

R-02-2008

**RESOLUTION OF THE VILLAGE OF WIMBERLEY
REGARDING WATER LINE SERVING COMMUNITY CENTER TRACT**

WHEREAS, the Village of Wimberley ("Village") entered into a Participation Agreement with Wimberley Water Supply Corporation ("WWSC"), effective July 12, 2004, for the placement of a water line as an integral part of and connected to the WWSC water infrastructure system to be installed through a bore under Ranch Road 12 in order to provide water service to the Community Center situated on Lot 2, Wimberley Community Center Subdivision, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 11, Page 187, Hays County Plat Records, as well as other properties in the vicinity, and,

WHEREAS, the Agreement provided for the costs to be shared equally by the Village and WWSC, and that all inspections and oversight for the construction of the water line was to be conducted by WWSC; and,

WHEREAS, it was the Village's intent and understanding that title and maintenance of the water line would belong to the WWSC as the Village does not own or maintain any public water line or municipal water system within the Village limits; and,

WHEREAS, the water line has been completed and the one year warranty period has lapsed; and,

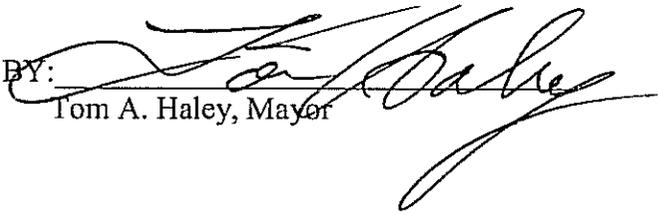
WHEREAS, in order to clarify the respective parties rights and understandings of the terms of the Participation Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE VILLAGE OF WIMBERLEY, TEXAS:

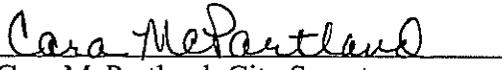
THAT the Village wishes to clarify and let it be known that the water line installed in Ranch Road 12 for water service to the Community Center situated on Lot 2, Wimberley Community Center Subdivision, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 11, Page 187, Hays County Plat Records, as well as other properties in the vicinity, is not property owned by the Village. Further, as the water line is not owned by the Village, and is connected to and operated in conjunction with the water system already owned and operated by the WWSC, the Village believes it is owned by the WWSC and should be included within their water system. The Council acknowledges that all terms and conditions of the Participation Agreement and the Addendum to the Participation Agreement have been fully complied with by both the Village of Wimberley and Wimberley Water Supply Corporation.

Adopted this 17th day of January, 2008.

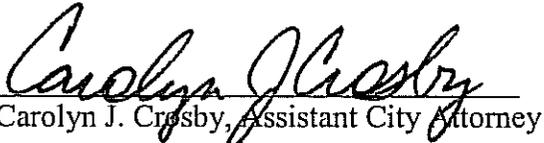
VILLAGE OF WIMBERLEY

BY: 
Tom A. Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

APPROVED AS TO FORM:


Carolyn J. Crosby, Assistant City Attorney