

**RESOLUTION NO. 134-2017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO  
PROVIDE WATER TO THE CITY OF BALLINGER.**

**WHEREAS**, the City of Abilene is the holder of various water rights, including Certificate of Adjudication No. 12-4161, as amended (“COA 12-4161”), authorizing the diversion and use of 25,690 acre-feet of water per annum from the Lake Fort Phantom Hill reservoir (“LFPH”) for municipal purposes (“LFPH Water”), and to divert and reuse up to 24,640 acre-feet of return flows per annum, less channel losses, for agricultural, industrial, and municipal purposes; and

**WHEREAS**, the City of Abilene has secured access to water supplies in the O.H. Ivie Reservoir (“Lake Ivie”) via that certain “West Central Texas Municipal Water District – City of Abilene, Texas, Water Contract,” dated September 1, 1985, and amended on September 30, 1995, and subsequently amended on March 25, 2004 (the “Ivie Contract”), by which Abilene has contracted with West Central Texas Municipal Water District (“WCTMWD”) for up to 15,001.78 acre-feet of water per annum (“Ivie Water”); and

**WHEREAS**, the City of Abilene and City of Ballinger acknowledge that the City of Abilene’s access to water pursuant to the Ivie Contract is dependent upon revisions made by the owner of Lake Ivie to the calculated safe yield of Lake Ivie, which may serve to reduce total quantities of water the City of Abilene can lawfully divert under the Ivie Contract; and

**WHEREAS**, WCTMWD has obtained the source water for the Ivie Contract and has continuously supplied water to the City of Abilene under the Ivie Contract pursuant to that certain “West Central Texas Municipal Water District Water Supply Facilities and Services Contract” with the Colorado River Municipal Water District (“CRMWD”) dated September 1, 1985, as amended of September 30, 1995, subsequently amended on March 25, 2004, and a Memorandum of Agreement, effective April 1, 2006 (collectively, the “WCTMWD-CRMWD Facilities Agreement”); and

**WHEREAS**, by agreement of the City of Abilene, WCTMWD, and CRMWD, on September 15, 2016, WCTMWD assigned all of WCTMWD’s right, title, and interest in and to the WCTMWD-CRMWD Facilities Agreement to the City of Abilene; and

**WHEREAS**, the City of Ballinger desires to purchase 1,250 acre-feet of untreated water per annum from the City of Abilene’s supplies sourced in Lake Ivie, and if such supplies are inadequate, from the City of Abilene’s supplies in LFPH, for municipal purposes for an initial term of forty (40) years, with the possibility of an additional 40-year period; and

**WHEREAS**, the City of Ballinger and the City of Abilene agree that the water supplied pursuant to the Agreement shall be supplied first from Ivie Water, and if necessary to supplement or substitute for the Ivie Water, at the City of Abilene’s sole discretion, from LFPH Water; and

**WHEREAS**, the City of Abilene and the City of Ballinger entered into a certain “Water Transportation Contract,” dated April 1, 2006 (the “2006 Transportation Contract”) by which the City of Ballinger secured the right to use capacity in the City of Abilene’s existing pipeline (“Ivie Pipeline”) from Lake Ivie to transport water the City of Ballinger purchased from the Millersview-Doole Water Supply Corporation (“Millersview-Doole”); and

**WHEREAS**, the City of Abilene and the City of Ballinger have agreed to terminate that 2006 Transportation Contract such that all water transported to the City of Ballinger from the City of Abilene will be made pursuant to this new Agreement; and

**WHEREAS**, the City of Abilene and the City of Ballinger intend to use the Ivie Pipeline to transport the water provided to the City of Ballinger.

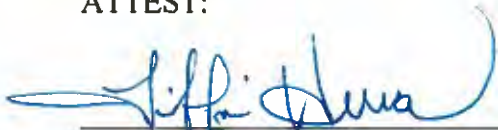
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

Part 1: That the City Manager is hereby authorized to execute an agreement with the City of Ballinger, Texas, for the supply of 1,250 acre-feet of untreated water per annum for an initial term of forty (40) years with the possibility of an additional 40-year period..

Part 2. That this Resolution takes effect immediately upon its adoption.

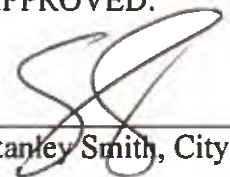
**ADOPTED this 26<sup>th</sup> day of October, 2017.**

ATTEST:

  
\_\_\_\_\_  
Tiffni Herrera, Interim City Secretary

  
\_\_\_\_\_  
Anthony Williams, Mayor

APPROVED:

  
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Stanley Smith, City Attorney