

## **A RESOLUTION**

### **A RESOLUTION OF THE CITY OF FAIR OAKS RANCH CITY COUNCIL AUTHORIZING EXECUTION OF THE FOURTH AMENDMENT ("AMENDMENT") TO THE AGREEMENT BETWEEN THE CITY OF FAIR OAKS RANCH ("CITY") AND THE GUADALUPE-BLANCO RIVER AUTHORITY ("GBRA") FOR THE WESTERN CANYON PROJECT, EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on February 10, 2000, the City and GBRA entered into the 2000 Agreement relating to the development, permitting, design, financing, construction and operation of a water supply project to serve the City and other parties; and,

**WHEREAS**, pursuant to the 2000 Agreement, the Parties agreed that the Raw Water Reservation amount is 1,400 acre-feet of water per year ("AFY") and the Annual Commitment is 800 AFY; and,

**WHEREAS**, on November 1, 2006, the City and GBRA entered into the First Amendment to the 2000 Agreement to, among other things, increase the Raw Water Reservation amount up to 1,600 AFY and the Annual Commitment up to 840 AFY delivered at a rate of 0.75 million gallons per day ("MGD"); and,

**WHEREAS**, on September 23, 2008, the City and GBRA entered into the Second Amendment to the 2000 Agreement, to among other things, increase the Raw Water Reservation amount up to 1,850 AFY and the Annual Commitment up to 890 AFY delivered at a rate of 0.795 MGD; and,

**WHEREAS**, on January 30, 2012, the City and GBRA entered into the Third Amendment to the 2000 Agreement, to among other things, increase the Annual Commitment to 942 AFY delivered at a rate of 0.795 MGD; and,

**WHEREAS**, on May 2, 2019, the City approved an ordinance adopting the Water, Wastewater and Reuse Master Plan; and,

**WHEREAS**, the Water, Wastewater and Reuse Master Plan identifies the need for an additional GBRA delivery point to serve pressure zones A and B; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch has determined that an Amendment to the Agreement is warranted as it further enhances and ensures continuity of reliable water resources in accordance with the City's CCN obligations.

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

**Section 1.** The Fourth Amendment to the Agreement between the City of Fair Oaks Ranch, Texas and the Guadalupe-Blanco River Authority, as further described in **Exhibit A**, is hereby approved.

**Section 2.** The City Manager is hereby authorized, on behalf of the City, to execute the Amendment, in substantial form as **Exhibit A**, and such other ancillary instruments and documents as may be reasonably necessary to effectuate the intent of this Resolution.

- Section 3.** The recitals contained in the preamble hereof 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 4.** 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 5.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6.** 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 7.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and that 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 Chapter 551, Texas Government Code, as amended.
- Section 8.** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED, APPROVED and ADOPTED** on the 21<sup>st</sup> day of September 2023.

---

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Christina Picioccio, TRMC, City Secretary

---

Denton Navarro Rocha Bernal & Zech,  
P.C., City Attorney