CITY OF WILLOW PARK

RESOLUTION NO. 03-11

A RESOLUTION PROVIDING AUTHORIZATION FOR THE EXECUTION OF AN AMENDED WATER SERVICE AGREEMENT BY AND BETWEEN THE CITY OF WILLOW PARK, TEXAS, AND REPUBLIC WASTE SERVICES OF TEXAS, LTD. FOR EXTENSION OF A WATER TRANSMISSION LINE TO PROVIDE SERVICE AND COST ALLOCATION; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, Texas (City) is a general law municipality located in Parker County, created in accordance with the Laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the municipal offices of the City perform certain functions related to the preservation of health, safety and general welfare of its citizens; and

WHEREAS, the City has the authority to enter into a contract or agreement with another entity for certain governmental services; and

WHEREAS, the City and Republic Waste Services of Texas, Ltd. executed an Agreement dated May 2011 and said Agreement was not formally authorized, approved or adopted by the governing body of the City; and

WHEREAS, absent the approval of the governing body, a sole municipal officer or employee cannot legally bind the City; and

WHEREAS, it is the obvious intent of the Parties that the Agreement in question be formally approved and adopted to provide certain benefits, rights and responsibilities to each of the respective parties; and

WHEREAS, even pursuant to the terms of the Water Service Agreement that was executed without council approval, Paragraph 10. Final Agreement, provides that the Agreement may be amended or modified if in writing and signed by all Parties hereto.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK THAT:

SECTION 1. AUTHORIZATION.

The Mayor, or the Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Resolution.

SECTION 2. AMENDMENT.

The aforementioned Agreement dated May 3, 2011 without the benefit of approval of the governing body of the City, is hereby Amended as set forth on Exhibit "A" attached hereto and incorporated herein by reference. The Mayor, or City Administrator, is hereby authorized to execute the Amended Water Service Agreement as authorized by this resolution dated May 16, 2011 in substantially the same form as shown on Exhibit "A" with concurrence of counsel.

The amended Water Service Agreement authorized by this resolution does by its adoption supplant, replace and extinguish any prior written Agreement, including specifically the Agreement dated to be effective May 3, 2011.

SECTION 3. CONTINGENCY

The City's obligations under the Amended Agreement as authorized by this resolution is specifically conditioned upon the obtaining by the City of all requisite necessary and required easements, rights-of-way, permits or permissions to construct the water line as originally depicted. The failure by the City to obtain all requisite necessary and required easements, rights-of-way, permits or permissions to construct the water line as originally depicted renders the Amended Water Service Agreement null and void. A determination of the adequacy of the ~~of all~~ requisite necessary and

required easements, rights-of-way, permits or permissions to construct the water line as originally depicted in the sole discretion of the City.

SECTION 4. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be held invalid, it shall not affect any valid provisions of this or any other Resolution or Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 5. REPEALER.

To the extent any other ordinance or resolution is inconsistent with the provisions herein it is herby repealed and superseded by the provisions herein.

SECTION 6. RECITALS.

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 7. EFFECTIVE DATE.

This Resolution shall take effect from and after its adoption.

PASSED AND APPROVED this 16th day of May, , 2010.

/s/ Kenneth Hawkins
Mayor

ATTEST:

/s/ Yael Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/
City Attorney

The Willow Park City Council in acting on Resolution No. 03-11, did on the 16th day of May, 2011 vote as follows:

	FOR	AGAINST
Kenneth Hawkins, Mayor		
Barry K. Tatum, Place 1		✓
Gene Martin, Place 2	✓	
Barry Brown, Place 3	✓	
Mark Hickerson, Place 4	✓	
Hale Alderman, Mayor Pro Tem, Place 5	✓	