

RESOLUTION NO. 104-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ASSIGNMENT CONTRACT WITH THE COLORADO RIVER MUNICIPAL WATER DISTRICT AND THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT.

WHEREAS, the Colorado River Municipal Water District (CRMWD) and West Central Texas Municipal Water District (WCTMWD) entered into that certain "West Central Texas Municipal Water District Water Supply Facilities and Service Contract," effective September 1, 1985, as amended on September 30, 1995, and March 25, 2004 and as further supplemented by a Memorandum of Agreement, effective April 1, 2004, and a Memorandum of Agreement, effective April 1, 2006 (collectively, the "Contract") to provide raw water to WCTMWD from the O.H. Ivie Reservoir for the sole benefit of the City of Abilene (City); and

WHEREAS, concurrently with the execution of the Contract, WCTMWD and the City entered into the "West Central Texas Municipal Water District - City of Abilene, Texas Water Contract," effective September 1, 1985, as amended on September 30, 1995, and March 25, 2004 (collectively, the "Abilene Contract") whereby WCTMWD undertook to furnish and supply the City with raw water diverted by WCTMWD pursuant to the Contract; and

WHEREAS, all bonds issued by the CRMWD for the O.H. Ivie Reservoir project have been paid and retired and are no longer outstanding; and

WHEREAS, because of the passage of time and changes in financial and legal circumstances affecting the City, including the City's financing of the construction of the pipeline, pump stations, and other facilities required to transport water from the O.H. Ivie Reservoir to the City, the City has requested that WCTMWD and the CRMWD enter into this "Assignment of West Central Texas Municipal Water District Water Supply Facilities and Services Contract and Termination of West Central Texas Municipal Water District-City of Abilene, Texas, Water Contract" (Assignment Contract); and

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

- Part 1.** That the City Manager is authorized to negotiate and execute the Assignment Contract.

- Part 2.** That the Assignment Contract shall provide for the following:
 - a. Permit the City to deal directly with the District, rather than through WCTMWD, on all matters associated with the CRMWD making water available from the O.H. Ivie Reservoir to the City.

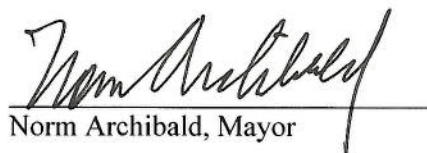
 - b. Assign to the City all of the rights and obligations of WCTMWD under the Contract.

c. Termination of the Abilene Contract.

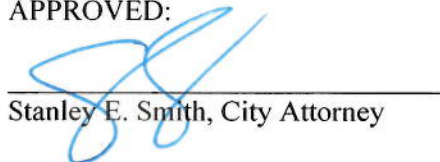
ADOPTED this 11th day of August, 2016.

ATTEST:


Danette Dunlap, City Secretary


Norm Archibald, Mayor

APPROVED:


Stanley E. Smith, City Attorney