

**A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES APPROVING (I) A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (“CCN”) TRANSFER AGREEMENT REMOVING 8.422 ACRES OF REAL PROPERTY NEAR THE INTERSECTION OF FM 725 AND EAST COUNTY LINE ROAD (THE “PROPERTY”) FROM GREEN VALLEY SPECIAL UTILITY DISTRICT’S WATER CCN AND ADDING IT TO NEW BRAUNFELS UTILITIES’ WATER CCN; (II) A SEWER CCN TRANSFER AGREEMENT REMOVING THE PROPERTY FROM GUADALUPE-BLANCO RIVER AUTHORITY’S SEWER CCN AND ADDING IT TO NEW BRAUNFELS UTILITIES’ SEWER CCN; AND (III) OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, New Braunfels Utilities (“NBU”) is a Texas municipally owned utility that provides water, wastewater, and electricity to customers in its service area;

WHEREAS, NBU holds water certificate of convenience and necessity (“CCN”) No. 10677 for the provision of retail water service to certain areas in and about Comal County and Guadalupe County;

WHEREAS, NBU holds sewer CCN No. 20282 for the provision of retail sewer service to certain areas in and about Comal County and Guadalupe County;

WHEREAS, Section 13.248 of the Texas Water Code authorizes contracts between retail public utilities designating areas and customers to be served by those retail public utilities, when approved by the Public Utility Commission of Texas (the “PUC”) after public notice and hearing

WHEREAS, Pace Homes of Texas, LLC, a Texas limited liability company (the “Developer”), owns 8.442 acres of real property located southeast of the intersection of FM 725 and East County Line Road, more particularly described in Exhibit A (the “Property”);

WHEREAS, the Property is currently located in Green Valley Special Utility District’s (“GVSUD”) water CCN and Guadalupe Blanco River Authority’s (“GBRA”) sewer CCN;

WHEREAS, GVSUD and GBRA do not have the capacity to serve retail water and retail sewer service, respectively, to the Property;

WHEREAS, the Developer has requested (i) GVSUD to transfer the portion of its water CCN associated with the Property to NBU and (ii) GBRA to transfer the portion of its sewer CCN associated with the Property to NBU so that NBU can provide both retail water service and sewer service to the Property;

WHEREAS, the Developer has agreed to pay all costs associated with transferring the Property to NBU’s water CCN and sewer CCN;

WHEREAS, GVSUD has agreed to release its water CCN associated with the Property to NBU pursuant to a Water CCN Transfer Agreement, attached hereto as Exhibit B, and GBRA has agreed to release its sewer CCN associated with the Property to NBU pursuant to a Sewer CCN Transfer Agreement, attached hereto as Exhibit C; and

WHEREAS, the Board of Trustees has reviewed the Water CCN Transfer Agreement and the Sewer CCN Transfer Agreement and is of the opinion that the Water and Sewer CCN transfer agreements and the related expansion and modification of NBU's water and sewer CCN to include the Property should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES THAT:

SECTION 1. The Board of Trustees hereby approves (i) the Water CCN Transfer Agreement and the Sewer CCN Transfer Agreement attached hereto as Exhibits B and C and (ii) the related expansion and modification of the boundaries of its water CCN and sewer CCN to include the Property.

SECTION 2. The Chief Executive Officer or his designee is hereby authorized to negotiate and execute the Water CCN Transfer Agreement, the Sewer CCN Transfer Agreement, and any other documents necessary to effectuate the transfer of the Property (i) from GVSUD's water CCN to NBU's water CCN and (ii) from GBRA's sewer CCN to NBU's sewer CCN. The Board of Trustees also authorizes the Chief Executive Officer or his designee to file all necessary applications, maps, and related documentation with the PUC to effectuate the transfer of the Property to NBU's water CCN and sewer CCN.

SECTION 3. The recitals contained in the preamble hereof are 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 Board of Trustees.

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 provisions 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 Board of Trustees 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 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, Texas Government Code, as amended.

SECTION 8. This Resolution shall be in full force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Wayne Peters  
President, Board of Trustees  
New Braunfels Utilities

ATTEST:

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Ryan Kelso  
Secretary, Board of Trustees  
New Braunfels Utilities

## **Exhibit A**

## **Exhibit B**

## Exhibit C