

## **A RESOLUTION**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING A 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, AND AUTHORIZING THE EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER**

**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 a resolution to incorporate the parcel into its CCNs, 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**, the cost-sharing arrangement for off-site infrastructure included in the Utility Service Agreement addresses known deficiencies in the City's wastewater collection system and increases resiliency of the City's water distribution system, and

**WHEREAS**, the City Council finds it appropriate to enter into a Utility Service Agreement with the developer and reaffirms its support for incorporating the 80.69-acre parcel into the City's water and wastewater CCN.

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

- Section 1.** The City Council hereby approves the Utility Service Agreement (**Exhibit A**) between the City of Fair Oaks Ranch, Texas and AD Acquisitions, LLC, and authorizes the execution of all applicable documents by the City Manager to effectuate this resolution.
- 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 1st day of May 2025.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC  
City Secretary

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