

RESOLUTION NO. 14-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE FILING AND PROSECUTION OF THE NECESSARY STATE AND FEDERAL PERMIT APPLICATIONS FOR THE CEDAR RIDGE RESERVOIR PROJECT.

WHEREAS, the City of Abilene, Texas (the "City") serves as a major water supplier for its citizens and for surrounding communities in and near Taylor and Jones Counties, Texas; and,

WHEREAS, the City projects that its water supply demands and that of this region of the state will continue to grow and may exceed available supplies in the near future; and,

WHEREAS, pursuant to the approved 2011 Region G Regional Water Plan (the "Plan") and the approved 2007 State Water Plan (the "State Plan"), the City is projected to need additional water supplies before 2060; and,

WHEREAS, the City desires to ensure that it has adequate water supplies to meet future demands and attract new business development to this region of the state; and,

WHEREAS, the Cedar Ridge Reservoir (the "Reservoir") is identified in the Plan and the State Plan as a recommended water management strategy for the City and this region of the state; and,

WHEREAS, the 2007 Texas Legislature designated the site of the Reservoir as unique for the construction of a reservoir in Senate Bill 3; and,

WHEREAS, the City has evaluated the economic feasibility of the Reservoir and determined that the Reservoir, if constructed, will provide a cost-effective supply of water for the City, its citizens, and its water supply customers; and,

WHEREAS, in order to pursue and accomplish construction of the Reservoir it is necessary for the City to secure state and federal authorizations appropriate for same, including applications to the Texas Commission on Environmental Quality ("TCEQ") under Chapter 11 of the Texas Water Code for a water rights permit and a Clean Water Act §401 water quality certification, as well as applications to the U.S. Army Corps of Engineers (the "Corps") for a Clean Water Act § 404 permit; and,

WHEREAS, the City Council wishes to authorize the City Manager or his designee to prepare, make, execute, file, prosecute and amend any and all applications to obtain the necessary water rights permit and Clean Water Act §401 certification and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City; and,

WHEREAS, the City Council wishes to authorize the City Manager or his designee to prepare, make, execute, file, prosecute and amend any and all applications to obtain a Clean Water Act § 404 permit and any other federal environmental authorization related to the permit and required for the Reservoir, and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City;

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

PART 1: The City Manager or his designee is hereby authorized and directed to prepare, or cause to be prepared, and to make, execute, file, prosecute and amend any and all applications to obtain the necessary water rights and certifications under Chapter 11 of the Texas Water Code, and § 401 of the Clean Water Act required for the Reservoir and to negotiate, settle and compromise any challenges or disputes arising out of such applications.


PART 2: The City Manager or his designee is hereby authorized and directed to prepare, or cause to be prepared, and to make, execute, file, prosecute and amend any and all applications to obtain a Clean Water Act § 404 permit and any other federal environmental authorizations related to the permit and required for the Reservoir and to negotiate, settle and compromise any challenges or disputes arising out of such applications, all as he shall deem to be in the best interests of the City.

PART 3: The City Manager or his designee is hereby authorized and directed to make the expenditures necessary in order to prepare, make, execute, file, prosecute, amend, negotiate, settle and compromise the applications for the above permits and authorizations from state and federal agencies, including the TCEQ and the Corps, as may be required for the Reservoir.

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

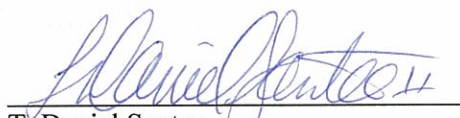
ADOPTED AND EFFECTIVE this 11 day of August, 2011.

ATTEST:


Danette Dunlap
City Secretary


Norm Archibald
Mayor

APPROVED:


T. Daniel Santee
City Attorney