

**RESOLUTION NO. R-2018-5460**

**WHEREAS**, the City of Round Rock has previously entered into a Consent Agreement with Double J Investments, L.P., now RSP Partners Development, L.P., (“Developer”) regarding the creation of two Municipal Utility Districts named Williamson County Municipal Utility District Nos. 19 and 20, now named Siena Municipal Utility District No. 1 and Siena Municipal Utility District No. 2 (“Districts”), and

**WHEREAS**, by Resolution No. R-06-10-12-11E1, the City approved an Amended and Restated Consent Agreement with Developer, and

**WHEREAS**, by Resolution No. R-08-12-18-7G1, the City approved the First Amendment to the Amended and Restated Consent Agreement with Developer to extend the deadline and to modify certain terms and conditions, and

**WHEREAS**, by Resolution No. R-10-07-22-10D1, the City approved the Second Amendment to the aforesaid Agreement with Developer to provide that the City’s reimbursement be made in progress payments during the construction of the McNutt Interceptor, and

**WHEREAS**, by Resolution No. R-13-11-26-F3, the City approved the Third Amendment to said Agreement to state that Williamson County will assume sole responsibility for review and approval of all construction plans, development plans, preliminary plans and subdivision plats, and to state that Developer will partially assign its rights under the Consent Agreement to SEDC Devco, Inc., a subsequent developer of a portion of the Land; and

**WHEREAS**, by Resolution No. R-2016-3248, the City approved the Fourth Amendment to said Agreement to add approximately 22.31 acres of land into the boundaries of Siena Municipal Utility District No. 2; and

**WHEREAS**, the City Council now wishes to approve the Fifth Amendment to the aforesaid Agreement to address SEDC Devco, Inc.’s construction of Line C5 Phase 4 of the McNutt Interceptor,

Now Therefore

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,**

That the Mayor is hereby authorized and directed to execute on behalf of the City the Fifth Amendment to Amended and Restated Consent Agreement Among City of Round Rock, Texas, RSP Partners Development, L.P., SEDC Devco, Inc., Siena Municipal Utility District No. 1, and Siena Municipal Utility District No. 2, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**RESOLVED** this 24th day of May, 2018.

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CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

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SARA L. WHITE, City Clerk