

RESOLUTION NO. 135-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF BALLINGER FOR WATER SUPPLY INFRASTRUCTURE AND IMPROVEMENTS.

WHEREAS, the City of Abilene (“City”) is the holder of various water rights, including Certificate of Adjudication No. 12-4161, as amended, 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 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 March 25, 2004 (the “Ivie Contract”), by which the City 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, 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; and

WHEREAS, the City of Abilene and the City of Ballinger have negotiated a “Water Supply Agreement between the City of Abilene, Texas and the City of Ballinger, Texas” (the “Water Supply Agreement”) to be executed contemporaneously with the execution of this Infrastructure Contract whereby the City of Abilene has agreed to sell the City of Ballinger 1,250 acre-feet of untreated water per annum from the City of Abilene’s supplies sourced in Lake Ivie and LFPH for municipal purposes; and

WHEREAS, that Water Supply Agreement also includes the City of Abilene’s provision of LFPH Water to the City of Ballinger, necessitating the need to design and construct improvements to transport such water to the Delivery Point; and

WHEREAS, the City of Ballinger has agreed to plan for, design, and acquire the right of way necessary in order to construct improvements necessary to transport LFPH Water to the City of Ballinger and to pay the City of Abilene a pro-rata share of the costs to construct such improvements; and

WHEREAS, such infrastructure will include a water supply pipeline from the City of Abilene's Grimes Water Treatment Plant to the Hargesheimer Water -2- Treatment Plant, and related infrastructure necessary to transport LFPH Water provided to the City of Ballinger pursuant to the Water Supply Agreement; and

WHEREAS, the City of Abilene and the City of Ballinger now desire to enter this Infrastructure Contract to provide the terms and conditions under which the LFPH Infrastructure necessary to transport LFPH Water from LFPH to the Delivery Point will be designed and constructed.


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 design and construction of water supply infrastructure for Lake Fort Phantom Hill water to be delivered to the City of Ballinger.

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

ADOPTED this 26th day of October, 2017.

ATTEST:



Tiffni Herrera, Interim City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney