

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, AUTHORIZING THE ACQUISITION AND TRANSFER OF THE KNOB HILL WATER SUPPLY CORPORATION (“KNOB HILL”) WATER DISTRIBUTION FACILITIES AND CUSTOMERS TO THE CITY OF MANSFIELD, TEXAS (“MANSFIELD”); AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT DESIGNATING RETAIL WATER SERVICE TERRITORY AND TRANSFERRING DISTRIBUTION FACILITIES AND CUSTOMERS BETWEEN MANSFIELD AND KNOB HILL; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SUCH DOCUMENTS AND TO TAKE SUCH ACTIONS AS NECESSARY, OR REQUESTED, BY THE PUBLIC UTILITY COMMISSION OF TEXAS AND/OR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO COMPLETE THE ACQUISITION AND TRANSFER OF THE KNOB HILL WATER DISTRIBUTION FACILITIES AND CUSTOMERS TO MANSFIELD; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (“Mansfield”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, Knob Hill Water Supply Corporation (“Knob Hill”) provides retail water service to over 35 customers in Tarrant County, Texas; and,

WHEREAS, Knob Hill’s customers are located in the city limits of Mansfield, Texas (“Mansfield”); and,

WHEREAS, Knob Hill currently obtains treated wholesale water from Mansfield; and,

WHEREAS, Knob Hill’s management has requested that Mansfield acquire Knob Hill’s water distribution facilities and customers, and provide water service to the area and customers currently served by Knob Hill; and,

WHEREAS, before the transfer of the Knob Hill water distribution facilities and customers to Mansfield may occur, Knob Hill must execute the attached Agreement Designating Retail Water Service Territory and Transferring Facilities and Customers (“Agreement”) transferring the water distribution facilities and customers, and the Public Utility Commission of Texas (“PUCT”) must approve the transfer of the water distribution facilities and customers to Mansfield; and,

WHEREAS, upon full review and consideration of the Agreement and all matters attendant and related thereto, the City Council finds that the acquisition by Mansfield of the Knob Hill water distribution facilities and customers will accomplish a public purpose and is in the best interest of Mansfield and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The facts, recitations and findings contained in the preamble of this resolution are hereby found and declared to be true and correct and are incorporated and adopted as part of this resolution for all purposes.

SECTION 2.

The City Council approves (i) the acquisition by Mansfield of the Knob Hill water distribution facilities and customers and (ii) the Agreement Designating Retail Water Service Territory and Transferring Facilities and Customers attached as Exhibit "A".

SECTION 3.

The City Council authorizes the City Manager, or his designee, to (i) execute the Agreement; (ii) execute and file with the Public Utility Commission of Texas a Sale, Transfer or Merger Application relating to the acquisition and transfer of the Knob Hill water distribution facilities and customers to Mansfield; and, (iii) take all other actions and execute all other documents necessary or requested to complete the acquisition and transfer of the Knob Hill water distribution facilities and customers to Mansfield including, but not limited to, any additional actions required by either the PUCT or the Texas Commission on Environmental Quality.

SECTION 4.

The sections, paragraphs, sentences, clauses and phrases of this resolution are severable and, if any phrase, clause, sentence, paragraph or section of this resolution should be declared invalid, illegal or unenforceable by the final judgment or decree of any court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of any of the remaining phrases, clauses, sentences, paragraphs and sections of this resolution and such remaining provisions shall remain in full force and effect and shall be construed and enforced as if the invalid, illegal or unenforceable provision had never been included in this resolution.

SECTION 5.

This Resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mansfield, and it is accordingly so resolved.

PASSED AND APPROVED THIS THE 10TH DAY OF APRIL, 2023.

Michael Evans, Mayor

Resolution No. _____

23-5286

Page 3 of 3

ATTEST:

Susana Marin, City Secretary