

RESOLUTION NO. 19-2002

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE AMENDING OF WATER CONTRACTS AND PERMITS TO ACCURATELY REFLECT ABILENE'S WATER CUSTOMER SERVICE AREA; AUTHORIZING THE CITY MANAGER'S OFFICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT AND THE COLORADO RIVER MUNICIPAL WATER DISTRICT ON THE PARTIES RIGHTS AND DUTIES AND TO DESIGNATE THE DELIVERY POINT AT O. H. IVIE RESERVOIR; AND AUTHORIZING THE SALE OF A FLOW METER TO THE COLORADO RIVER MUNICIPAL WATER DISTRICT.**

WHEREAS, the City of Abilene (CITY), the West Central Texas Municipal Water District (WCTMWD), and the Colorado River Municipal Water District (CRMWD) are, and have been since September 1985, parties to certain water contracts (Ivie Contracts) involving the O. H. Ivie Reservoir (Ivie Reservoir); and

WHEREAS, the Ivie Contracts and/or the associated water permits issued to CRMWD (CRMWD Permits) describe Abilene's water customer service area as Taylor and Jones counties and limit Abilene's use of water from Ivie Reservoir to such counties; and

WHEREAS, the CITY's actual water customer service area encompasses Taylor, Jones, Callahan, Fisher, Nolan and Shackelford counties; and

WHEREAS, the Ivie Contracts and CRMWD Permits need to be amended to reflect Abilene's entire water customer service area; and

WHEREAS, the Ivie Contracts require that CRMWD, WCTMWD and the CITY mutually agree upon a take point (Delivery Point) where CRMWD will deliver water from Ivie Reservoir for transportation to CITY's water treatment plants; and

WHEREAS, the Ivie Contract between the WCTMWD and the CRMWD calls for CRMWD to install, at its expense, a flow meter to measure water taken by WCTMWD or CITY if and when WCTMWD or CITY constructs a pipeline for transporting water from Ivie Reservoir to CITY's treatment plants; and

WHEREAS, discussions have been initiated with CRMWD to more clearly define the rights and responsibilities of WCTMWD and the CITY under the Ivie Contracts, to designate an agreed Delivery Point, and to formalize the parties' agreements in a Memorandum of Understanding; and

WHEREAS, CITY has previously installed the flow meter at the Ivie Pump Station constructed by CITY to take/receive water from Ivie Reservoir; and CRMWD has agreed to accept said flow meter, and to purchase the same from the CITY, in satisfaction of its Ivie Contract with WCTMWD; Now, therefore,

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

PART 1: The City of Abilene requests that the Ivie Contracts and CRMWD Permits be amended to redefine Abilene's service area to include Taylor, Jones, Callahan, Fisher, Nolan and Shackelford counties, and that the WCTMWD and CRMWD, at the CITY's expense, pursue and obtain all necessary amendments, approvals and permits to expand CITY's water service area under the Ivie Contracts.

PART 2: The City Council authorizes the City Manager or his designee to negotiate with CRMWD and WCTMWD regarding the Delivery Point at Ivie Reservoir, to more clearly define the rights and responsibilities of the parties under the Ivie Contracts, and to memorialize the agreements of the parties in a Memorandum of Understanding.

PART 3. The flow meter which CITY has installed at the Ivie Pump Station shall be sold to the CRMWD at a cost that reflects the CITY's investment in the flow meter.

PART 4: This resolution shall take effect immediately from and after its passage.


ADOPTED this 27 day of June, A.D. 2002.

ATTEST:

  
City Secretary

  
Mayor

APPROVED:

  
City Attorney