

RESOLUTION NO. _2005-4

**A RESOLUTION OF THE TOWN OF ANNETTA NORTH DESIGNATING
PARKER COUNTY UTILITY DISTRICT AS THE RETAIL WATER AND
WASTE WATER UTILITY PROVIDER FOR THE TOWN AND ITS
EXTRATERRITORIAL JURISDICTION**

WHEREAS, the Town of Annetta North, is a general purpose unit of government organized and incorporated as a Type B general Law Municipal Corporation. Under the General Laws and Constitution of the State of Texas; and

WHEREAS, the city Council of the Town of Annetta North, has determined that it is reasonable and appropriate for the Town to initiate the necessary planning steps to inure the provision of public equivalent utility service for the citizens of the Town of Annetta North; and

WHEREAS, the City council of the Town of Annetta North, after due and careful consideration has determined that it is not cost effective for the Town to develop its' own independent water and/or waste water utility system without creating an undue financial burden on its citizens; and

WHEREAS, the City Council has entered negotiations with the Parker County Utility District for the purpose of determining if that special purpose unit of government created pursuant to the General Laws and Constitution of the State of Texas is capable of providing both wholesale and retail water and waste water utility service to land areas and communities within Parker County, Texas; and

WHEREAS, the Board of Directors for the Parker County Utility District desires to enter into an Inter local Contract pursuant to the provisions of Chapter 781 of the Texas Government Code with The Town of Annetta North for the establishment of water and waste water services within the Town of Annetta North; and

WHEREAS, pursuant hereto, Parker County Utility District has agreed to initiate the planning steps necessary to prepare and submit applications for Certificates of Convenience and Necessity to be the retail utility service provider for water and waste water utility service within the corporate limits of the Town of Annetta North, and its statutorily defined extraterritorial jurisdiction pursuant to the provisions of Chapter 42 of the Texas Local Government Code; and

WHEREAS, the City council of the Town of Annetta North, has committed to Parker County Utility District that it will provide information, assistance and support in presenting and processing the applications for Certificates of Convenience and Necessity for these utility services for the designated areas under the jurisdictional control of the Town of Annetta North; and

WHEREAS, it is the intent of the parties that if the Texas Commission on Environmental Quality should approve such Certificates that the Town of Annetta North, will enter those agreements necessary to allow Parker County Utility District to be the retail utility provider for water and waste water services within the corporate limits and the extraterritorial jurisdiction of the Town of Annetta North.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ANNETTA NORTH, TEXAS:

SECTION I

The City council hereby designates Parker County Utility District as the entity that it desires to have designated as the retail water and waste water utility service provider for the Town of Annetta North and its extraterritorial jurisdiction.

SECTION 2

The Town of Annetta North commits that it will enter into good faith negotiations with Parker County Utility District to prepare, execute and implement those contractual arrangements necessary to secure the issuance of Certificates of Convenience and Necessity in the name of Parker County Utility District for the areas designated in this Resolution.

SECTION 3

The Town of Annetta North, hereby rescinds and/ or revokes/and all prior expressions of commitment made to secure water or waste water utility service from other entities in the area.

SECTION 4

The Town of Annetta North reserves the right to withdraw and terminate negotiations with the Parker County Utility District in the event The Town of Annetta North is (A) satisfied with the sale or transfer of the Deer Creek Water System to the City of Willow Park, and in that event that the system is not operated in such a manner as to be detrimental to the City of Annetta North, or (B) The Town of Annetta North determines termination of negotiations is in the best interest of the Town of Annetta North.

SIGNED THIS ____ day of _____ 2005

TOWN OF ANNETTA NORTH

By: _____

MAYOR

ATTEST: _____

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney