

# CITY OF WILLOW PARK

## RESOLUTION NO. 04-11

### A RESOLUTION PROVIDING AUTHORIZATION FOR THE EXECUTION OF A SECOND 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 Amended Water Service Agreement (Amended Agreement) with an effective date of May 23, 2011 and said Amended Agreement was authorized by the governing body of the City by adoption of Resolution 03-11; and

**WHEREAS**, it is the intent of the Parties that since the Amended Agreement has now been fully implemented by the completion of the water line described therein, a subsequent Second Water Service Agreement be entered into to extend the length and accessibility of the previously completed water line, to provide certain benefits, rights and responsibilities to each of the respective parties; and

**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 Mayor, or City Administrator, is hereby authorized to execute the Water Service Agreement as authorized by this resolution dated August 15, 2011 in substantially the same form as shown on Attachment "A" which is attached hereto and incorporated herein.

#### SECTION 3. CONTINGENCY.

The City's obligations under the Second Water Service 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 depicted in the Agreement. 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 this Second Water Service Agreement null and void. A determination of the adequacy of the 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 hereby 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 15<sup>th</sup> day of August, 2011.

/s/ Marvin Glasgow  
Mayor

ATTEST:

/s/ Joel Rotman  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ \_\_\_\_\_  
City Attorney

The Willow Park City Council in acting on Resolution No. 04-11, did on the 15<sup>th</sup> day of August, 2011 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____✓_____	_____
Gene Martin, Place 2, Mayor Pro-Tem	_____✓_____	_____
Amy Podany, Place 3	_____	_____✓_____
Mark Hickerson, Place 4	_____✓_____	_____
Hale Alderman, Place 5	_____	_____✓_____