RESOLUTION NO. 2009-R-47

RESOLUTION REQUESTING REPRESENTATIVE DONNA HOWARD TO INTRODUCE LEGISLATION REGARDING THE AUTHORITY OF A GENERAL LAW MUNICIPALITY TO REGULATE THE LOCATION OF CERTAIN FACILITIES TO WITHDRAW, PUMP OR OTHERWISE CONVEY DRINKING WATER WITHIN THE CORPORATE BOUNDARIES OF THE MUNICIPALITY

WHEREAS, the cities of Cedar Park, Round Rock and Leander ("Cities") have tentatively selected a location within the corporate boundaries of the Village of Volente as the "best choice" for facilities associated with withdrawing waters from Lake Travis to serve their citizens with drinking water;

WHEREAS, the location for these facilities is zoned for single family homes;

WHEREAS, the Village of Volente considers the proposed permanent deep-water intake facility, a raw water pipeline, and related facilities to pump up to 142 million gallons of water per day out of Lake Travis ("Facilities") to be industrial facilities which should be located on land zoned for industrial land uses;

WHEREAS, the Village of Volente considers the Facilities to be incompatible with the single family zoning and the existing land uses in the neighborhood where the Cities are planning to locate the Facilities;

WHEREAS the City of Round Rock, the City of Cedar Park, and the City of Leander have formed a local government corporation, the Brushy Creek Regional Utility Authority (the "BCRUA"), as a joint venture to provide this increased water supply for their respective municipalities;

WHEREAS the Village of Volente is a single family residential community with a limited number of commercial businesses, most of which are recreational businesses related to the use of Lake Travis for recreational purposes;

WHEREAS, the Village of Volente council has not zoned any areas within its corporate limits as an industrial zone because such uses are incompatible with the existing residential and commercial land uses within the Village of Volente;

WHEREAS, the Village of Volente is a Type B General Law municipality, which by Texas law is limited to two square miles within its corporate limits because of its current population;

WHEREAS, the Village of Volente does not have an extraterritorial jurisdiction and unless the City of Austin releases to the Village areas within Austin's ETJ, the Village will not be able to expand its corporate boundaries;

WHEREAS, due to the foregoing factors, a majority of the citizens of the Village are opposed to construction and operation of industrial facilities within the corporate limits of the Village of Volente;

WHEREAS, the Village of Volente council strongly believes that an incorporated municipality such as the Village of Volente should be entitled to control development within its own municipal boundaries and should not be forced by other municipalities against its will to have the construction and operation of industrial facilities within its corporate limits ;

WHEREAS, the Village of Volente council believes that the proposed industrial deep-water intake facility, raw water pipeline, and related facilities being designed and planned by the City of Round Rock, the City of Cedar Park, the City of Leander, and their joint venture, the BCRUA, would have a detrimental impact upon citizens of the Village of Volente if such facilities are located within the boundaries of the separately incorporated Village of Volente; and

WHEREAS, the Village of Volente council opposes interbasin transfers of water by the LCRA because it believes there is insufficient water in Lake Travis to provide for the water needs of Travis County, Texas;

WHEREAS, the Village of Volente council believes there is insufficient ground water available to support the development of the remaining areas of the Village of Volente and the Village of Volente's citizens will have to rely on the LCRA and the water in Lake Travis to meet their future water needs; and

THEREFORE, BE IT RESOLVED that the Village of Volente:

1. Requests Representative Donna Howard to introduce legislation consistent with the draft legislation attached as Exhibit "A" and incorporated herein for all purposes.

PASSED AND APPROVED this, the 20th day of January, 2009, by a vote of the Volente Village Council of 5 in favor to 0 opposed with 0 abstentions.

Jan Yenawine, Mayor

ATTEST:

Jennifer L. Zufelt

Jennifer L. Zufelt, City Secretary