

**ORDINANCE NO. 67-14**

**AN ORDINANCE OF THE VILLAGE OF THE HILLS, TEXAS, MAKING FINDINGS PURSUANT TO CHAPTER 26, TEXAS PARKS AND WILDLIFE CODE, REGARDING THE PROPOSED CONSTRUCTION OF IRRIGATION WELLS LOCATED ON CITY PROPERTY THAT REQUIRES THE USE OR TAKING OF PUBLIC PARKLAND FOR IRRIGATION PURPOSES AND A SOURCE OF RAW WATER FOR DROUGHT CONTINGENCY PURPOSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, The Village of the Hills (“The Hills”) proposes to work with Hurst Creek MUD (the “MUD”) to construct up to three irrigation wells on The Hills public parkland (the “Project”) for irrigation purposes and as part of a drought contingency plan;

**Whereas**, the Project is located within the corporate limits of The Hills on public parkland that is more particularly shown in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Land”);

**Whereas**, the construction of the Project will provide a source of irrigation for The Hills parkland and open space while also providing a source of raw water that can be diverted to the Hurst Creek MUD when needed;

**Whereas**, the Board of Alderman of The Hills held a public hearing at which the City Council accepted public comment and testimony from all persons requesting to be heard regarding the proposed Project;

**Whereas**, notice of the public hearing was published once a week for three consecutive weeks, the last publication being no less than one week and no more than two weeks before the public hearing, in a newspaper of general circulation that is published at least six days a week in the county where the Land is situated or an adjoining the county;

**Whereas**, The Hills, the surrounding region and the State of Texas generally have been combating the effects of a lingering, historic drought and the resulting conditions;

**Whereas**, the City currently relies on water from Lake Travis as its main source of raw water;

**Whereas**, Lake Travis currently stands at historically low levels, being approximately at 37% capacity;

**Whereas**, the Board of Aldermen of The Hills believe proactive and preemptive measures such as the Project are reasonable and necessary for the health and safety of the citizens of the community;

**Whereas**, the Project will benefit the citizens of The Hills and customers of the MUD by helping supply the demand of water within The Hills;

**Whereas,** given the location of the Project, there is no feasible and prudent alternative to the use or taking of the Land for the Project; and

**Whereas,** the Project will include mechanisms to minimize the harm to the Land as a park that may result from the use or taking of such portion of the Land subject to the Project;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF THE HILLS, TEXAS, THAT:**

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Approval of Project.** The Board of Aldermen hereby find and declare that given the location of the Land for the proposed Project and other facts stated herein associated with the need for obtaining the Land to construct the Project, there is no feasible and prudent alternative to the use or taking of the Land for the purpose of constructing the Project. The Board of Aldermen further find and declare that the Project includes, and shall include, all reasonable planning to minimize harm to the Land as a park resulting from the use or taking for the Project.

**Section 3. Ratification of Actions.** All actions heretofore taken by the Board of Aldermen, the Mayor, city staff, the City Administrator, and the City Attorney with respect to the Land and the Project, are hereby confirmed, ratified, approved and adopted by the Council.

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

**PASSED AND APPROVED** on this 10th day of April, 2014.

**ATTEST:**

  
Hilda Potsavich, Village Secretary

**THE VILLAGE OF THE HILLS, TEXAS**

  
Ron Dodd, Mayor



**EXHIBIT "A"**

**Project and Land**



Serene Hills Drive

Proposed Well Site #2

Proposed Well Site #1

The Hills Drive

Stillmeadow Drive

Dripping Wind Rd

6

4

2

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1

3

5

7

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