

ORDINANCE NO. 2007-2008-E

An ordinance amending the 2007-2008 City of Victoria Budget to transfer \$800,000 from the Water Fund fund balance to the Water Department Water Rights line item to provide funding for the purchase of 608 acre feet of water rights to real property next to the Guadalupe River in Guadalupe County owned by Kenneth E. Castle, authorizing the City Manager to execute all documents necessary to purchase the aforementioned water rights at a price of \$1,300 per acre foot, plus closing costs, as appropriate, repealing all conflicting ordinances, providing for severability, declaring an emergency; and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The Fiscal Year 2007-2008 City of Victoria Budget is amended to transfer \$800,000 from the Water Fund fund balance (4041-300100) to the Water Department Water Rights line item (001-41WAT-900700).

2.

If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

In accordance with Article V, Section 5 of the Charter of the City of Victoria, the City Council finds a grave public necessity exists to amend the original budget to authorize the aforementioned expenditures to meet unusual and unforeseen conditions involving funding of the purchase of 608 acre feet of water rights to real property next to the Guadalupe River in Guadalupe County owned by Kenneth E. Castle, which could not by reasonable diligence, thought and attention have been included in the original budget.

5.

The City Manager is authorized to execute all documents necessary to purchase the aforementioned water rights at a price of \$1,300 per acre foot, plus closing costs, as appropriate, in a form to be approved by the City Attorney.

6.

In order to provide funding for the purchase of 608 acre feet of water rights to real property next to the Guadalupe River in Guadalupe County owned by Kenneth E. Castle, which is being authorized by ordinance, an emergency is declared, and the requirement of Article II, Section 9 of the Victoria City Charter that no ordinance shall be passed on the date of its first reading is hereby suspended, and this ordinance shall become effective immediately upon passage by this City Council.

PASSED EMERGENCY READING, this 11th day of February, 2008.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 11th day of February, 2008.

ATTEST:


SCARLET SWOBODA, City Secretary

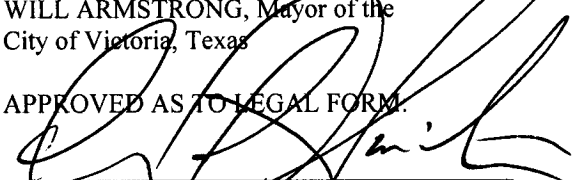
Distribution: Finance Department
Public Works Department





WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM.



DAVID ATMAR SMITH, City Attorney
Copies Sent: February 12, 2008