

RESOLUTION NO. 2019-R-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS CONSENTING TO THE CREATION OF LAKE DUNLAP WATER CONTROL AND IMPROVEMENT DISTRICT.**

**WHEREAS**, on May 14, 2019, a catastrophic failure of one of the Lake Dunlap spillway gates occurred, causing the spillway gate to explosively detach from the dam and dewatering of the lake; and

**WHEREAS**, the failure of the Lake Dunlap dam and dewatering of the lake will likely have a materially adverse effect on local property values, local businesses whose livelihood is related to the lake or lake recreation, and the ability of residents, tourists, and visitors to enjoy and use the lake; and

**WHEREAS**, certain real property contiguous to Lake Dunlap is located within the corporate boundaries of the City of New Braunfels (the "City"); and

**WHEREAS**, the decrease in property values may adversely affect tax collections by the local governments, including the City, local school districts, Guadalupe County and Comal County; and

**WHEREAS**, failure of the dam may also adversely impact the ability of the Guadalupe-Blanco River Authority ("GBRA") to manage future flood events; and

**WHEREAS**, GBRA has indicated that it is not financially feasible for the river authority to unilaterally fund repair or replacement of the dam and desires to work with affected property owners and local jurisdictions to identify solutions for funding repairs to, and future maintenance of, the Lake Dunlap Dam; and

**WHEREAS**, the owners of real property with frontage along Lake Dunlap desire to create a conservation and reclamation district to work with GBRA to facilitate the repair or replacement of the dam and to provide financing for future maintenance and operation costs; and

**WHEREAS**, affected property owners desire that the City consent to the creation of water control and improvement district to be named "Lake Dunlap Water Control and Improvement District", a proposed conservation and reclamation district of the State of Texas that would be created and would operate pursuant to Chapters 49 and 51 of the Texas Water Code (the "District"); and

**WHEREAS**, the general nature of the work proposed to be done by the District at the present time is to investigate, acquire, construct, own, maintain, and operate necessary improvements, works, and facilities, and all other properties, land, tenements, materials, easements, rights-of-way, and everything considered necessary, incident, or helpful to accomplish by any practicable means any one or more of the purposes of a water control and improvement district. Without limitation, it is contemplated that the District would work with GBRA to finance, build, construct, improve, reconstruct, repair and maintain dams, structures, facilities and equipment in aid thereof, in order to store and preserve the waters within Lake Dunlap; and

**WHEREAS**, the territory proposed to be included in the District generally consists of all waterfront real property on Lake Dunlap from the spillway upstream of Faust Bridge to the dam with Lake McQueeney, on both sides of Lake Dunlap; and

**WHEREAS**, the City Council of the City of New Braunfels desires to adopt this Resolution in order to evidence the City's desire to facilitate the repair of the Lake Dunlap Dam, and specifically to grant its written consent to the creation of, and inclusion of real property within, the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:**

Section 1. The City of New Braunfels, Texas hereby consents to the creation of the Lake Dunlap Water Control and Improvement District, and the inclusion of real property located within the City's corporate or extraterritorial boundaries within the District. No further action will be required on the part of the City to evidence its consent to the creation of the District and inclusion of land into the District.

Section 2. This Resolution shall become effective from and after the date of its passage .

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Barron Casteel, Mayor

ATTEST:

\_\_\_\_\_  
Patrick Aten, City Secretary