

RESOLUTION NO. 59-1992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE POTOSI WATER SUPPLY CORPORATION.

WHEREAS, the City has heretofore entered into a Water Supply Contract on May 11, 1978; and,

WHEREAS, the Potosi Water Supply Corporation has requested an amendment to their Water Supply Contract as attached hereto and made a part hereof for all purposes; and,

WHEREAS, the City Council of the City of Abilene is of the opinion that the terms of the amendment are fair and should be entered into between the City of Abilene and the Potosi Water Supply Corporation; now, therefore,

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

PART 1. That the attached Contract amendment for supplying water be, and the same is hereby approved.

PART 2. That the Mayor be, and is hereby, authorized to sign said Contract on behalf of the City of Abilene.

PART 3. That this Resolution shall then take effect immediately from and after its passage.

ADOPTED this 17 day of December, A.D., 1992.

ATTEST:

D. Moore
CITY SECRETARY

Roy D. Cole
MAYOR

APPROVED:

Claudia Clinton
CITY ATTORNEY

00272

WATER SUPPLY CONTRACT AMENDMENT

THE STATE OF TEXAS}

COUNTY OF TAYLOR }

WHEREAS, the City of Abilene and the Potosi Water Supply Corporation have entered into a Water Supply Contract; and,

WHEREAS, the City of Abilene and the Potosi Water Supply Corporation desire that the Water Supply Contract be amended; now, therefore,

That Water Supply Contract made and entered into on May 11, 1978, by and between the City of Abilene, a Municipal Corporation, situated in Taylor and Jones Counties, Texas, and the Potosi Water Supply Corporation, located in Taylor County, Texas, is hereby amended as follows:

WITNESSETH:

For and in consideration of One Dollar (\$1.00) and the mutual benefits hereinafter stated, the City of Abilene and the Potosi Water Supply Corporation agree as follows:

That **PARAGRAPH V. POINT OF DELIVERY AND PRESSURE** of the above-described agreement be amended to read as follows:

V. POINT OF DELIVERY AND PRESSURE: Abilene agrees to sell and to provide water, as available, to Potosi Water Supply Corporation at a point of metering which shall be known as the "Delivery Point." Delivery Point No. 1 is located at the main Potosi Pump Station on FM 1750 with a maximum daily amount of 230 gpm flow with a reasonably constant pressure of 30 psi. Delivery Point No. 2 is located one (1) mile west of the Elmdale Elevated Tank on the existing 14-inch water line along State Highway 18 with

a maximum daily amount of 500 gpm flow with a reasonably constant pressure of 48 psi. Delivery Point No. 3 is located 1,900 feet east of FM 707 and Maple Street intersection with a maximum daily amount of 350 gpm flow with a reasonably constant pressure of 48 psi.

If a greater pressure than that normally available at the point of delivery is required by the purchaser, the cost of providing such greater pressure shall be borne by the purchaser. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse the seller from this provision for such reasonable period of time as may be necessary to restore service. The Corporation agrees at its sole expense to furnish all equipment, facilities, means and methods of tying into the City water meter at the point of delivery, and further agrees that all such equipment, facilities, means and methods meet the approval of the Director of Water Utilities, the City and the Texas Water Commission of the State of Texas.

IN WITNESS WHEREOF, the parties here acting under the authority of their respective governing bodies have caused this agreement to be duly executed on the day and year as first above written.

CITY OF ABILENE, TEXAS

Business Address:
c/o Director of Water Utilities
P. O. Box 60
Abilene, Texas 79604

By: 
Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


City Attorney

POTOSI WATER SUPPLY CORPORATION

Business Address:
c/o Pres. Dale Hollingshead
Rt. 2, Bx. 577
Abilene, Texas 79601

By: 
President

ATTEST:


Secretary of Corporation

APPROVED AS TO FORM:


Attorney for Corporation