

Mayor and Council Communication

DATE: 06/11/24

M&C FILE NUMBER: M&C 24-0508

LOG NAME: 60CCN AMENDMENT WITH BWA 16.7 ACRES

SUBJECT

(CD 4) Authorize the Decertification Agreement with Benbrook Water Authority to Decertify 16.7 Acres from the Benbrook Water Authority's Water and Sewer Certificate of Convenience and Necessity and Amend Fort Worth's Water Certificate of Convenience and Necessity to Add 16.7 Acres

RECOMMENDATION:

It is recommended that the City Council authorize the Decertification Agreement with the Benbrook Water Authority (BWA) to decertify 16.7 acres from Benbrook Water Authority's Water and Sewer Certificate of Convenience and Necessity boundaries and to add 16.7 acres to Fort Worth's Water Certificate of Convenience and Necessity.

DISCUSSION:

On September 23, 2014, under Ordinance 21482-09-02014, Fort Worth and the City of Benbrook entered into a Joint Ordinance and Boundary Agreement (Ordinance), adjusting the boundary between Fort Worth and Benbrook for several tracts of land, including an area known as Park Ridge Stables. Exhibit H to the Ordinance shows Park Ridge Stables to be 14.9 acres.

On September 19, 2023, Fort Worth filed an application to decertify a portion of Benbrook Water Authority's (BWA) water Certificate of Convenience and Necessity (CCN) No. 11260 and sewer CCN No. 20505 and amend Fort Worth's CCN No. 12311 and with the Public Utility Commission of Texas (PUC). This application is located on the PUC's online system, the Interchange, as Docket No. 55455. Because BWA's adjacent CCN to Park Ridge Stables begins in the U.S. Highway 377 centerline, the actual total area to be transferred under the CCN is 16.7 acres, as identified in Item No. 12 for Docket No. 55455, filed with the PUC, instead of the 14.9 acres identified in Exhibit H to the Ordinance.

In response to Fort Worth's PUC application, the PUC's Administrative Law Judge (ALJ) required Fort Worth to submit an updated and signed Decertification Agreement signed by Fort Worth and the Benbrook Water Authority. The Decertification Agreement specifically references the map Fort Worth filed in Item No. 12, which identifies the 16.7 acres in Park Ridge Stables. This Agreement, once signed by BWA, will demonstrate their intent to decertify these 16.7 acres from their water and sewer CCN's and add this area to Fort Worth's CCN.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

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Expedited