

**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  
 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  
 MANAGER, SPENCER CRONK, IN  
 HIS OFFICIAL CAPACITY,  
 Respondents.

§ IN THE DISTRICT COURT

Filed in The District Court  
 of Travis County, Texas  
 JUL 16 2018 *en*  
 At 3:35 P. M.  
 Velva L. Price, District Clerk

§ 201st JUDICIAL DISTRICT

§ 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

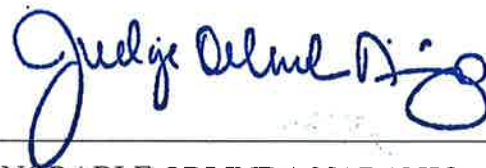
decision on Respondents' challenges would require an advisory opinion based on the current draft of CodeNEXT. Courts are not permitted to make advisory opinions. Because Respondents' challenges are not ripe and would require the Court to render an advisory opinion, Respondents have a ministerial duty 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