

RESOLUTION NO. 4-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT.

WHEREAS, the City of Abilene, Texas (the "City") is the holder of Certificate of Adjudication No. 12-4161, as amended; and,

WHEREAS, the City filed an application with the Texas Commission on Environmental Quality ("TCEQ") on July 15, 2004 to amend Certificate of Adjudication No. 12-4161 to authorize the diversion and use of historical and future return flows ("City Return Flows") for agricultural, industrial, and municipal use purposes (the "Reuse Application"); and,

WHEREAS, the Reuse Application requests, in part, that the City be authorized to divert City Return Flows from the U.S. Highway 183 crossing of the Clear Fork Brazos River for storage and subsequent use from Hubbard Creek Reservoir; and,

WHEREAS, Hubbard Creek Reservoir is owned by the West Central Texas Municipal Water District (the "District"); and,

WHEREAS, the Reuse Application is in technical review by TCEQ staff; and

WHEREAS, in order to continue processing the Reuse Application, TCEQ has requested that the City provide an agreement between the City and the District for the potential discharge into, storage in, and subsequent diversion from Hubbard Creek Reservoir of City Return Flows; and,

WHEREAS, the District filed an application with TCEQ on November 23, 2004 for the diversion of storm flows from the Clear Fork Brazos River at the U.S. Highway 183 crossing of the Clear Fork Brazos River for storage and subsequent use from Hubbard Creek Reservoir ("Clear Fork Scalping Application"); and,

WHEREAS, the Clear Fork Scalping Application is undergoing initial review by TCEQ staff and has not yet been declared administratively complete; and

WHEREAS, the TCEQ has requested that the District provide an agreement between the District and the City concerning their joint use of the proposed diversion point to be located at the U.S. Highway 183 crossing of the Clear Fork Brazos River.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, THAT:

1. The City Manager or his designee is hereby authorized on behalf of the City Council to execute and enter into an agreement with the West Central Texas Municipal Water District for 1) the potential discharge into, storage in, and subsequent diversion from Hubbard Creek Reservoir of City Return Flows pursuant to authorization obtained from TCEQ under the City's Reuse Application, and 2) the joint use of the diversion point to be located at the U.S. Highway 183 crossing of the Clear Fork Brazos River, and to employ the services of such consultants as necessary to assist in the preparation of such an agreement.


2. The City Manager or his designee is hereby authorized on behalf of the City Council to take any further action as he shall deem necessary and appropriate and in the best interest of the City so as to obtain the issuance of the City's Reuse Application and facilitate the use of the City's return flows if permitted.

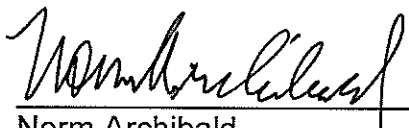
3. To the extent that the City Manager or his designee has initiated the execution of such an agreement with the District regarding the use of Hubbard Creek Reservoir and the joint use of the diversion point to be located at the U.S. Highway 183 crossing of the Clear Fork Brazos River prior to the adoption of this Resolution, such action is hereby ratified by the City Council.

4. A certified copy of this resolution shall be provided to the TCEQ and to all persons interested in the subject matter hereof.

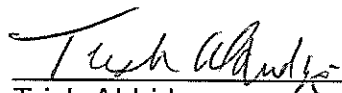
PASSED, ADOPTED AND APPROVED this 27th day of January, 2005.

ATTEST:


Jo Moore
City Secretary


Norm Archibald
Mayor

APPROVED:


Trish Aldridge
Assistant City Attorney