

RESOLUTION #2024-_____

A RESOLUTION BY THE BOARD OF TRUSTEES OF NEW BRAUNFELS UTILITIES AUTHORIZING AND APPROVING (I) THE PURCHASE OF 4.87 ACRES OF UNIMPROVED REAL PROPERTY COMMONLY KNOWN AS 778 BARBAROSA ROAD, NEW BRAUNFELS, TEXAS (THE “PROPERTY”) IN CONNECTION WITH THE FM 1101 PUMP STATION AND GROUND STORAGE TANK PROJECT IN AN AMOUNT NOT TO EXCEED \$2,230,000 PLUS CLOSING COSTS; (II) THE CEO OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PURCHASE THE PROPERTY OR, IF THE CEO DEEMS NECESSARY, TERMINATE THE SUBJECT TRANSACTION; AND (III) OTHER MATTERS IN CONNECTION THEREWITH

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

WHEREAS, on August 29, 2024, the NBU Board of Trustees (“Board”) approved a Professional Services Agreement with Quiddity Engineering, LLC for the design of the FM 1101 Pump Station and Ground Storage Tank Project (“Project”);

WHEREAS, the Project will facilitate additional distribution pumping capacity in the Kohlenberg Pressure Zone to serve projected growth and further a contractual obligation of the Mayfair Cost Sharing Agreement, as amended;

WHEREAS, NBU staff evaluated sites in the area for the Project and identified the unimproved property described as Lot 2, Block 1 Health Commons Subdivision, New Braunfels, Comal County, Texas, located at 778 Barbarosa Road, New Braunfels, Texas, more fully described in the attached Exhibit A (the “Property”), as the appropriate site for the pump station and ground storage tank associated with the Project;

WHEREAS, NBU entered into a Real Estate Sales Contract (the “Contract”) for the purchase of the Property from Triple J Family Holdings LLC and Play Strong LLC upon the terms and conditions set forth therein;

WHEREAS, the Contract is subject to the approval of the Board; and

WHEREAS, the Board has reviewed the Contract, together with the exhibits attached thereto, in relation to the proposed purchase of the Property, and is of the opinion that the same 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 the purchase of the Property in an amount not to exceed \$2,230,000 plus closing costs upon the terms and conditions set forth in the Contract.

SECTION 2. The Board of Trustees hereby authorizes the CEO or his designee to negotiate and execute any and all documents necessary to acquire the Property, including without limitation, the negotiation and acceptance of a Special Warranty Deed to acquire the Property in substantially the form attached to the Contract. The Board of Trustees also authorizes the Chief Executive Officer or his designee to pay or arrange for payment of the costs necessary to close the purchase of the Property, including, but not limited to, the purchase price and the related closing costs.

SECTION 3. The CEO or his designee is hereby authorized to take any additional steps or execute any additional documents reasonably necessary to terminate the subject transaction as the CEO or his designee deems appropriate.

SECTION 4. 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 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 provisions 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. 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 8. 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 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, AND ADOPTED, this the 31st day of October, 2024.

Wayne Peters
President, Board of Trustees
New Braunfels Utilities

ATTEST:

Ryan Kelso
Secretary, Board of Trustees
New Braunfels Utilities

Exhibit A

Real Estate Sales Contract