

**RESOLUTION NO. 23-R-20**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING AND AUTHORIZING THE WATER CCN TRANSFER FROM CITY OF SELMA TO THE CITY OF SCHERTZ, AND OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, City of Schertz provides retail water service under water CCN No. 10645, issued by the Public Utility Commission of Texas ("PUC") to the City of Schertz, for the provision of retail water services to certain areas in and about Bexar County, Comal County and Guadalupe County, the boundaries of which are depicted in Exhibit A (the "Water CCN Transfer Agreement"), Exhibit 2 ("Current Schertz Water CCN Map) and attached hereto;

**WHEREAS**, City of Selma provides retail water service under water CCN No. 11522, issued by the PUC, for the provision of retail water to certain areas in and about Bexar County, Comal County, and Guadalupe County, the boundaries of which are depicted in Exhibit A, Exhibit 3 ("Current Selma Water CCN Map");

**WHEREAS**, the boundaries of the City of Schertz CCN and the City of Selma CCN are adjacent to one another;

**WHEREAS**, the Developer owns a 141.494 acre tract of real property within Comal County (the" Transfer Property") and more particularly described and depicted in Exhibit A, Exhibits 4 ("Metes and Bounds and Preliminary Plat") and 5 ("Small Scale (General Location) Map");

**WHEREAS**, the Developer's Property is known as the Royal Manufacturing Subdivision Phase II;

**WHEREAS**, the Developer has requested that City of Selma transfer a portion of its water CCN No. 11522 to City of Schertz so that City of Schertz can provide retail water services to the Transfer Property;

**WHEREAS**, the Transfer Property is currently undeveloped and City of Selma does not currently have any water connections or water facilities within the Transfer Property;

**WHEREAS**, City of Schertz currently has water connections or water facilities adjacent to, or near the Transfer Property;

**WHEREAS**, City of Schertz and City of Selma are amenable to altering the boundaries of their respective water CCNs by transferring the Transfer Property contained within the boundaries of the City of Selma CCN No. 11522 to City of Schertz so that the Transfer Property is removed from the City of Selma CCN No. 11522 and added to the City of Schertz CCN No. 10645;

**WHEREAS**, Developer has provided to City of Schertz maps and GIS data illustrating the Transfer Property to include with a petition to the PUC to transfer the Transfer Property from City of Selma CCN No. 11522 to the City of Schertz water CCN No. 10645; and

**NOW 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 execute an agreement to the transfer the water CCN from City of Selma to the City of Schertz as attached in Exhibit A, Exhibit 1 (“Water CCN Transfer Agreement Form”).

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 28<sup>th</sup> day of February, 2023.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

(city seal)

## Exhibit A