

RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS AFFIRMING THE CITY COUNCIL'S SUPPORT OF EXTENDING, BY SIX MONTHS, THE REMAINING 2008 WATER SUPPLY AGREEMENTS

WHEREAS, in September 2008 the City executed Water Supply Agreements with various real property owners in the City limits and in the City's extraterritorial jurisdiction; and,

WHEREAS, the Agreements memorialized certain agreements and commitments by both parties with respect to the planned development of each owner's property and the provision of water to their properties; and,

WHEREAS, the Agreements terminate on the earlier of (i) the 15th anniversary of execution or (ii) upon conveyance by the property owners of all respective properties to third parties (each "Lot Owner" and collectively, the "Lot Owners"), unless extended by mutual agreement of the property owners; and,

WHEREAS, a six-month extension will provide the needed time to review the current agreements, negotiate any changes, develop new agreements, allow for legal review, and prepare for City Council approval; and,

WHEREAS, the City Council has determined a six-month extension of the remaining 2008 Water Supply Agreements 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 City Council hereby affirms its support of extending, by six months, the remaining 2008 Water Supply Agreements to secure long-term extensions.
- Section 2.** 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 3.** 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resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.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 4.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 5.** 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 6.** 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

Section 7. 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 17th day of August 2023.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

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