

RESOLUTION NO. 19-1984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH HAMBY WATER SUPPLY CORPORATION.

WHEREAS, the City of Abilene annexed a portion of the certificated water service area of Hamby Water Supply Corporation in January, 1982; and,

WHEREAS, both the City of Abilene and Hamby Water Supply Corporation wish to arrive at a mutually agreeable settlement agreement to provide for the orderly transfer of water service from Hamby Water Supply Corporation to the City of Abilene for all of that portion of Hamby's service area that is now inside the city limits of Abilene; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the attached settlement agreement is approved and the Mayor is authorized to sign it. Further that the City Manager and staff are authorized to prepare and file such other documents with state and federal agencies necessary to carry out the intent of this agreement.

PART 2: That this resolution shall take affect immediately upon its adoption.

ADOPTED this 22nd day of March, A.D. 1984.

ATTEST:

Patricia Potter
CITY SECRETARY

J. D. Hall
MAYOR

APPROVED:

Gary Landers
CITY ATTORNEY

STATE OF TEXAS X
COUNTY OF TAYLOR X

This agreement is entered into by the City of Abilene, a municipal corporation of Taylor and Jones Counties, Texas (hereinafter "City") and Hamby Water Supply Corporation (hereinafter "Hamby"),

WHEREAS, City and Hamby entered into a water supply contract on October 22, 1964, which contract remains valid and shall not be amended hereby; and,

WHEREAS, City annexed a portion of the service area of Hamby on January 28, 1982 (hereinafter called "annexed area"); and,

WHEREAS, City and Hamby wish to provide for the mutually agreeable transfer of customers and service in the annexed area from Hamby to City; now therefore,

The parties agree as follows:

1. City will pay to Hamby the sum of \$33,500.00 as a settlement and compromise amount. This amount to be paid upon relocation of the master meter or approval of this agreement by Farmers Home Administration and Public Utility Commission decertification, whichever occurs first.
2. City will reimburse Hamby the sum of \$200.00 spent for an appraisal of that portion of Hamby's system inside the annexed area.
3. City will prepare for Hamby's approval and submission all legal and engineering documents necessary to obtain Texas Public Utility Commission and Farmers Home Administration approval of this agreement.
4. City will relocate the Hamby master meter outside city limits at City expense.
5. All Hamby customers in the annexed area will be transferred to City as soon as the master meter is moved pursuant to #4.
6. City waive tap fee to Hamby customers in annexed area. City waive portion of pro rata so that customers just charged \$2.25 per front foot (about 1/2 existing pro rata charge), and that the maximum charge would be based on 250 front feet due to some irregular size lots (maximum amount anyone would pay is \$562.50).

7. Existing Hamby meters will be made available to Hamby when customers actually transferred from existing Hamby waterlines.
8. Hamby will seek decertification of the annexed area from the Public Utility Commission. City will prepare and file paperwork after Hamby approval.
9. Hamby customers in annexed area not required to plat their property when transfer to City. This waiver of platting only applies to existing owners (not heirs or later buyers) and only for present residence and use. If customer wants to develop, subdivide, etc., have to comply with all requirements.
10. This agreement to become effective upon signing by both parties.
11. Lists of Hamby customers and facilities in the annexed area are attached as Exhibit A and Exhibit B respectively.
12. This agreement is intended as a compromise settlement of water service in the annexed area and shall in no way amend the existing water supply contract between the parties.

HAMBY WATER SUPPLY CORPORATION

Signed this 28th day of March, 1984.

ATTEST:

By: *Stenn Lawrence*
President of Board

Wade Anthony
Secretary of Board

By: *Jack Dewberry*
Board Member

CITY OF ABILENE

Signed this 22 day of March, 1984

ATTEST:

By: *[Signature]*
Mayor

Patricia Patton
City Secretary

APPROVED:

Gary Sanders
City Attorney