

RESOLUTION NO. 19-R-169

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HANSON AGGREGATES LLC FOR THE LEASE OF 25 ACRE/FEET OF EDWARDS AQUIFER PERMITTED WATER.

WHEREAS, the City of Schertz is permitted for 1,768.08 acre/ft of water from the Edwards Aquifer; and

WHEREAS, the City of Schertz traditionally reserves 1,000 acre/ft of water for emergency use for the City and makes available the rest for one-year leases to others; and

WHEREAS, the City has leased Hanson Aggregates 200 acre/ ft earlier this year; and

WHEREAS, Hanson Aggregates has requested from the City of Schertz to lease an additional 25 acre/ft of water for the calendar year 2019; and

WHEREAS, the City of Schertz has leased water to Hanson Aggregates LLC, in the past years; and

WHEREAS, the City and Hanson Aggregates LLC, desire to enter into this agreement to lease excess City permitted water; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into this agreement to lease this excess water to Hanson Aggregates LLC; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to enter into an agreement with Hanson Aggregates LLC, for the lease of 25 acre/ft of Edwards Aquifer permitted water for calendar year 2019.

Section 2. The recitals contained in the preamble hereof 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 3. 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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. 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 6. 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 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 10th day of December, 2019.

CITY OF SCHERTZ, TEXAS

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Brenda Dennis