

# SAVE LOST CREEK

## Lost Creek Disannexation

### Detailed Answers to Frequently Asked Questions

#### What Is Disannexation and Why Is It a Neighborhood Discussion?

Disannexation refers to a community's right to separate from a city government when it is no longer receiving the services being charged for to residents of that area. During the last Texas regular legislative session, a bill was passed into law that allows Lost Creek residents to vote on whether they want to remain in the City of Austin or disannex from the city.

#### When Is the Election to Disannex Lost Creek from the City of Austin?

Mark your Calendars!

Election day is on Saturday, May 4th. Early Voting for the election is from Monday, April 22nd through Friday, April 30th.

- Vote YES on City of Austin Proposition A to disannex Lost Creek from the City of Austin.
- Vote YES on Travis County ESD #9s propositions A and B to annex us back into ESD #9s service district – this is the Westlake Fire Department and a necessary step to ensure fire and emergency services.

From the City of Austin ordinance ordering the election: "A special municipal election shall be held in the area of the City of Austin commonly known as "Lost Creek" on May 4, 2024, to submit to the voters of that area the question of whether to disannex the area from the City of Austin."

#### Who Can Vote in the Election?

According to the [recently approved ordinance](#) by the Austin City Council, "only the voters registered in the area (Lost Creek) may vote on the issue of disannexation of that area."

You must 1) be registered to vote and 2) be registered with an address in Lost Creek.

The last day to register to vote or make a change of address, and still be eligible to vote in the May disannexation election is April 4th, 2024.

For those eligible, April 23<sup>rd</sup>, 2024, is the last day to submit an application for a mail-in ballot.

You can go to [traviscountytexas.gov](https://traviscountytexas.gov) website to confirm your voter status and register if needed.

### **Where Do We Vote?**

**UPDATE:** Great News! The Travis County Commissioners' Court met last week (3/26) and approved the locations for the May 4<sup>th</sup> election. Travis County has now released their early voting and election day voting locations. All of the locations can be found [here](#).

The closest early voting locations to Lost Creek are the Randalls on Bee Caves and Riverbend Church on 360. The Lost Creek LD building will be an election day location!

To confirm you are eligible to vote and that you can vote on disannexation, go to the Travis County elections website and type in your address to see your sample ballot – it should have both the City of Austin Prop A and ESD #9 propositions on it. Here is a link to [the form](#) on their website where you can input your address and get a copy of your ballot. Click here to see a copy of what the sample ballot should look like.

If you do not see those props, then you need to make sure you are registered to vote with your Lost Creek address. You can go to [traviscountytexas.gov](https://traviscountytexas.gov) website to confirm your voter status and register if needed.

The City of Austin responded to our requests re: voting locations by assuring us that the “main voting location” on the ordinance that is 17 miles from Lost Creek will not be the only voting location. The City told us they anticipate amending the election ordinance to add additional locations at the April 4 City Council meeting.

We will update if there are any changes to the voting locations that come out of that meeting.

### **UPDATE: After We Vote to Disannex, When Does That Become Effective?**

This is a question that we have received from several of you. The legislation granting us this vote was silent to a timeline. Other areas of the code say the City would have 30 days, but it was unclear if that timeline applies to Lost Creek.

The City has responded to an LCNA request. The City said the disannexation would not be instantaneous, but that the City would immediately begin the disannexation process pursuant to state law and city code. Final disannexation would occur by city council action once the process is finalized, which includes the preparation of transferring services. It's important to note that the Austin City Council does not have the choice to complete that action, it is required once we vote to disannex. Once the ordinance authorizing the disannexation is effective, then

regulatory changes would also become effective that reflect the change in jurisdiction of the area.

### **Are the Lost Creek Limited District and the Lost Creek Neighborhood Association different? And which is a better place to get involved and learn more about Disannexation?**

For those new to Lost Creek (or paying closer attention to neighborhood issues due to this issue), Lost Creek has two entities that have key roles within the neighborhood.

The Lost Creek Neighborhood Association (LCNA) was founded in 1976, is a 501(c)(4) non-profit civic league, run by dedicated volunteers who donate their time and energies for the betterment of Lost Creek. Membership is voluntary and costs most residents \$60 annually.

The Association provides a collective forum for residents to voice their concerns about enhancing the subdivision, protecting property values, and working with governmental bodies and other entities in matters of mutual interest such as zoning and land use, roadway and street development and maintenance, taxation, law enforcement, fire protection, and parklands.

The LCNA has been working to help get answers and provide updates on disannexation to residents, including hiring attorneys that have opened a line of communication with city officials to discuss and get clarification on questions raised by residents.

Aside from the Save Lost Creek website and email blasts (make sure you're signed up at [savelostcreek.com](http://savelostcreek.com)), the LCNA is a great place to ask questions and get information. We highly recommend you join and get involved.

The Limited District (LD) is a non-voluntary taxing entity comprised of residents elected on an official ballot that funds and oversees maintenance of the community areas of Lost Creek. When Lost Creek was annexed by the City of Austin, the neighborhood voted to convert the Lost Creek MUD into the Limited District to continue to locally fund and maintain our common spaces and provide deed restriction enforcement.

The Limited District is contractually bound to remain neutral on disannexation due to a provision within the neighborhood's Strategic Partnership Agreement (SPA) with the city. They do provide some information on their [website](#) regarding disannexation; it is informative in nature only. Importantly, the passed legislation contained a provision ensuring the LD continues to survive unless the elected members of the LD board vote to dissolve, so the LD will continue to provide the same services following disannexation that they provide now.

### **Why Was Lost Creek Annexed By the City of Austin?**

The City of Austin annexed Lost Creek to increase its tax base and improve its bond rating.

- For years, the City of Austin aggressively annexed areas for economic reasons. Amongst reasons cited in news articles at the time, city employees stated things like annexation "will bolster Austin's tax base," "will improve Austin's bond rating," and, quoting the City's planning department in the paper at the time: "annexation occurs when a city wants to expand and protect its tax base."

- In open meetings, elected city leadership admitted that annexing areas was very unpopular due to the “changing people’s form of government and adding a tax burden.”
- Notably, in a town hall meeting with Davenport residents when Austin was set to annex that neighborhood, the then-mayor stated that the reason Lost Creek had not been annexed was due to its water and wastewater treatment facilities. This only delayed their annexation plans until they could force Lost Creek residents to pay over \$2 million prior to full municipal annexation.

At no point in the decade-long fight against annexation did the City of Austin address residents’ concerns regarding services or costs. They had no plan to actually provide services to Lost Creek. We are on a peninsula that requires city employees to either have to loop all the way around downtown or drive through two other municipalities.

There’s no library, bus stop, etc. Lost Creek residents are being taxed for city services that it does not receive.

If you were looking to service the areas annexed to your City, Lost Creek’s geography alone would have caused pause, or at the very least, a discussion. On the contrary, the City admitted it had staffing problems for its current residents, even while continuing to annex new areas.

The abusive forcible annexation practices by the City of Austin led the state legislature to file legislation in 2015 to remove cities’ ability to forcibly annex areas without the consent of those being annexed. In December 2017, legislation removing Austin’s ability to forcibly annex areas became law. Between 2015 and 2017, most cities saw “the writing on the wall” and reduced or halted the practice. Austin doubled down. Lost Creek’s full municipal annexation date was in December of 2015, between when legislation was filed and when it became law.

### **Did Lost Creek Want to Be Annexed By The City of Austin?**

NO. Lost Creek residents fought annexation for years. Prior to the Texas legislature acting to end forcible annexation by the City of Austin in 2017, preventing annexation was practically impossible. In fact, Lost Creek was one of the examples given for why the practice needed to be eliminated.

- Lost Creek residents fought proposed annexation going back to 2005.
- In 2006, LC submitted a proposal to arbitrate terms with the City. In 2007, the city appointed arbitrator ruled in favor of the City. In September 2007, LC appealed. LC also filed a lawsuit and moved for summary judgment regarding the City’s contractual obligation to extend City wastewater service to LC prior to annexation. The trial court ruled for the City. In 2008, LC appealed to the Third Court of Appeals, and again, the court sided with the City.

These efforts had real costs.

- LC spent over \$400,000 using every legal avenue available to them to prevent being annexed.
- Additionally, prior to taking over the water and wastewater treatment plants, the City of Austin required Lost Creek residents to pay \$245,000 for improvements to the water tank.
- The City of Austin also required Lost Creek residents to pay the City \$272,000/year between 2008 and 2014 to offset annexation expenses in 2015. That's \$1,904,000 that residents were forced to pay prior to being annexed.
- In 2007, when Austin took over the water utilities, they increased wholesale water rates by 7.4%, directly passed to residents. Those numbers have increased significantly over the years.
- The Lost Creek MUD had to increase its tax rate by 47.5% to cover these costs.
- Upon being annexed, Lost Creek residents' saw tax increases of 20% or more, with those numbers increasing annually due to city bond debt created for projects that do not benefit Lost Creek residents.

Lost Creek residents are still fighting annexation.

- In 2021, the LCNA members voted overwhelmingly (253-15) for disannexation at a regular meeting, the highest ever attended an LCNA meeting.
- In 2021, an ink petition supporting legislation to give Lost Creek residents a vote to disannex from the City of Austin was signed by 70% of the neighborhood in less than three weeks.
- Legislation was passed in 2023 granting Lost Creek residents this May vote to leave the City and return previous service providers as described below.

### **What Obligations Were Required of the City of Austin Upon Annexing Lost Creek?**

By Annexing Lost Creek, The City of Austin contractually committed to providing services at the same levels the area was receiving prior, as defined by State Law.

- The City contractually agreed to provide services at levels mandated by Texas law, including police protection, fire protection, emergency medical services, waste collection, management of water and wastewater facilities (without residents paying for improvements), and maintenance of roads and streets
- Texas law requires an annexing municipality to maintain service levels to the area at the levels the area was receiving prior. An annexing city cannot reduce the levels of service that the area is receiving.

- These obligations are required to be included in the Strategic Partnership Agreement (SPA) and an Annexation Service Plan.

Specific requirements of Texas law that the City has, and continues to, violate:

- A service plan may not provide services in the area in a manner that would have the effect of reducing the level of fire and police protection and emergency medical services provided within the area before annexation
- A service plan may not require a landowner in the area to fund the capital improvements. The SPA required Lost Creek residents to pay for all of the improvements to the water and wastewater treatment facilities prior to full municipal annexation.

### **What Has Been the Result of Being Annexed for Lost Creek Residents?**

The City of Austin has violated every requirement of its contractual agreement with Lost Creek. Services across the board have been drastically reduced, and costs for those reduced services are significantly higher than prior to annexation.

#### Service Reduction

Police Protection is practically non-existent.

- The Austin Police Department (APD) does not conduct routine patrols. A promised community liaison partner no longer exists due to APD's budget issues. Emergency calls are responded to late, if at all. We have seen an increase in crime over the past 9 years.
- APD's data provided through an open records request on April 1, 2021, and Jan 12, 2023, document that Auto Theft and Assault have increased by over 400%, and Burglaries have increased by nearly 200% when compared to the Travis County Sheriff's Department data received from an open records request on April 19, 2021. Even if trying to compare "apples to apples" data between the agencies, those numbers are still up 225%, 40%, and 31%, respectively.
- There is fear and anxiety from the residents that if there is a real need for APD to show up due to a home invasion, or other violent crime, the outcome could be deadly. Many neighbors have testified to this at the legislature.
- We heard terrifying testimonies from residents sharing stories of people breaking into their homes during the day while they were there, spying in their windows, stealing cars, and firing guns at night.
- APD actually told a resident whose home was broken into while she was at home with her child that Lost Creek is too far away for them to cover effectively, and the criminals know it.

- The Lost Creek Limited District spends over \$100,000 annually to provide Law Enforcement protection through the Travis County Sheriff's office due to the lack of protection from the City of Austin. In other words, our neighborhood now pays for routine Sheriff patrols to perform a service Austin is contractually obligated to provide.
- Residents are getting double-taxed because they have to pay off-duty sheriffs to patrol their neighborhoods, even after paying taxes for APD protection.

Fire Protection and Emergency Medical Services reduced under COA's fire service plan.

- Fire services have decreased even though Lost Creek is one of the largest wildfire-risk areas in the region. Although the City of Austin is responsible for providing fire services, an interlocal agreement means that physical fire service is still done by the City of Westlake, but under the City of Austin's fire service plan. Austin's plan prevents Westlake Fire from having ultimate decision rights to safely service our area.
- Westlake Fire is still handling nearly all high-priority calls due to the automatic aid agreement and their proximity to our neighborhood. That agreement precludes Westlake Fire from getting reimbursed for the calls they take to Lost Creek. In other words, they are not compensated or reimbursed for all the calls they respond to in Lost Creek.
- The City of Austin points to a fire station that has recently started construction as evidence they can service us. The new station is located over 4 miles away north of 360. Even if they took service calls, which they don't, trucks from this location could not reach LC when needed during any traffic.

Waste Collection is 3-5x more expensive than before, with fewer pickups

- Trash pickup is worse under city control. Prior to annexation, Lost Creek residents had trash and recycling picked up every week. Now recycling is every other week. And for fewer pickups, the costs have tripled or worse.
- Trash service cost increased by 316% on average post annexation, with some residents seeing bills 5x more expensive than before.

Maintenance of Roads and Streets has been either negligent or non-existent

- Residents began contacting the City to resurface roads in the neighborhood post-annexation in 2015. After not getting any responses from the City to repeated follow-up calls and emails, the City finally came out in 2017 to resurface roads. They did such a horrible job that – again, after numerous attempts – they came out, agreed mistakes were made, and promised to fix them. As of today, the City has still not fixed the roads in LC.

Watershed Protection: “drainage service” – Austin charges LC residents monthly for drainage services, but has done nothing.

- Another example of Austin’s abusive monthly billing overcharge is the “drainage service” billing, ostensibly based on “impervious cover.”
- The LC M.U.D. subdivision was designed with an underground stormwater drainage system incorporating the existing natural terrain characteristics that eventually emptied into Barton Creek.
- The after-the-fact annexation did not create any exposure to the city to maintain area stormwater retention ponds and/or perform any related maintenance whatsoever on the already existing natural stormwater drainage in Lost Creek.

Maintenance of Water and Wastewater Facilities was paid for by LC residents

- The SPA is very clear that residents were required to pay seven annual payments of \$272,000 for water facility improvements, as well as a payment of \$245,000 for the water tank improvement. LC residents paid the City at least \$2,149,000 for water infrastructure upgrades, above the usual and customary taxes, prior to annexation, in violation of state law.
- Austin Water also charges LC residents monthly for sewer maintenance even though the sewer system in LC was part of the initial master plan, and Austin has done nothing to the sewers.

### Increased Costs

Austin’s annexation and service failures have not only violated their contractual agreement with Lost Creek, but they have come at a significant cost for LC residents. Some of these reasons are listed above. In addition:

- Lost Creek property taxes are nearly 25% higher than the adjacent neighborhood to the west as they are not within the City of Austin.
- Tax rates for residents went up 20% immediately upon annexation. Over the last several years, Austin has raised its property taxes to the maximum amount possible. Between 2018 and 2021 alone, rates went from .44 to .54 cents per \$100.
- LC Residents pay for Austin Fire rates for Westlake Fire service under their cooperation agreement. Austin Fire rates are roughly triple that of Westlake Fire, and even though Westlake handles almost all calls in LC, they do not get reimbursed from the city.
- LC Residents are paying almost \$100,000 annually for off-duty Sheriff patrols due to the lack of police protection. The LD has indicated it may increase its taxes to pay for additional patrols.



- Electricity rates rose because Austin Energy’s tiered rate structure charges in-city customers more per kWh than those outside the city.
- LC residents paid almost \$3,000,000 in capital improvements and legal defense against annexation, just for the privilege of having less service and protections.

### **If We Vote to Disannex from the City, Who Will Provide Services?**

The legislation that was passed during the last regular session of the state legislature required the City to name the entities that will provide services. According to the City’s draft ordinance/ballot language: “resulting in the Travis County Sherriff’s Office providing law enforcement, Travis County Emergency Services District No. 9 providing fire response, and Austin-Travis County EMS continuing to provide emergency services”

So, to be clear:

- Law Enforcement and Road maintenance will become the responsibility of Travis County, returning the Sheriff’s office to Lost Creek. The sheriff’s office had a substation in the neighborhood and was “always present” according to residents living here prior to annexation. Also, as a reminder, Travis County is the responsive entity that gave us our nice roads to begin with and at a lower tax rate than we are currently paying.
  - The Limited District also would likely no longer have to fund off-duty sheriff patrols in the neighborhood, resulting in additional savings.
- ESD#9 will continue to provide fire and emergency services to Lost Creek under the interlocal agreement amongst fire departments. Notably, Lost Creek residents will pay taxes to ESD #9 and not the City for these services. Their taxes are roughly 1/3 of City of Austin fire and emergency services taxes. ESD #9 does not currently get any money for their services even though they respond to almost all emergency calls in Lost Creek. They will once again be paid for their work.
- Water service would be retained by Austin Water and rates will remain the same.
  - The passed legislation requires the COA to “retain ownership of any infrastructure, including a water treatment and storage facility, transferred to the municipality from a special district as part of the annexation of an area disannexed under this section.” The COA will continue to own the Lost Creek wastewater treatment plant and other water/wastewater infrastructure that was transferred to it in connection with its annexation of Lost Creek and continue to provide water and wastewater utility services to Lost Creek residents.
- Electric service will be retained by Austin Electric. However, residential customers outside of the city limits pay lower rates than customers within the city limits. Therefore, electric costs will go down between 5-12% depending on household consumption.

- For example, if your household monthly use is 3,000 kWh, you would see a reduction in costs of 11.4%. If 2,000 kWh, a reduction of 7.9% and if 1,000 kWh, 4.5% respectively.
- Trash service would return to a private company. There are multiple providers that would be willing to take on this service, including the vendor that previously served Lost Creek. Parts of Lost Creek are still serviced by a private provider. The rates for those residents are up to 5x less than the rates for trash service from the City of Austin.
  - For those worried about composting: residents can still compost. The City of Austin does not own any landfills, they partner with third parties. Disannexation would simply end the forced requirement of a middleman, reducing costs and increasing services.

Once any municipal debt obligation is resolved, residents will no longer be forced to pay City of Austin municipal ad valorem taxes, which increase significantly yearly with no improvement to the services provided.

### **What Is The Provision About Paying Any Municipal Debt Obligation?**

During the legislative session, a provision was put into the disannexation legislation that states if an area disannexes from a municipality, that area shall repay any existing municipal debt obligation. At the time, it was unclear whether the City of Austin or the Lost Creek MUD paid for the infrastructure upgrades to the water and wastewater facilities during annexation. [As it turns out, Lost Creek paid for the upgrades in payments to the City over 8 years, totaling more than \$2 million.]

That provision has since been interpreted by some to mean that areas share any municipal debt obligation created when the area was annexed. There were concerns in the neighborhood that have been raised, including at the recent town hall, that this could be anything, and residents were concerned the number could be very high to scare voters. At that town hall, the City agreed that it was new to them, and they were “trying to figure out what that number would be.”

The recently approved ordinance by the Austin City Council said that the Lost Creek area’s pro rata share of indebtedness is \$7,772,512.84 and estimated it will take two years to pay off.

Several things to note here. First, that number is much lower than many people thought, which is good news. It ends up being about \$3,200/household for the first year, and significantly less the second year for the remainder. These are obligations we would have had to pay regardless, and now, once those payments are made, Lost Creek residents can walk away from any future taxation or indebtedness the city creates.

The Lost Creek Neighborhood Association is communicating with city officials about how this number was calculated and other questions from residents.

- The City of Austin plans on taxing Lost Creek residents at their current tax rate until the amount is paid off.
- City attorneys have told LCNA representatives that tax bill will exclusively go to reducing this debt owed.
- If the \$7.72 million number does not change, at the current tax rate, LC residents will pay down \$6,457,274 in the first year, leaving \$1,315,239 to pay off in 2025.
- This amount should take LC residents ~1.5 years to pay off, and then never have to pay taxes to the city of Austin again.

Additionally, residents are working to find their own number that can be used to check the validity of the city's number and determine the correct strategy for addressing any issues with the number prior to the election.

**UPDATE:** The City of Austin has confirmed that Lost Creek residents will continue to pay the same tax rate as they have been paying, with all the collected tax revenue going to reducing the debt obligation, there will not be a surcharge or any other kind of increase on residents. From the COA: If Lost Creek disannexes, property owners will receive the same bill they would have received had disannexation not occurred. However, the tax revenue received from Lost Creek will be used only to pay for Lost Creek's pro-rata share of the outstanding debt.

### **If We Vote To Disannex, What Cost Changes Can We Expect?**

Aside from any potential municipal debt obligation, residents can expect to return to better services at a reduced cost. Additionally, residents will no longer have to foot the tab on any new and upcoming bond proposals or projects by the City of Austin.

We will update this section with charts that show the savings clearly, but for now:

- Based on 2023 tax rates, Residents will save .4709/\$100 or \$4,709/year on a \$1MM TCAD-valued home. COA taxes of 44.58 and ACC taxes of 9.86 will not be charged; however, residents will pay ESD#9 taxes of 7.35/\$100.
- ESD #9 becomes the taxing entity for fire and emergency services. Their rate is .0735/\$100, or roughly 1/3 of the City of Austin's rate for those services.
- Residents will no longer be forced to pay the Austin Community College tax, which is currently at .0986/\$100. However, for those worried about losing access, Eanes ISD is within the ACC service area, and "all service area residents may take advantage of the higher education opportunities ACC provides," according to the ACC website.

- Electric rates would be reduced from .1056/\$100 to .0782/\$100 for residential users of over 2,000 kilowatts per month.
- Trash, clean community service, and watershed fees to the city will be eliminated, and Lost Creek residents will return to a private company for these services. Waste rates went up an average of almost 300% when we were annexed, with some residents paying 5x more than before.
- Water and wastewater rates will likely remain the same.
- Residents will also continue to pay taxes to Eanes ISD, Travis Central Health, and the Lost Creek Limited district at the same rates.

### **What Is the Timeline of Taxes Owed and to Whom Following the Vote to Disannex?**

- 2024
  - Tax bills are due by January 31, 2025 but can be paid in Dec 2024.
  - COA taxes will stay same, with all monies going to reduction of debt obligation.
  - ESD#9 taxes. No tax due this year as ESD#9 relays to the Travis County accessor Oct 23 and in Apr 24, the preliminary assessed values are sent out.
  - ACC taxes. Since ACC relays to the Travis County accessor by Oct 23 and in Apr 24, the preliminary assessed values are sent out; we will still owe ACC property taxes for 2024.
- 2025
  - Tax bills are due by January 31, 2026 but can be paid in Dec 2025.
  - COA taxes will be roughly 20% of your current COA tax amount due to the majority of debt being paid off in 2024 and a much-reduced remaining debt obligation.
  - ESD#9 taxes. LC residents will pay ESD#9 taxes.
  - ACC taxes. LC residents will not pay ACC taxes.
- 2026 Tax Bill due by January 31, 2027 but can be paid in Dec 2026.
  - COA taxes. LC residents will not pay COA taxes.
  - ESD#9 taxes. LC residents will pay ESD#9 taxes.
  - ACC taxes. LC residents will not pay ACC taxes.

<b>Taxing Entity - 2023 Adopted Tax Rate per 100</b>	<b>Remain in COA</b>	<b>After Disannex &amp; paydown Debt.</b>
City of Austin	0.445800	
Travis County	0.304655	0.304655
Eanes ISD	0.888000	0.888000
Travis County Healthcare District	0.100692	0.100692
Austin Comm College District	0.098600	0.098600
Lost Creek Limited Distict	0.037500	0.037500
ESD #9		0.073500
<b>Total</b>	<b>1.875247</b>	<b>1.502947</b>

<b>Taxable Value Range</b>	<b>Annual Tax Est</b>		<b>Savings</b>
700K	\$ 13,127	\$ 10,521	\$ 2,606
800K	\$ 15,002	\$ 12,024	\$ 2,978
900K	\$ 16,877	\$ 13,527	\$ 3,351
1000K	\$ 18,752	\$ 15,029	\$ 3,723
1500K	\$ 28,129	\$ 22,544	\$ 5,585
2000K	\$ 37,505	\$ 30,059	\$ 7,446

### **What Happens to the Limited District if We Vote to Disannex?**

The short answer is nothing changes. A provision of the passed legislation requires the Limited District (LD) to stay in place and can only be dissolved by a vote of the Limited District board. This language is echoed in the recent ordinance from the City: “The board of the Lost Creek Limited District, a special district in the area, would continue to operate unless the board elects to dissolve the district.”

**UPDATE:** The only way to ensure Lost Creek keeps local control of our parks and green spaces, is to vote for disannexation. The limited district exists currently due to the strategic partnership agreement with the City of Austin. That agreement was for 10 years beginning upon disannexation and expires in December of 2025. If we do not vote to disannex, there is nothing preventing the City from not-renewing the SPA, effectively eliminating the limited district and taking over the areas the LD is responsible for, namely the low water crossing, the park at the four way stop, as well as internal greenbelts and trailheads. Voting to disannex removes the city’s ability to dissolve the LD.

Only the provisions of the Strategic Partnership Agreement between the City and the Limited District that conflict with disannexation would be severed from the Strategic Partnership Agreement (SPA) with the City of Austin. Notably, the Strategic Partnership Agreement with the

City of Austin expires in 2025. Assuming we vote to disannex, there is no reason to move forward with a new contractual SPA agreement with the City. Presumably, the LD could do so if it so chooses.

Specifically, Section 8.02 of the SPA remains intact. Section 8.02 gives LD the functions and responsibilities of:

- Maintaining, operating, controlling, and assuming responsibility for the Limited District facilities within the district boundaries.
- Developing and maintaining park and recreational facilities and services
- Enforcing deed restrictions within the District Boundaries, and
- Landscape debris collection for fire protection

Exhibit “H” on page 92 of the SPA lays out what property is City owned and maintained by the LD, and what property was MUD owned that was conveyed to the LD. The map makes it clear that the MUD building, parkland at the 4-way stop, Boulder Park, the trails near Ben Crenshaw, and the Greenbelt trailhead are owned by the Limited District.

The recent ordinance authorizing the disannexation election contains an attachment of a map of the Lost Creek area that will be disannexed from the City. The areas under current LD ownership are all within the map, confirming their retention over these parks and facilities.

Because the LD enforces deed restrictions, there is no concern regarding zoning restrictions being affected by disannexation. If anything, disannexing acts as an additional protection against ideas like CodeNEXT and its multi-family proposals, which could rip apart the fabric of our great neighborhood.

### **If We Vote to Stay in the City, Will Austin Uphold Its Duties?**

Not likely. There has been nothing to indicate that the City of Austin will change direction. They ignored residents’ concerns prior to annexation and have admitted they do not have the means to properly service our area. After 9 years of being annexed, and three years of knowing about LC disannexation legislation, no City official has bothered to ask how to repair the relationship.

In fact, elected officials and city staff recently held a town hall regarding the disannexation of Lost Creek residents. The meeting lasted over an hour, and the officials’ stated concerns were only in terms of lost tax revenue. There was no mention of trying to improve services or address residents’ complaints at all.

The City has done nothing to show that it has either the capacity or willingness to address the oft-repeated concerns regarding the services provided. Any efforts to do so now is simply misdirection.

Specifically regarding crime, the City of Austin admits it does not have a police force adequate to provide services to LC, and negotiations with the Police unions have failed, meaning no change is expected.

**UPDATED (New): Responses to Other Questions Received**

**Q: If we vote to disannex, would Lost Creek no longer be in the Eanes school district?**

Lost Creek would still be within the Eanes school district. There will be no change to where our children go to school as a result of disannexation. Eanes and the City of Austin are not entwined. Many areas in Eanes are not in the City of Austin. For example, residents in Rollingwood, Westlake Hills, and Cuernevaca are not in the City of Austin and they attend Eanes. As does the Camelot neighborhood directly adjacent to us and other areas along bee cave road that are in unincorporated Travis County.

Your gas provider would remain the same.

Your mailing address will also remain the same.