

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS REPEALING RESOLUTIONS 2024-60, 2024-61 AND 2025-22, RESCINDING APPROVAL OF THE UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF FAIR OAKS RANCH, TEXAS AND AD ACQUISITIONS, LLC REGARDING WATER AND WASTEWATER SERVICES FOR AN 80.69-ACRE PARCEL OF LAND AT 29850 RALPH FAIR ROAD, A PORTION OF THE CORLEY TRACT, AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE DIETZ ELKHORN (EAST) RECONSTRUCTION PROJECT WITHOUT THE WATER LINE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 30, 2024, Athena Domain, LLC submitted a formal request to incorporate an 80.69-acre parcel at 29850 Ralph Fair Road, a portion of the Corley Tract, into the City's Water and Wastewater Certificate of Convenience and Necessity (CCN), and

WHEREAS, on October 17, 2024, the City Council approved Resolution 2024-60 and 2024-61 to incorporate the parcel into its water and wastewater CCNs, respectively, contingent on the approval of a Master Development Plan reflecting a maximum of 139 LUEs (water) and 137 LUEs (wastewater), in alignment with the City's Water, Wastewater and Reuse Master Plan, and

WHEREAS, staff has evaluated the Master Development Plan and has determined that the maximum number of LUEs will not be exceeded, and that the City's reserved water capacity and wastewater treatment capacity are adequate to serve the development, and

WHEREAS, on December 5, 2024, the City Council, upon recommendation from the Planning and Zoning Commission, approved the Master Development Plan with a condition that the developer enter into a Utility Service Agreement with the City to memorialize the number of units, LUEs, related fees and any cost-sharing arrangements for off-site infrastructure necessary to serve the development, and

WHEREAS, on May 1, 2025, the City Council approved Resolution 2025-22 which authorized the execution of a Utility Service Agreement between the City and AD Acquisitions, LLC, regarding water and wastewater services for the 80.69-acre parcel, and

WHEREAS, the Utility Service Agreement states that the City and Developer shall coordinate the installation of the new water line in conjunction with the planned reconstruction of Dietz Elkhorn Road to the maximum extent possible, and

WHEREAS, the Developer has neither signed the Utility Service Agreement nor provided engineering plans for the water line to proceed with joint-bid of the projects, and

WHEREAS, the City Council finds it in the best interest of the City to repeal all applicable resolutions, rescind approval of the Utility Service Agreement, and proceed with bidding the Dietz Elkhorn (East) Reconstruction project without the water line.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. The City Council hereby repeals Resolutions 2024-60, 2024-61 and 2025-22, rescinds approval of the Utility Service Agreement between the City of Fair Oaks Ranch and

AD Acquisitions, LLC, and authorizes the City Manager to proceed with the Dietz Elkhorn (East) Reconstruction project without the water line.

- Section 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 3.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 4.** That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 6.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this 18th day of September 2025.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney