

RESOLUTION NO. 138-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE AGREEMENT BETWEEN THE CITY OF ABILENE, TEXAS AND THE REMINGTON ESTATES AND IBERIS ROAD SOUTH PHASE 2.

WHEREAS, on August 18, 2003 the City of Abilene (City) and Remington Estates and Iberis Road South Phase 2 (Developer) entered into an Agreement for the purpose of connecting the sewer collection system of the City's Cedar Gap Outfall to the phased residential development located South of Remington Road and west of State Highway 83/84; and

WHEREAS, in accordance with the Agreement the City agrees to receive sewage from the commercial business development of Remington Estates; and

WHEREAS, the final plat of The Remington Estates Subdivision Section One was recorded in August 2003, and it does not include within the boundaries of the platted area the adjacent property now being identified for commercial business development; and

WHEREAS, the Director of Water Utilities believes that both parties of the Agreement knew and understood at the time of execution of the Agreement that commercial business development was planned for the Developer's adjacent property and that the City would receive sewage from that future commercial business development; and

WHEREAS, the Amendment to Agreement Between the City of Abilene, Texas and Remington Estates and Iberis Road South Phase 2 provides clarity as to the original intent of the parties of the Agreement to receive sewage from commercial business development occurring on the adjacent property identified in the Amendment; and

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

That the City Manager is authorized to execute the Amendment to Agreement between the City of Abilene, Texas and Remington Estates and Iberis Road South Phase 2.

ADOPTED this 12th day of August, 2021.


ATTEST:



Shawna Atkinson, City Secretary


Anthony Williams, Mayor

APPROVED:


Stanley E. Smith, City Attorney