties within the District, and should be approved on the terms of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTHTOWN MUNICIPAL UTILITY DISTRICT as follows:

Section 1. The changes in the designated land uses of the Land depicted on **Exhibit A** are approved, contingent upon the conditions set forth in Sections 2 through 4 of this Resolution.

<u>Section 2</u>. The Applicant must pay all of the District's expenses incurred in connection with its request for changes to the Land Plan and this Resolution.

Section 3. The Applicant must obtain the approval of the City to the proposed changes to the District's Land Plan depicted on **Exhibit A**. All costs and expenses incurred in connection with obtaining this approval must be borne by the Applicant. The terms of the City's approval must not impose any conditions on the District or further alter the Land Plan or the Consent Agreement without the District's express consent.

Section 4. This Resolution does not constitute a commitment of any level of service to the Land or of participation by the District in the costs of utility improvements for the Land. A service commitment or reimbursement agreement, if approved by the District, may require the payment of fees established by the District. Service to the Land will be subject to the Applicant's satisfaction of all conditions imposed by the District.

AGENDA ITEM #3

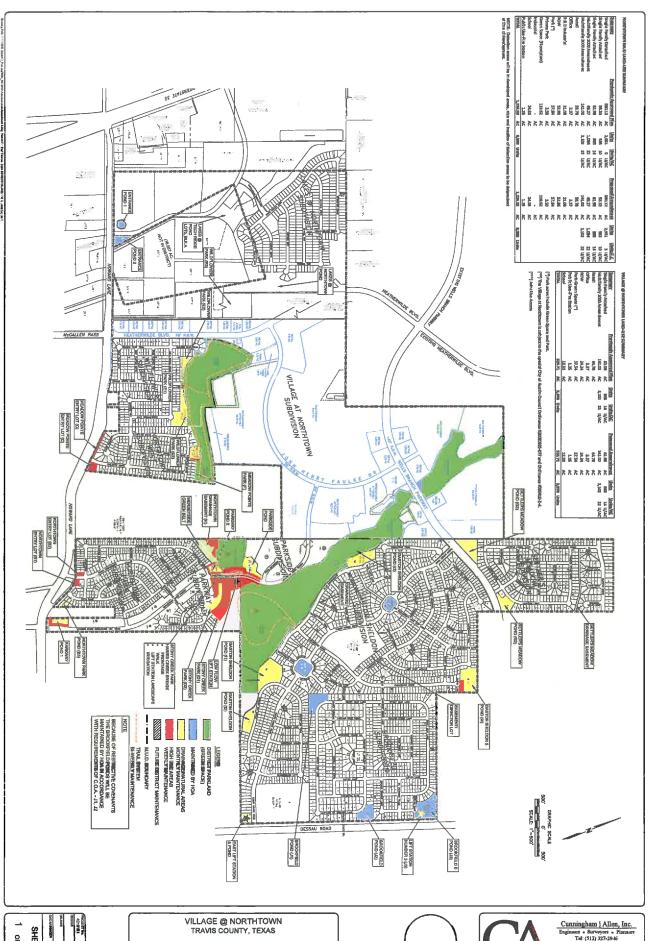
Approved and adopted this 13^{th} day of February, 2013.

NORTHTOWN MUNICIPAL UTILITY DISTRICT

Robin Campbell, President	
<u> </u>	
Board of Directors	

ATTEST:

Alex Martinez, Secretary Board of Directors



1 of 1 SHEET LAND USE EXHIBIT

ADMINISTRATIVE AMENDMENT #3





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