

## **RESOLUTION NO. R-2016-3817**

**WHEREAS**, the City of Round Rock, the City of Cedar Park, and the City of Leander (the “Cities”) entered into that certain Contract for Engineering Services with Camp Dresser & McKee, Inc. dated December 21, 2006 (the “Contract”); and

**WHEREAS**, the Contract provides that the Cities may assign the Contract to a Local Government Corporation or similar entity created by the Cities; and

**WHEREAS**, the Cities created a local government corporation, the Brushy Creek Utility Authority, Inc. pursuant to Subchapter D, Chapter 431, Texas Transportation Code for, among other purposes, to aid and act on behalf of the Cities to accomplish governmental purposes including, but not limited to having the BCRUA Water Treatment Plant-Phase 1A Project designed and constructed (the “BCRUA”); and

**WHEREAS**, when the Cities executed the Contract the City of Round Rock intended for the Local Government Corporation to be formed by the Cities to be a beneficiary and assignee of the Contract; and

**WHEREAS**, when the BCRUA was created by the Cities, the City of Round Rock intended for the BCRUA to be a beneficiary and assignee of the Contract and intended, as a condition of the assignment, that in addition to the BCRUA being assigned the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law, the Cities would reserve and retain the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law; and

**WHEREAS**, the City of Round Rock desires to memorialize the assignment to the BCRUA contemplated by the City of Round Rock under the Contract, Now Therefore

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:**

**Section 1.** The City Council of the City of Round Rock hereby authorizes and approves the assignment of the Contract to the BCRUA subject to the conditions described herein, and the Mayor is authorized to execute any documents needed to give effect to such assignment. Such assignment shall include an assignment of the rights, remedies, benefits, duties and obligations of the Owners under the contract and under applicable law and shall reserve and retain to the Cities the rights, remedies, benefits, duties and obligations of the Owners under the Contract and under applicable law if the Cities should elect to exercise such rights, remedies, benefits, duties and obligations.

**Section 2.** This resolution shall be effective immediately upon adoption.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**RESOLVED** this 22nd day of September, 2016.

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ALAN MCGRAW, Mayor  
City of Round Rock, Texas

ATTEST:

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SARA L. WHITE, City Clerk