

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS INCORPORATING AN 80.69-ACRE PARCEL OF LAND AT 29580 RALPH FAIR ROAD, A PORTION OF THE CORLEY TRACT, INTO THE CITY OF FAIR OAKS RANCH WATER CERTIFICATE OF CONVENIENCE AND NECESSITY.

WHEREAS, on June 20, 2024, staff held a pre-development meeting with Athena Domain, LLC. on behalf of Century Oaks, LLC. regarding an 80.69-acre parcel within a 160-acre tract located at 29580 Ralph Fair Road known as the Corley Tract, and,

WHEREAS, the tract is not currently included in the City's certificated water service area, and,

WHEREAS, the 2019 Water, Wastewater, and Reuse Master Plan demonstrates a maximum of 215 living unit equivalents for the Corley Tract, and,

WHEREAS, on August 30, 2024, Athena Domain, LLC. submitted a formal request for incorporation of the parcel into the City's Water Certificate of Convenience and Necessity, and,

WHEREAS, the Texas Water Code states a parcel of land shall not be considered for incorporation into a municipal service area until a city grants written consent by resolution or ordinance, and,

WHEREAS, the City's Unified Development Code requires the City Engineer to make a recommendation to the City Council of the amount of accessible water necessary to ensure ample water supply to the parcel, and,

WHEREAS, the UDC requires the City Council to make a final finding on the City Engineer's recommendation, and,

WHEREAS, the City Council finds the incorporation of an 80.69-acre parcel of land at 29580 Ralph Fair Road, a portion of the Corley Tract, into the City's Water Certificate of Convenience and Necessity is warranted.

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

Section 1. The City Council hereby supports, contingent on the approval of a Master Development Plan at a maximum of 139 connections (living unit equivalents), the incorporation of an 80.69-acre parcel of land at 29580 Ralph Fair Road, a portion of the Corley Tract, into the City's Water Certificate of Convenience and Necessity.

Section 2 The City Council hereby authorizes the City Manager to execute any and all applicable documents to effectuate this resolution.

Section 3. 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 4. 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 5. 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 6. 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 7. This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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 this 17th day of October 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

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