## CAUSE NO. D-1-GN-18-002688

NELSON LINDER, SUSANA ALMANZA, JANE RIVERA PH.D., GILBERT RIVERA, MICHAEL HEBERT, JEFF JACK, MARY INGLE, D. LAUREN ROSS, PH.D. Realtors,  v.  THE CITY OF AUSTIN, THE CITY COUNCIL OF AUSTIN, THE	<i>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</i>	Filed in The District Court of Travis County, Texas  JUL 16 2018 CM  At 3:35 M.  Velva L. Price, District Clerk
HONORABLE MAYOR STEVE ADLER, IN HIS OFFICIAL CAPACITY, THE HONORABLE AUSTIN CITY COUNCIL MEMBERS HOUSTON, GARZA, RENTERIA, CASAR, KITCHEN, FLANNIGAN, POOL, TROXCLAIR, POOL, TOVO, AND ALTER, INDIVIDUALLY IN THEIR OFFICIAL CAPACITIES, AND THE HONORABLE AUSTIN CITY	<b>\$\$\$</b> \$	201st JUDICIAL DISTRICT
MANAGER, SPENCER CRONK, IN HIS OFFICIAL CAPACITY, Respondents.	<i>\$</i>	TRAVIS COUNTY, TEXAS

## **ORDER GRANTING WRIT OF MANDAMUS**

On the 2nd day of July 2018, the Court heard Realtor's Petition for Writ of Mandamus. The Court, having considered the petition, the briefing, evidence, and argument of counsel, concludes that the Petition should be GRANTED and the writ of mandamus should be conditionally granted.

After review, the Court finds that Respondents' challenges to the proposed initiative are not ripe before this Court. Neither the proposed initiative nor the underlying land development code has been passed as ordinances. The proposed initiative is procedural in nature affecting CodeNEXT, or subsequent comprehensive revisions of the land development laws. To reach a

decision on Respondents' challenges would require an advisory opinion based on the current

draft of CodeNEXT. Courts are not permitted to make advisory opinions. Because Respondents'

challenges are not ripe and would require the Court to render an advisory opinion, Respondents

have a ministerial duty to place the proposed initiative on the ballot for the November 6, 2018

election.

Additionally, the Court is not permitted to make any judgment at this time on the

substantive validity of the proposed initiative or its language. Therefore, the Court makes no

such judgment at this time, and this Order should not be construed to find the proposed initiative

either valid or invalid.

IT IS THEREFORE ORDERED that Realtor's Petition for Writ of Mandamus is

GRANTED.

IT IS FURTHER ORDERED that a writ of mandamus is conditionally granted

requiring Respondents to timely take all steps to place the proposed initiative on the ballot for the

November 6, 2018 election. Should Respondents not timely take the steps to place the initiative

on the ballot for the November 6, 2018 election, the writ shall issue to that effect.

SIGNED this 16 day of July, 2018.

HONORABLE ORLINDA NARANJO

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