

**Alliance Regional Water Authority
Board of Directors**

REGULAR MEETING



ALLIANCE WATER

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572
Code: 534 691 961#

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.
Conference Call Number: 1-903-405-2572; Code: 534 691 961#

In accordance with Governor Abbott's Executive Order, declaration of the COVID-19 public health threat, and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of Alliance Regional Water Authority's (the Authority's) Board of Directors will hold a meeting by telephonic conference call at 3:00 PM, Wednesday, August 26, 2020. The public may participate in this meeting by calling the following number and code:

Conference Call Number: 1-903-405-2572
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Members of the public wishing to make public comment during the meeting must register by emailing info@alliancewater.org prior to 3:00 p.m. on August 26, 2020. This meeting will be recorded and the audio recording will be available on the Authority's website after the meeting. A copy of the agenda packet will be available on the Authority's website at the time of the meeting. Additional information can be obtained by calling Graham Moore at (512) 294-3214.

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT PERIOD (Note: Each person wishing to speak must register with the Executive Director at info@alliancewater.org before 3:00 p.m.)

D. CONSENT AGENDA

The items included in the Consent Agenda portion of this meeting agenda can be considered and approved by the Board of Directors by one motion and vote. A Board member may request that an item included in the Consent Agenda be considered separately, in which event the Board of Directors will take action on the remaining Consent Agenda items and then consider the item removed from the Consent Agenda.

D.1 Consider approval of minutes of the Regular Meeting held July 27, 2020. ~
Graham Moore, P.E., Executive Director

D.2 Consider approval of the financial report for July 2020. ~ *Graham Moore, P.E., Executive Director*

E. PUBLIC HEARINGS / PRESENTATIONS - None

F. ITEMS FOR DISCUSSION NOT REQUIRING ACTION

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- F.1 Report on Technical Committee activities. ~ *Graham Moore, P.E., Executive Director*
- F.2 Update and possible direction to Staff regarding the status of the Authority's Phase 1A projects, and direction to staff and consultants. ~ *Jason Biemer, Project Coordinator*
- F.3 Update on status of groundwater management in project target area, and Gonzales County Underground Water Conservation District, Plum Creek Conservation District, Groundwater Management Area 13, Region L Planning Group, Guadalupe-Blanco River Authority, Hays County and CAPCOG activities. ~ *Graham Moore, P.E., Executive Director*
- G. EXECUTIVE DIRECTOR AND LEGAL COUNSEL REPORTS - Update on future meeting dates, locations, status of Authority procurements, Executive Director activities, other operational activities and the status of legal issues, where no action is required. ~ *Graham Moore, P.E., Executive Director / Mike Gershon, Lloyd Gosselink Rochelle & Townsend, P.C.*
- H. ITEMS FOR ACTION OR DISCUSSION/DIRECTION
 - H.1 Consider adoption of Resolution 2020-08-26-001 approving a Financing Agreement with the Texas Water Development Board with respect to receiving financial assistance in the principal amount up to \$122,575,000 from the State Water Implementation Revenue Fund for Texas ("SWIRFT"); authorizing other matters incident and related thereto. ~ *Graham Moore, P.E., Executive Director*
 - H.2 Update and discussion regarding the status of the Authority's Phase 1B program, and direction to staff and consultants. ~ *Ryan Sowa, P.E., Kimley-Horn & Associates*
 - H.3 Consider adoption of Resolution 2020-08-26-002 approving a Real Estate Contract with the Guadalupe Valley Electric Cooperative, Inc. for an approximate 5 acre fee simple purchase, an approximate 0.7 acre permanent access easement and an approximate 0.5 acre temporary access easement on the Authority's Phase 1B Water Treatment Plant property and authorizing the Executive Director to execute all closing documents on behalf of the Authority. ~ *Graham Moore, P.E., Executive Director*

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I. BOARD MEMBER ITEMS OR FUTURE AGENDA ITEMS – Possible acknowledgement by Board Members of future area events and/or requests for item(s) to be placed on a future agenda where no action is required.

J. EXECUTIVE SESSION

J.1 *Executive Session pursuant to the Government Code, Section 551.071 (Consultation with Attorney) and/or Section 551.072 (Real Property Deliberations) regarding:*

- A. *Water supply partnership options*
- B. *Groundwater leases*
- C. *Acquisition of real property for water supply project purposes*

J.2 Action from Executive Session on the following matters:

- A. *Water supply partnership options*
- B. *Groundwater leases*
- C. *Acquisition of real property for water supply project purposes*
- D. *Consider adoption of Resolution 2020-08-26-003 ratifying execution by the Authority's Board Chair and Board Secretary of resolutions finding public convenience and necessity and authorizing eminent domain proceedings that were previously and properly noticed and approved by the Authority's Board of Directors under Section J of the July 27, 2020 Board agenda.*
- E. *Consideration of Resolution 2020-08-26-004 approving a Purchase Agreement with Henderson, Danny Masur, et al for an access easement on Parcel A043C.*
- F. *Consideration of Resolution 2020-08-26-005 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 8.684 acres situated in the Frances Berry Survey, Abstract No. 1, and the Francis Berry Survey, Abstract No. 2, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
- G. *Consideration of Resolution 2020-08-26-006 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 0.797 acres situated in the Frances Berry Survey, Abstract No. 2 and the John S. Stumps Survey, Abstract No. 263, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*

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- H. *Consideration of Resolution 2020-08-26-007 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 0.989 acres situated in the W.C. Steffey Survey, Abstract No. 274, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
- I. *Consideration of Resolution 2020-08-26-008 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 5.611 acres situated in the Thomas Maxwell Survey, Abstract No. 188, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
- J. *Consideration of Resolution 2020-08-26-009 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 1.100 acres situated in the William Barber Survey, Abstract No. 48, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*

K. ADJOURNMENT

NOTE: *The Board of Directors may meet in Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Board of Directors may also publicly discuss any item listed on the agenda for Executive Session.*

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A. CALL TO ORDER

No Backup Information for this Item.

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B. ROLL CALL

NAME	TERM ENDS	PRESENT
Mayor Jane Hughson – Vice-Chair (San Marcos)	April 2023	
Mike Taylor (CRWA - General Manager, Crystal Clear SUD)	April 2023	
Brian Lillibridge (Kyle – Asst. Public Works Director)	April 2021	
Blake Neffendorf – Treasurer (Buda – Water Resources Coordinator)	April 2023	
Councilmember Mark Rockeymoore (San Marcos)	April 2022	
Humberto Ramos (CRWA – Water Resources Director)	April 2021	
James Earp – Secretary (Kyle – Assistant City Manager)	April 2021	
Tom Taggart (San Marcos – Executive Director of Public Services)	April 2021	
Chris Betz – Chair (CRWA - President, County Line SUD)	April 2022	
Councilmember Tracy Scheel (Kyle)	April 2021	
Jon Clack (San Marcos – Assistant Director of Public Services)	April 2022	
Pat Allen (CRWA - General Manager, Green Valley SUD)	April 2023	
Vacant (San Marcos)	April 2022	

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- C.** PUBLIC COMMENT PERIOD (Note: Each person wishing to speak must register with the Executive Director at info@alliancewater.org before 3:00 p.m.)
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D. CONSENT AGENDA

Items D.1 and D.2 are presented as part of the consent agenda.

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D.1 Consider approval of minutes of the Regular Meeting held July 27, 2020. ~ *Graham Moore, P.E., Executive Director*

Attachment(s)

- 2020 07 27 Board Meeting Minutes

Board Decision(s) Needed:

- Approval of minutes.



ALLIANCE WATER

Alliance Regional Water Authority

BOARD MEETING

MINUTES

Monday, July 27, 2020

The following represents the actions taken by the Board of Directors of the Alliance Regional Water Authority (ARWA) in the order they occurred during the meeting. The Board of Directors convened in a meeting on Monday, July 27, 2020 via conference call in accordance with Governor Abbott's Executive Order declaring the COVID-19 public health threat and temporarily suspending certain provisions of the Texas Open Meetings Act.

- A. CALL TO ORDER.
The Alliance Water Board Meeting was called to order at 3:00p.m. by Mr. Betz.

- B. ROLL CALL.
 - **Present: Taylor, Lillibridge, Neffendorf, Rockeymoore, Ramos, Earp, Taggart, Betz, Clack, Allen and with Hughson joining in Item D and Scheel joining in Item G. with Allen joining in Item H.1.**
 - **Absent: San Marcos's vacant seat.**

- C. PUBLIC COMMENT PERIOD
 - **None.**

- D. CONSENT AGENDA
 - D.1 Consider approval of minutes of the Regular Meeting held June 24, 2020.
 - D.2 Consider approval of the financial report for June 2020.
 - D.3 Consider approval of the Quarterly Investment Report for the period ending on June 30, 2020.
 - **Motion to approve the consent agenda items D.1 through D.3 as presented was made by Mr. Taylor, seconded by Mr. Earp and approved on a 10-0 vote.**

Items F.1 through F.4 were not opened for discussion.

- F.1 Report on Technical Committee activities.
- F.2 Update and possible direction to Staff regarding the status of the Authority's Phase 1A projects, and direction to staff and consultants.
- F.3 Update and discussion regarding the status of the Authority's Phase 1B program, and direction to staff and consultants.
- F.4 Update on status of groundwater management in project target area, and Gonzales County Underground Water Conservation District, Plum Creek Conservation District, Groundwater Management Area 13, Region L Planning Group, Guadalupe-Blanco River Authority, Hays County and CAPCOG activities.

G. EXECUTIVE DIRECTOR AND LEGAL COUNSEL REPORTS

- **Mr. Gershon reported that there was a Public Information Request submitted by the Texas Observer to many regional water providers, including Alliance Water.**
- **No action.**

H. ITEMS FOR ACTION OR DISCUSSION/DIRECTION

- H.1 Consider adoption of Resolution 2020-07-27-001 declaring the Phase 1A Segment B Pipeline construction project more than 50% complete and progressing satisfactorily.
 - **Motion to adopt Resolution 2020-07-27-001 declaring the Phase 1A Segment B Pipeline construction project more than 50% complete and progressing satisfactorily as presented was made by Mr. Taylor, seconded by Ms. Hughson and approved on a 12-0 vote.**
- H.2 Update, discussion and possible direction to Staff regarding the Authority's Phase 1B Program Cost Estimates & Schedules.
 - **Mr. Sowa provided an update on the items in the packet.**
 - **Mr. Moore noted that the Technical Committee will be updated monthly as we receive milestone design submittals and updated projected costs.**
 - **Mr. Taggart inquired if there is an impact to the SWIFT funding.**
 - **Mr. Moore noted that the Authority is requesting an addition \$65 million due to this cost increase.**
 - **Mr. Taggart asked if the contingency is increasing due to the increase in construction costs.**
 - **Mr. Sowa responded that the contingency is a percentage of construction, so as the costs rise so does the contingency. But he also noted that the contingency percentage is being reduced as the design progresses.**

- **Mr. Neffendorf inquired if the Authority could issue more of it's SWIFT funding this year to take advantage of the low rates and higher subsidy offered by the TWDB?**
 - **Mr. Moore stated that he will check with the TWDB and report back to the Board.**
 - **Mr. Neffendorf asked if the schedule is still aligning to allow for multiple projects to be bundled for bidding?**
 - **Mr. Sowa responded that the schedule is aligning, dependent on final land acquisition.**
 - **No action.**
- H.3 Consider adoption of Resolution 2020-07-27-002 approving Work Order #2 with Pape-Dawson Engineering, Inc. for Construction Management and Inspection Services related to the Phase 1B Program.
- **Motion to adopt Resolution 2020-07-27-002 approving Work Order #2 with Pape-Dawson Engineering, Inc. for Construction Management and Inspection Services as presented was made by Mr. Ramos, seconded by Mr. Taylor and approved on a 12-0 vote.**
- H.4 Update, discussion and possible direction to Staff regarding the Authority's request to the Texas Water Development Board for additional SWIFT Funding.
- **Staff presented on update on the status of the SWIFT funding.**
 - **No action.**
- H.5 Consider adoption of Resolution 2020-07-27-003 adopting the Authority's budget for FY 2020-21 as recommended by the Technical Committee.
- **Motion to adopt Resolution 2020-07-27-002 adopting the Authority's budget for FY 2020-21 as presented was made by Mr. Taylor, seconded by Mr. Taggart and approved on a 12-0 vote.**
- H.6 Consider adoption of Resolution 2020-07-27-004 authorizing the Executive Director to execute on behalf of the Authority all necessary documents to continue participation in the Texas Municipal League Intergovernmental Employee Benefits Pool (TML IEBP) for employee's health insurance for November 2020 through October 2021.
- **Ms. Scheel inquired as to the last time the Authority researched costs for comparable coverage from other insurance providers.**
 - **Mr. Moore responded that it was prior to 2015. He noted that he will work with the Administrative Committee to review potential other providers next year as part of the budgeting process.**
 - **Motion to adopt Resolution 2020-07-27-004 authorizing the Executive Director to execute on behalf of the Authority all necessary documents to continue participation in the TML IEBP for employee's health**

insurance for November 2020 through October 2021 was made by Ms. Hughson, seconded by Mr. Taylor and approved on a 12-0 vote.

- H.7 Consider adoption of Resolution 2020-07-27-005 amending the Authority's Consultant Review Policy.
- **Motion to adopt Resolution 2020-07-27-005 amending the Authority's Consultant Review Policy as presented was made by Mr. Taylor, seconded by Mr. Taggart and approved on a 12-0 vote.**
- I. BOARD MEMBER ITEMS OR FUTURE AGENDA ITEMS
- **None.**
- J.1 The Board of Directors recessed into Executive Session at 4:14 p.m. pursuant of the Government Code, Section 551.071, to seek the General Counsel's advice regarding matters involving attorney-client privilege, and/or Section 551.072 to discuss water supply project partnership options. The Board of Directors reconvened from Executive Session at 4:38 p.m.
- J.2 Action from Executive Session on the following matters:
- A. Water supply partnership options
 - B. Groundwater leases
 - C. Acquisition of real property for water supply project purposes.
 - **No Action.**
 - D. Consideration of Resolution 2020-07-27-006 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 11.916 acres situated in the Ambrose Tinney Survey, Abstract No. 26, and the Isaac Campbell Survey, Abstract No. 79, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.
 - **Motion to adopt Resolution 2020-07-27-006 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 11.916 acres as presented was made by Mr. Taylor, seconded by Mr. Taggart and approved on a 12-0 vote.**

- E. Consideration of Resolution 2020-07-27-007 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 1.459 acres situated in the John A. Neill Survey, Abstract No. 20, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.
- **Motion to adopt Resolution 2020-07-27-007 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 1.459 acres as presented was made by Mr. Taggart, seconded by Mr. Taylor and approved on a 12-0 vote.**
- F. Consideration of Resolution 2020-07-27-008 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 1.725 acres situated in the James George Survey, Abstract No. 9, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.
- **Motion to adopt Resolution 2020-07-27-008 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 1.725 acres as presented was made by Mr. Taylor, seconded by Ms. Scheel and approved on a 12-0 vote.**
- G. Consideration of Resolution 2020-07-27-009 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 4.232 acres situated in the Moses Gage Survey, Abstract No. 8, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.
- **Motion to adopt Resolution 2020-07-27-009 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 4.232 acres as presented was made by Mr. Ramos, seconded by Mr. Taylor and approved on a 12-0 vote.**
- H. Consideration of Resolution 2020-07-27-010 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of an Access Easement totaling 0.793 acres situated in the

James George Survey, Abstract No. 9, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.

- **Motion to adopt Resolution 2020-07-27-010 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of an Access Easement totaling 0.793 acres as presented was made by Mr. Lillibridge, seconded by Mr. Taylor and approved on a 12-0 vote.**
- I. Consideration of Resolution 2020-07-27-011 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 3.516 acres situated in the John H. Finch Survey, Abstract No. 108, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.
- **Motion to adopt Resolution 2020-07-27-011 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Pipeline and Right-of-Way Easement totaling 3.516 acres as presented was made by Mr. Allen, seconded by Mr. Taylor and approved on a 12-0 vote.**
- J. Consideration Of Resolution 2020-07-27-012 Finding Public Convenience and Necessity And Authorizing The Use of Eminent Domain To Condemn If Necessary a Temporary Construction Easement over a 30' Strip of Land Totaling 1.2 Acres (as fully described in attached Exhibit "x1"), Being Out of A Called 26.827 Acre Tract Conveyed to Home Living Hospitality, Ltd. and Recorded in Volume 5159, Page 659 Of The Official Public Records Of Hays County, Texas, For The Public Use And Purpose of Construction Of A Waterline.
- **Motion to adopt Resolution 2020-07-27-012 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Temporary Construction Easement over a 30' Strip of Land Totaling 1.2 Acres as presented was made by Mr. Taylor, seconded by Mr. Allen and approved on a 12-0 vote.**
- K. ADJOURNMENT
- **Meeting was adjourned at 4:46 p.m. based on the motion by Ms. Hughson, seconded by Mr. Taylor on a 12-0 vote.**

APPROVED: _____, 2020

ATTEST:

Chair, Board of Directors

Secretary, Board of Directors

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Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

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D.2 Consider approval of the financial report for July 2020. ~ *Graham Moore, P.E., Executive Director*

Background/Information

Attached is the financial report for the period ending in July 2020.

Attachment(s)

- 2020 07 31 Financial Report

Board Decision(s) Needed:

- Approval of the financial report for the period ending July 2020.



Alliance Regional Water Authority

**Financial Statements
(Compilation)**

**For the One Month Ended and Year-to-Date
July 31, 2020**

Alliance Regional Water Authority
Balance Sheet
 As of July 31, 2020

	Jul 31, 20
ASSETS	
Current Assets	
Checking/Savings	
1004 · Broadway Bank	
1005 · Broadway Checking (8040)	1,423,732.45
1010 · Broadway Savings (4415)	3,200,409.07
	4,624,141.52
1015 · TexStar (3310)	2,565,684.85
1050 · Broadway Bank (Reserved)	
1051 · CRWA Debt Service (2785)	952,810.71
1052 · Kyle Debt Service (2787)	791,407.53
1055 · San Marcos Debt Service (6390)	927,888.09
1056 · Buda Debt Service (6391)	145,095.49
	2,817,201.82
1100 · Escrow Accounts	
1105 · BOKF, Escrow, CRWA Series 2015A	334,985.43
1106 · BOKF, Escrow, Kyle Series 2015B	221,892.50
1107 · BOKF, Escrow, CRWA Series 2017A	2,846,357.99
1108 · BOKF, Escrow, Kyle Series 2017B	2,592,014.24
1109 · BOKF, Escrow, SM Series 2017C	3,337,846.54
1110 · BOKF, Escrow, Buda Series 2017D	450,948.56
1111 · BOKF, Escrow, CRWA Series 2019A	26,254,517.02
1112 · BOKF, Escrow, Kyle Series 2019B	23,942,875.33
1113 · BOKF, Escrow, SM Series 2019C	30,513,143.42
1114 · BOKF, Escrow, Buda Series 2019D	4,244,805.36
	94,739,386.39
Total Checking/Savings	104,746,414.58
Accounts Receivable	
1209 · Accts receivable, City of SM	344,124.84
1210 · Accts receivable, City of Buda	48,748.92
	392,873.76
Total Accounts Receivable	392,873.76
Total Current Assets	105,139,288.34
Fixed Assets	
1405 · Engineering & Construction Cost	2,402,294.20
1420 · Projects in Progress (Cash)	
1420-01 · Legal Support	61,957.97
1420-02 · Hydrogeologic Support	170,167.19
1420-03 · PCCD Permitting	105,095.16
1420-04 · Kyle Water Model	25,000.00
1420-11 · Legal Support, GBRA	45,251.01
	407,471.33
1430 · Projects in Progress Eng (Cash)	
1430-02 · Engineering - Plumbing Plan	17,663.79
1430-03 · Engineering Fees-ROW	11,594.69
1430-05 · Engineering - Rate Study	34,635.00
1430-06 · DPR Study	59,880.00
1430-07 · Alignment Study	261,120.80
1430-08 · Prelim Engineering-Well Field	65,586.00
1430-09 · GCUWCD Monitoring Wells	192,607.50
1430-10 · 2017 SWIFT Funding Apps	23,107.96
1430-11 · Blanco Basin WW	41,880.00
1430-12 · Phase 1B Programming	107,761.14
1430-13 · ARWA-GBRA MOU Study	15,000.00
1430-14 · Phase 1A GIS	36,881.37
	867,718.25
Total 1430 · Projects in Progress Eng (Cash)	867,718.25

Alliance Regional Water Authority Balance Sheet As of July 31, 2020

	Jul 31, 20
1440 · Projects in Prog Eng. (Finance)	
1440-01 · Engineering-Phase 1A Pipeline	527,900.66
1440-02 · Engineering-Phase 1A Pump Stat	733,469.41
1440-03 · Engineering-ROW Acquisition	395,397.56
1440-04 · Phase 1A Const Observation	582,258.16
1440-05 · Phase 1A-Construction Trailer	46,405.12
1440-06 · Phase 1A Segment A Construction	1,734,150.32
1440-07 · Phase 1A BPS Construction	4,823,461.92
1440-08 · Phase 1A Segment B Construction	2,028,536.49
1440-15 · Land Acquisition Phase 1B	5,081,923.66
1440-16 · Phase 1B-Owners Rep	5,471,593.47
1440-17 · Phase 1B Environmental	1,822,141.95
1440-18 · Phase 1B Segment A Design	1,750,036.48
1440-19 · Phase 1B Segment B Design	1,403,730.12
1440-20 · Phase 1B Segment C Design	612,479.12
1440-21 · Phase 1B Segment D Design	1,116,874.06
1440-22 · Phase 1B Segment E Design	510,471.52
1440-23 · Phase 1B Land Attorney	380,549.68
1440-24 · Phase 1B Hydrogeology	145,380.00
1440-25 · Phase 1B WTP Design	2,299,479.59
1440-26 · Raw Water Infr.	1,054,787.52
1440-27 · Phase 1B Program Survey	2,130,887.00
1440-28 · Phase 1B BPS Design	1,020,050.34
1440-29 · GVEC Construction-in-Aid	1,000,000.00
1440-30 · Phase 1B Inline Tanks	39,483.73
1440-31 · Construction Mgmt & Inspection	28,592.50
Total 1440 · Projects in Prog Eng. (Finance)	36,740,040.38
1447 · Land & Easements	922,215.70
1448 · Capitalized Interest	
1448-51 · Cap Interest, CRWA Series 2015A	152,369.03
1448-52 · Cap Interest, Kyle Series 2015B	222,143.28
1448-53 · Cap Interest, CRWA Series 2017A	127,269.80
1448-54 · Cap Interest, Kyle Series 2017B	116,100.88
1448-55 · Cap Interest, SM Series 2017C	65,904.35
1448-56 · Cap Interest, Buda Series 2017D	9,576.21
Total 1448 · Capitalized Interest	693,363.55
1505 · Landowner Bonus Payments	1,043,191.83
1510 · GrWater Lease Acquisition Costs	1,004,905.76
1599 · Accumulated Amortization	-2,048,097.59
Total Fixed Assets	42,033,103.41
Other Assets	
1900 · Deferred Outflow	23,797.09
Total Other Assets	23,797.09
TOTAL ASSETS	147,196,188.84
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
2006 · Chase Bank VISA Card	753.03
Total Credit Cards	753.03
Other Current Liabilities	
2100 · Payroll Liabilities	3.60
2102 · 401(a) Liability	2,901.06
2103 · Net Pension Liability	4,718.00
2104 · Pension Deferred Inflows	82.00
2106 · Accrued Vacation	29,343.80
2300 · Accrued Costs	330,643.18

Alliance Regional Water Authority
Balance Sheet
As of July 31, 2020

	Jul 31, 20
2350 · Accrued Interest Payable	
2351 · Accrued Int Payable, CRWA 2015A	28,685.47
2352 · Accrued Int Payable, Kyle 2015B	39,889.85
2353 · Accrued Int Payable, CRWA 2017A	108,081.38
2354 · Accrued Int Payable, Kyle 2017B	98,557.91
2355 · Accrued Int Payable, SM 2017C	81,279.44
2356 · Accrued Int Payable, Buda 2017D	11,551.43
2357 · Accrued Int Payable, CRWA 2019A	379,298.88
2358 · Accrued Int Payable, Kyle 2019B	346,080.64
2359 · Accrued Int Payable, SM 2019C	285,649.28
2360 · Accrued Int Payable, Buda 2019D	40,516.32
	1,419,590.60
Total 2350 · Accrued Interest Payable	1,419,590.60
Total Other Current Liabilities	1,787,282.24
Total Current Liabilities	1,788,035.27
Long Term Liabilities	
2501 · Bond Payable, CRWA Series 2015A	3,405,000.00
2502 · Bond Payable, Kyle Series 2015B	3,260,000.00
2503 · Bond Payable, CRWA Series 2017A	9,605,000.00
2504 · Bond Payable, Kyle Series 2017B	8,755,000.00
2505 · Bond Payable, SM Series 2017C	10,910,000.00
2506 · Bond Payable, Buda Series 2017D	1,550,000.00
2507 · Bond Payable, CRWA Series 2019A	26,530,000.00
2508 · Bond Payable, Kyle Series 2019B	24,200,000.00
2509 · Bond Payable, SM Series 2019C	30,800,000.00
2510 · Bond Payable, Buda Series 2019D	4,370,000.00
	123,385,000.00
Total Long Term Liabilities	123,385,000.00
Total Liabilities	125,173,035.27
Equity	
2925 · Net Investment in Capital Asset	8,200,007.29
2950 · Retained Earnings	7,771,023.52
Net Income	6,052,122.76
	22,023,153.57
Total Equity	22,023,153.57
TOTAL LIABILITIES & EQUITY	147,196,188.84

Alliance Regional Water Authority

Profit Loss

For the One Month and Ten Months Ended July 31, 2020

	<u>July</u> <u>2020</u>	<u>October 2019</u> <u>July 2020</u>
Ordinary Income/Expense		
Income		
4010 · Project Contribution		
4011 · City of San Marcos	559,240.47	3,526,268.86
4012 · City of Kyle	363,259.75	1,723,001.50
4013 · City of Buda	79,400.97	511,666.30
4014 · Canyon Regional Water Authority	421,306.08	1,981,253.51
4015 · GBRA	0.00	2,464,473.39
Total 4010 · Project Contribution	<u>1,423,207.27</u>	<u>10,206,663.56</u>
4200 · Shared Water		
4210 · Shared Water, City of Buda	37,269.00	335,421.00
Total 4200 · Shared Water	<u>37,269.00</u>	<u>335,421.00</u>
4250 · Non Potable Water Sales	0.00	25,500.40
4300 · Broadway Interest Income		
4311 · City of San Marcos	54.79	2,261.50
4312 · City of Kyle	46.68	1,736.96
4313 · City of Buda	3.56	294.96
4314 · Canyon Regional Water Authority	54.79	2,094.12
Total 4300 · Broadway Interest Income	<u>159.82</u>	<u>6,387.54</u>
4350 · Escrow Accounts Income		
4351 · BOKF, CRWA Series 2015A	13.42	7,350.30
4352 · BOKF, Kyle Series 2015B	8.89	6,363.12
4353 · BOKF, CRWA Series 2017A	0.11	34,568.82
4354 · BOKF, Kyle Series 2017B	0.10	31,500.61
4355 · BOKF, SM Series 2017C	0.13	40,350.04
4356 · BOKF, Buda Series 2017D	0.02	5,575.54
4357 · BOKF, CRWA Series 2019A	0.80	91,220.02
4358 · BOKF, Kyle Series 2019B	0.73	83,188.33
4359 · BOKF, SM Series 2019C	0.93	106,016.42
4360 · BOKF, Buda Series 2019D	0.13	14,748.36
Total 4350 · Escrow Accounts Income	<u>25.26</u>	<u>420,881.56</u>
4370 · TexStar Interest Income		
4371 · City of San Marcos	263.75	11,853.58
4372 · City of Kyle	207.19	9,311.63
4373 · City of Buda	37.36	1,679.20
4374 · Canyon Regional Water Authority	227.21	10,210.76
Total 4370 · TexStar Interest Income	<u>735.51</u>	<u>33,055.17</u>
Total Income	<u>1,461,396.86</u>	<u>11,027,909.23</u>
Expenses		
6000 · Groundwater Reservation Costs	106,059.55	1,099,881.01
6010 · Shared Water Costs		
6015 · Shared Water, City of Kyle	23,620.20	211,821.52
6020 · Shared Water, City of San Marcos	13,965.00	125,685.00
Total 6010 · Shared Water Costs	<u>37,585.20</u>	<u>337,506.52</u>
7125 · Auditing fees	0.00	10,715.00
7150 · Amortization Expense	0.00	43,936.64
7210 · Bank Fees	220.84	2,117.44

Alliance Regional Water Authority

Profit Loss

For the One Month and Ten Months Ended July 31, 2020

	July 2020	October 2019 July 2020
7220 · Escrow and Paying Agent Fees	0.00	2,450.00
7240 · Bond Issue Costs		
7240-07 · Bond Issue Costs - CRWA 2019A	0.00	366,309.28
7240-08 · Bond Issue Costs - Kyle 2019B	0.00	339,780.56
7240-09 · Bond Issue Costs - SM 2019C	0.00	392,340.76
7240-10 · Bond Issue Costs - Buda 2019D	0.00	139,393.36
Total 7240 · Bond Issue Costs	0.00	1,237,823.96
7250 · Interest Expense		
7250-51 · Interest Expense - CRWA 2015A	5,215.54	52,155.41
7250-52 · Interest Expense - Kyle 2015B	7,252.70	72,527.05
7250-53 · Interest Expense - CRWA 2017A	19,651.16	196,511.64
7250-54 · Interest Expense - Kyle 2017B	17,919.62	179,196.23
7250-55 · Interest Expense - SM 2017C	14,778.08	147,780.82
7250-56 · Interest Expense - Buda 2017D	2,100.26	21,002.54
7250-57 · Interest Expense - CRWA 2019A	47,412.36	379,298.88
7250-58 · Interest Expense - Kyle 2019B	43,260.08	346,080.64
7250-59 · Interest Expense - SM 2019C	35,706.16	285,649.28
7250-60 · Interest Expense - Buda 2019D	5,064.54	40,516.32
Total 7250 · Interest Expense	198,360.50	1,720,718.81
7325 · Dues	0.00	6,454.00
7350 · Insurance - Liability, E&O	0.00	2,372.62
7400 · Legal Fees	9,067.56	65,834.81
7410 · Newspaper Public Notices	0.00	1,371.31
7425 · Contract Services-Lobbyist	6,000.00	60,000.00
7430 · Agency Mgmt Public Relations	0.00	7,500.00
7440 · Region L Contributions	0.00	1,124.93
7450 · Permit & Fees	0.00	75,537.95
7500 · Supplies	1,154.56	13,227.99
7530 · Printing & Copying	325.55	1,988.60
7600 · Telephone, Telecommunications	0.00	675.00
7700 · Travel, Conferences & Meetings	201.88	1,469.96
7800 · Employee Expenses		
7810 · Salaries and wages	23,461.38	222,429.12
7820 · Auto Allowance	969.24	10,560.09
7821 · Phone Allowance	207.70	1,557.75
7830 · Payroll taxes	1,886.76	16,258.30
7840 · Employee Insurance	1,577.47	15,905.72
7850 · Retirement	1,682.80	15,727.94
7860 · Licenses & Permits	410.00	641.00
Total 7800 · Employee Expenses	30,195.35	282,438.92
Total Expenses	389,170.99	4,975,786.47
Net Ordinary Income	1,072,225.87	6,052,122.76
Net Income	1,072,225.87	6,052,122.76

Alliance Regional Water Authority
VISA Debit & Credit Card Transactions
July 31, 2017

Type	Date	Name	Split	Amount	Balance
2005 - Broadway Bank VISA Debit Card					0.00
Credit Card Charge	07/01/2020	Stamps Com	7500 - Supplies	18.17	18.17
Credit Card Charge	07/03/2020	TEEX	7860 - Licenses & Permits	410.00	428.17
Credit Card Charge	07/06/2020	Microsoft	7500 - Supplies	10.66	438.83
Credit Card Charge	07/06/2020	Microsoft	7500 - Supplies	32.48	471.31
Credit Card Charge	07/07/2020	MLA Labs, Inc.	1440-08 - Phase 1A Seg...	350.00	821.31
Credit Card Charge	07/08/2020	Office Depot	7500 - Supplies	164.35	985.66
Credit Card Charge	07/10/2020	United Site Service	1440-05 - Phase 1A-Con...	255.65	1,241.31
Credit Card Charge	07/10/2020	Rackspace	7500 - Supplies	180.50	1,421.81
Credit Card Charge	07/13/2020	Milts Pit BBQ	7700 - Travel, Conferenc...	85.85	1,507.66
Credit Card Charge	07/13/2020	Williams Scotsman	1440-05 - Phase 1A-Con...	491.95	1,999.61
Credit Card Charge	07/14/2020	ARC Austin	7530 - Printing & Copying	186.68	2,186.29
Credit Card Charge	07/14/2020	ARC Austin	7530 - Printing & Copying	138.87	2,325.16
Credit Card Charge	07/17/2020	Rackspace	7500 - Supplies	111.40	2,436.56
Check	07/31/2020	Broadway	1005 - Broadway Checki...	-2,436.56	0.00
Total 2005 - Broadway Bank VISA Debit Card				0.00	0.00
2006 - Chase Bank VISA Card					0.00
Credit Card Charge	07/14/2020	UPS Store	7500 - Supplies	12.00	12.00
Credit Card Charge	07/21/2020	Fluid Meter Service	7500 - Supplies	625.00	637.00
Credit Card Charge	07/21/2020	Coopers BBQ	7700 - Travel, Conferenc...	68.92	705.92
Credit Card Charge	07/23/2020	Spicy Bite	7700 - Travel, Conferenc...	47.11	753.03
Total 2006 - Chase Bank VISA Card				753.03	753.03
TOTAL				753.03	753.03

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.
Conference Call Number: 1-903-405-2572; Code: 534 691 961#

F.1 Report on Technical Committee activities. ~ *Graham Moore, P.E., Executive Director*

Background/Information

The Technical Committee did not meet in August.

Board Decision(s) Needed:

- None.

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

F.2 Update and discussion regarding the status of the Authority's Phase 1A projects, and direction to staff and consultants. ~ *Jason Biemer, Project Coordinator*

Background/Information

Below are brief updates on the Phase 1A projects.

Segment A Pipeline:

- None.

Segment B Pipeline:

- Over 14,200 feet of 24" pipe laid down. (79% complete)
- All bores have now been completed and grouted.
- Project on time.
- Sidewalk interface to 1626 moving forward.

Pump Station:

- 60 items sent to punch list for resolution.
 - Majority of items have been resolved as of 7/22/2020.
 - Progress is ongoing.
 - A few additional issues have been identified because of the punch list item work testing. Those resolutions are moving forward.
- Overall punch list items have been resolved quickly.
- Final training for staff on control system and advanced control system operations completed on August 5th.
- Receiving O&M manuals for various systems and components currently. Some of that data is being shared with program team engineers for phase 1B to facilitate capture of telemetry data efficiently with the overall program.

Board Decision(s) Needed:

- Approval of minutes.

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- F.3** Update on status of groundwater management in project target area, and Gonzales County Underground Water Conservation District, Plum Creek Conservation District, Groundwater Management Area 13, Region L Planning Group, Guadalupe-Blanco River Authority, Hays County and Capital Area Planning Group activities.
-

Gonzales County Underground Water Conservation District (GCUWCD)

The GCUWCD is scheduled to meet on August 11th. The entities involved in the Monitoring Well Agreement met on August 5th and all agreed to drill and log the Carrizo Aquifer in the location where the original monitoring well was not able to be completed. This will be the final effort in the monitoring agreement along with finalizing the report. There is projected to be approximately \$300,000 remaining in the fund which will be refunded proportionally to the entities (~\$60,000 for Alliance Water).

Plum Creek Conservation District (PCCD)

The PCCD met on August 18th with Jason Biemer attending. BGE, the engineers for the Segment C project, made a presentation discussing where the proposed pipeline will be near PCCD structures and the locations where it will cross PCCD easements. The Board agreed to send the plans in these areas to the National Resources Conservation Services for their review.

Groundwater Management Area 13

The GMA-13 scheduled for Friday, August 7th was canceled and will be rescheduled.

Region L Planning Group

Region L held a meeting on July 30th to go over comments received to date on the report. The technical consultant is hard at work at finalizing everything for distribution to the Region L group on August 24th. A meeting is scheduled for September 3rd for the group to consider final approval of the 2021 Region L plan.

Guadalupe-Blanco River Authority; Hays County Activities; CAPCOG Activities

No update.

Board Decision(s) Needed:

- None.

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- G. EXECUTIVE DIRECTOR AND LEGAL COUNSEL REPORTS** - Update on future meeting dates, locations, status of Authority procurements, Executive Director activities, other operational activities and the status of legal issues, where no action is required. ~ *Graham Moore, P.E., Executive Director / Mike Gershon, Lloyd Gosselink Rochelle & Townsend, P.C.*

EXECUTIVE DIRECTOR

Public Relations Update

- Thank you for providing feedback to CD&P on the public relations efforts for the Authority. They have started posting to social media platforms twice per week on behalf of the Authority.

Log and Calendar of Events

- Attached is the log of activities for July along with the 3-month look ahead calendar for the Executive Director.

**Executive Director
Log of Activities**

July						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1-Jul	2-Jul	3-Jul	4-Jul
			CM&I Work Order Tech Cmte Agenda & Packet Project Splits 1BSB1 Review	PTO	July 4th Holiday	
5-Jul	6-Jul	7-Jul	8-Jul	9-Jul	10-Jul	11-Jul
	CRWA update	WTP Cost Split discussion	USACE cultural rscs coordination	SCADA & Security Call	PR transition	
	Tech Cmte packet	PR Coordination mtg	Technical Committee Mtg	Weekly ROW Call	Cost estimate reviews	
	Checks	Ph1B Seg B 60% Review	Ph1B Seg B 60% Review	1A Construction Mtgs	Ph1B Seg B 60% Review	
	1BSB1 Review					
12-Jul	13-Jul	14-Jul	15-Jul	16-Jul	17-Jul	18-Jul
	CRWA Board Meeting	GCUWCD Board Meeting	Segment B1 Review Mtg	Region L Staff Work Group	Project Advisory Cmte meeting	
	TWDB SWIFT coordination	Land acquisition coordination	Supplemental amendments	Weekly ROW Call	1B Enviro Call	
	Segment B1 review comments	Water sharing	Board agenda prep	1B Coordination	1B standard notes & details	
	June financial info	1A Seg B coord	1B standard details			
19-Jul	20-Jul	21-Jul	22-Jul	23-Jul	24-Jul	25-Jul
	1B ROW Call	PTO	PTO	PTO	WTP/Raw Water Progress Mtg	
	Board Agenda FOIA Response				County Line Water Sharing Mtg	
					Board Packet	
26-Jul	27-Jul	28-Jul	29-Jul	30-Jul	31-Jul	
	SM Debt Validation	Seg A Enviro Follow- up	Vista Ridge site visit	Region L Meeting	Seg C route discussion	
	Board Meeting	Seg B2 Review		Seg A enviro follow-up	Seg B2 review mtg	
	Signed Resolutions			Weekly ROW call	Backfill discussion	
				Seg B2 review		

August 2020

August 2020							September 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 26	27	28	29	30	31	Aug 1 ARWA1BSB - Segment B2 60% ARWA1BBPSDP - BPS 60% De:
2	3	4	5	6	7	8
ARWA1BSB - Segment B2 60% Design Review period - Cobler, Nathan						
ARWA1BBPSDP - BPS 60% Design Review Period - Kay, Tyler						
	1:30pm ARWA Phase 1B Weekly Progress	9:00am Alliance Water - Monthly Check-in	9:30am GCUWCD - 12:00pm Naturally Slim -	11:00am ARWA1B - 3:00pm ARWA1BSB -		
9	10	11	12	13	14	15
ARWA1BBPSDP - BPS 60% Design Review Period - Kay, Tyler						
	1:30pm ARWA Phase 1B 5:30pm O&M Discussion 6:30pm CRWA Board	3:00pm ARWA O&M Review (Microsoft) 5:30pm GCUWCD Board	8:30am ARWA1BBPSDP - 60% Design Review Workshop (Microsoft)	10:00am Alliance Water 11:00am ARWA1B - 1:30pm Phase 1A	9:00am ARWA-GBRA O&M Discussion 9:45am ARWA1B - HSPS	
16	17	18	19	20	21	22
Segment D 60% Plan Review - Alisa Gruber						
	1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) -	1:00pm PCCD Meeting (Lockhart, Texas, United States)	9:30am ARWA1BWTP - HSPS Hydraulics 1:30pm CCSUD - New	10:00am ARWA Permit 11:00am ARWA1B - 2:00pm ARWA1B -	9:00am Project Advisory Committee Meeting (Virtual Meeting) -	
23	24	25	26	27	28	29
Segment D 60% Plan Review - Alisa Gruber						
	11:00am Dr. Hong (Virtual) 1:30pm ARWA Phase 1B	1:00pm TWCA Groundwater Committee Meeting	10:00am Board of 10:00am CRWA Board of 3:00pm ARWA Board	11:00am ARWA1B - Weekly ROW Call (Microsoft Teams)	8:30am ARWA1BRWI & WTP - Monthly 10:00am TWCA	
30	31	Sep 1	2	3	4	5
Segment D 60% Plan Review - Alisa Gruber						
	1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) -					

September 2020

September 2020							October 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5					1	2	3
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 30	31	Sep 1	2	3	4	5
Segment D 60% Plan Review - Alisa Gruber						
ARWA1BSA - Segment A 90% Design Review period - Cobler, Nathan						
		9:00am Alliance Water - Monthly Check-in (Microsoft Teams Meeting) - Cobler,	1:00pm NBU/ARWA/GBRA Meeting (GBRA River Annex Board Room	9:30am Region L Meeting (San Antonio		
				11:00am ARWA1B - Weekly ROW Call		
6	7	8	9	10	11	12
Segment D 60% Plan Review - Alisa Gruber						
ARWA1BSA - Segment A 90% Design Review period - Cobler, Nathan						
	LABOR DAY HOLIDAY 1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) -	5:30pm GCUWCD Board Meeting (GCUWCD Offices)	3:00pm Technical Committee Meeting (TBD)	11:00am ARWA1B - Weekly ROW Call		
				1:30pm Phase 1A		
				3:00pm ARWA 1A-B		
13	14	15	16	17	18	19
Segment D 60% Plan Review - Alisa Gruber						
ARWA1BSA - Segment A 90% Design Review period - Cobler, Nathan						
	1:30pm ARWA Phase 1B Weekly Progress 6:30pm CRWA Board Meeting (CRWA	1:00pm PCCD Meeting (Lockhart, Texas, United States)	12:00pm Segment D 60% Plan Review - ARWA Team Comment Review	11:00am ARWA1B - Weekly ROW Call 2:00pm Save the date - Segment D 60%	9:00am Project Advisory Committee Meeting (Virtual Meeting) - Graham Moore	
20	21	22	23	24	25	26
ARWA1BSA - Segment A 90% Design Review period - Cobler,						
	1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - Shore, Nichola		10:00am CRWA Board of Managers Meeting (CRWA Offices) 3:00pm ARWA Board Meeting (TBD) - Graham Moore	11:00am ARWA1B - Weekly ROW Call (Microsoft Teams Meeting) - Sowa, Ryan		
27	28	29	30	Oct 1	2	3
	1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - Shore, Nichola					

October 2020

October 2020							November 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	4	5	6	7	8	9	1	2	3	4	5	6	7
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 27	28	29	30	Oct 1 11:00am ARWA1B - Weekly ROW Call (Microsoft Teams Meeting) - Sowa, Ryan	2	3
4	5 Graham - PTO 1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - Shore, Nichola	6 9:00am Alliance Water - Monthly Check-in (Microsoft Teams Meeting) - Cobler, Nathan	7	8 11:00am ARWA1B - Weekly ROW Call 1:30pm Phase 1A Construction 3:00pm ARWA 1A-B Progress Meeting	9	10
11	12 1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - 6:30pm CRWA Board Meeting (CRWA Offices (850 Lakeside	13 5:30pm GCUWCD Board Meeting (GCUWCD Offices)	14 3:00pm Technical Committee Meeting (TBD)	15 11:00am ARWA1B - Weekly ROW Call (Microsoft Teams Meeting) - Sowa, Ryan	16 9:00am Project Advisory Committee Meeting (Virtual Meeting) - Graham Moore	17
18	19 1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - 6:30pm County Line SUD Board Meeting (Uhland, TX)	20 1:00pm PCCD Meeting (Lockhart, Texas, 5:00pm Kyle City Council 5:30pm Buda City Council 6:00pm San Marcos	21	22 9:00am Green Valley SUD (Marion, TX) 11:00am ARWA1B - Weekly ROW Call 6:30pm Crystal Clear SUD (San Marcos)	23	24
25	26 1:30pm ARWA Phase 1B Weekly Progress Meetings (WEBEX) - Shore, Nichola	27	28 10:00am CRWA Board of Managers Meeting (CRWA Offices) 3:00pm ARWA Board Meeting (TBD) - Graham Moore	29 11:00am ARWA1B - Weekly ROW Call (Microsoft Teams Meeting) - Sowa, Ryan	30	31

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

H.1 Consider adoption of Resolution 2020-08-26-001 approving a Financing Agreement with the Texas Water Development Board with respect to receiving financial assistance in the principal amount up to \$122,575,000 from the State Water Implementation Revenue Fund for Texas (“SWIRFT”); authorizing other matters incident and related thereto. ~ *Graham Moore, P.E., Executive Director*

The Authority’s financial application was approved by the TWDB at their July meeting. The aggregate requested funding is for \$122,575,000 broken down as follows:

- \$37.865 million for CRWA
- \$34.53 million for Kyle
- \$43.955 million for San Marcos and
- \$3.225 million for Buda

The next step in the process will be the approval of the Financing Agreement which must be completed by September 8th. Included in the agreement is the following schedule along with the anticipated penalties if the funding request is withdrawn:

<u>Date</u>	<u>Action</u>	<u>Notes</u>
9/14	Last day for consideration of maturity schedule changes. Last day to terminate without penalty.	
9/17	Last day for termination with costs of issuance	Must reimburse TWDB for share of cost of issuance; maximum not-to-exceed = \$140,795.
9/21	Last day for termination with costs of issuance plus a penalty	Total penalty = \$1,336,545
10/1	TWDB Approves Interest Rates	
12/4	Failure to close by the Authority on the bonds	Total penalty = \$6,793,313

The attached Financing Agreement has been reviewed by McCall, Parkhurst and Horton. It is possible that the TWDB will make some minor adjustments to the agreement and therefore in the resolution before the Board for consideration, Staff is requesting flexibility in the approval of these minor amendments by the Executive Director.

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

The Authority and each of the Sponsors will need to approve the bond resolutions and related documents after the TWDB sells their bonds in early October. Below is the anticipated schedule for the various approvals:

<u>Date</u>	<u>Action</u>
10/12	CRWA Board approves bond resolution and related docs
10/19	County Line SUD Board approves bond resolution and related docs
10/20	San Marcos, Kyle and Buda City Councils approve bond resolution and related docs
10/22	Green Valley SUD & Crystal Clear SUD approves bond resolution and related docs
10/28	Alliance Water approves resolution and related docs
11/18	Closing date for Alliance Water bonds

Attachment(s)

- Resolution 2020-08-26-001 - SWIRFT Financing Agreement.

Board Decision(s) Needed:

- Approval of Resolution 2020-08-26-001 approving a financing agreement with the Texas Water Development Board for financial assistance not to exceed \$122,575,000 from the State Water Implementation Revenue Fund for Texas.



**ALLIANCE REGIONAL WATER AUTHORITY
RESOLUTION NO. 20200826-001**

**A RESOLUTION APPROVING A FINANCING AGREEMENT WITH THE TEXAS
WATER DEVELOPMENT BOARD WITH RESPECT TO RECEIVING FINANCING
ASSISTANCE IN THE PRINCIPAL AMOUNT UP TO \$122,575,000 FROM THE
STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS ("SWIRFT");
AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Board of Directors (the "Governing Body") of the Alliance Regional Water Authority (the "Authority") has made application to the Texas Water Development Board ("TWDB") to receive financial assistance from the State Water Implementation Revenue Fund for Texas ("SWIRFT") administered by the TWDB; and

WHEREAS, the TWDB amended Resolution No. 17-079 by Resolution 19-077 on July 23, 2020, by adopting TWDB Resolution No. 20-067 amending its commitment to the Authority to provide a commitment in an aggregate principal amount not to exceed \$278,410,000 from SWIRFT; and

WHEREAS, as a condition to participating in the SWIRFT program the Authority must execute a Financing Agreement with the TWDB to assure the TWDB of the Authority's intent to proceed in 2020 with the issuance of up to \$122,575,000 in four series of contract revenue bonds (one series for the City of San Marcos, Texas, one series for the City of Kyle, Texas, one series for the City of Buda, Texas and one series for Canyon Regional Water Authority on behalf of the Crystal Clear Special Utility District, County Line Special Utility District and Green Valley Special Utility District) for the TWDB's financial assistance; and

WHEREAS, the Financing Agreement contains certain events of default if the Authority terminates such agreement; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the citizens of the Authority; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY, TEXAS THAT:

SECTION 1: The Financing Agreement is hereby approved in substantially the form attached hereto as Exhibit "A" with such changes as approved by the Executive Director. The Executive Director is hereby authorized to execute the Financing Agreement and deliver such agreement to the TWDB.

SECTION 2: This Resolution may be relied upon by the appropriate officials at the TWDB and the Office of the Attorney General for the State of Texas and establishes compliance by the Authority with certain requirements of the TWDB's commitment for financial assistance.

SECTION 3: 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 Governing Body.

SECTION 4: 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 5: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6: 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 Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7: 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, as amended, Texas Government Code.

SECTION 8: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, ADOPED AND APPROVED on this the 26th day of August 2020.

**ALLIANCE REGIONAL WATER
AUTHORITY**

Chris Betz, Chair

ATTEST:

James Earp, Secretary

EXHIBIT "A"
FINANCING AGREEMENT

FINANCING AGREEMENT

This FINANCING AGREEMENT (Agreement) is entered into between the TEXAS WATER DEVELOPMENT BOARD (TWDB), an agency of the State of Texas, and the ALLIANCE REGIONAL WATER AUTHORITY (Authority). The TWDB and the Authority may be referred to as the “Party” or “Parties” in this Agreement.

RECITALS

WHEREAS, the TWDB amended Resolution No. 17-079, as amended by 19-077, on July 23, 2020, adopting TWDB Resolution No. 20-067 (Attachment A, referred to as the Resolution) amending its commitment to the Authority to provide a commitment in an amount not to exceed \$278,410,000 from the State Water Implementation Revenue Fund for Texas (SWIRFT) administered by the TWDB; and

WHEREAS, through this Agreement, the Authority intends to sell to the TWDB in 2020, the Authority’s \$122,575,000 Alliance Regional Water Authority Contract Bonds, Proposed Series 2020A through 2020D (Authority’s Bonds) for the TWDB’s financial assistance from the SWIRFT, as further described in Attachment B; and

WHEREAS, the Authority shall execute (a) separate financing agreement(s) for the remaining amount(s) of the commitment made in the Resolution at a date or dates to be determined by the Executive Administrator of the TWDB; and

WHEREAS, the SWIRFT is funded in part with proceeds of the expected issuance of TWDB’s revenue bonds (SWIRFT Bonds), issued under authority of Texas Water Code §§ 15.472 and 15.475, and Texas Constitution, Article III, Section 49-d-13; and

WHEREAS, the SWIRFT Bonds are additionally secured by money made available under the terms of a bond enhancement agreement executed under authority of Texas Water Code §§ 15.434 and 15.435, and Texas Constitution, Article III, Section 49-d-12; and

WHEREAS, the SWIRFT is funded, in part, with money received as repayment of financial assistance provided from the SWIRFT, under Texas Water Code § 15.472, which is

used to pay the principal and interest on the SWIRFT Bonds, under Texas Water Code § 15.474, and Texas Constitution, Article III, Section 49-d-13(d) and (f); and

WHEREAS, the Resolution provides that funding the commitment is contingent on future sales of SWIRFT Bonds designated by the TWDB; and

WHEREAS, the TWDB intends to provide financial assistance from the SWIRFT to the Authority with proceeds of SWIRFT Bonds designated by the TWDB; and

WHEREAS, the TWDB and the Authority desire to enter into this Agreement to set forth the obligations of the Parties with respect to the TWDB providing financial assistance to the Authority consistent with the desire of the TWDB to issue SWIRFT Bonds to provide money for the SWIRFT.

NOW, THEREFORE, for and in consideration of the promises and the mutual covenants contained in this Agreement, the TWDB and the Authority agree as follows:

AGREEMENT

SECTION 1. MUTUAL COMMITMENTS. As further described in the Resolution, the TWDB committed to the Authority and the Authority hereby commits to borrow from the TWDB an amount not to exceed \$122,575,000 in 2020 from the SWIRFT to be evidenced by the issuance and delivery of Authority Bonds to the TWDB consistent with the terms and conditions described in this Agreement, Attachment A, Attachment B, and Attachment C.

SECTION 2. TRANSACTION SCHEDULE AND PRICING. By execution of this Agreement, the Authority acknowledges and represents that it has a current need for financial assistance from the TWDB and shall take all necessary steps to issue and deliver the Authority Bonds to evidence the commitment described in Section 1. The Authority further acknowledges and understands that the TWDB is entering into this Agreement for the sole purpose of issuing SWIRFT Bonds to fund the TWDB commitment described in the Resolution and in this Agreement. The Authority acknowledges that the SWIRFT Bonds, the subject of this Agreement, are being issued for the purpose of funding the Authority's requested financial assistance.

With respect to the Authority Bonds and the SWIRFT Bonds, the Parties agree to structure such public securities in a manner that will allow for substantially similar terms, redemption provisions, and related matters to allow the TWDB to timely pay the debt

service on the SWIRFT Bonds. The foregoing notwithstanding, the TWDB consents to early redemption, or prepayment of the Authority Bonds, as provided for in this Agreement and the Resolution. The Authority Bonds may be prepaid by the Authority on any date beginning on or after the first scheduled interest payment date that occurs no earlier than 10 years from the dated date of the Authority Bonds. To confirm the terms of the Authority Bonds and the SWIRFT Bonds, the Authority shall execute this Agreement.

In order to mutually assure the performance of the Parties under this Agreement, the Parties agree that the issuance and delivery of the SWIRFT Bonds and the issuance and delivery of the Authority Bonds to TWDB shall occur not more than fifty-seven (57) days apart as reflected in Attachment C. Notwithstanding the foregoing, the Parties intend and expect that the TWDB issue and deliver its SWIRFT Bonds approximately sixteen (16) days after execution of the TWDB's Bond Purchase Agreement or such date as may be mutually agreed to in Attachment C.

SECTION 3. BINDING COMMITMENT. The TWDB agrees to take all necessary steps to issue the SWIRFT Bonds for the purposes described in this Agreement and in the Resolution upon receipt of this Agreement, which shall be signed and delivered by the Authority to the Executive Administrator of the TWDB at least thirteen (13) days before the initiation of the pricing of the SWIRFT Bonds, as set forth in Attachment C. The Authority acknowledges that the schedule provided in Attachment C is a best estimate by the TWDB and is subject to change by the TWDB. The TWDB expressly reserves the right to modify Attachment C at any time and shall provide the Authority with an updated Attachment C as soon as practicable upon any modification; provided that, if such modification of Attachment C occurs before the initiation of pricing of the SWIRFT Bonds and such modification results in an earlier scheduled pricing date, no such modification of Attachment C may result in the Authority having fewer than five (5) days between the receipt of the modified schedule and the TWDB posting the Preliminary Official Statement for the SWIRFT Bonds.

SECTION 4. TERMINATION & BREACH OF AGREEMENT.

- A. The Parties agree that the Authority may terminate this Agreement in writing at any time prior to seven (7) days before the initiation of the pricing of the SWIRFT Bonds, as set forth in Attachment C, with no penalty.
- B. The Authority understands and agrees that the Authority may terminate this Agreement in writing between six (6) days and four (4) days prior to the initiation of the pricing of the SWIRFT Bonds (currently estimated to occur on September 22,

2020) as set forth in Attachment C, provided the Authority agrees to reimburse the TWDB from lawfully available funds of the Authority for its proportional share of transaction costs incurred by the TWDB, such as, but not limited to, any fees or costs related to any rating agency, financial advisor, legal counsel, or other similar party or related costs pertaining to the SWIRFT Bonds in an amount not to exceed \$140,795 (Transaction Cost Payment). The Authority shall be obligated to pay such costs to the TWDB no later than March 8, 2021.

- C. The Authority understands and agrees that the Authority may terminate this Agreement in writing within three (3) days prior to the initiation of the pricing of the SWIRFT Bonds as set forth in Attachment C and no later than 9:00 am Central Standard Time on the day before the TWDB Bond Pricing, provided the Authority agrees to pay from lawfully available funds 1.0 percent of the amount of the commitment authorized in Section 1 of this Agreement to the TWDB (Pre-pricing Termination Payment), and additionally shall reimburse the TWDB from lawfully available funds of the Authority its Transaction Cost Payment. The Authority shall be obligated to pay such costs to the TWDB no later than March 8, 2021. The Authority understands and agrees that termination under this section will result in a total penalty amount of \$1,366,545.

- D. The Authority understands and agrees that TWDB would suffer and incur severe and irreparable damages if the Authority Bonds are not issued and delivered. If the Authority fails to issue the Authority Bonds by the date specified in Attachment C, as contemplated in this Agreement, it shall be a breach of this Agreement and the Authority shall pay, from lawfully available funds of the Authority, a "Post-pricing Termination Payment" to the TWDB. The Post-pricing Termination Payment shall be an amount equal to 5.0 percent of the amount of the commitment authorized in Section 1 of this Agreement. The Authority shall be obligated to pay the Post-pricing Termination Payment to the TWDB no later than March 8, 2021. The Authority shall also reimburse the TWDB from lawfully available funds of the Authority, its Transaction Cost Payment, plus the Authority's proportional share of the underwriters' discount incurred by the TWDB, no later than March 8, 2021. The Authority understands and agrees that failure by the Authority to issue the Authority Bonds by the date specified in Attachment C, will result in a total penalty amount pursuant to this section not to exceed \$6,793,313.

SECTION 5. AMORTIZATION STRUCTURE. The Authority shall provide the TWDB a maturity schedule in the form set forth in Attachment B at the time of execution of this

Agreement. A final amortization structure will be required at least seven (7) days before the initiation of pricing of the SWIRFT Bonds in accordance with the provisions of this Agreement. The par amount included in Attachment B may be revised, subject to approval by the Executive Administrator of the TWDB, at any time prior to the seventh (7th) day before the initiation of pricing of the SWIRFT Bonds with no penalty.

SECTION 6. CONTINGENCIES.

- A. The Parties agree that the TWDB's obligation to purchase the Authority's securities with the SWIRFT is contingent upon the TWDB receiving all legally required approvals for the issuance of the SWIRFT Bonds from the Legislative Budget Board, the Bond Review Board, and the Texas Attorney General. The TWDB's obligation to purchase the Authority's securities with the SWIRFT is also contingent upon the purchase and delivery of the SWIRFT Bond proceeds by the underwriters pursuant to the Bond Purchase Agreement relating to the SWIRFT Bonds.

Accordingly, if any contingency described in the preceding paragraph above is unmet, the TWDB, upon delivery of written notice thereof to the Authority, may extend or terminate this Agreement together with all of its obligations and duties without incurring any cost, fee, or penalty for either the TWDB or the Authority.

- B. The Parties agree that the Authority's obligation to issue and deliver the Authority Bonds is contingent upon approval by the Texas Attorney General of the Authority Bonds. The Authority agrees to use its best efforts to obtain approval by the Texas Attorney General of the Authority Bonds to satisfy the closing requirements set forth in Section 2 of this Agreement. To this end, the Authority agrees as follows:

- (1) Authority shall timely file the transcript of proceedings for the Authority Bonds with the Texas Attorney General in accordance with the schedule contained in Attachment C;
- (2) Authority shall comply with the requirements and conditions contained in the Resolution;
- (3) Authority shall provide the TWDB with a copy of the preliminary approval letter from the Texas Attorney General promptly upon receipt;

- (4) Authority shall provide the TWDB with a copy of its responses to the preliminary approval letter concurrently with the submission of such responses to the Texas Attorney General; and
- (5) Authority shall allow TWDB to brief the Texas Attorney General on any issues noted in the preliminary approval letter and initiate or participate in conferences with the Texas Attorney General related to the approval of the Authority Bonds.

Accordingly, if, after the Authority employs its best efforts to obtain approval by the Texas Attorney General and such approval cannot be obtained by the date specified in Attachment C, as a matter of law, the TWDB, as a matter of law, at its sole discretion, may terminate this Agreement and upon termination the Authority shall pay, from any of its lawfully available funds, the Post-pricing Termination Payment no later than March 8, 2021, as provided in Section 4D. The Authority shall also reimburse the TWDB from lawfully available funds of the Authority its Transaction Cost Payment plus the Authority's proportional share of the underwriters' discount no later than March 8, 2021. The Authority understands and agrees that if the Authority does not obtain approval from the Texas Attorney General and issue its Authority Bonds by the date specified in Attachment C, it will be subject to a total penalty amount pursuant to this section not to exceed \$6,793,313.

SECTION 7. REDEMPTION OF OUTSTANDING DEBT. Proceeds of the Authority Bonds shall not be used, in whole or in part, to redeem outstanding bonds, commercial paper, or other obligations issued by the Authority. The Authority agrees that it will not take or fail to take any action that will cause the SWIRFT Bonds to be considered to be advance refunding bonds under Section 149(d) of the Internal Revenue Code of 1986, as amended.

SECTION 8. NOTICES. All notices, agreements or other communications required hereunder shall be given, and shall be deemed given, when delivered in writing to the address, facsimile or email of the identified Party or Parties set forth below:

Texas Water Development Board Development Fund Manager P.O. Box 13231 Austin, Texas 78711-3231 Telephone: (512) 475-4584 Facsimile: (512) 475-2053	Alliance Regional Water Authority Attn: Graham Moore 630 E. Hopkins Street San Marcos, Texas 78666 Telephone: (512) 294-3214 E-mail: gmoore@alliancewater.org
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SECTION 9. SEVERABILITY. In the event any provision of this Agreement shall be held illegal, invalid, or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable, or otherwise affect any of its other provisions.

SECTION 10. AMENDMENTS, SUPPLEMENTS, AND MODIFICATIONS. Other than the changes allowed under Section 3 and Section 5, this Agreement may be amended, supplemented, or modified only in a writing executed by duly authorized representatives of the Parties.

SECTION 11. APPLICABLE LAW. This Agreement and any amendments shall be governed by and construed in accordance with the laws of the State of Texas.

SECTION 12. STATE AUDIT. By executing this Agreement and delivering the Authority Bonds, the Authority accepts the authority of the Texas State Auditor's Office to conduct audits and investigations in connection with all state funds received pursuant to this Agreement. The Authority shall comply with any directive from the Texas State Auditor and shall cooperate in any such investigation or audit. The Authority agrees to provide the Texas State Auditor with access to any information the Texas State Auditor considers relevant to the investigation or audit.

SECTION 13. FORCE MAJEURE. Either Party to this Agreement may be excused from performance under this contract for any period when performance is prevented as the result of an act of God, strike, war, civil disturbance, or epidemic, provided that the Party experiencing the event of Force Majeure has prudently and promptly acted to take any and all steps that are within the Party's control to ensure performance and to shorten the duration of the event of Force Majeure. The Party suffering an event of Force Majeure shall provide notice of the event to the other Party as soon as practicable but not later than five business days after the event. Subject to this provision, such nonperformance shall not be deemed a breach or a ground for termination.

SECTION 14. EFFECTIVE DATE. This Agreement shall be effective as of the date of the last signature below.

SECTION 15. BINDING AGREEMENT. The execution of this Agreement has been authorized by the governing boards of both Parties. The individuals executing this Agreement have the legal authority to bind each respective Party to the terms and conditions of this Agreement. The respective commitments of the TWDB and the Authority set forth above shall be binding upon the TWDB and the Authority upon both Parties' execution of this Agreement.

[Remainder of Page Intentionally Left Blank]

EXECUTED in multiple counterparts, each of which shall be deemed to be an original.

ALLIANCE REGIONAL WATER AUTHORITY

By: _____

Name: Graham Moore

Title: Executive Director

Date: _____

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on the ____ day of _____, 2020 by
_____ in his capacity as _____, on behalf of
_____.

(SEAL)

Notary Public, State of Texas

TEXAS WATER DEVELOPMENT BOARD

By: _____

Name: Jeff Walker

Title: Executive Administrator

Date: _____

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the ___ day of _____, 2020, by Jeff Walker in his capacity as Executive Administrator of the Texas Water Development Board, an agency of the State of Texas, on behalf of said agency.

(SEAL)

Notary Public, State of Texas

ATTACHMENT A

TWDB RESOLUTION NO. 17-079, AS AMENDED BY NO. 19-077 AND NO. 20-067

**A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE
HAYS CALDWELL PUBLIC UTILITY AGENCY
IN THE FORM OF A MULTI-YEAR COMMITMENT
FROM THE STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS
THROUGH THE PROPOSED PURCHASE OF
\$144,395,000 HAYS CALDWELL PUBLIC UTILITY AGENCY CONTRACT REVENUE BONDS,
PROPOSED SERIES 2017A, 2017B, 2017C, AND 2017D;
PROPOSED SERIES 2019A, 2019B, 2019C, AND 2019D; AND
PROPOSED SERIES 2021A, 2021B, 2021C, AND 2021D**

(17-079)

WHEREAS, the Hays Caldwell Public Utility Agency, and its successors and assigns (Public Utility Agency), located in Hays County, Texas, has filed an application for financial assistance in the amount of \$144,395,000 from the State Water Implementation Revenue Fund for Texas (SWIRFT) to finance the planning, acquisition, design, and construction of certain water supply project(s) through low interest financing identified as Project No. 51044 (Project); and

WHEREAS, the Public Utility Agency seeks financial assistance from the Texas Water Development Board (TWDB) in the form of a multi-year commitment through the TWDB's proposed purchase of \$144,395,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds, Proposed Series 2017A through 2017D; 2019A through 2019D; and 2021A through 2021D (together with all authorizing documents (Obligations)), all as is more specifically set forth in the application and in recommendations of the Executive Administrator's staff; and

WHEREAS, the Public Utility Agency has offered a pledge of wholesale water supply contract revenues from the sponsoring public entities of Canyon Regional Water Authority and the Cities of Buda, Kyle, and San Marcos, Texas as sufficient security for the repayment of the Obligations; and

WHEREAS, the commitment is approved for funding under the TWDB's pre-design funding option, and initial and future releases of funds are subject to 31 TAC § 363.1307;

WHEREAS, interest rate subsidies are available to the Public Utility Agency at the following levels: 35% for a term of 20 years, 25% for a term of 21 to 25 years, and 20% for a term of 26 to 30 years. The interest rate subsidy applicable to each proposed series will be set through each financing agreement executed between the TWDB and the Public Utility Agency, pursuant to this Resolution; and

WHEREAS, these interest rate subsidies given above are based on assumptions necessary to generate an optimum debt service structure for the anticipated TWDB SWIRFT bond issuance, and are subject to modification as necessary to preserve and maintain the integrity of the SWIRFT Program; and

WHEREAS, the TWDB hereby finds:

- 1. that the application and assistance applied for meet the requirements of Texas Water Code, Chapter 15, Subchapters G and H and 31 TAC Chapter 363, Subchapters A and M;**
- 2. that the Project is a recommended water management strategy project in the State Water Plan adopted pursuant to Texas Water Code § 16.051, in accordance with Texas Water Code § 15.474(a);**
- 3. that the Public Utility Agency is exempt from requirements to adopt a water conservation program because the Public Utility Agency is not a holder of a water right under Texas Water Code § 11.1271;**
- 4. that the Public Utility Agency satisfactorily completed all requests by the Executive Administrator or a regional planning group for information relevant to the Project, including a water infrastructure financing survey under Texas Water Code § 16.053(q), in accordance with 31 TAC § 363.1309(b)(2); and**
- 5. that the Public Utility Agency has acknowledged its legal obligation to comply with any applicable requirements of federal law relating to contracting with disadvantaged business enterprises and any applicable state law relating to contracting with historically underutilized businesses, in accordance with Texas Water Code § 15.435(h) and 31 TAC § 363.1309(b)(3).**

NOW THEREFORE, based on these findings, the TWDB resolves as follows:

A commitment is made by the TWDB to Hays Caldwell Public Utility Agency, and its successors and assigns, for financial assistance in the amount of \$144,395,000 from the State Water Implementation Revenue Fund for Texas, to be evidenced by the TWDB's proposed purchase of Hays Caldwell Public Utility Agency Contract Revenue Bonds in one or more series as follows:

The Proposed Series 2017

- a) \$9,865,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (Canyon Regional Water Authority) Proposed Series 2017A, to expire on December 31, 2017;**
- b) \$8,995,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Kyle, Texas) Proposed Series 2017B, to expire on December 31, 2017;**
- c) \$11,450,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of San Marcos, Texas) Proposed Series 2017C to expire on December 31, 2017;**
- d) \$1,625,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Buda, Texas) Proposed Series 2017D, to expire on December 31, 2017;**

The Proposed Series 2019

- e) \$16,490,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (Canyon Regional Water Authority) Proposed Series 2019A, to expire on December 31, 2019;
- f) \$15,040,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Kyle, Texas) Proposed Series 2019B, to expire on December 31, 2019;
- g) \$19,145,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of San Marcos, Texas) Proposed Series 2019C to expire on December 31, 2019;
- h) \$2,715,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Buda, Texas) Proposed Series 2019D, to expire on December 31, 2019;

The Proposed Series 2021

- i) \$18,245,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (Canyon Regional Water Authority) Proposed Series 2021A, to expire on December 31, 2021;
- j) \$16,640,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Kyle, Texas) Proposed Series 2021B, to expire on December 31, 2021;
- k) \$21,180,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of San Marcos, Texas) Proposed Series 2021C to expire on December 31, 2021;
- l) \$3,005,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds (City of Buda, Texas) Proposed Series 2021D, to expire on December 31, 2021.

Such commitment is conditioned as follows:

Standard Conditions:

1. this commitment is contingent on a future sale of bonds by the TWDB or on the availability of funds on hand;
2. this commitment is contingent upon the issuance of a written approving opinion of the Attorney General of the State of Texas stating that the Public Utility Agency has complied with all of the requirements of the laws under which said Obligations were issued; that said Obligations were issued in conformity with the Constitution and laws of the State of Texas; and that said Obligations are valid and binding obligations of the Public Utility Agency;
3. this commitment is contingent upon the Public Utility Agency's continued compliance with all applicable laws, rules, policies and guidance as these may be amended from time to time to adapt to a change in law, in circumstances, or any other legal requirement;
4. this commitment is contingent upon the Public Utility Agency executing a separate financing agreement, approved as to form and substance by the Executive Administrator, and submitting that executed agreement to the TWDB consistent with the terms and conditions described in the financing agreement;

5. the Public Utility Agency shall use a paying agent/registrar in accordance with 31 TAC § 363.42(c)(2), and shall require the paying agent/registrar to provide a copy of all receipts documenting debt service payments to the TWDB and to the TWDB's designated Trustee;

The Following Conditions Must Be Included in the Obligations:

6. the Obligations must provide that the Obligations can be called for early redemption only in inverse order of maturity, on any date beginning on or after the first interest payment date that is 10 years from the dated date of the Obligations, at a redemption price of par, together with accrued interest to the date fixed for redemption;
7. the Obligations must include a provision wherein the Public Utility Agency, or an obligated person for whom financial or operating data is presented to the TWDB in the application for financial assistance either individually or in combination with other issuers of the Public Utility Agency's Obligations or obligated persons, will, at a minimum, regardless of the amount of the Obligations, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission (SEC) in 17 CFR § 240.15c2-12 (Rule 15c2-12) and determined as if the TWDB were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the TWDB and the beneficial owners of the Public Utility Agency's Obligations, if the TWDB sells or otherwise transfers such Obligations, and the beneficial owners of the TWDB's bonds if the Public Utility Agency is an obligated person with respect to such bonds under SEC Rule 15c2-12;
8. the Obligations must include a provision requiring the Public Utility Agency to use any loan proceeds from the Obligations that are determined to be surplus proceeds remaining after completion of the Project for the following purposes as approved by the Executive Administrator: (1) deposit into the Interest and Sinking Fund or other debt service account for the payment of interest or principal on the Obligations owned by the TWDB; or (2) eligible costs for the Project as authorized by the Executive Administrator;
9. the Obligations must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Obligations that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect;
10. loan proceeds are public funds and, as such, the Obligations must include a provision requiring that these proceeds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257;

11. loan proceeds shall not be used by the Public Utility Agency when sampling, testing, removing or disposing of contaminated soils and/or media at the Project site. The Obligations shall include an environmental indemnification provision wherein the Public Utility Agency agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, recycling and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the Public Utility Agency, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project to the extent permitted by law;
12. the Obligations must include a provision stating that the Public Utility Agency shall report to the TWDB the amounts of Project funds, if any, that were used to compensate historically underutilized businesses that worked on the Project, in accordance with 31 TAC § 363.1312;
13. the Obligations must contain a provision that the TWDB will purchase the Obligations, acting through the TWDB's designated Trustee, and the Obligations shall be registered in the name of Cede & Co. and closed in book-entry form in accordance with 31 TAC § 363.42(c)(1);
14. the Obligations must include a provision prohibiting the Public Utility Agency from using the proceeds of this loan in a manner that would cause the Obligations to become "private activity bonds" within the meaning of § 141 of the Internal Revenue Code as amended (Code) and the Treasury Regulations promulgated thereunder (Regulations);
15. the Obligations must provide that no portion of the proceeds of the loan will be used, directly or indirectly, in a manner that would cause the Obligations to be "arbitrage bonds" within the meaning of § 148(a) of the Code and Regulations, including to acquire or to replace funds that were used, directly or indirectly, to acquire Nonpurpose Investments (as defined in the Code and Regulations) that produce a yield materially higher than the yield on the TWDB's bonds that are issued to provide financing for the loan (Source Series Bonds), other than Nonpurpose Investments acquired with:
 - a. proceeds of the TWDB's Source Series Bonds invested for a reasonable temporary period of up to three (3) years after the issue date of the Source Series Bonds until such proceeds are needed for the facilities to be financed;
 - b. amounts invested in a bona fide debt service fund, within the meaning of § 1.148-1(b) of the Regulations; and
 - c. amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed the least of maximum annual debt service on the Obligations, 125% of average annual debt service on the

Obligations, or 10 percent of the stated principal amount (or, in the case of a discount, the issue price) of the Obligations;

16. the Obligations must include a provision requiring the Public Utility Agency take all necessary steps to comply with the requirement that certain amounts earned on the investment of gross proceeds of the Obligations be rebated to the federal government in order to satisfy the requirements of § 148 of the Code. The Obligations must provide that the Public Utility Agency will:
 - a. account for all Gross Proceeds, as defined in the Code and Regulations, (including all receipts, expenditures, and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and retain all records of such accounting for at least six years after the final Computation Date. The Public Utility Agency may, however, to the extent permitted by law, commingle Gross Proceeds of its loan with other money of the Public Utility Agency, provided that the Public Utility Agency separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith;
 - b. calculate the Rebate Amount, as defined in the Code and Regulations, with respect to its loan, not less frequently than each Computation Date, in accordance with rules set forth in § 148(f) of the Code, § 1.148-3 of the Regulations, and the rulings thereunder. The Public Utility Agency shall maintain a copy of such calculations for at least six years after the final Computation Date;
 - c. as additional consideration for the making of the loan, and in order to induce the making of the loan by measures designed to ensure the excludability of the interest on the TWDB's Source Series Bonds from the gross income of the owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (b) above within 30 days after each Computation Date;
 - d. exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (b) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations;
17. the Obligations must include a provision prohibiting the Public Utility Agency from taking any action that would cause the interest on the Obligations to be includable in gross income for federal income tax purposes;
18. the Obligations must provide that the Public Utility Agency will not cause or permit the Obligations to be treated as "federally guaranteed" obligations within the meaning of § 149(b) of the Code;

19. the Obligations must provide that neither the Public Utility Agency nor a related party thereto will acquire any of the TWDB's Source Series Bonds in an amount related to the amount of the Obligations to be acquired from the Public Utility Agency by the TWDB;

Pledge Conditions:

20. the Obligations must contain a provision requiring that, upon request by the Executive Administrator, the Public Utility Agency shall submit annual audits of contracting parties for the Executive Administrator's review;
21. the Obligations must contain a provision requiring the Public Utility Agency to establish, fix, and maintain rates and charges to its customers to produce contract revenues paid to the Public Utility Agency sufficient to meet the debt service requirements of the Public Utility Agency's Obligations, including the existing Hays Caldwell Public Utility Agency Contract Revenue Bonds, (Regional Water Supply Contract Project, Canyon Regional Water Authority) Series 2015A and (Regional Water Supply Contract Project, City of Kyle, Texas) Series 2015B (collectively, "the Hays Caldwell Public Utility Agency Contract Revenue Bonds, Series 2015");
22. the Obligations shall be on parity with existing the Hays Caldwell Public Utility Agency Contract Revenue Bonds, Series 2015, and must contain a provision that the pledged contract revenues from the Public Utility Agency may not be pledged to the payment of any additional parity obligations of the Public Utility Agency secured by a pledge of the same contract revenues unless: (1) the Public Utility Agency is not in default; (2) the sponsoring entities in the contract for pledge revenues approve the resolution(s) authorizing the issuance of additional bonds; (3) said resolutions(s) provide for deposits to be made to the debt service fund in amounts sufficient to pay the principal of and interest on such additional parity obligations, and; (4) the legal counsel of the Public Utility Agency delivers an opinion that valid contracts are then in effect on the participating entities to the contract for pledged revenues in such amounts that will be sufficient to provide to the Public Utility Agency the necessary funds to pay all principal and interest due on all bonds and additional parity obligations then outstanding after the issuance of proposed additional parity obligations;

Conditions to Close or for Release of Funds:

23. prior to closing, if not previously provided with the application, the Public Utility Agency shall submit executed contracts for engineering, and, if applicable, financial advisor and bond counsel, for the Project that are satisfactory to the Executive Administrator. Fees to be reimbursed under the contracts must be reasonable in relation to the services performed, reflected in the contract, and acceptable to the Executive Administrator;

24. prior to closing, when any portion of financial assistance is to be held in escrow or in trust, the Public Utility Agency shall execute an escrow agreement or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB;
25. prior to closing, the Public Utility Agency must submit executed contracts between the Public Utility Agency and the contracting parties regarding the contract revenues pledged to the payment of the Public Utility Agency's Obligations, in form and substance acceptable to the Executive Administrator. Such contracts shall include provisions consistent with the provisions of this Resolution regarding the contracting parties' annual audits, the setting of rates and charges and collection of revenues sufficient to meet the Public Utility Agency's debt service obligations and additional parity obligations;
26. prior to closing, the Public Utility Agency's bond counsel must prepare a written opinion that states that the interest on the Obligations is excludable from gross income or is exempt from federal income taxation. Bond counsel may rely on covenants and representations of the Public Utility Agency when rendering this opinion;
27. prior to closing, the Public Utility Agency's bond counsel must prepare a written opinion that states that the Obligations are not "private activity bonds." Bond counsel may rely on covenants and representations of the Public Utility Agency when rendering this opinion;
28. the transcript must include a No Arbitrage Certificate or similar Federal Tax Certificate setting forth the Public Utility Agency's reasonable expectations regarding the use, expenditure and investment of the proceeds of the Obligations;
29. the transcript must include evidence that the information reporting requirements of § 149(e) of the Internal Revenue Code will be satisfied. This requirement may be satisfied by filing an IRS Form 8038 with the Internal Revenue Service. In addition, the applicable completed IRS Form 8038 or other evidence that the information reporting requirements of § 149(e) have been satisfied must be provided to the Executive Administrator within fourteen (14) days of closing. The Executive Administrator may withhold the release of funds for failure to comply;

PROVIDED, however, the commitment is subject to the following special conditions:

Special Conditions:

30. prior to the release of funds for the costs of planning, engineering, architectural, legal, title, fiscal, economic investigation, studies, surveys, or designs for that portion of the Project that proposes surface water or groundwater development, the Executive Administrator must have either issued a written finding that the Public Utility Agency has the right to use the water that the Project financed by the TWDB

will provide or a written determination that a reasonable expectation exists that such a finding will be made before the release of funds for construction; and

31. prior to the release of construction funds for that portion of a Project that proposes surface water or groundwater development, the Executive Administrator must have issued a written finding that the Public Utility Agency has the right to use the water that the Project financed by the TWDB will provide.

APPROVED and ordered of record this, the 20th day of July, 2017.

TEXAS WATER DEVELOPMENT BOARD



Bech K. Bruun, Chairman

DATE SIGNED: 7-20-17

ATTEST:



Jeff Walker
Executive Administrator

**A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
AMENDING TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 17-079
AND RESCINDING TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 17-086
PROVIDING FINANCIAL ASSISTANCE TO THE
ALLIANCE REGIONAL WATER AUTHORITY**

(19-077)

WHEREAS, at its July 20, 2017 meeting, the Texas Water Development Board (TWDB), by TWDB Resolution No. 17-079, made a multi-year commitment to the Hays Caldwell Public Utility Agency (Agency), and its successors or assigns, for financial assistance in the amount of \$144,395,000 from the State Water Implementation Revenue Fund for Texas (SWIRFT), through the purchase of \$144,395,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds, Proposed Series 2017A through 2017D; and 2019A through 2019D; and 2021A through 2021D, all as is more specifically set forth in the TWDB's Resolution No. 17-079 and accompanying documentation, to which documents express reference is made; and

WHEREAS, at the same TWDB meeting referenced in the first recital of this authorizing resolution, the TWDB by Resolution No. 17-086 made a multi-year commitment to the Agency from the Board Participation Account of the SWIRFT to acquire an ownership interest in Project No. 51044 in an amount not to exceed \$69,015,000; and

WHEREAS, by Senate Bill No. 1198, Acts of the 85th Texas Legislature, effective June 15, 2017, the Agency formally converted to a conservation and reclamation district known as the Alliance Regional Water Authority, located in Bexar, Comal, Guadalupe, and Hays Counties, to accomplish the purposes of Article XVI, Section 59, Texas Constitution, and by operation of law pursuant to the Acts of the 85th Texas Legislature, the Alliance Regional Water Authority (Authority) assumed all assets, liabilities, bonds, notes, and other obligations of the Hays Caldwell Public Utility Agency;

WHEREAS, the TWDB and the Authority mutually closed on a distribution of financial assistance from the SWIRFT for a 2017 series of bonds in the amount of \$31,935,000; and

WHEREAS, by letter received by the TWDB in February 2019, the Authority requests that the TWDB amend TWDB Resolution 17-079 to modify the Authority's Annual Loan Closing Schedule for a proposed series of bonds in 2021, requesting instead to receive a distribution of those proceeds in 2020; and

WHEREAS, by subsequent letter dated June 5, 2019, the Authority stated its intention to no longer seek any financing by the TWDB from the Board Participation Account of the SWIRFT and instead to shift those commitment of funds to low-interest financing from the SWIRFT; and

WHEREAS, the TWDB hereby finds that the proposed amendment to TWDB Resolutions No. 17-079 and No. 17-086, as requested by the Authority, are reasonable and within the public interest and will serve a public purpose; and

WHEREAS, in accordance with the Texas Water Code, the TWDB has carefully considered all matters required by law;


NOW, THEREFORE, based on these considerations and findings, the TWDB resolves as follows:

- 1. The commitment made through TWDB Resolution No. 17-079 to the Alliance Regional Water Authority, a successor to the Hays Caldwell Public Utility Agency, for financial assistance from the State Water Implementation Revenue Fund for Texas is amended, and shall be evidenced by the TWDB's proposed purchase of Alliance Regional Water Authority Contract Revenue Bonds as follows:**
 - a. The proposed 2019 loan closing schedule for Series 2019A through 2019D is amended as proposed below:**
 - i. \$26,530,000 Alliance Regional Water Authority Contract Revenue Bonds (Canyon Regional Water Authority), Proposed Series 2019A, set to expire December 31, 2019.**
 - ii. \$24,200,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Kyle, Texas), Proposed Series 2019B, set to expire December 31, 2019.**
 - iii. \$30,800,000 Alliance Regional Water Authority Contract Revenue Bonds (City of San Marcos, Texas), Proposed Series 2019C, set to expire December 31, 2019.**
 - iv. \$4,370,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Buda, Texas), Proposed Series 2019D, set to expire December 31, 2019.**
 - b. The proposed 2021A through 2021D scheduled distribution is amended in accordance with an annual loan closing schedule in 2020 as proposed below:**
 - i. \$29,520,000 Alliance Regional Water Authority Contract Revenue Bonds (Canyon Regional Water Authority), Proposed Series 2020A, set to expire December 31, 2020.**
 - ii. \$26,925,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Kyle, Texas), Proposed Series 2020B, set to expire December 31, 2020.**
 - iii. \$34,270,000 Alliance Regional Water Authority Contract Revenue Bonds (City of San Marcos, Texas), Proposed Series 2020C, set to expire December 31, 2020.**
 - iv. \$4,860,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Buda, Texas), Proposed Series 2020D, set to expire December 31, 2020.**

2. The commitment made through TWDB Resolution No. 17-086 to the Alliance Regional Water Authority for financial assistance from Board Participation Account of the State Water Implementation Revenue Fund for Texas is rescinded, and financing committed in TWDB Resolution No. 17-086 will be provided to the Authority pursuant to the terms of Resolution No. 17-079, as requested by the Authority on June 5, 2019.
3. All other terms and conditions of TWDB Resolution No. 17-079 shall remain in full force and effect.

APPROVED and ordered of record this the 22nd day of July, 2019.

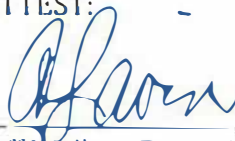
TEXAS WATER DEVELOPMENT BOARD



Peter M. Lake, Chairman

DATE SIGNED: 7 / 22 / 19

ATTEST:



Jeff Walker, Executive Administrator

**A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
AMENDING TEXAS WATER DEVELOPMENT BOARD RESOLUTION NO. 17-079,
AS AMENDED BY TEXAS WATER DEVELOPMENT BOARD RESOLUTION 19-077,
PROVIDING FINANCIAL ASSISTANCE TO THE
ALLIANCE REGIONAL WATER AUTHORITY**

(20-067)

WHEREAS, at its July 20, 2017 meeting, the Texas Water Development Board (TWDB), by TWDB Resolution No. 17-079, made a multi-year commitment to the Hays Caldwell Public Utility Agency (Agency), and its successors or assigns, for financial assistance in the amount of \$144,395,000 from the State Water Implementation Revenue Fund for Texas (SWIRFT), through the purchase of \$144,395,000 Hays Caldwell Public Utility Agency Contract Revenue Bonds, Proposed Series 2017A through 2017D; and 2019A through 2019D; and 2021A through 2021D, all as is more specifically set forth in the TWDB's Resolution No. 17-079, as amended, and accompanying documentation, to which documents express reference is made; and

WHEREAS, by Senate Bill No. 1198, Acts of the 85th Texas Legislature, effective June 15, 2017, the Agency formally converted to a conservation and reclamation district known as the Alliance Regional Water Authority, located in Bexar, Comal, Guadalupe, and Hays Counties, to accomplish the purposes of Article XVI, Section 59, Texas Constitution, and by operation of law pursuant to the Acts of the 85th Texas Legislature, the Alliance Regional Water Authority (Authority) assumed all assets, liabilities, bonds, notes, and other obligations of the Hays Caldwell Public Utility Agency;

WHEREAS, the Authority requests that the TWDB amend TWDB Resolution 17-079, as amended by TWDB Resolution No. 19-077, requesting additional financial assistance from the SWIRFT for funding cycles in 2020 and 2021; and

WHEREAS, the reasons the Authority requests additional financial assistance from the SWIFT in funding cycles 2020 and 2021 are related to preliminary estimates of increased construction costs, as determined by its engineers; and

WHEREAS, the TWDB hereby finds that the proposed amendment increasing financial assistance to the Authority from the SWIFT as requested is reasonable and within the public interest and will serve a public purpose; and

WHEREAS, in accordance with the Texas Water Code, the TWDB has carefully considered all matters required by law;

NOW, THEREFORE, based on these considerations and findings, the TWDB resolves as follows:

1. The commitment made through TWDB Resolution No. 17-079, as amended by TWDB Resolution No. 19-077, to the Alliance Regional Water Authority, a successor

to the Hays Caldwell Public Utility Agency, for financial assistance from the State Water Implementation Revenue Fund for Texas is further amended to increase the multi-year commitment reflecting a new principal amount not to exceed \$278,410,000, and shall be evidenced by the TWDB's proposed purchase of Alliance Regional Water Authority Contract Revenue Bonds in SWIFT 2020 and 2021 funding cycles as follows:

- a. The proposed 2020A through 2020D scheduled distribution is amended as proposed below:
 - i. \$37,865,000 Alliance Regional Water Authority Contract Revenue Bonds (Canyon Regional Water Authority), Proposed Series 2020A.
 - ii. \$34,530,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Kyle, Texas), Proposed Series 2020B.
 - iii. \$43,955,000 Alliance Regional Water Authority Contract Revenue Bonds (City of San Marcos, Texas), Proposed Series 2020C.
 - iv. \$6,225,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Buda, Texas), Proposed Series 2020D.
 - b. The commitments in subsection (a) will expire on December 31, 2020.
 - c. The proposed 2021A through 2021D scheduled distribution is amended as follows:
 - i. \$11,740,000 Alliance Regional Water Authority Contract Revenue Bonds (Canyon Regional Water Authority), Proposed Series 2021A.
 - ii. \$10,705,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Kyle, Texas), Proposed Series 2021B.
 - iii. \$13,625,000 Alliance Regional Water Authority Contract Revenue Bonds (City of San Marcos, Texas), Proposed Series 2021C.
 - iv. \$1,930,000 Alliance Regional Water Authority Contract Revenue Bonds (City of Buda, Texas), Proposed Series 2021D.
 - d. The commitments in subsection (c) will expire on December 31, 2021.
2. All other terms and conditions of TWDB Resolution No. 17-079, as amended by TWDB Resolution No. 19-077, shall remain in full force and effect.

APPROVED and ordered of record this the 23rd day of July, 2020.



TEXAS WATER DEVELOPMENT BOARD

A handwritten signature in blue ink, appearing to be "P. M. Lake", is written over a horizontal line.

Peter M. Lake, Chairman

DATE SIGNED: 7/23/20

ATTEST:

A handwritten signature in blue ink, appearing to be "J. Walker", is written over a horizontal line.

Jeff Walker, Executive Administrator

ATTACHMENT B

DESCRIPTION OF BORROWER BONDS

Title of Borrower Bonds: Alliance Regional Water Authority, Contract Revenue Bonds Series 2020A

Project Name: Canyon Regional Water Authority Project

Project Number: 51044

Aggregate Principal Amount of Borrower Bonds: \$37,865,000

Anticipated Closing Date: November 19, 2020

Dated Date: November 19, 2020

First Principal Payment Date: August 15, 2022

First Interest Payment Date: August 15, 2021

Maturity Schedule:

Maturity Principal Amount

Maturity Date	Principal Payment	Maturity Date	Principal Payment
8/15/2022	\$1,125,000	8/15/2037	1,270,000
8/15/2023	1,130,000	8/15/2038	1,295,000
8/15/2024	1,130,000	8/15/2039	1,320,000
8/15/2025	1,135,000	8/15/2040	1,345,000
8/15/2026	1,135,000	8/15/2041	1,370,000
8/15/2027	1,140,000	8/15/2042	1,400,000
8/15/2028	1,145,000	8/15/2043	1,430,000
8/15/2029	1,150,000	8/15/2044	1,460,000
8/15/2030	1,160,000	8/15/2045	1,495,000
8/15/2031	1,165,000	8/15/2046	1,530,000
8/15/2032	1,180,000	8/15/2047	1,565,000
8/15/2033	1,190,000	8/15/2048	1,600,000
8/15/2034	1,210,000	8/15/2049	1,635,000
8/15/2035	1,230,000	8/15/2050	1,675,000
8/15/2036	1,250,000		

ATTACHMENT B

DESCRIPTION OF BORROWER BONDS

Title of Borrower Bonds: Alliance Regional Water Authority, Contract Revenue Bonds Series 2020B

Project Name: City of Kyle Project

Project Number: 51044

Aggregate Principal Amount of Borrower Bonds: \$34,530,000

Anticipated Closing Date: November 19, 2020

Dated Date: November 19, 2020

First Principal Payment Date: August 15, 2022

First Interest Payment Date: August 15, 2021

Maturity Schedule:

Maturity Principal Amount

Maturity Date	Principal Payment	Maturity Date	Principal Payment
8/15/2022	\$1,025,000	8/15/2037	1,160,000
8/15/2023	1,030,000	8/15/2038	1,180,000
8/15/2024	1,030,000	8/15/2039	1,200,000
8/15/2025	1,035,000	8/15/2040	1,225,000
8/15/2026	1,035,000	8/15/2041	1,250,000
8/15/2027	1,040,000	8/15/2042	1,275,000
8/15/2028	1,045,000	8/15/2043	1,305,000
8/15/2029	1,050,000	8/15/2044	1,335,000
8/15/2030	1,055,000	8/15/2045	1,365,000
8/15/2031	1,065,000	8/15/2046	1,395,000
8/15/2032	1,075,000	8/15/2047	1,425,000
8/15/2033	1,090,000	8/15/2048	1,460,000
8/15/2034	1,105,000	8/15/2049	1,490,000
8/15/2035	1,120,000	8/15/2050	1,525,000
8/15/2036	1,140,000		

ATTACHMENT B

DESCRIPTION OF BORROWER BONDS

Title of Borrower Bonds: Alliance Regional Water Authority, Contract Revenue Bonds Series 2020C

Project Name: City of San Marcos Project

Project Number: 51044

Aggregate Principal Amount of Borrower Bonds: \$43,955,000

Anticipated Closing Date: November 19, 2020

Dated Date: November 19, 2020

First Principal Payment Date: August 15, 2022

First Interest Payment Date: August 15, 2021

Maturity Schedule:

Maturity Principal Amount

Maturity Date	Principal Payment	Maturity Date	Principal Payment
8/15/2022	\$2,205,000	8/15/2037	2,435,000
8/15/2023	2,205,000	8/15/2038	2,470,000
8/15/2024	2,210,000	8/15/2039	2,510,000
8/15/2025	2,215,000	8/15/2040	2,550,000
8/15/2026	2,220,000		
8/15/2027	2,225,000		
8/15/2028	2,235,000		
8/15/2029	2,245,000		
8/15/2030	2,255,000		
8/15/2031	2,270,000		
8/15/2032	2,290,000		
8/15/2033	2,310,000		
8/15/2034	2,340,000		
8/15/2035	2,365,000		
8/15/2036	2,400,000		

ATTACHMENT B

DESCRIPTION OF BORROWER BONDS

Title of Borrower Bonds: Alliance Regional Water Authority, Contract Revenue Bonds Series 2020D

Project Name: City of Buda Project

Project Number: 51044

Aggregate Principal Amount of Borrower Bonds: \$6,225,000

Anticipated Closing Date: November 19, 2020

Dated Date: November 19, 2020

First Principal Payment Date: August 15, 2022

First Interest Payment Date: August 15, 2021

Maturity Schedule:

Maturity Principal Amount

Maturity Date	Principal Payment	Maturity Date	Principal Payment
8/15/2022	\$310,000	8/15/2037	345,000
8/15/2023	315,000	8/15/2038	350,000
8/15/2024	315,000	8/15/2039	355,000
8/15/2025	315,000	8/15/2040	360,000
8/15/2026	315,000		
8/15/2027	315,000		
8/15/2028	315,000		
8/15/2029	320,000		
8/15/2030	320,000		
8/15/2031	320,000		
8/15/2032	325,000		
8/15/2033	325,000		
8/15/2034	330,000		
8/15/2035	335,000		
8/15/2036	340,000		

ATTACHMENT C

FINANCING SCHEDULE

DATE	ACTION
07/23/2020	TWDB approval of commitments
09/07/2020	<i>Labor Day Holiday **</i>
09/08/2020	<i>Financing agreement – last day to execute (13 days prior to initiation of pricing)</i>
09/14/2020	Financing agreement (Sec. 4A) -last day political subdivisions can terminate without penalty (7 days prior to initiation of pricing)
09/14/2020	Financing agreement (Sec. 5) -last day political subdivisions can modify maturity schedule (7 days prior to initiation of pricing)
09/17/2020	Financing agreement (Sec. 4B) -last day political subdivisions can terminate with costs of issuance (4 days prior to initiation of pricing)
09/21/2020	Financing agreement (Sec. 4C) -before 9:00 a.m. political subdivisions can terminate with costs of issuance and 1% penalty (1 day prior to pricing).
09/21/2020	TWDB bond pricing initiation (pre-pricing begins)
09/22/2020	TWDB bond pricing
10/01/2020	TWDB approves interest rates available to political subdivisions
Various	Political subdivisions adopt bond documents and/or board participation agreements
Various	Political subdivisions submit transcripts to Texas Attorney General in preparation of closing
10/08/2020	TWDB bond closing (<i>political subdivisions must close within 57 days</i>)
10/09/2020 to 12/04/20	Closings on political subdivision obligations
10/12/2020	<i>Columbus Day Holiday (TWDB open)**</i>
11/11/2020	<i>Veteran's Day Holiday **</i>
11/26/2020	<i>Thanksgiving Holiday **</i>
11/27/2020	<i>Thanksgiving Holiday **</i>
12/04/2020	Last day to close on political subdivision obligations
12/04/2020	Financing agreement (Sec. 4D) -penalty applied to any political subdivision failing to issue debt Start of post-pricing termination payment period (includes costs of issuance, underwriters' discount and 5% penalty)
03/08/2021	Last due date for penalty payments

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

H.2 Update and discussion regarding the status of the Authority's Phase 1B program, and direction to staff and consultants. ~ *Ryan Sowa, P.E., Kimley-Horn & Associates*

Background/Information

Ryan Sowa with Kimley-Horn will update the Committee on their recent activities associated with the Phase 1B program.

Attachment(s)

- Phase 1B Program Update – July 27, 2020
- Kimley-Horn Invoice & Monthly Summary of Activities for July 2020

Board Decision(s) Needed:

- None.



Phase 1B Program Update

Board of Directors Meeting
August 26, 2020



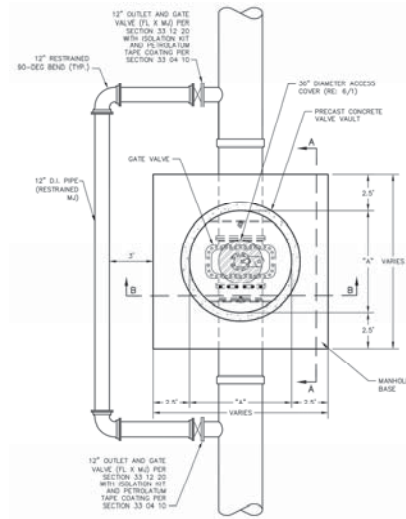
Ongoing Progress

Design Milestone Review

- Pipeline Segment D
 - 60% Design Submittal (August)
- Pipeline Segment A
 - 90% Design Submittal (August)
- Pipeline Segment B and WTP/RWI
 - 90% Design Submittal (September)

Design Standards Update

- Transmission Pipelines Design Standards – Updated
- Construction Specifications & Details – Updated Draft Issued
- Instrumentation & Controls Guidelines – Final
- Cathodic Protection – Final



GATE VALVE AND VAULT WITH BYPASS
DETAIL
NOT TO SCALE



Ongoing Progress

Agency Review Update

- US Army Corps of Engineers (Segment A)
 - Cultural Resources review
 - Potential for additional fieldwork to address comments
 - Evaluating potential impacts to field work on other pipeline segments

Texas Water Development Board Update

- TWDB has officially approved the additional \$65 million in SWIFT funding
- Release of Funds
 - ROF No. 8 (Well Construction Funds) has been approved



Kimley»Horn

Pipeline Easement Acquisition Status

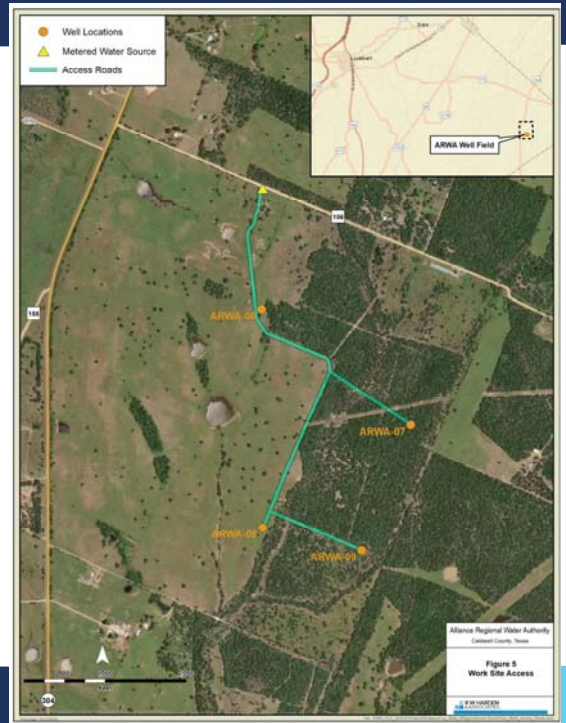
Pipeline Segment	Number of Parcels	Appraisals Prepared	Initial Offer Letter Delivered	Purchase Agreement Signed / Easement Closed	Approved for Condemnation
A	38	37	37	15	8
B	44	40	36	2	11
D	64	46	37	12	0
C	85	0	0	0	0
E	37	9	5	0	0
Wellfield	19	0	0	0	0
Total	287	132	115	29	19



Kimley»Horn

Construction Progress

- Well Drilling
 - Notice to Proceed – June 29, 2020
 - Contract Duration – 365 Days
 - Upcoming Schedule Milestones
 - Mobilization/Setup – July/August
 - Drill Well #9 – September/October



Well Field Construction Update



Photo Credit:
Jim Tolles

Entry Gate Relocation



Well Field Construction Update



Photo Credit:
Jim Tolles

Well No. 7 Looking East



Kimley»Horn

Well Field Construction Update



Photo Credit:
Jim Tolles

Well No. 9 Access Corridor



Kimley»Horn

Well Field Construction Update



Photo Credit:
Jim Tolles

Well No. 9 Looking East



Kimley»Horn

Well Field Construction Update



Photo Credit:
Jim Tolles

Well No. 9 Looking West



Kimley»Horn

Budget Update



Kimley»Horn

Cost Allocation for Combined Program

Construction Package	ORIGINAL		REVISED	
	ARWA (%)	GBRA (%)	ARWA (%)	GBRA (%)
WTP Construction	53.50	46.50	45.00 40.57	55.00 59.43
SCADA	50.00	50.00	50.00	50.00
BPS Construction	63.30	36.70	63.00 58.00	37.00 42.00
Inline EST Construction	75.00	25.00	75.17	24.83
GBRA Delivery Meter Stations	50.00	50.00	50.00	50.00
Pipeline Segments A Construction	60.00	40.00	56.80	43.20
Pipeline Segment B1 Construction	65.22	34.78	61.90	38.10
Pipeline Segment B2 Construction	69.20	30.80	76.19	23.81
Pipeline Segment D1 Construction	75.17	24.83	75.17	24.83
Pipeline Segment D2 Construction	74.58	25.42	74.58	25.42
Pipeline Segment E Construction	65.22	34.78	65.22	34.78
Land Acquisition, Engineering, Other Support Services	50.00	50.00	50.00	50.00
TOTAL	60.30	39.70	58.37	41.63



Kimley»Horn

COST UPDATES BASED ON JULY MILESTONE SUBMITTALS

	ORIGINAL	REVISED	
Construction Package	ARWA Total Projected Cost	ARWA Total Projected Cost	DIFFERENCE
Combined Program Infrastructure		UPDATE	UPDATE
Water Treatment Plant	\$ 24,500,000	\$ 28,900,000	\$ 4,400,000
SCADA Fiber Backbone	\$ 900,000	\$ 700,000	(\$ 200,000)
Booster Pump Station & GBRA Meter Stations	\$ 15,300,000	\$ 15,000,000	(\$ 300,000)
Inline EST (South)	\$ 3,600,000	\$ 3,500,000	(\$ 100,000)
Pipeline Segment A	\$ 28,600,000	\$ 24,100,000	(\$ 4,500,000)
Pipeline Segment B	\$ 29,400,000	\$ 34,400,000	\$ 5,000,000
Pipeline Segment D	\$ 36,300,000	\$ 35,400,000	(\$ 900,000)
Pipeline Segment E	\$ 9,500,000	\$ 9,800,000	\$ 300,000
Subtotal	\$148,100,000	\$151,800,000	\$ 3,700,000
ARWA-Only Infrastructure			
Wellfield	\$ 3,800,000	\$ 3,100,000	(\$ 700,000)
Water Treatment Plant	\$ 2,600,000	\$ 2,600,000	No Change
ARWA Delivery Points	\$ 6,100,000	\$ 6,900,000	\$ 800,000
Inline EST (North)	\$ 5,400,000	\$ 7,600,000	\$ 2,200,000
Raw Water Infrastructure	\$ 7,400,000	\$ 11,500,000	\$ 4,100,000
Administration and Operations Building	\$ 4,300,000	\$ 4,200,000	(\$ 100,000)
Pipeline Segment C	\$ 64,500,000	\$ 68,700,000	\$ 4,200,000
Pipeline Segment E	\$ 6,700,000	\$ 14,100,000	\$ 7,400,000
Subtotal	\$100,800,000	\$118,700,000	\$ 17,900,000
Total	\$248,900,000	\$270,500,000	\$ 21,600,000
Contingencies	\$65,900,000	\$58,900,000	(\$ 7,000,000)
Total with Contingencies	\$314,800,000	\$329,400,000	\$ 14,600,000

Questions?

ALLIANCE REGIONAL WATER AUTHORITY
 ATTN: GRAHAM MOORE
 1040 HIGHWAY 123
 SAN MARCOS, TX 78666

Please send payments to:
 KIMLEY-HORN AND ASSOCIATES, INC.
 P.O. BOX 951640
 DALLAS, TX 75395-1640

Invoice No: 068706603-0720
 Invoice Date: Jul 31, 2020
 Invoice Amount: \$ 301,689.88
 Project No: 068706603
 Project Name: ARWA PROGRAM YEAR 3
 Project Manager: SOWA, RYAN

Work Order No. 4
 Duration: March 2020 - Feb. 2021

Invoice Duration: July 1, 2020 to July 31, 2020

Federal Tax Id: 56-0885615

COST PLUS MAX

KHA Ref # 068706602.3-17120306

Description	Contract Value	Amount Billed to Date	Previous Amount Billed	Current Amount Due
PROGRAM MANAGEMENT PLAN UPDATES	49,374.00	2,721.00	1,707.00	1,014.00
STAKEHOLDER COORDINATION	312,436.00	115,264.56	96,239.32	19,025.23
BUDGETTING	119,180.00	56,953.70	49,037.90	7,915.80
SCHEDULE	98,555.00	43,074.00	37,824.00	5,250.00
REPORTING	48,920.00	18,910.00	16,555.00	2,355.00
DATA MANAGEMENT	119,291.00	34,536.78	26,960.67	7,576.10
ENVIRONMENTAL MANAGEMENT	162,199.00	57,464.13	44,053.00	13,411.13
LAND ACQUISITION MANAGEMENT	510,978.00	228,442.20	180,491.59	47,950.62
TEXAS WATER DEVELOPMENT BOARD MANAGEMENT	66,260.00	28,136.50	23,631.74	4,504.77
DESIGN STANDARDS	339,134.00	124,969.01	83,876.91	41,092.09
ENGINEERING DESIGN MANAGEMENT	774,030.00	417,713.51	323,045.10	94,668.41
QUALITY ASSURANCE	48,021.00	24,606.00	8,590.00	16,016.00
ELECTRICAL POWER PLANNING	72,514.00	23,347.45	15,798.37	7,549.08
PERMIT COORDINATION/TRACKING	46,899.00	7,454.25	5,870.25	1,584.00
PROCUREMENT AND CONSTRUCTION PHASE SERVICES	29,213.00	10,149.18	9,711.18	438.00
PROJECT ADMINISTRATION	57,076.00	17,942.00	15,463.10	2,478.90
OTHER SERVICES	256,342.00	62,074.50	33,213.75	28,860.75
Subtotal	3,110,422.00	1,273,758.76	972,068.89	301,689.88
Total COST PLUS MAX				301,689.88

Total Invoice: \$ 301,689.88

If you have questions regarding this invoice, please call Jessica Olivarez at (972) 770-1352.

August 06, 2020

Project Monthly Summary

July 2020 Tasks Performed:

- Task 2 – Stakeholder Coordination
 - Coordination and/or meetings with entities including: Caldwell County, Guadalupe County, Bluebonnet Electric Coop, TxDOT, TCEQ, and TWDB.
 - Continued weekly task coordination with Alliance Water.
 - Prepared and presented Technical Committee Meeting Update.
 - Prepared and presented Board Meeting Update.
 - Prepared and presented Project Advisory Committee Meeting Update.
 - Prepared for and held Monthly Status Meeting with Alliance Water.

- Task 3 – Budgeting
 - Continued updates to Budget Workbook to include monthly tracking of actual costs for ARWA review.
 - Continued development of projected Operation and Maintenance costs.

- Task 4 – Schedule
 - Prepared a Project Deliverable Schedule to identify when ARWA and Program design reviews may overlap with one another.
 - Coordinated with Program team to integrate each project schedule into overall Program schedule. Developed the monthly Program schedule summary.

- Task 6 – Data Management
 - Integrated executed easement documents within online GIS Web Map.
 - Ongoing maintenance of Microsoft SharePoint Online program.
 - Continued updating of web-based GIS for right-of-entry process and alignment changes.

- Task 7 – Environmental Management
 - Coordinated with Program Environmental Consultant concerning the comment responses to the United States Army Corps of Engineers.
 - Continued coordination with the Program Environmental Consultant regarding additional hazmat studies for Segments B, D, and E.
 - Performed coordination between Program Environmental Consultant and Land Acquisition Consultant to clarify environmental field work to be done on properties as part of right-of-entry process.
 - Monthly progress meeting and ongoing coordination with Program Environmental Consultant.

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Continued coordination between Program Environmental Consultant and Design Engineers.
- Reviewed Program Environmental invoices, schedule, and risk log.
- Task 8 – Land Acquisition Management
 - Coordinated the appraisal process for Segments A, B, and D parcels.
 - Coordinated with Program Survey Consultant, Program Environmental Consultant, and Land Acquisition team to address questions that arise as part of the field work coordination process.
 - Performed weekly QC of parcel files in SharePoint, provided comments to Land Acquisition team.
 - Weekly coordination meeting with land agents to discuss status of rights-of-entry and to provide Program clarification on any questions/requests that have come from landowners.
 - Reviewed Program Land Acquisition team, Program Appraiser, and Program Survey invoices.
 - Continued field work coordination to notify landowners of upcoming field work by consultants.
- Task 9 – Texas Water Development Board Management
 - Prepared supporting documents for Release of Funds No. 8.
 - Provided support to ARWA in addressing questions/comments from TWDB for SWIFT loan application.
 - Continue coordination with TWDB Staff to track all EFRs, environmental reports, and bid documents currently under review.
- Task 10 – Design Standards
 - Finalized and released the Standard Project General Notes to the Design Consultants.
 - Finalized and distributed revised Transmission Pipeline Design Standards to the Design Consultants.
 - Addressed comments from the Manufacturer review of the Pipeline Construction Standards and Details.
 - Revised the Cathodic Protection Program Standards given feedback from the PAC and Design Consultants.
 - Revised and finalized the Security Standards given feedback from the PAC and Design Consultants.
 - Coordinated with the Design Consultants to receive feedback and information related to the Fiber Standards.
 - Revised and finalized the Fiber Standards given feedback from the PAC and Design Consultants.
- Task 11 – Engineering Design Management
 - Pipelines:
 - Segment A

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Continued coordination with Design Consultant for final design.
 - Segment B
 - Began review of the Segment B2 60% design submittal prepared by the Design Consultant.
 - Continued coordination with Design Consultant for final design.
 - Segment C
 - Backchecked the Draft 30% Engineering Feasibility Report prepared by the Design Consultant.
 - Continued coordination with Design Consultant regarding ongoing field work and pipeline alignment considerations as part of right-of-entry process and EFR development.
 - Segment D
 - Continued coordination with Design Consultant for final design.
 - Segment E
 - Backcheck reviewed the Draft 30% Engineering Feasibility Report prepared by the Design Consultant.
 - Continued coordination with Design Consultant regarding ongoing field work as part of right-of-entry process and EFR development.
 - Continue coordination with Design Consultant for final design.
 - Wellfield:
 - Continued coordination regarding the construction for Wells 6-9.
 - Raw Water Infrastructure:
 - Continued coordination with Design Consultant for 60% design development.
 - Water Treatment Plant:
 - Continued coordination with Design Consultant for final design.
 - Booster Pump Station:
 - Began review of the BPS 60% design submittal prepared by the Design Consultant.
 - Coordinated with Design Consultant for final design.
 - Inline Elevated Storage Tanks:
 - Continued coordination with Design Consultant for 30% design development.
 - Other:
 - Monthly progress meetings with all Design Consultants (pipelines, water treatment plant, raw water infrastructure, wellfield, booster pump station).
 - Review invoices, schedules, and risk logs for consultants.
- Task 13 - Electrical Power Planning

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Coordinated with ARWA and GVEC to begin development of agreement language for service to the well field.
- Continued coordinated with ARWA concerning emergency power needs and service options for the water treatment plant and wellfield.
- Continued coordination with GVEC regarding electric service to the WTP and wellfield.
- Task 14 - Permit Coordination/Tracking
 - Continued Permit coordination with Pipeline Consultants.
 - Continued coordination with Caldwell County concerning variance request for the Site Development Permit.
 - Continued coordination with Caldwell County TxDOT office concerning roadway crossings.
 - Continued General Coordination with TxDOT.
 - Continued General Coordination with GVEC and BBEC.
 - On-going Permit Tracking Log Updates.
- Task 16 - Other Services
 - Preparing additional solar analysis and memo evaluating ARWA’s potential return on investment.
 - Commissioning Planning
 - Continued evaluating the commissioning of the Phase 1B infrastructure.

August 2020 Projection:

- Task 2 - Stakeholder Coordination
 - Coordination and/or meetings with entities including: Caldwell County, Guadalupe County, GVEC, Bluebonnet Electric Coop, TxDOT, TCEQ, and TWDB.
 - Continue weekly task coordination with Alliance Water.
 - Prepare and present Project Advisory Committee Meeting Update.
 - Prepare and present Board Meeting Update.
 - Prepare for and hold Monthly Status Meeting with Alliance Water.
- Task 3 - Budgeting
 - Prepare and finalize the TWDB Forecast Budget for ARWA’s review and feedback.
 - Continue updates to Budget Workbook to include monthly tracking of actual costs for ARWA review.
 - Continue development of projected Operation and Maintenance costs.
- Task 4 - Schedule

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Revise and finalize the Project Deliverable Schedule based on the feedback received from ARWA and Design Consultants.
- Coordinate with Program team to integrate each project schedule into overall Program schedule.
- Task 6 – Data Management
 - Ongoing maintenance of Microsoft SharePoint Online program.
 - Continued updating of web-based GIS for right-of-entry process and alignment changes.
- Task 7 – Environmental Management
 - Continue coordination with Program Environmental Consultant concerning the comment responses to the United States Army Corps of Engineers.
 - Coordinate with the Program Environmental Consultant regarding Inline Elevated Storage Tank site field work.
 - Continued coordination with the Program Environmental Consultant regarding additional hazmat studies for Segment B, D, and E.
 - Perform coordination between Program Environmental Consultant and Land Acquisition Consultant to clarify environmental field work to be done on properties as part of right-of-entry process.
 - Monthly progress meeting and ongoing coordination with Program Environmental Consultant.
 - Continue coordination between Program Environmental Consultant and Design Engineers.
 - Review Program Environmental invoices, schedule, and risk log.
- Task 8 – Land Acquisition Management
 - Attend Temporary Injunction Hearings for parcels where the Program is seeking a ROE.
 - Coordinate the appraisal process for Segment A, B, D, and E parcels.
 - Coordinate with Program Survey Consultant, Program Environmental Consultant, and Land Acquisition team to address questions that arise as part of the field work coordination process.
 - Perform weekly QC of parcel files in SharePoint, provide comments to Land Acquisition team.
 - Weekly coordination meeting with land agents to discuss status of rights-of-entry and to provide Program clarification on any questions/requests that have come from landowners.
 - Review Program Land Acquisition team, Program Appraiser, and Program Survey invoices.
 - Continue field work coordination to notify landowners of upcoming field work by consultants.
- Task 9 – Texas Water Development Board Management
 - Submit the Segment A EFR to the TWDB for review.

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Continue preparations for reimbursement funding release.
- Continue coordination with TWDB Staff to track all EFRs, environmental reports, and bid documents currently under review.

- Task 10 – Design Standards
 - Distribute the revised Construction Details to the Design Consultants for review.
 - Prepare and distribute the revised Division 00 and Division 01 standards for the Pipeline Design Consultants.
 - Address comments and finalize the Pipeline Construction Standards and distribute to the Design Consultants.
 - Finalize the Cathodic Protection Program Standards given feedback from the PAC and Design Consultants.
 - Distribute finalized Security Standards given feedback from the PAC and Design Consultants.
 - Distribute finalized Fiber Standards given feedback from the PAC and Design Consultants.

- Task 11 – Engineering Design Management
 - Pipelines:
 - Segment A
 - Continue coordination with Design Consultant for final design.
 - Finalize and submit the Final 30% Engineering Feasibility Report to the TWDB.
 - Segment B
 - Finalize review of the Segment B2 60% design submittal prepared by the Design Consultant.
 - Attend Segment B2 60% Submittal Review Workshop.
 - Begin review of the Segment B 90% design submittal prepared by the Design Consultant.
 - Continue coordination with Design Consultant regarding for final design.
 - Finalize and submit the Final 30% Engineering Feasibility Report to the TWDB.
 - Segment C
 - Finalize the 30% Engineering Feasibility Report prepared by the Design Consultant.
 - Continue coordination with Design Consultant regarding ongoing field work and pipeline alignment considerations as part of right-of-entry process and EFR development.
 - Segment D
 - Begin review of the Segment D 60% design submittal prepared by the Design Consultant.

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Continue coordination with Design Consultant for final design.
 - Segment E
 - Finalize and backcheck the 30% Engineering Feasibility Report prepared by the Design Consultant.
 - Continue coordination with Design Consultant regarding for final design.
 - Wellfield:
 - Continue coordination regarding the construction of Wells 6-9.
 - Raw Water Infrastructure:
 - Continue coordination with Design Consultant for 90% design development.
 - Water Treatment Plant:
 - Begin review of 90% design submittal.
 - Coordination with Design Consultant for final design.
 - Booster Pump Station:
 - Finalize review of the BPS 60% design submittal prepared by the Design Consultant.
 - Attend BPS 60% Submittal Review Workshop.
 - Coordination with Design Consultant for final design.
 - Inline Elevated Storage Tanks:
 - Coordination with Design Consultant for 30% design development.
 - Other:
 - Monthly progress meetings with all Design Consultants (pipelines, water treatment plant, raw water infrastructure, wellfield).
 - Review invoices, schedules, and risk logs for consultants
- Task 13 – Electrical Power Planning
 - Continue coordination with ARWA and GVEC to develop agreement language for service to the well field.
 - Continue coordination with GVEC regarding electric service to the WTP and wellfield.
 - Task 14 – Permit Coordination/Tracking
 - Continue Permit coordination with Pipeline consultants
 - Coordinate with Hays County concerning the Site Development Permit.
 - General Coordination with TxDOT.
 - Coordinate with Caldwell County TxDOT office concerning roadway crossings.
 - General Coordination with GVEC and BBEC.
 - Permit Tracking Log Updates.
 - Task 16 – Other Services
 - Finalize drafted additional solar analysis and memo evaluating ARWA’s potential return on investment.

Alliance Water – Phase 1B Infrastructure – Owner’s Representative

- Commissioning Planning
 - Continue evaluating the commissioning of the Phase 1B infrastructure.
- Finalize and submit the City of San Marcos Watershed Protection Plan for the Booster Pump Station Plat.

Scope Elements Added/Removed:

None at this time.

Outstanding Issues/Concerns:

None at this time.

HUB Participation:

56.7 % allotted by Contract (based on contract total fee)

20.4% to date of Billing

Design Consultant Certifications: N/A

Sub Consultant	Sub Consultant Certifications	Task Description	Contract Value (\$)	Percent Complete to Date (%)	Amount Billed to Date (\$)	Amount Paid to Date (\$)
Foster CM Croup, Inc.	DBE; AABE; MBE; SBE	Budgeting, Schedule, and Data Management	\$224,412.00	34.7%	\$77,939.00	\$66,070.00
CP&Y, Inc.	ABE; MBE	Program Standards, Compliance, and Project Management	\$939,880.00	32.7%	\$307,230.96	\$201,347.21
Grubb Engineering, Inc.	ESBE; SBE; WBE	Electrical Power Planning	\$59,680.00	34.0%	\$20,283.25	\$13,340.75
Spitzer and Associates, Inc.	SBE; WBE	Land Acquisition Management	\$437,210.00	39.3%	\$171,979.00	\$132,221.50
RVK Architects, Inc.	WBE	Architectural Project Management	\$47,205.00	0.0%	\$-	\$-
V&A Consulting Engineers, Inc.	SBE; HABE; MBE	Cathodic Protection Standards	\$55,878.00	16.2%	\$9,035.00	\$6,025.00
		Subtotal	\$1,764,265.00	33.2%	\$586,467.22	\$419,004.46

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

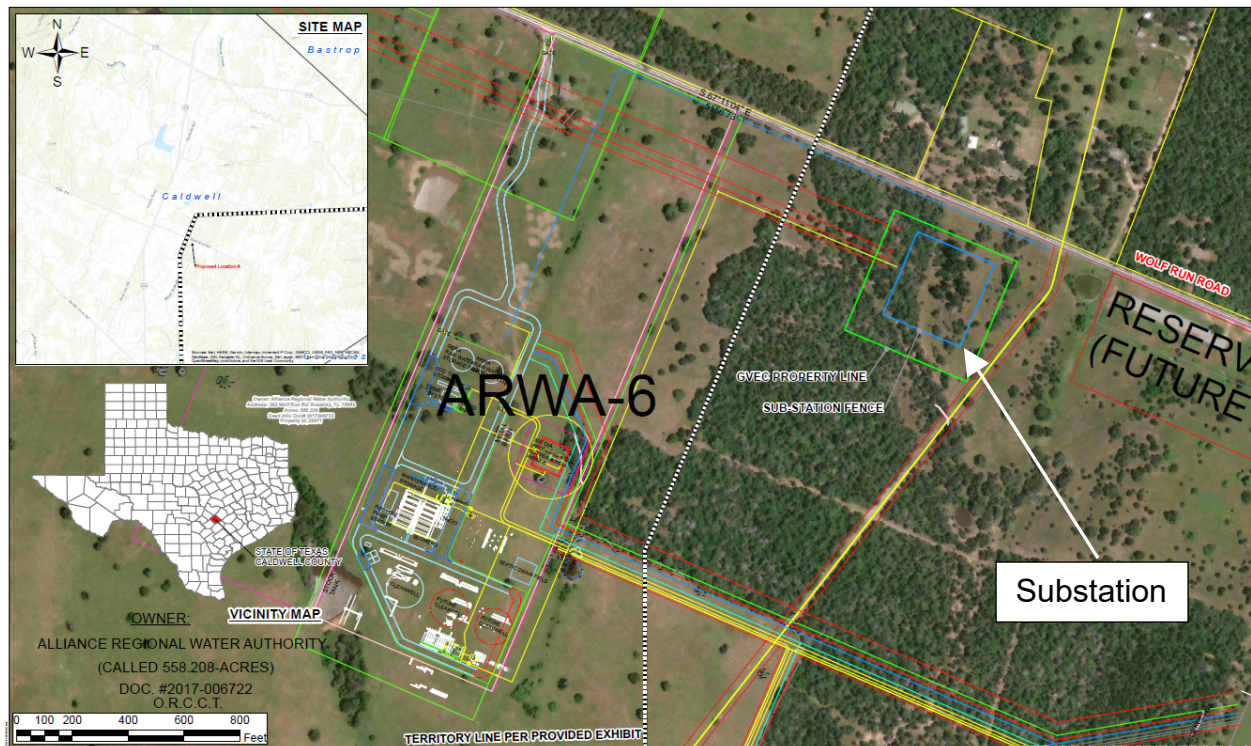
- H.3** Consider adoption of Resolution 2020-08-26-002 approving a Real Estate Contract with the Guadalupe Valley Electric Cooperative, Inc. for an approximate 5 acre fee simple purchase, an approximate 0.7 acre permanent access easement and an approximate 0.5 acre temporary access easement on the Authority's Phase 1B Water Treatment Plant property and authorizing the Executive Director to execute all closing documents on behalf of the Authority. ~ *Graham Moore, P.E., Executive Director*

Background/Information

In July 2019 the Authority entered into a Construction and Facilities agreement with the Guadalupe Valley Electric Cooperative, Inc. (GVEC) whereby the Authority would fund a portion of the costs to develop and construct a substation at the Water Treatment Plant property to serve the Authority's Water Treatment Plant and Well Field. Without the new substation there would not be ample electrical service in the area to meet the loads.

The agreement included a provision that the Authority would provide to GVEC recorded easements or other real property interests acceptable to GVEC for the substation and related facilities. The location of the substation on the water treatment plant site has been established and therefore it is time to finalize the property transfer.

The image below shows the proposed location of the substation in comparison to the water treatment plant.



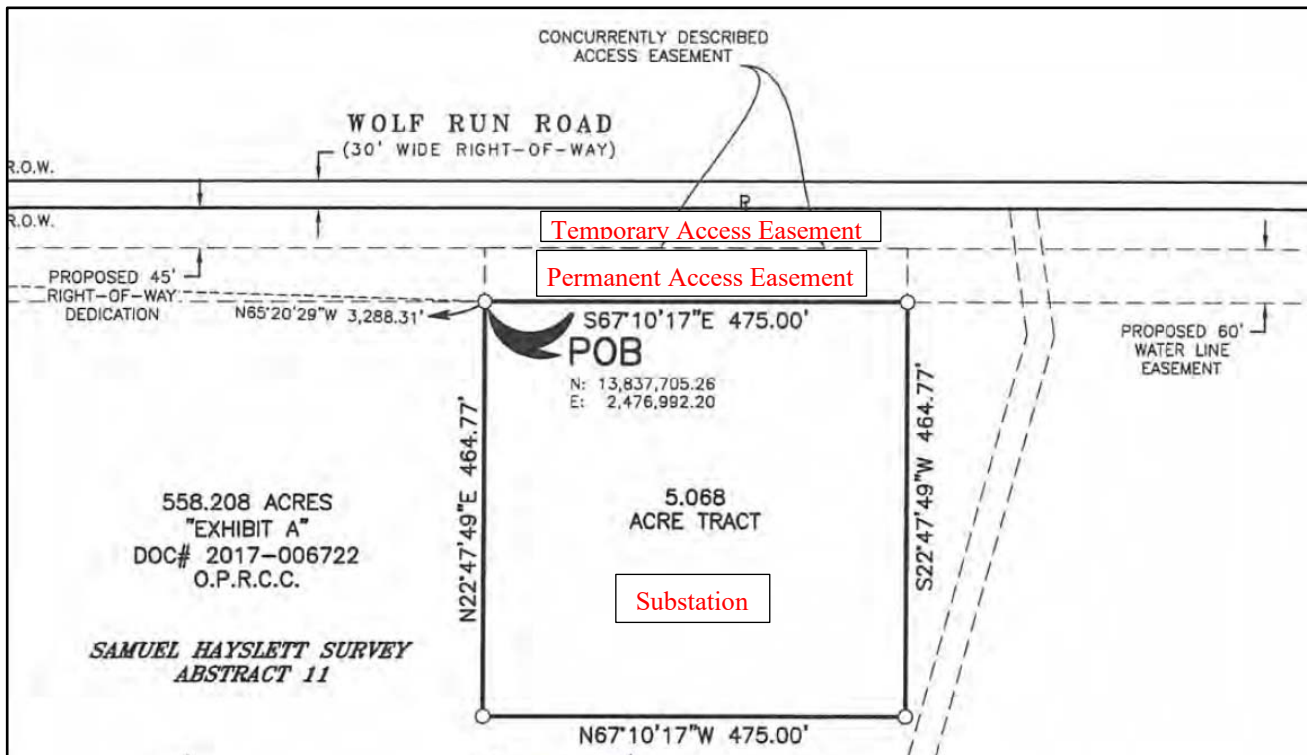
REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

The donation consists of three different components: a fee simple ~5 acre piece for the substation; a ~0.7 acre permanent access easement and a ~0.5 acre temporary access easement. The temporary access easement will no longer be needed when the Authority dedicates the right-of-way to Caldwell County for Wolf Run Road. The image below shows the relationship of the three different components.



GVEC provided a draft Real Estate Contract which was reviewed and marked-up by Staff and Mike Gershon as legal counsel. GVEC has not responded yet to the comments provided, but we expect to hear from them soon.

The Executive Director is requesting the authority to execute all documents associated with the real estate contract and closing documents once they are agreed to form by Mike Gershon. The attached resolution includes this requirement.

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-002 approving a Real Estate Contract with GVEC for property at the Water Treatment Plant.



ALLIANCE WATER

RESOLUTION NO. 20200826-002

A RESOLUTION OF THE ALLIANCE REGIONAL WATER AUTHORITY BOARD OF DIRECTORS APPROVING A REAL ESTATE CONTRACT WITH THE GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. ON THE AUTHORITY'S PHASE 1B WATER TREATMENT PLANT PROPERTY AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL EASEMENT DOCUMENTS; AND DECLARING AN EFFECTIVE DATE

RECITALS:

- 1.** The Alliance Regional Water Authority (the "Authority") is in the process of designing and constructing a new water treatment plant and groundwater well field on property that it owns on SH-304 and Wolf Run Road in eastern Caldwell County, Texas.
- 2.** The Authority entered into a Construction and Facilities agreement with the Guadalupe Valley Electric Cooperative, Inc. ("GVEC") in July 2019 that among other requirements, calls for the Authority to donate land and easements for a new electrical substation and related power lines.
- 3.** The GVEC prepared a Real Estate Contract (the "Contract") to facilitate the transfer of an approximate 5-acre parcel via fee simple acquisition from the Authority to GVEC, along with an approximate 0.7-acre permanent access easement and a 0.5-acre temporary access easement.
- 4.** The Authority desires to approve the Contract with GVEC so that electrical power to the Authority's Phase 1B Pump Station and groundwater well field will be achieved.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1. The Contract with GVEC is approved, pending approval of final terms and conditions by the Authority's legal counsel, Mike Gershon.

SECTION 2. The Authority's Executive Director, Graham Moore, is authorized to execute the Contract and all closing documents on behalf of the Authority in connection with the GVEC Contract.

SECTION 3. This Resolution shall be in full force and effect immediately upon its passage.

ADOPTED: August 26, 2020

ATTEST:

Chris Betz
Chair, Board of Directors

James Earp
Secretary, Board of Directors

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- I. BOARD MEMBER ITEMS OR FUTURE AGENDA ITEMS – Possible acknowledgement by Board Members of future area events and/or requests for item(s) to be placed on a future agenda where no action is required.
-

Background/Information

The Board Members have an opportunity to make announcements or to request that items be added to future Board or Committee agendas.

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- J.1** *Executive Session pursuant to the Government Code, Section 551.071 (Consultation with Attorney) and/or Section 551.072 (Real Property Deliberations) regarding:*
- A. Water supply partnership options*
 - B. Groundwater leases*
 - C. Acquisition of real property for water supply project purposes*
-

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

J.2 Action from Executive Session on the following matters:

- A. *Water supply partnership options*
 - B. *Groundwater leases*
 - C. *Acquisition of real property for water supply project purposes*
-

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- D. Consider adoption of Resolution 2020-08-26-003 ratifying execution by the Authority's Board Chair and Board Secretary of resolutions finding public convenience and necessity and authorizing eminent domain proceedings that were previously and properly noticed and approved by the Authority's Board of Directors under Section J of the July 27, 2020 Board agenda.*
-

Attachment(s)

- Resolution 2020-08-26-003

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-003.



ALLIANCE WATER

RESOLUTION NO. 20200826-003

A RESOLUTION OF THE ALLIANCE REGIONAL WATER AUTHORITY BOARD OF DIRECTORS RATIFYING EXECUTION BY THE AUTHORITY'S BOARD CHAIR AND BOARD SECRETARY OF RESOLUTIONS 2020-07-27-006 (11.916-ACRE PARCEL A-011C), 2020-07-27-007 (1.459-ACRE TRACT A-030C), 2020-07-27-008 (1.725-ACRE PARCEL A-032C), AND 2020-07-27-009 (4.232-ACRE PARCEL A-041C)

RECITALS:

1. Alliance Regional Water Authority's ("Authority's") agenda for its Board of Directors ("Board") meeting held July 27, 2020 was timely posted.
2. Agenda Items J.2(D), (E), (F) and (G) on this July 27, 2020 agenda accurately described the acreage of each parcel of property over which the Authority requires a pipeline and right-of-way easement, as did the caption and recitals of each of the resolutions in the Board packets that were associated with these agenda items and the legal description attached to each resolution. Specifically, Resolutions No. 2020-07-27-006 identified 11.916 acres (Parcel A-011C); No. 2020-07-27-007 identified 1.459 acres (Parcel A-030C); No. 2020-07-27-008 identified 1.725 acres (Parcel A-032C); and No. 2020-07-27-009 identified 4.232 acres (Parcel A-041C).
3. During this public meeting, the Authority's Chair announced each of the above-referenced resolutions for discussion and action and clearly and accurately stated the acreage involved as well as the intent of each resolution (i) to find that public convenience and necessity exists and (ii) to authorize eminent domain proceedings.
4. A motion was made, seconded and passed under each of the above-referenced agenda items that authorized the Board Chair and Board Secretary to execute each of these four resolutions.
5. Subsequent to the July 27, 2020 meeting, an edit was made to each version of these four resolutions that were included within the Board packet to conform one reference to the acreage amount referenced on page 2 of each resolution with the acreage amount that was referenced (i) on the agenda, (ii) by the Board Chair's above-referenced statements, and (iii) in multiple places in each resolution and its attachments. The Board Chair and Board Secretary thereafter executed these resolutions.
6. The Board desires to ratify the action of the Board Chair and Board Secretary to execute these resolutions.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1. The recitals are correct.

SECTION 2. The execution by the Authority's Board Chair and Board Secretary of Resolutions 2020-07-27-006 (11.916-acre Parcel A-011C), 2020-07-27-007 (1.459-acre Tract A-030C), 2020-07-27-008 (1.725-acre Parcel A-032C), and 2020-07-27-009 (4.232-acre Parcel A-041C), which resolutions were previously and properly noticed and approved by the Authority's Board of Directors under Section J of the July 27, 2020 Board agenda, is ratified.

SECTION 3. This resolution shall be in full force and effect immediately upon its passage.

ADOPTED: August 26, 2020.

ATTEST:

Chris Betz
Chair, Board of Directors

James Earp
Secretary, Board of Directors

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- E. Consideration of Resolution 2020-08-26-004 approving a Purchase Agreement with Henderson, Danny Masur, et al for an access easement on Parcel A043C.*
-

Attachment(s)

- Resolution 2020-08-26-004

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-004.



ALLIANCE WATER

RESOLUTION NO. 20200826-004

A RESOLUTION OF THE ALLIANCE REGIONAL WATER AUTHORITY BOARD OF DIRECTORS APPROVING THE PURCHASE AGREEMENT WITH HENDERSON, DANNY MASUR, ET AL FOR AN ACCESS EASEMENT ON PARCEL A043C IN CALDWELL COUNTY ASSOCIATED WITH THE AUTHORITY’S PHASE 1B PROJECT; AND DECLARING AN EFFECTIVE DATE

RECITALS:

- 1.** The Alliance Regional Water Authority (the “Authority”) made an initial offer to purchase an access easement on Parcel A043C on May 1, 2020 and followed up with a final offer on July 10, 2020.
- 2.** On August 7, 2020 the landowner made a counter-offer to the terms and purchase price of the access easement.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1. The Authority accepts the landowner counter-offer for the terms and purchase price of the easement associated with Parcel A043C.

SECTION 2. This Resolution shall be in full force and effect immediately upon its passage.

ADOPTED: August 26, 2020

ATTEST:

Chris Betz
Chair, Board of Directors

James Earp
Secretary, Board of Directors

REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- F. Consideration of Resolution 2020-08-26-005 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 8.684 acres situated in the Frances Berry Survey, Abstract No. 1, and the Francis Berry Survey, Abstract No. 2, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
-

Attachment(s)

- Resolution 2020-08-26-005

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-005.



ALLIANCE WATER

RESOLUTION NO. 20200826-005

Phyllis Metcalfe – Being a 8.684 Acre, Permanent Pipeline and Right-of-Way Easement, situated in the Francis Berry Survey, Abstract No. 1, and the Francis Berry Survey Abstract No. 2, Caldwell County, Texas

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT EASEMENT TOTALING 8.684 ACRES, SITUATED IN THE FRANCIS BERRY SURVEY, ABSTRACT NO. 1, AND THE FRANCIS BERRY SURVEY, ABSTRACT NO. 2, CALDWELL COUNTY, TEXAS, ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, ALLIANCE REGIONAL WATER AUTHORITY (“ARWA”) hereby finds that public convenience and necessity require acquisition of a permanent 90-foot wide Pipeline and Right-of-Way Easement over a tract of land totaling 8.684 acres, situated in the Francis Berry Survey, Abstract No. 1, and the Francis Berry Survey, Abstract No. 2, , Caldwell County, Texas, and being a portion of a remainder called 18.18-acre tract as described in deed to Phyllis Metcalfe, and Recorded in Volume 501, Page 160, Instrument No. 6640, of the Deed Records of Caldwell County, Texas (D.R.C.C.T.). A called 10.06 acre tract as described in a Deed to Phyllis Metcalfe, Recorded in Volume 21, Page 54, Instrument No. 332, of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.), a remainder of a called 100 acre tract, described as Parcel 2, in a deed to Phyllis Metcalfe, recorded in Volume 66, Page 13, Cause No. 7782, Probate Records of Caldwell County, Texas, and further described in Volume 234, Page 456, D.R.C.C.T., a remainder of a called 100 acre tract, described as Parcel 3, in a Deed to Phyllis Metcalfe, Recorded in Volume 66, Page 13, Cause No. 7782, Probate Records of Caldwell County, Texas, and further described in Volume 202, Page 10, D.R.C.T., and a remainder of a called 46.3 acre tract, described as Parcel 4, in a Deed to Phyllis Metcalfe, Recorded in Cause No. 7782, Probate Records of Caldwell County, Texas, and further described in Volume 267, Page 601, D.R.C.C.T., Said 8.684- acre 90-foot wide permanent easement being more specifically described by metes and bounds in Exhibit “A” and also being referred to herein as the “Easement,” for the public use to construct, reconstruct, operate, inspect, and maintain water transmission lines and related facilities and improvements (the “Project”); and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of ARWA lay out the Project, and acquire permanent and temporary easements from properties for the purpose of construction, reconstruction, operation, and maintenance of the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of land rights necessary to effectuate said Project; and

WHEREAS, in order to acquire the necessary land rights, it will be or has been necessary for ARWA's agents, representatives, or employees to enter upon the above-described property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land rights, to conduct tests, and to negotiate with the owners thereof for the purchase of necessary land rights; and

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for the necessary land rights to be acquired for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1.

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require ARWA's acquisition of a permanent easement for the public use for construction, reconstruction, operation, maintenance, inspection and repair of water transmission lines and appurtenances over that certain 8.684-acres (378,265 square foot) parcel of land described with particularity on Exhibit "A," attached and incorporated herein by reference as if fully set out.

2. That ARWA's agents, representatives, or employees are hereby authorized to:

- a. Lay out the exact location of the land area needed for the Easement;
- b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of easement rights and other rights necessary for the Project;
- c. Enter upon any property necessary for the purpose of surveying and establishing title, to determine adequate compensation for the necessary land rights, and to conduct tests;

- d. Negotiate with the owners of any such properties for the purchase thereof;
- e. To purchase any necessary easements and rights-of-way on, over, under and across the Easement and execute all documents necessary to acquire such necessary land rights, all subject to express approval of the specific, negotiated terms by ARWA;
- f. Initiate eminent domain proceedings against the owner(s) of the Easement for acquisition thereof in the event the owner(s) fail to accept a bona fide offer to purchase the Easement; and
- g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.

3. That all previous acts and proceedings done or initiated by ARWA’s agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for the Easement are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the ____ day of _____ 2020.

ALLIANCE REGIONAL WATER AUTHORITY

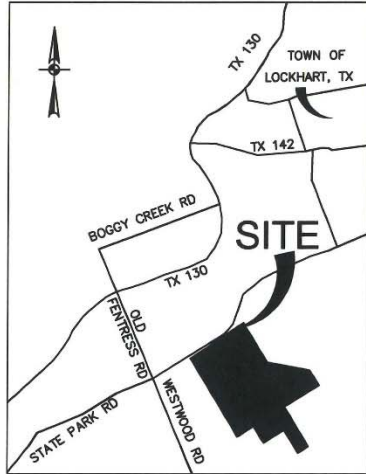
Chris Betz
 Chair of the Board of Directors of
 ALLIANCE REGIONAL WATER AUTHORITY

ATTEST:

James Earp
 Secretary of the Board of Directors of
 ALLIANCE REGIONAL WATER AUTHORITY

EXHIBIT A

PARCEL B009C
CALDWELL COUNTY, TEXAS
ALLIANCE WATER PH 1B



LOCATION MAP
NOT TO SCALE

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 (NA2011) EPOCH 2010.00.
3. AREAS AND DISTANCES SHOWN ARE IN U.S. SURVEY FEET. TO CONVERT TO GRID, APPLY THE COMBINED SCALE FACTOR OF 1.00013.
4. ANY UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON VISIBLE ABOVE GROUND LOCATION ONLY. ALL UNDERGROUND UTILITIES HAVE NOT BEEN FIELD VERIFIED NEITHER ANY SUBSURFACE UTILITY ENGINEERING LEVELS A-D WERE PERFORMED BY SAM. THERE MAY BE ADDITIONAL UTILITIES THAT SAM HAS NOT BEEN ADVISED OF

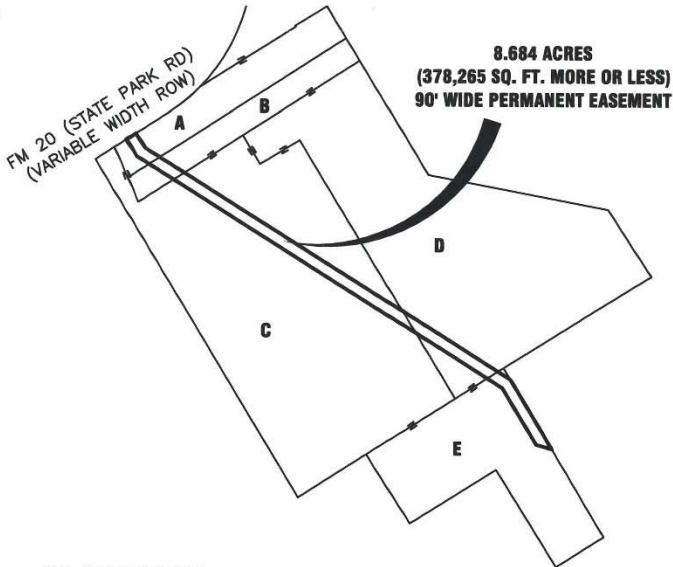
SCHEDULE B COMMENTS:

CHICAGO TITLE INSURANCE COMPANY
GF# CTA-21-CTA1803072G
ISSUE DATE: APRIL 8, 2019

10.J.) 30' OVERHEAD AND 20' UNDERGROUND EASEMENT TO BLUEBONNET ELECTRIC COOPERATIVE, INC. INST NO. 2015-003297 O.P.R.C.C.T. (UNABLE TO DETERMINE) (BLANKET EASEMENT) "THE AREA OF THE EASEMENT FOR OVERHEAD ELECTRIC FACILITIES SHALL BE 15 FEET ON EACH SIDE OF THE CENTERLINE OF THE INITIAL LINES CONSTRUCTED BY GRANTEE"...

10.K.) 30' OVERHEAD AND 20' UNDERGROUND EASEMENT TO BLUEBONNET ELECTRIC COOPERATIVE, INC. INST NO. 2012-123940 O.P.R.C.C.T. (UNABLE TO DETERMINE) (BLANKET EASEMENT) "THE AREA OF THE EASEMENT FOR OVERHEAD ELECTRIC FACILITIES SHALL BE 15 FEET ON EACH SIDE OF THE CENTERLINE OF THE INITIAL LINES CONSTRUCTED BY GRANTEE"...

- A
VOL. 501 PG. 160
INST. NO. 6640
PARENT TRACT
REMAINDER OF A CALLED
18.18 ACRES
- B
VOL. 21, PAGE 54
INST. NO. 332
PARENT TRACT
OF A CALLED
10.06 ACRES
- C
PARCEL 2
PARENT TRACT
REMAINDER OF A CALLED
100 ACRES
- D
PARCEL 3
PARENT TRACT
REMAINDER OF A CALLED
100 ACRES
- E
PARCEL 4
PARENT TRACT
REMAINDER OF A CALLED
46.3 ACRES



Date: Dec 20, 2018, 1:22:41pm User: dz: abel@sam.com File: \\server\apps\products\101\B009C\B009C.dwg Segment: B Parcel: [B009C] [B009C.dwg]



4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PAGE 1 OF 5

WORK ORDER ARWA18005832 DIGITAL FILE B009C PE.dwg REVISION # 0 DRAWN BY DR

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SAM, LLC
 4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735
 Ofc 512.447.0575 Fax 512.326.3029
 info@sam.biz www.sam.biz TBPLS # 10064300



**Legal Description
 8.684 Acre (378,265 Square Foot)
 90 Foot Wide Permanent Easement**

BEING A 8.684 ACRE, 90 FOOT WIDE PERMANENT EASEMENT, SITUATED IN THE ESTHER BERRY SURVEY ABSTRACT NO. 1, AND THE FRANCIS BERRY SURVEY, ABSTRACT NO. 2, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A REMAINDER OF A CALLED 18.18 ACRE TRACT AS DESCRIBED IN A DEED TO PHYLLIS METCALFE, AND RECORDED IN VOLUME 501, PAGE 160, INSTRUMENT NO. 6640, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.), A CALLED 10.06 ACRE TRACT AS DESCRIBED IN A DEED TO PHYLLIS METCALFE, RECORDED IN VOLUME 21, PAGE 54, INSTRUMENT NO. 332, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS (O.P.R.C.C.T.), A REMAINDER OF A CALLED 100 ACRE TRACT, DESCRIBED AS PARCEL 2, IN A DEED TO PHYLLIS METCALFE, RECORDED IN VOLUME 66, PAGE 13, CAUSE NO. 7782, PROBATE RECORDS OF CALDWELL COUNTY, TEXAS, AND FURTHER DESCRIBED IN VOLUME 234, PAGE 456, D.R.C.C.T., A REMAINDER OF A CALLED 100 ACRE TRACT, DESCRIBED AS PARCEL 3, IN A DEED TO PHYLLIS METCALFE, RECORDED IN VOLUME 66, PAGE 13, CAUSE NO. 7782, PROBATE RECORDS OF CALDWELL COUNTY, TEXAS, AND FURTHER DESCRIBED IN VOLUME 202, PAGE 10, D.R.C.C.T., AND A REMAINDER OF A CALLED 46.3 ACRE TRACT, DESCRIBED AS PARCEL 4, IN A DEED TO PHYLLIS METCALFE, RECORDED IN CAUSE NO. 7782, PROBATE RECORDS OF CALDWELL COUNTY, TEXAS, AND FURTHER DESCRIBED IN VOLUME 267, PAGE 601, D.R.C.C.T., SAID 8.684 ACRE 90 FOOT WIDE PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found for the southeast corner of said Parcel 4, same being the southwest corner of a called 219.495 acre tract, described as Tract 2, in a deed to Fredrica Wiegand Kinnard as trustee of the Fredrica Wiegand Kinnard Trust, and recorded in Instrument No. 2012-126615, O.P.R.C.C.T.;

THENCE N 31°17'59" W, a distance of 820.35 feet, to a point on the common line of said Parcel 4, and said 219.495 acre tract, for the **POINT OF BEGINNING** and the southeast corner of this 90 foot wide permanent easement;

THENCE departing said common line, over and across said Parcel 4, said Parcel 3, said Parcel 2, said 10.06 acre tract, and said remainder of a called 18.18 acre tract, the following four (4) courses and distances;

- 1) N 74°44'48" W, a distance of 130.89 feet to a point, for the southwest corner of this easement,
- 2) N 31°17'59" W, a distance of 530.51 feet to a point, for an angle corner of this easement,
- 3) N 57°55'03" W, a distance of 3,465.56 feet to a point, for an angle corner of this easement, and



- 4) N 31°53'38" W, a distance of 157.69 feet, to a point on the common line of said remainder of a called 18.18 acre tract and the apparent south ROW line of FM 20 (State Park Rd.) (a variable width ROW), for the northwest corner of this easement. From which a found iron pipe, bears S 56°50'48" W, a distance of 172.98 feet;

THENCE N 57°25'54" E, with said common line, a distance of 90.02 feet, to a point, for the northeast corner of this easement;

THENCE departing said common line, over and across said remainder of a called 18.18 acre tract, said 10.06 acre tract, said Parcel 2, said Parcel 3, and said Parcel 4, the following two (2) courses and distances;

- 1) S 31°53'38" E, a distance of 137.94 feet, to a point, for an angle corner of this easement, and
- 2) S 57°55'03" E, a distance of 3,466.05 feet, to a point on said common line of said Parcel 4 and said 219.495 acre tract, for an angle corner of this easement. From said point, a 1/2-inch iron rod found for the northeast corner of said Parcel 4, same being the northwest corner of said 219.495 acre tract, bears N 31°17'59" W, a distance of 108.72 feet;

THENCE S 31°17'59" E, with said common line, a distance of 646.83 feet, to the **POINT OF BEGINNING** and containing 8.684 acres, more or less.

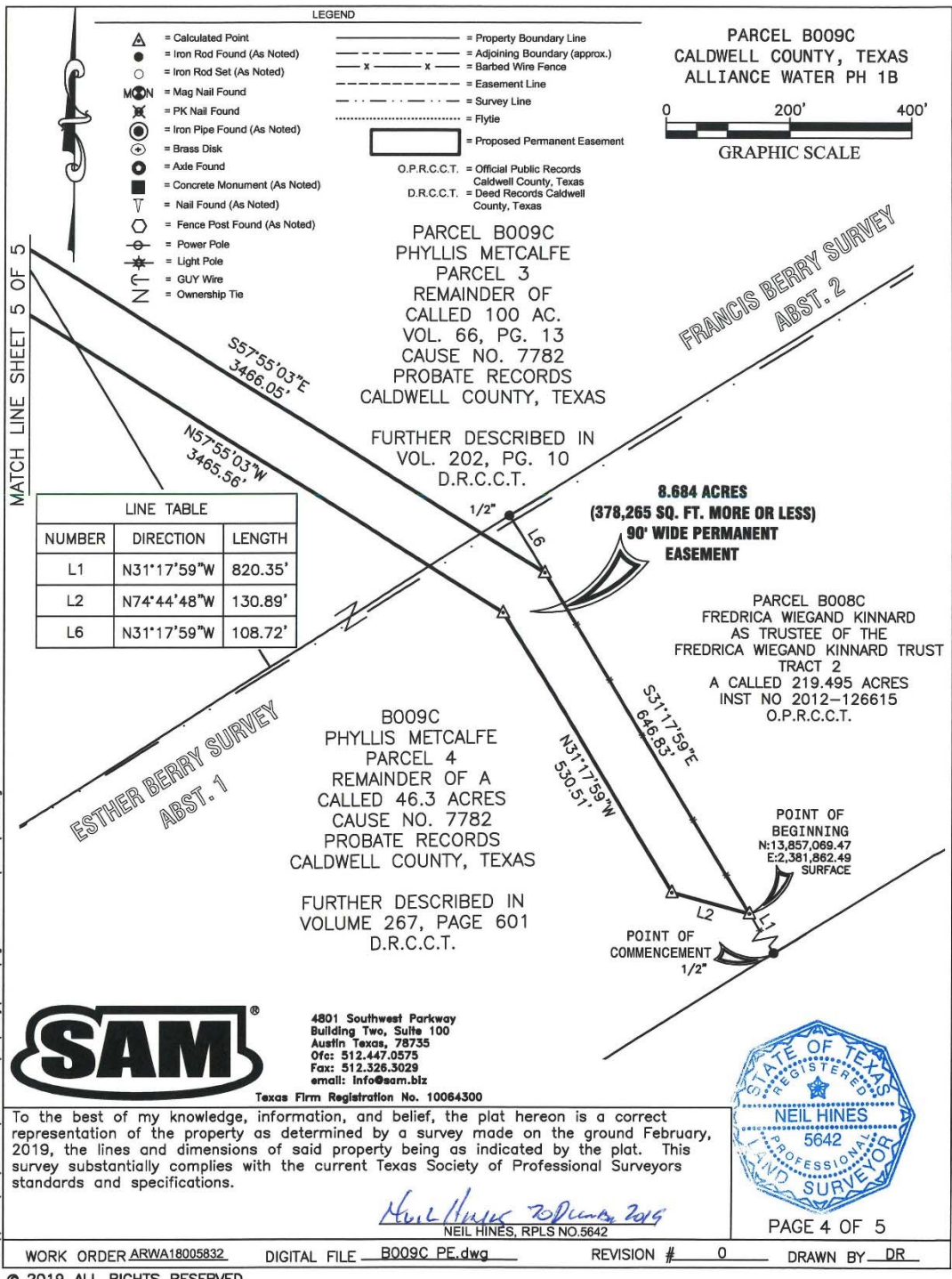
The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are in U.S. Survey Feet and may be converted to grid by applying the combined scale factor of 1.00013.

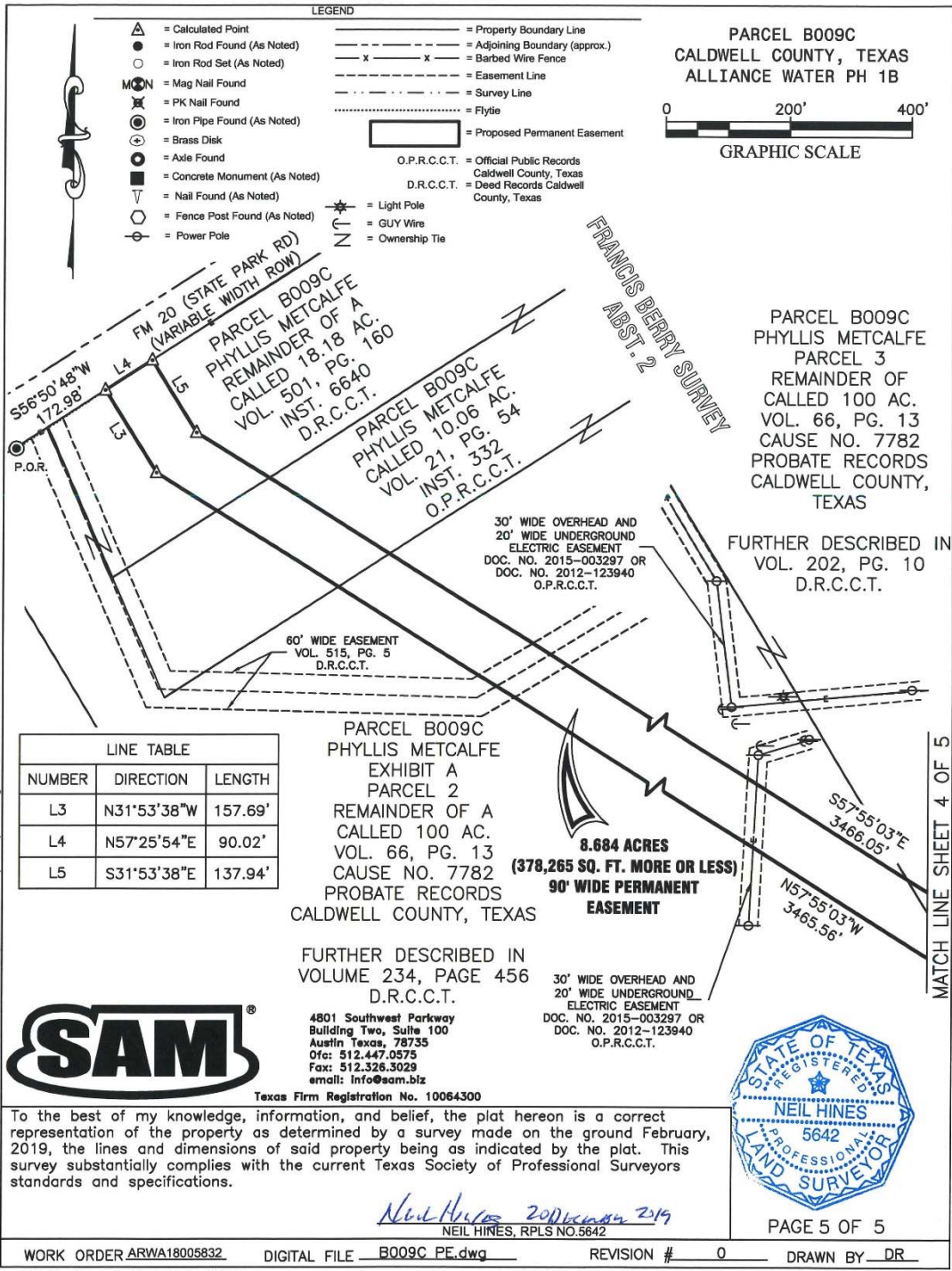


Neil Hines
Registered Professional Land Surveyor
Texas Registration Number 5642



Date: 20 December 2019





- LEGEND**
- △ = Calculated Point
 - = Iron Rod Found (As Noted)
 - = Iron Rod Set (As Noted)
 - M = Mag Nail Found
 - ⊗ = PK Nail Found
 - ⊙ = Iron Pipe Found (As Noted)
 - ⊕ = Brass Disk
 - ⊖ = Axle Found
 - = Concrete Monument (As Noted)
 - ▽ = Nail Found (As Noted)
 - ◇ = Fence Post Found (As Noted)
 - ⊖ = Power Pole
 - = Property Boundary Line
 - - - = Adjoining Boundary (approx.)
 - x - x - = Barbed Wire Fence
 - · - · - = Easement Line
 - · - - · - = Survey Line
 - ⋯ = Flytie
 - ▭ = Proposed Permanent Easement
 - O.P.R.C.C.T. = Official Public Records Caldwell County, Texas
 - D.R.C.C.T. = Dead Records Caldwell County, Texas
 - ⊙ = Light Pole
 - ⊕ = GUY Wire
 - ⊖ = Ownership Tie

**PARCEL B009C
CALDWELL COUNTY, TEXAS
ALLIANCE WATER PH 1B**

0 200' 400'

GRAPHIC SCALE

**PARCEL B009C
PHYLLIS METCALFE
PARCEL 3
REMAINDER OF
CALLED 100 AC.
VOL. 66, PG. 13
CAUSE NO. 7782
PROBATE RECORDS
CALDWELL COUNTY,
TEXAS**

FURTHER DESCRIBED IN
VOL. 202, PG. 10
D.R.C.C.T.

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L3	N31°53'38"W	157.69'
L4	N57°25'54"E	90.02'
L5	S31°53'38"E	137.94'

**PARCEL B009C
PHYLLIS METCALFE
EXHIBIT A
PARCEL 2
REMAINDER OF A
CALLED 100 AC.
VOL. 66, PG. 13
CAUSE NO. 7782
PROBATE RECORDS
CALDWELL COUNTY, TEXAS**

**8.684 ACRES
(378,265 SQ. FT. MORE OR LESS)
90' WIDE PERMANENT
EASEMENT**

FURTHER DESCRIBED IN
VOLUME 234, PAGE 456
D.R.C.C.T.

SAM
4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz
Texas Firm Registration No. 10064300



To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground February, 2019, the lines and dimensions of said property being as indicated by the plat. This survey substantially complies with the current Texas Society of Professional Surveyors standards and specifications.

Neil Hines 2019
NEIL HINES, RPLS NO. 5642

PAGE 5 OF 5

WORK ORDER ARWA18005832 DIGITAL FILE B009C PE.dwg REVISION # 0 DRAWN BY DR

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REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- G. *Consideration of Resolution 2020-08-26-006 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 0.797 acres situated in the Frances Berry Survey, Abstract No. 2 and the John S. Stumps Survey, Abstract No. 263, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
-

Attachment(s)

- Resolution 2020-08-26-006

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-006.



ALLIANCE WATER

RESOLUTION NO. 20200826-006

Kenneth Schawe – Being a 0.797Acre, Permanent Pipeline and Right-of-Way Easement, situated in the Francis Berry Survey, Abstract No 2, and the John S. Stumps Survey, Abstract No. 263, Caldwell County, Texas

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT EASEMENT TOTALING 0.797 ACRES, SITUATED IN THE FRANCIS BERRY SURVEY, ABSTRACT NO. 2, AND THE JOHN S. STUMPS SURVEY, ABSTRACT NO. 263, CALDWELL COUNTY, TEXAS, ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, ALLIANCE REGIONAL WATER AUTHORITY (“ARWA”) hereby finds that public convenience and necessity require acquisition of a permanent 90-foot wide Pipeline and Right-of-Way Easement over a tract of land totaling 0.797 acres, situated in the Francis Berry Survey, Abstract No. 2, and the John S. Stumps Survey, Abstract No. 263, Caldwell County, Texas, and being a portion of a called 140.075-acre tract as described in deed to Kenneth Schawe and Recorded in Volume 421, Page 18, of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.). Said 0.797- acre 90-foot wide permanent easement being more specifically described by metes and bounds in Exhibit “A” and also being referred to herein as the “Easement,” for the public use to construct, reconstruct, operate, inspect, and maintain water transmission lines and related facilities and improvements (the “Project”); and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of ARWA lay out the Project, and acquire permanent and temporary easements from properties for the purpose of construction, reconstruction, operation, and maintenance of the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of land rights necessary to effectuate said Project; and

WHEREAS, in order to acquire the necessary land rights, it will be or has been necessary for ARWA's agents, representatives, or employees to enter upon the above-described property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land rights, to conduct tests, and to negotiate with the owners thereof for the purchase of necessary land rights; and

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for the necessary land rights to be acquired for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1.

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require ARWA's acquisition of a permanent easement for the public use for construction, reconstruction, operation, maintenance, inspection and repair of water transmission lines and appurtenances over that certain 0.797-acres (34,717 square foot) parcel of land described with particularity on Exhibit "A," attached and incorporated herein by reference as if fully set out.

2. That ARWA's agents, representatives, or employees are hereby authorized to:

- a. Lay out the exact location of the land area needed for the Easement;
- b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of easement rights and other rights necessary for the Project;
- c. Enter upon any property necessary for the purpose of surveying and establishing title, to determine adequate compensation for the necessary land rights, and to conduct tests;
- d. Negotiate with the owners of any such properties for the purchase thereof;
- e. To purchase any necessary easements and rights-of-way on, over, under and across the Easement and execute all documents necessary to acquire such necessary land rights, all subject to express approval of the

specific, negotiated terms by ARWA;

f. Initiate eminent domain proceedings against the owner(s) of the Easement for acquisition thereof in the event the owner(s) fail to accept a bona fide offer to purchase the Easement; and

g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.

3. That all previous acts and proceedings done or initiated by ARWA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for the Easement are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the ____ day of _____ 2020.

ALLIANCE REGIONAL WATER AUTHORITY

Chris Betz
Chair of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

ATTEST:

James Earp
Secretary of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

EXHIBIT A

PARCEL B013C
CALDWELL COUNTY, TEXAS
ALLIANCE WATER PH 1B

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 (NA2011) EPOCH 2010.00.
3. AREAS AND DISTANCES SHOWN ARE IN U.S. SURVEY FEET. TO CONVERT TO GRID, APPLY THE COMBINED SCALE FACTOR OF 1.00013.
4. ANY UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON VISIBLE ABOVE GROUND LOCATION ONLY. ALL UNDERGROUND UTILITIES HAVE NOT BEEN FIELD VERIFIED NEITHER ANY SUBSURFACE UTILITY ENGINEERING LEVELS A-D WERE PERFORMED BY SAM. THERE MAY BE ADDITIONAL UTILITIES THAT SAM HAS NOT BEEN ADVISED OF

SCHEDULE B COMMENTS:

CHICAGO TITLE INSURANCE COMPANY
GF# CTA-21-CTA1803076C
ISSUE DATE: JUNE 2, 2019

PARCEL B013C

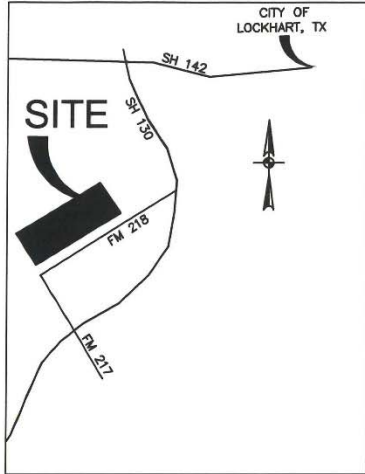
10.j.) TERMS, CONDITIONS AND PROVISIONS IN THAT CERTAIN PIPELINE RIGHT OF WAY AS SET FORTH AND DEFINED IN INSTRUMENT NO. 4069, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS. (DOES AFFECT AS SHOWN HEREON)

10.k.) TERMS, CONDITIONS AND PROVISIONS IN THAT CERTAIN RIGHT OF WAY AS SET FORTH AND DEFINED IN INSTRUMENT NO. 2938, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS. (DOES AFFECT) NO WIDTH OR LOCATION GIVEN.

10.l.) TERMS, CONDITIONS AND PROVISIONS IN THAT CERTAIN UTILITY EASEMENT AS SET FORTH AND DEFINED IN INSTRUMENT NO. 094635, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS. (OVERHEAD ELECTRIC FACILITIES SHALL BE 15 FEET ON EACH SIDE OF C/L OF THE INITIAL LINE(S), AS CONSTRUCTED AND THE AREA OF THE EASEMENT FOR UNDERGROUND ELECTRIC FACILITIES SHALL BE 10 FEET EITHER SIDE OF THE INITIAL LINE(S) AS CONSTRUCTED)

10.m.) TERMS, CONDITIONS AND PROVISIONS IN THAT CERTAIN UTILITY EASEMENT AS SET FORTH AND DEFINED IN INSTRUMENT NO. 113214, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS. (DOES AFFECT) (ALONG AND ADJACENT TO THE FRONT PROPERTY LINE, EXCEPT THAT WHEN THE PIPELINE(S) IS(ARE) INSTALLED, THE EASEMENT HEREIN GRANTED SHALL BE LIMITED TO A STRIP OF LAND 20' IN WIDTH WITH THE C/L THEREOF BEING THE PIPELINE AS INSTALLED.)

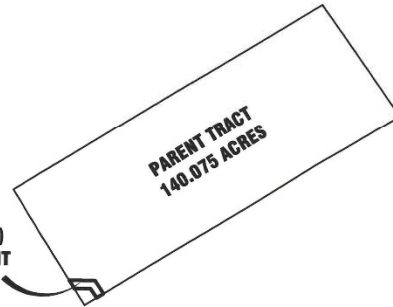
10.n.) TERMS, CONDITIONS AND PROVISIONS IN THAT CERTAIN UTILITY EASEMENT AS SET FORTH AND DEFINED IN INSTRUMENT NO. 2018001214, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS. (OVERHEAD ELECTRIC FACILITIES SHALL BE 15 FEET ON EACH SIDE OF C/L OF THE INITIAL LINE(S), AS CONSTRUCTED AND THE AREA OF THE EASEMENT FOR UNDERGROUND ELECTRIC FACILITIES SHALL BE 10 FEET EITHER SIDE OF THE INITIAL LINE(S) AS CONSTRUCTED)



LOCATION MAP
NOT TO SCALE



0.797 ACRES
(34,717 SQ. FT. MORE OR LESS)
90' WIDE PERMANENT EASEMENT



4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PAGE 1 OF 4

Date: Dec 04, 2018, 8:13am User: B: aboahatory File: \\barracuda\GIS\Projects\1012\Lockhart\B013C\Segment B Parcel\B013C\B013C_Surface.dwg

WORK ORDER ARWA18005832 DIGITAL FILE B013C PE.dwg REVISION # 0 DRAWN BY DR

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4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735
Ofc 512.447.0575 Fax 512.326.3029
info@sam.biz www.sam.biz TBPLS # 10064300



Legal Description
0.797 Acres (34,717 Square Foot)
90 Foot Wide Permanent Easement

BEING A 0.797 ACRE, 90 FOOT WIDE PERMANENT EASEMENT, SITUATED IN THE FRANCIS BERRY SURVEY, ABSTRACT NO. 2, AND THE JOHN S. STUMPS SURVEY, ABSTRACT NO. 263, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 140.075 ACRE TRACT AS DESCRIBED IN A DEED TO KENNETH SCHAWA, AND RECORDED IN VOLUME 421, PAGE 18, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS (O.P.R.C.C.T.). SAID 0.797 ACRE 90 FOOT WIDE PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with a cap found on the north ROW line of CR 218 (Boggy Creek Rd), (a variable width ROW), for the south corner of said 140.075 acre tract;

THENCE N 58°48'57" E, with the southeast line of said 140.075 acre tract and said north ROW line of CR 218, a distance of 158.55 feet, for the **POINT OF BEGINNING** of this 90 foot wide permanent easement;

THENCE departing the southeast line of said 140.075 acre tract and said north ROW line of CR 218, over and across said 140.075 acre tract, the following two (2) courses and distances;

- 1) N 33°49'14" W, a distance of 124.36 feet to a point, for an angle corner of this easement, and
- 2) N 89°46'10" W, a distance of 183.01 feet, to a point on the common line of said 140.075 acre tract and a remainder of a called 101.7 acre tract as described in a deed to Edward D. Morgan and William J. Morgan, and recorded in Volume 387, Page 366, Deed Records of Caldwell County Texas (D.R.C.C.T.), for an angle corner of this easement;

THENCE N 32°03'34" W, with the said common line, a distance of 106.48 feet, to a point, for an angle corner of this easement;

THENCE departing said common line, over and across said 140.075 acre tract, the following two (2) courses and distances;

- 1) S 89°46'10" E, a distance of 287.70 feet, to a point, for an angle corner of this easement, and
- 2) S 33°49'14" E, a distance of 176.31 feet, to a point on the southeast line of said 140.075 acre tract and said north ROW line of CR 218, for an angle corner of this easement. From said point, a 1/2-iron rod with cap stamped "Hinkle Surveyors" found for the east corner of said 140.075 acre tract bears N 58° 51' 05" E a distance of 3,839.41 feet;



THENCE S 58°48'57" W, with the southeast line of said 140.075 acre tract and said north ROW line of CR 218, a distance of 90.11 feet, to the **POINT OF BEGINNING** and containing 0.797 acre, more or less.

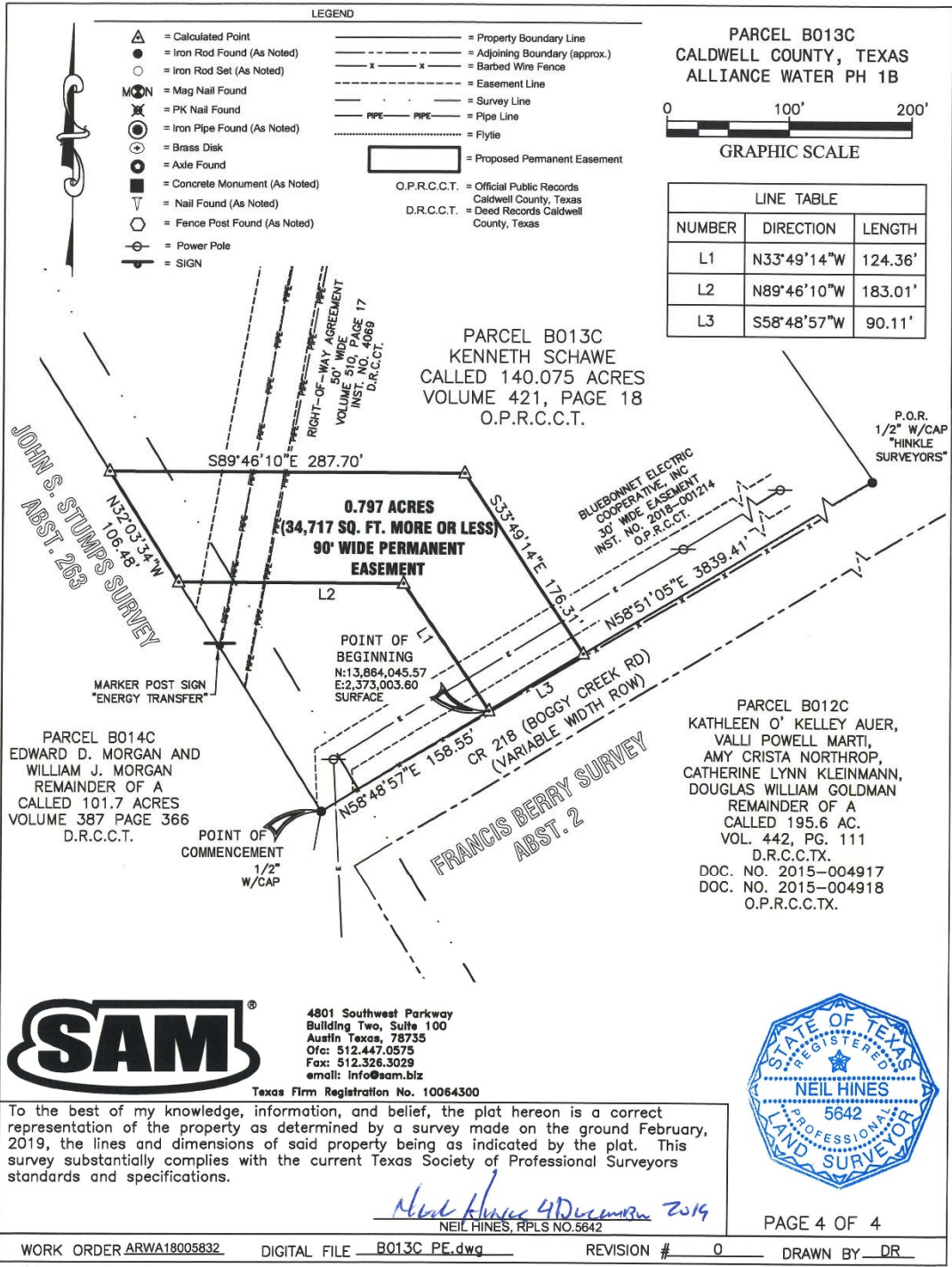
The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are in U.S. Survey Feet and may be converted to grid by applying the combined scale factor of 1.00013.



Neil Hines
Registered Professional Land Surveyor
Texas Registration Number 5642



Date: 4 December 2014



REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- H. *Consideration of Resolution 2020-08-26-007 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 0.989 acres situated in the W.C. Steffey Survey, Abstract No. 274, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
-

Attachment(s)

- Resolution 2020-08-26-007

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-007.



ALLIANCE WATER

RESOLUTION NO. 20200826-007

*Edgar L. Vogel and June Vogel – Being a 0.989 Acre,
Permanent Pipeline and Right-of-Way Easement, situated in
the W. C. Steffey Survey, Abstract No. 274, Caldwell County,
Texas*

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT EASEMENT TOTALING 0.989 ACRES, SITUATED IN THE W. C. STEFFEY SURVEY, ABSTRACT NO. 274, CALDWELL COUNTY, TEXAS, ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, ALLIANCE REGIONAL WATER AUTHORITY (“ARWA”) hereby finds that public convenience and necessity require acquisition of a permanent 90-foot wide Pipeline and Right-of-Way Easement over a tract of land totaling 0.989 acres, situated in the W. C. Steffey Survey, Abstract No. 274, Caldwell County, Texas, and being a portion of a called 15.32-acre tract as described as Tract II in a deed to Edgar L. Vogel and Dorothy June Vogel, and Recorded in Volume 8, Page 21, of the Deed Records of Caldwell County, Texas (D.R.C.C.T.). Said 0.989- acre 90-foot wide permanent easement being more specifically described by metes and bounds in Exhibit “A” and also being referred to herein as the “Easement,” for the public use to construct, reconstruct, operate, inspect, and maintain water transmission lines and related facilities and improvements (the “Project”); and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of ARWA lay out the Project, and acquire permanent and temporary easements from properties for the purpose of construction, reconstruction, operation, and maintenance of the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of land rights necessary to effectuate said Project; and

WHEREAS, in order to acquire the necessary land rights, it will be or has been necessary for ARWA's agents, representatives, or employees to enter upon the above-described property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land rights, to conduct tests, and to negotiate with the owners thereof for the purchase of necessary land rights; and

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for the necessary land rights to be acquired for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1.

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require ARWA's acquisition of a permanent easement for the public use for construction, reconstruction, operation, maintenance, inspection and repair of water transmission lines and appurtenances over that certain 0.989-acres (43,076 square foot) parcel of land described with particularity on Exhibit "A," attached and incorporated herein by reference as if fully set out.

2. That ARWA's agents, representatives, or employees are hereby authorized to:

- a. Lay out the exact location of the land area needed for the Easement;
- b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of easement rights and other rights necessary for the Project;
- c. Enter upon any property necessary for the purpose of surveying and establishing title, to determine adequate compensation for the necessary land rights, and to conduct tests;
- d. Negotiate with the owners of any such properties for the purchase thereof;
- e. To purchase any necessary easements and rights-of-way on, over, under and across the Easement and execute all documents necessary to acquire such necessary land rights, all subject to express approval of the

specific, negotiated terms by ARWA;

f. Initiate eminent domain proceedings against the owner(s) of the Easement for acquisition thereof in the event the owner(s) fail to accept a bona fide offer to purchase the Easement; and

g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.

3. That all previous acts and proceedings done or initiated by ARWA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for the Easement are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the ____ day of _____ 2020.

ALLIANCE REGIONAL WATER AUTHORITY

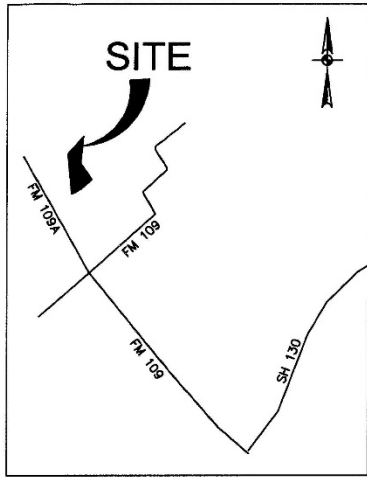
Chris Betz
Chair of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

ATTEST:

James Earp
Secretary of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

EXHIBIT A

PARCEL B018C
CALDWELL COUNTY, TEXAS
ALLIANCE WATER PH 1B



LOCATION MAP
NOT TO SCALE

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 (NA2011) EPOCH 2010.00.
3. AREAS AND DISTANCES SHOWN ARE IN U.S. SURVEY FEET. TO CONVERT TO GRID, APPLY THE COMBINED SCALE FACTOR OF 1.00013.
4. ANY UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON VISIBLE ABOVE GROUND LOCATION ONLY. ALL UNDERGROUND UTILITIES HAVE NOT BEEN FIELD VERIFIED NEITHER ANY SUBSURFACE UTILITY ENGINEERING LEVELS A-D WERE PERFORMED BY SAM. THERE MAY BE ADDITIONAL UTILITIES THAT SAM HAS NOT BEEN ADVISED OF

SCHEDULE B COMMENTS:

CHICAGO TITLE INSURANCE COMPANY
GF# CTA-21-CTA1803082G
ISSUE DATE: APRIL 9, 2019

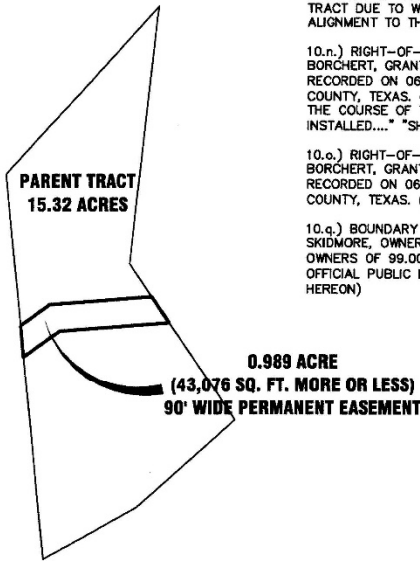
10.k.) EASEMENT OR RIGHT OF WAY BETWEEN OTTO BORCHERT AND WIFE, EMMA BORCHERT, GRANTOR AND TEXAS PUBLIC UTILITIES COMPANY, GRANTEE RECORDED ON 09/30/1923 IN VOLUME 105 PAGE 186 INDEXED AS VOLUME 121 PAGE 186, DEED RECORDS, CALDWELL COUNTY, TEXAS. DOES NOT AFFECT. EASEMENT NORTH OF SUBJECT PROPERTY BY 1/2 MILE.

10.m.) EASEMENT BETWEEN LOUIS A. BORCHERT ET UX DORIS BORCHERT, GRANTOR AND J. T. REID ET UX BERTHA REID, GRANTEE RECORDED ON 02/04/1969 IN VOLUME 330 PAGE 187, DEED RECORDS, CALDWELL COUNTY, TEXAS. EASEMENT IS TO PLUM CREEK CONSERVATION DISTRICT OF LOCKHART, TEXAS. INSUFFICIENT INFO TO DETERMINE LOCATION OF 43.6 AC. MOST LIKELY DOESN'T AFFECT PROPOSED ALIGNMENT ON THIS TRACT DUE TO WATERWAY THROUGH THIS TRACT BEING TO THE NORTH AND PROPOSED ALIGNMENT TO THE SOUTH.

10.n.) RIGHT-OF-WAY AGREEMENT BETWEEN LOUIS A. BORCHERT AND WIFE, DORIS BORCHERT, GRANTOR AND MAXWELL WATER SUPPLY CORPORATION, GRANTEE RECORDED ON 06/30/1970 IN VOLUME 338 PAGE 17, DEED RECORDS, CALDWELL COUNTY, TEXAS. (BLANKET EASEMENT) "GRANTEE IS HEREBY AUTHORISED TO DESIGNATE THE COURSE OF THE EASEMENT HEREIN CONVEYED EXCEPT THAT WHEN THE PIPELINE IS INSTALLED...." "SHALL NOT EXCEED 10 FT WIDTH"

10.o.) RIGHT-OF-WAY AGREEMENT BETWEEN LOUIS A. BORCHERT AND WIFE, DORIS BORCHERT, GRANTOR AND MAXWELL WATER SUPPLY CORPORATION, GRANTEE RECORDED ON 06/30/1970 IN VOLUME 338 PAGE 47, DEED RECORDS, CALDWELL COUNTY, TEXAS. (DOES NOT AFFECT)

10.q.) BOUNDARY LINE AGREEMENT BETWEEN RICHARD L. SKIDMORE AND NICOLE R. SKIDMORE, OWNERS OF 70.427 ACRES AND EDGAR L. VOGEL AND JUNE VOGEL, OWNERS OF 99.00 ACRES RECORDED ON 05/01/2008 IN VOLUME 530 PAGE 662, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY. CALDWELL COUNTY, TEXAS. (SHOWN HEREON)



4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PAGE 1 OF 4

Date: May 22, 2019, 10:46am User: dj: abrahamov
File: \\vernitas\AUC_PROJECTS\10180430082\100\Survey\06\Phase\Segment B Parcell\B018C\B018C_Surface.dwg

WORK ORDER ARWA18005832 DIGITAL FILE B018C PE.dwg REVISION # 0 DRAWN BY BAB

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SAM, LLC
4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735
Ofc 512.447.0575 Fax 512.326.3029
info@sam.biz www.sam.biz TBPLS #10064300



Legal Description
0.989 Acre (43,076 Square Foot)
90 Foot Wide Permanent Easement

BEING A 0.989 ACRE, 90 FOOT WIDE PERMANENT EASEMENT, SITUATED IN THE W.C. STEFFEY SURVEY, ABSTRACT NO. 274, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 15.32 ACRE TRACT, DESCRIBED AS TRACT II IN A DEED TO EDGAR L. VOGEL AND DOROTHY JUNE VOGEL, AND RECORDED IN VOLUME 8, PAGE 21, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.). SAID 0.989 ACRE 90 FOOT WIDE PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 6-inch wood post found at a angle point in the common fenced line of said Tract II and of a called 70.427 acre tract, as described in a deed to Richard L. Skidmore and Nicole R. Skidmore, and recorded in Volume 523, Page 436, Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.);

THENCE S 32°24'59" E, a distance of 131.49 feet, to a point on a common line of said Tract II and said 70.427 acre tract, for the POINT OF BEGINNING and the northeast corner of this 90 foot wide permanent easement;

THENCE S 34°06'45" E, with said common line, a distance of 103.63 feet, to a point, for this southeast easement corner. From said point, a 6-inch wood post found bears S 33°39'00" E, 201.24 feet;

THENCE departing said common line, over and across said Tract II, the following two (2) courses and distances:

- 1) S 85°35'38" W, a distance of 360.22 feet, to a point, and
- 2) S 54°14'22" W, a distance of 144.84 feet, to a point on the common line of said Tract II and Lot 2 of Tower Meadows Subdivision, and recorded in Document No. 2018005737, O.P.R.C.C.T., described in a deed to Secure Covenant Interest LTD., and recorded in Document No. 2017002557, O.P.R.C.C.T., for this southwest easement corner;

THENCE N 05°40'19" W, with said common line, a distance of 104.03 feet, to a point, for this northwest easement corner. From said point, a 6-inch wood post found at the northeast corner of Lot 1, of said Tower Meadows Subdivision and the northwest corner of said Tract II bears N 05°40'52" W, 497.75 feet;



THENCE departing said common line, over and across said Tract II, the following two (2) courses and distances:

- 1) N 54°14'22" E, a distance of 117.95 feet, to a point, and
- 2) N 85°35'38" E, a distance of 334.12 feet to the POINT OF BEGINNING and containing 0.989 acre, more or less.

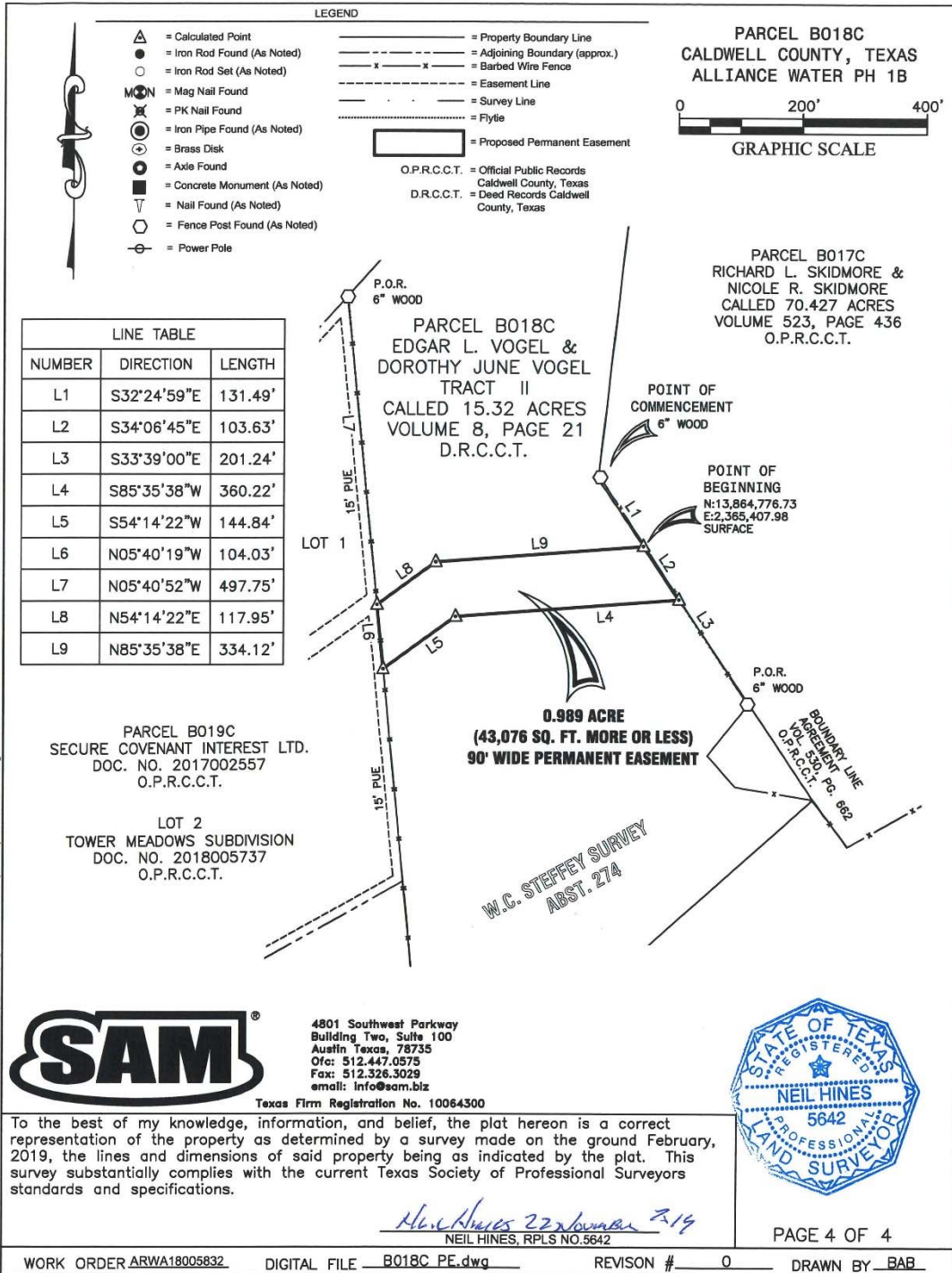
The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are in U.S. Survey Feet and may be converted to grid by applying the combined scale factor of 1.00013.



Neil Hines
Registered Professional Land Surveyor
Texas Registration Number 5642



Date: 22 November 2019



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S32°24'59"E	131.49'
L2	S34°06'45"E	103.63'
L3	S33°39'00"E	201.24'
L4	S85°35'38"W	360.22'
L5	S54°14'22"W	144.84'
L6	N05°40'19"W	104.03'
L7	N05°40'52"W	497.75'
L8	N54°14'22"E	117.95'
L9	N85°35'38"E	334.12'

PARCEL B019C
 SECURE COVENANT INTEREST LTD.
 DOC. NO. 2017002557
 O.P.R.C.C.T.

LOT 2
 TOWER MEADOWS SUBDIVISION
 DOC. NO. 2018005737
 O.P.R.C.C.T.

PARCEL B018C
 EDGAR L. VOGEL &
 DOROTHY JUNE VOGEL
 TRACT II
 CALLED 15.32 ACRES
 VOLUME 8, PAGE 21
 D.R.C.C.T.

PARCEL B017C
 CALDWELL COUNTY, TEXAS
 ALLIANCE WATER PH 1B

PARCEL B017C
 RICHARD L. SKIDMORE &
 NICOLE R. SKIDMORE
 CALLED 70.427 ACRES
 VOLUME 523, PAGE 436
 O.P.R.C.C.T.



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 Austin Texas, 78735
 Ofc: 512.447.0575
 Fax: 512.326.3029
 email: info@sam.biz

Texas Firm Registration No. 10064300

To the best of my knowledge, information, and belief, the plat hereon is a correct representation of the property as determined by a survey made on the ground February, 2019, the lines and dimensions of said property being as indicated by the plat. This survey substantially complies with the current Texas Society of Professional Surveyors standards and specifications.

Neil Hines
 NEIL HINES, RPLS NO. 5642



PAGE 4 OF 4

WORK ORDER ARWA18005832 DIGITAL FILE B018C PE.dwg REVISION # 0 DRAWN BY BAB

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REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- I. *Consideration of Resolution 2020-08-26-008 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 5.611 acres situated in the Thomas Maxwell Survey, Abstract No. 188, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
-

Attachment(s)

- Resolution 2020-08-26-008

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-008.



ALLIANCE WATER

RESOLUTION NO. 20200826-008

Matthew David Best– Being a 5.611 Acre, Permanent Pipeline and Right-of-Way Easement, situated in the Thomas Maxwell Survey, Abstract No. 188, Caldwell County, Texas

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT EASEMENT TOTALING 5.611 ACRES, SITUATED IN THE THOMAS MAXWELL SURVEY, ABSTRACT NO. 188, CALDWELL COUNTY, TEXAS, ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, ALLIANCE REGIONAL WATER AUTHORITY (“ARWA”) hereby finds that public convenience and necessity require acquisition of a permanent 90-foot wide Pipeline and Right-of-Way Easement over a tract of land totaling 5.611 acres, situated in the Thomas Maxwell Survey, Abstract No. 188, Caldwell County, Texas, and being a portion of a called 139.76-acre tract as described in deed to David Matthew Best and Recorded in Volume 269, Page 127, of the Deed Records of Caldwell County, Texas (D.R.C.C.T.). Said 5.611- acre 90-foot wide permanent easement being more specifically described by metes and bounds in Exhibit “A” and also being referred to herein as the “Easement,” for the public use to construct, reconstruct, operate, inspect, and maintain water transmission lines and related facilities and improvements (the “Project”); and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of ARWA lay out the Project, and acquire permanent and temporary easements from properties for the purpose of construction, reconstruction, operation, and maintenance of the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of land rights necessary to effectuate said Project; and

WHEREAS, in order to acquire the necessary land rights, it will be or has been necessary for ARWA's agents, representatives, or employees to enter upon the above-described property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land rights, to conduct tests, and to negotiate with the owners thereof for the purchase of necessary land rights; and

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for the necessary land rights to be acquired for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1.

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require ARWA's acquisition of a permanent easement for the public use for construction, reconstruction, operation, maintenance, inspection and repair of water transmission lines and appurtenances over that certain 5.611-acres (244,411 square foot) parcel of land described with particularity on Exhibit "A," attached and incorporated herein by reference as if fully set out.

2. That ARWA's agents, representatives, or employees are hereby authorized to:

- a. Lay out the exact location of the land area needed for the Easement;
- b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of easement rights and other rights necessary for the Project;
- c. Enter upon any property necessary for the purpose of surveying and establishing title, to determine adequate compensation for the necessary land rights, and to conduct tests;
- d. Negotiate with the owners of any such properties for the purchase thereof;
- e. To purchase any necessary easements and rights-of-way on, over, under and across the Easement and execute all documents necessary to acquire such necessary land rights, all subject to express approval of the

specific, negotiated terms by ARWA;

f. Initiate eminent domain proceedings against the owner(s) of the Easement for acquisition thereof in the event the owner(s) fail to accept a bona fide offer to purchase the Easement; and

g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.

3. That all previous acts and proceedings done or initiated by ARWA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for the Easement are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the ____ day of _____ 2020.

ALLIANCE REGIONAL WATER AUTHORITY

Chris Betz
Chair of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

ATTEST:

James Earp
Secretary of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY



SAM, LLC
 4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735
 Ofc 512.447.0575 Fax 512.326.3029
 info@sam.biz www.sam.biz TBPLS # 10064300



Legal Description
5.611 Acre (244,411 Square Foot)
90 Foot Wide Permanent Easement

BEING A 5.611 ACRE, 90 FOOT WIDE PERMANENT EASEMENT, SITUATED IN THE THOMAS MAXWELL SURVEY, ABSTRACT NO. 188, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A REMAINDER OF A CALLED 139.76 ACRE TRACT AS DESCRIBED IN A DEED TO DAVID MATTHEW BEST AND RECORDED IN VOLUME 269, PAGE 127, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (D.R.C.C.T.). SAID 5.611 ACRE 90 FOOT WIDE PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the apparent south ROW of Valley Way Drive (a variable width ROW), for the northeast corner of a called 50.00 acre tract as described in a deed to Bluebonnet Electric Cooperative, Inc., and recorded in Instrument No. 2017-002125, of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.);

THENCE S 48°47'38" W, a distance of 1,700.57 feet to a point on the common line of said remainder of a called 139.76 acre tract and the apparent south ROW of said Valley Way Drive, for the **POINT OF BEGINNING** and the northwest corner of this 90 foot wide permanent easement;

THENCE departing said common line, over and across said remainder of a called 139.76 acre tract, the following two (2) courses and distances:

- 1) S 88°48'46" E, a distance of 128.73 feet to a point, for an angle corner of this easement, and
- 2) S 87°50'57" E, a distance of 957.26 feet to a point, on the common line of said remainder of a called 139.76 acre tract and said called 50.00 acre tract, for an angle corner of this easement;

THENCE S 41°27'23" E, with said common line, a distance of 1,622.22 feet to a concrete monument found in the apparent north ROW of State Highway 142 (a variable width ROW), for the southwest corner of said called 50.00 acre tract, same being the most easterly southeast corner of said remainder of a called 139.76 acre tract and of this easement;

THENCE S 52°14'50" W, with the common line of said remainder of a called 139.76 acre tract, and the apparent north ROW of said State Highway 142, a distance of 90.20 feet to a point, for the most southerly southeast corner of this easement;

THENCE departing said common line, over and across said remainder of a called 139.76 acre tract, the following three (3) courses and distances:

- 1) N 41°27'23" W, a distance of 1,577.82 feet to a point, for an angle corner of this easement,



- 2) N 87°50'57" W, a distance of 917.93 feet to a point, for an angle corner of this easement, and
- 3) N 88°48'46" W, a distance of 226.57 feet to a point, on the common line of said remainder of a called 139.76 acre tract and the apparent south ROW of said Valley Way Drive, for the southwest corner of this easement. From said point, a 1/2-inch iron rod found on the common line of the apparent north ROW of said Valley Way Drive and a called 49.99 acre tract as described in a deed to Dean A. Colley and Barbara Colley, and recorded in Volume 306, Page 298, O.P.R.C.C.T., bears S 55°29'55" W, a distance of 295.90 feet;

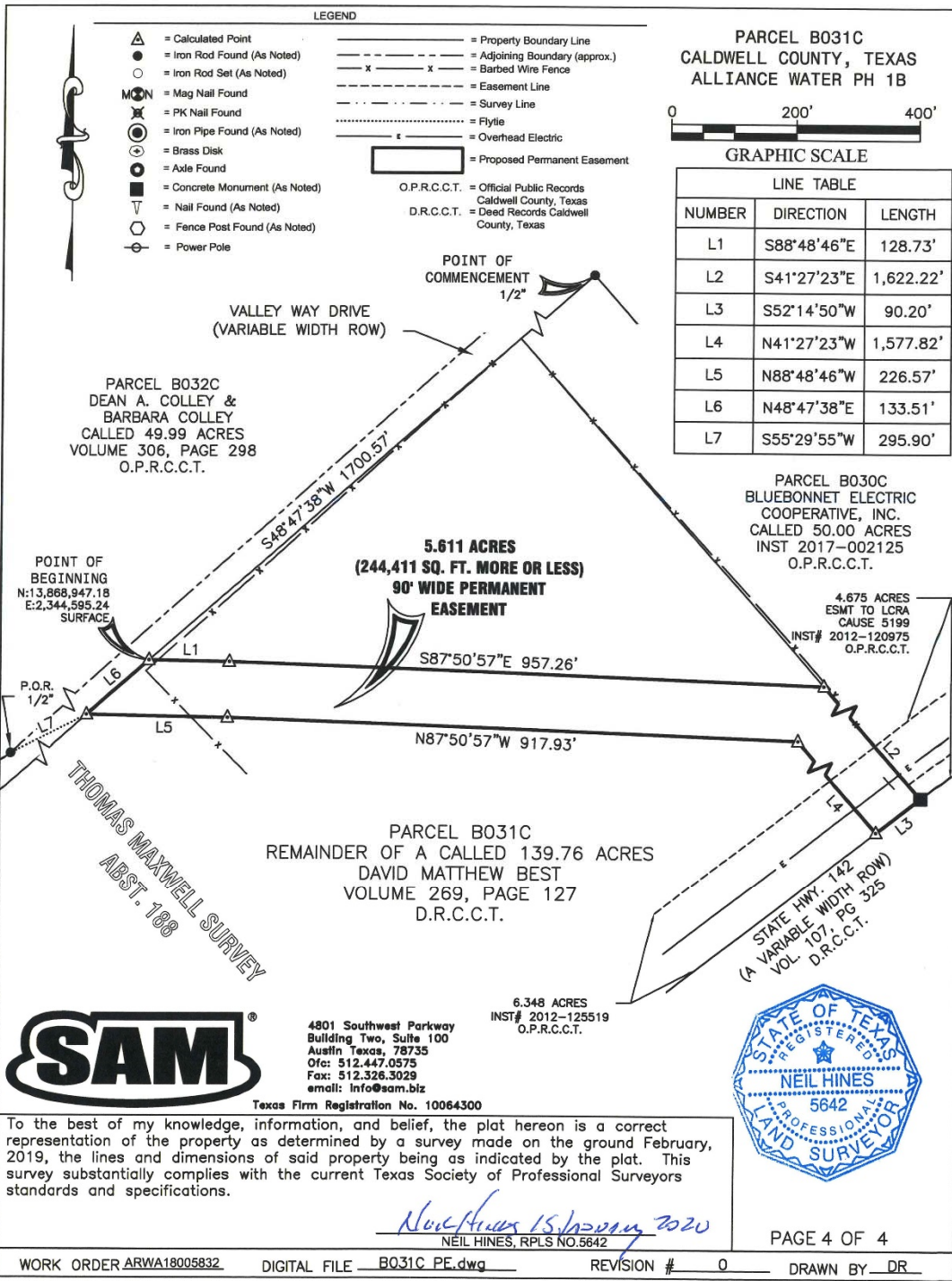
THENCE N 48°47'38" E, with the common line of said remainder of a called 139.76 acre tract and the apparent south ROW of said Valley Way Drive, a distance of 133.51 feet, to the **POINT OF BEGINNING** and containing 5.611 acres, more or less.

The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are in U.S. Survey Feet and may be converted to grid by applying the combined scale factor of 1.00013.

Neil Hines
Neil Hines
Registered Professional Land Surveyor
Texas Registration Number 5642



Date: 15 Jan 14 2020



REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS

Wednesday, August 26, 2020 at 3:00 P.M.

Conference Call Number: 1-903-405-2572; Code: 534 691 961#

- J. *Consideration of Resolution 2020-08-26-009 finding Public Convenience and Necessity and authorizing Eminent Domain Proceedings, if necessary, for acquisitions of a Permanent Easement totaling 1.100 acres situated in the William Barber Survey, Abstract No. 48, Caldwell County, Texas, and establishing an effective date; and finding and determining that the meeting at which this Resolution is passed was noticed and is open to the public as required by law.*
-

Attachment(s)

- Resolution 2020-08-26-009

Board Decision(s) Needed:

- Adoption of Resolution 2020-08-26-009.



ALLIANCE WATER

RESOLUTION NO. 20200826-009

*Duane Litten, Amy Litten, Dartlan L. Hyde, Gail A. Hyde,
Veterans Land Board of The State of Texas– Being a 1.100
Acre, Permanent Pipeline and Right-of-Way Easement,
situated in the William Barber Survey, Abstract No. 48,
Caldwell County, Texas*

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ALLIANCE REGIONAL WATER AUTHORITY FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT EASEMENT TOTALING 1.100 ACRES, SITUATED IN THE WILLIAM BARBER SURVEY, ABSTRACT NO. 48, CALDWELL COUNTY, TEXAS, ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, ALLIANCE REGIONAL WATER AUTHORITY (“ARWA”) hereby finds that public convenience and necessity require acquisition of a permanent 90-foot wide Pipeline and Right-of-Way Easement over a tract of land totaling 1.100 acres, situated in the William Barber Survey, Abstract No. 48, Caldwell County, Texas, and being a portion of a called 13.825-acre tract as described in deed to Duane Edward Litten, Jr. and Amy L. Litten, Husband and Wife, and recorded in Instrument No. 2019-005100, of the Official Public Records of Caldwell County, Texas (O.P.R.C.C.T.). Said 1.100- acre 90-foot wide permanent easement being more specifically described by metes and bounds in Exhibit “A” and also being referred to herein as the “Easement,” for the public use to construct, reconstruct, operate, inspect, and maintain water transmission lines and related facilities and improvements (the “Project”); and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of ARWA lay out the Project, and acquire permanent and temporary easements from properties for the purpose of construction, reconstruction, operation, and maintenance of the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of land rights necessary to effectuate said Project; and

WHEREAS, in order to acquire the necessary land rights, it will be or has been necessary for ARWA's agents, representatives, or employees to enter upon the above-described property for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land rights, to conduct tests, and to negotiate with the owners thereof for the purchase of necessary land rights; and

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for the necessary land rights to be acquired for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ALLIANCE REGIONAL WATER AUTHORITY:

SECTION 1.

1. That in order to promote the public health, safety, and welfare, public convenience and necessity require ARWA's acquisition of a permanent easement for the public use for construction, reconstruction, operation, maintenance, inspection and repair of water transmission lines and appurtenances over that certain 1.100-acres (47,914 square foot) parcel of land described with particularity on Exhibit "A," attached and incorporated herein by reference as if fully set out.

2. That ARWA's agents, representatives, or employees are hereby authorized to:

- a. Lay out the exact location of the land area needed for the Easement;
- b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of easement rights and other rights necessary for the Project;
- c. Enter upon any property necessary for the purpose of surveying and establishing title, to determine adequate compensation for the necessary land rights, and to conduct tests;
- d. Negotiate with the owners of any such properties for the purchase thereof;
- e. To purchase any necessary easements and rights-of-way on, over, under and across the Easement and execute all documents necessary to acquire such necessary land rights, all subject to express approval of the

specific, negotiated terms by ARWA;

f. Initiate eminent domain proceedings against the owner(s) of the Easement for acquisition thereof in the event the owner(s) fail to accept a bona fide offer to purchase the Easement; and

g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.

3. That all previous acts and proceedings done or initiated by ARWA's agents, representatives, or employees for establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights for the Easement are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the ____ day of _____ 2020.

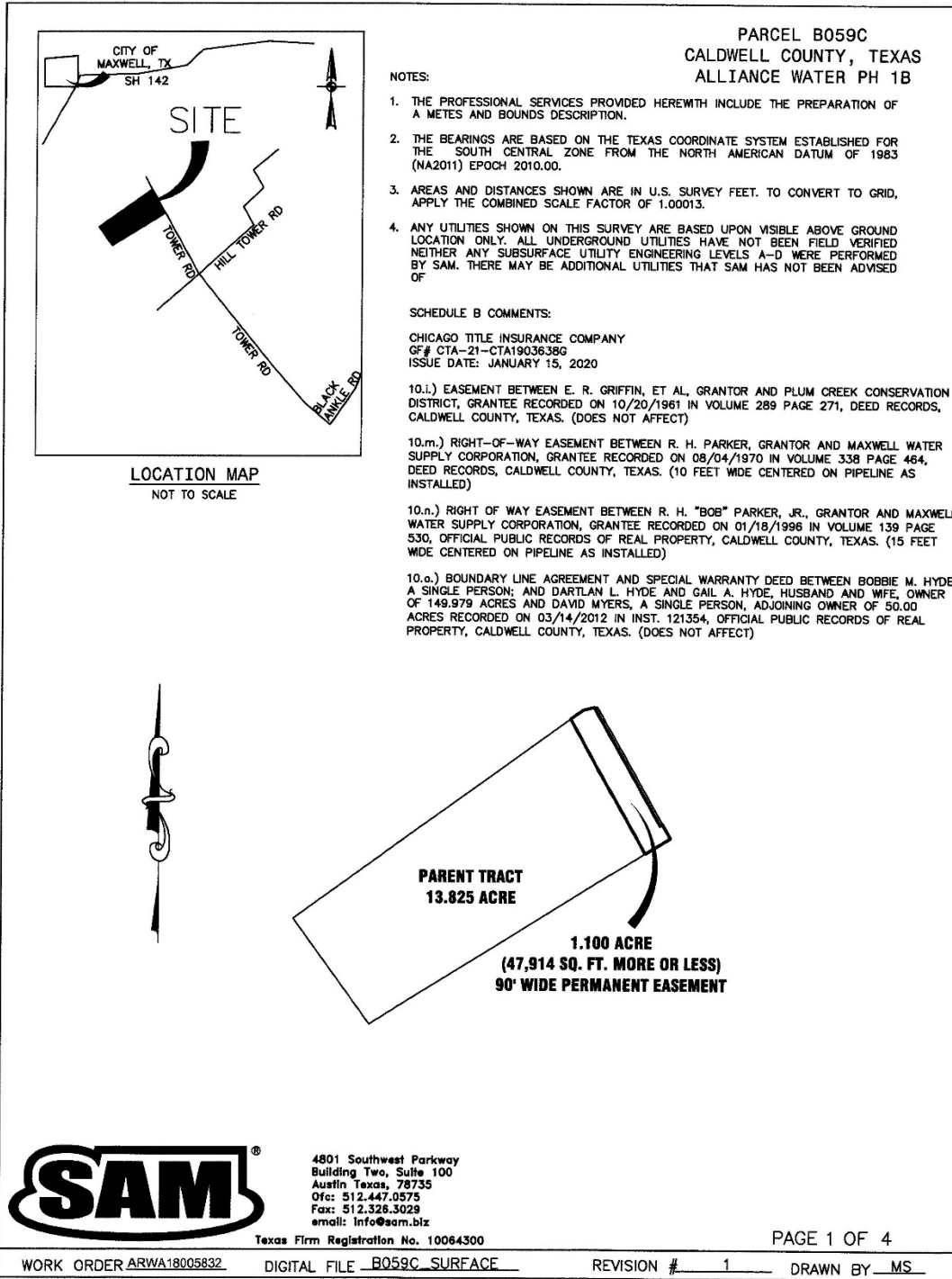
ALLIANCE REGIONAL WATER AUTHORITY

Chris Betz
Chair of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

ATTEST:

James Earp
Secretary of the Board of Directors of
ALLIANCE REGIONAL WATER AUTHORITY

EXHIBIT A



PARCEL B059C
CALDWELL COUNTY, TEXAS
ALLIANCE WATER PH 1B

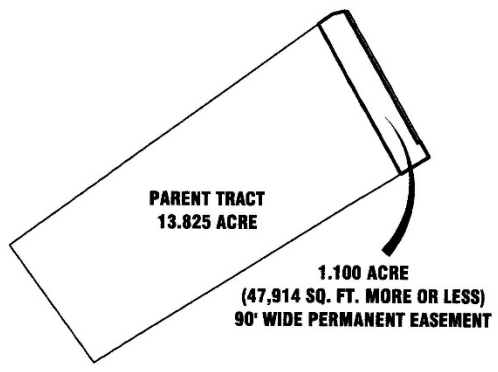
- NOTES:
1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.
 2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 (NA2011) EPOCH 2010.00.
 3. AREAS AND DISTANCES SHOWN ARE IN U.S. SURVEY FEET. TO CONVERT TO GRID, APPLY THE COMBINED SCALE FACTOR OF 1.00013.
 4. ANY UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON VISIBLE ABOVE GROUND LOCATION ONLY. ALL UNDERGROUND UTILITIES HAVE NOT BEEN FIELD VERIFIED NEITHER ANY SUBSURFACE UTILITY ENGINEERING LEVELS A-D WERE PERFORMED BY SAM. THERE MAY BE ADDITIONAL UTILITIES THAT SAM HAS NOT BEEN ADVISED OF

SCHEDULE B COMMENTS:

CHICAGO TITLE INSURANCE COMPANY
GF# CTA-21-CTA1903638G
ISSUE DATE: JANUARY 15, 2020

- 10.i.) EASEMENT BETWEEN E. R. GRIFFIN, ET AL, GRANTOR AND PLUM CREEK CONSERVATION DISTRICT, GRANTEE RECORDED ON 10/20/1961 IN VOLUME 289 PAGE 271, DEED RECORDS, CALDWELL COUNTY, TEXAS. (DOES NOT AFFECT)
- 10.m.) RIGHT-OF-WAY EASEMENT BETWEEN R. H. PARKER, GRANTOR AND MAXWELL WATER SUPPLY CORPORATION, GRANTEE RECORDED ON 08/04/1970 IN VOLUME 338 PAGE 464, DEED RECORDS, CALDWELL COUNTY, TEXAS. (10 FEET WIDE CENTERED ON PIPELINE AS INSTALLED)
- 10.n.) RIGHT OF WAY EASEMENT BETWEEN R. H. "BOB" PARKER, JR., GRANTOR AND MAXWELL WATER SUPPLY CORPORATION, GRANTEE RECORDED ON 01/18/1996 IN VOLUME 139 PAGE 530, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, CALDWELL COUNTY, TEXAS. (15 FEET WIDE CENTERED ON PIPELINE AS INSTALLED)
- 10.o.) BOUNDARY LINE AGREEMENT AND SPECIAL WARRANTY DEED BETWEEN BOBBIE M. HYDE, A SINGLE PERSON; AND DARTLAN L. HYDE AND GAIL A. HYDE, HUSBAND AND WIFE, OWNER OF 149.979 ACRES AND DAVID MYERS, A SINGLE PERSON, ADJOINING OWNER OF 50.00 ACRES RECORDED ON 03/14/2012 IN INST. 121354, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, CALDWELL COUNTY, TEXAS. (DOES NOT AFFECT)

LOCATION MAP
NOT TO SCALE



4801 Southwest Parkway
Building Two, Suite 100
Austin Texas, 78735
Ofc: 512.447.0575
Fax: 512.328.3029
email: info@sam.biz

Texas Firm Registration No. 10064300

PAGE 1 OF 4

WORK ORDER ARWA18005832 DIGITAL FILE B059C SURFACE REVISION # 1 DRAWN BY MS

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SAM, LLC
4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735
Ofc 512.447.0575 Fax 512.326.3029
info@sam.biz www.sam.biz TBPLS #10064300



Legal Description
1.100 Acre (47,914 Square Foot)
90 Foot Wide Permanent Easement

BEING A 1.100 ACRE, 90 FOOT WIDE PERMANENT EASEMENT, SITUATED IN THE WILLIAM BARBER SURVEY, ABSTRACT NO. 48, CALDWELL COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 13.825 ACRE TRACT AS DESCRIBED IN DEED TO DUANE EDWARD LITTEN JR. AND AMY L. LITTEN, HUSBAND AND WIFE, AND RECORDED IN INSTRUMENT NO. 2019-005100, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS (O.P.R.C.C.T.). SAID 1.100 ACRE 90 FOOT WIDE PERMANENT EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete monument found on the apparent west ROW of Tower Road, (variable width ROW), for a southeast corner of a remainder of a called 50.00 acre tract as described in a deed to Dartlan L. Hyde and Gail A. Hyde, and recorded in Instrument No. 2018-00578, O.P.R.C.C.T.;

THENCE N 29°01'31" W, with the apparent west ROW of said Tower Road, a distance of 562.46 feet, to an iron rod found on the common line of said 13.825 acre tract and said 50.00 acre tract, for the **POINT OF BEGINNING** and a southeast corner of this 90 foot wide permanent easement;

THENCE S 58°13'16" W, departing the apparent west ROW of said Tower Road, with said common line, a distance of 100.13 feet, to a point for this southwest easement corner. From said, point an iron rod found, for the southwest corner of said 13.825 acre tract that bears S 58°13'16" W, 1,106.67 feet;

THENCE N 29°01'31" W, departing said common line, over and across said 13.825 acre tract, a distance of 526.26 feet, to a point on the common line of said 13.825 acre tract and remainder of said 50.00 acre tract, for this northwest easement corner. From said point, an iron rod found for the northwest corner of said 13.825 acre tract bears S 54°09'59" W, 1,166.29 feet;

THENCE with said common line, the following two (2) courses and distances:

- 1) N 54°09'59" E, a distance of 51.93 feet, to an iron rod found, and
- 2) N 77°04'04" E, a distance of 40.01 feet, for this northeast easement corner;



THENCE departing said common line, over and across said 13.825 acre tract, the following two (2) courses and distances:

- 1) S 29°01'31" E, a distance of 461.51 feet, to an angle point, and
- 2) N 54°14'22" E, a distance of 10.07 feet, to an angle point on the apparent west ROW of said Tower Road;

THENCE S 29° 01' 31" E, with the apparent west ROW of said Tower Road, a distance of 56.18 feet, to the **POINT OF BEGINNING** and containing 1.100 acres, more or less.

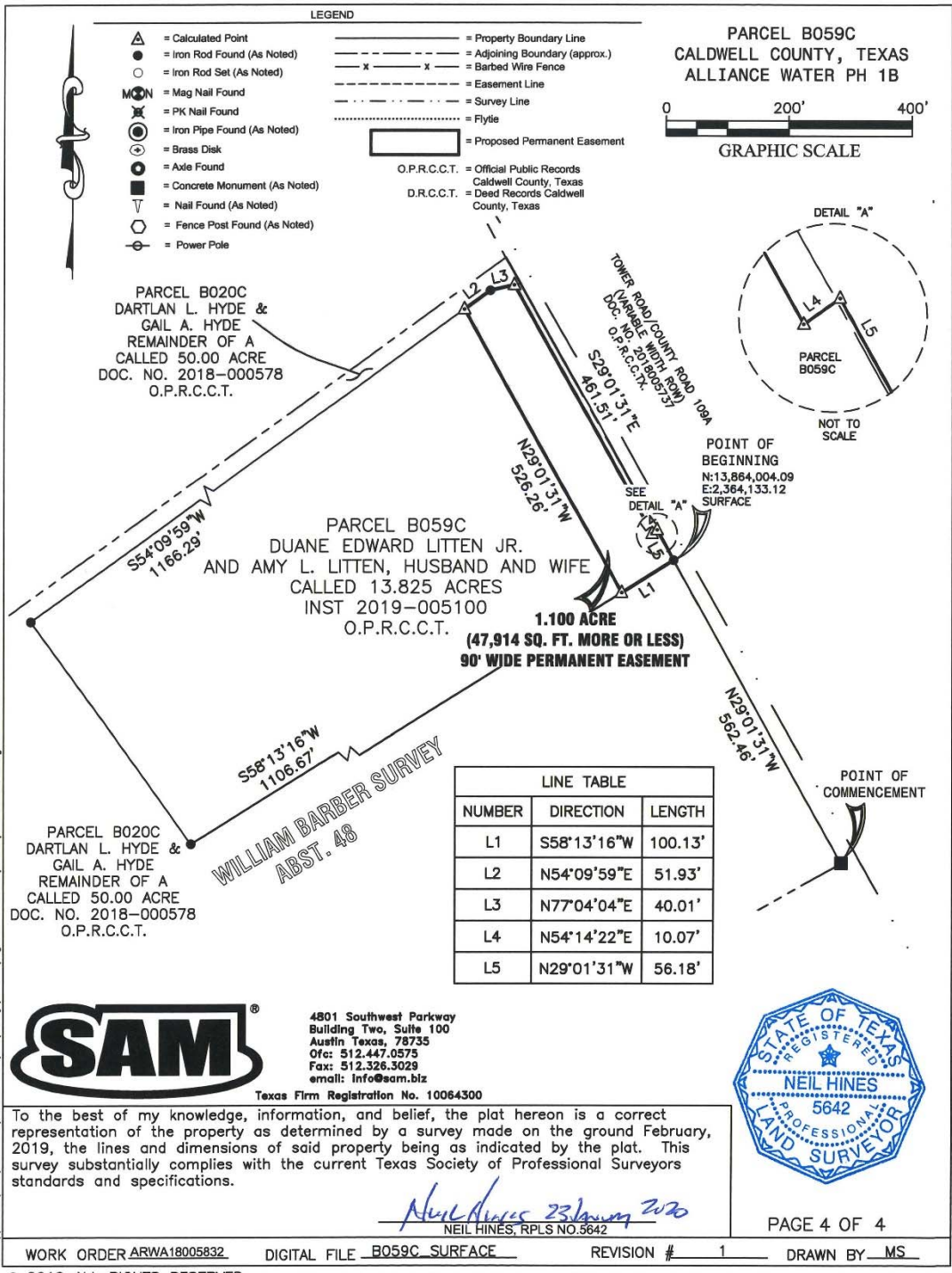
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Neil Hines

Neil Hines
Registered Professional Land Surveyor
Texas Registration Number 5642



Date: 23 January 2020



Parcel_B059C

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REGULAR MEETING
Alliance Regional Water Authority Board of Directors

BOARD MEMBER PACKETS
Wednesday, August 26, 2020 at 3:00 P.M.
Conference Call Number: 1-903-405-2572; Code: 534 691 961#

K. ADJOURNMENT
