

**ORDINANCE No. \_\_\_\_\_**

**AN ORDINANCE ADOPTING A WATER MAIN CAPACITY CHARGE PURSUANT TO SECTION 35-90 OF THE CITY CODE FOR A CITY INITIATED 36-INCH WESTSIDE IV WATER TRANSMISSION MAIN LOCATED NEAR ALEDO RD AND MARKUM RANCH RD (“WESTSIDE IV TRANSMISSION MAIN”); MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 35 of the City Code, “Water and Sewers,” Article III, Division 4 entitled “Water Main Capacity Charges” provides for the adoption of Water Main Capacity charges by the City Council to allow the City to recover its incurred costs from installing water mains and to set forth the method and procedures for assessing reimbursements from developers wishing to utilize the water mains; and

**WHEREAS**, the City of Fort Worth Water Department is funding the construction of a 36-inch diameter water transmission main (City Project Number 103292) located near Aledo Rd. and Markum Ranch Rd. to serve the Westside IV pressure plane.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.**

The City Council finds, in accordance with the Code of the City of Fort Worth (2015), as amended, Chapter 35 “Water and Sewers,” Article III, Division 4, Sections 35-87 through 35-93, that the City has begun construction on a 36-inch water transmission main to serve the Westside IV pressure plane.

## **SECTION 2.**

The City Council finds that the total cost to construct the Westside IV 36-inch diameter water transmission main is \$22,198,017.75. The City initiated this project. Pursuant to Section 35-92 of the City Code, the net capacity for a 36-inch water main is 30.56 million gallons per day (MGD). Therefore, the water main capacity charge is \$726,374.93 per MGD. The City will charge properties the water main capacity charge if they are in plats which utilize the Westside IV 36-inch water transmission main that are located in or around the boundary area as described in Exhibit "A" and which meet the definition of "other development," as defined in Section 35-88 of the City Code. The City Council further finds that the water main capacity charge has been calculated in accordance with the requirements of the water main capacity charge policy. This water main capacity charge will be reimbursed to the City of Fort Worth Water Department. The maximum reimbursable amount to the Water Department is \$22,198,017.75. The City's collection time will cease when the City has collected its maximum reimbursable amount.

## **SECTION 3.**

The City Council also hereby directs the City of Fort Water Department to review the plats that are located in or around the boundary area as described in Exhibit "A" to determine if a charge for reimbursement will be assessed in accordance with Section 35-93 of the City Code.

## **SECTION 4.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances

and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

#### **SECTION 5.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 6.**

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:

CITY SECRETARY

\_\_\_\_\_  
M. Kevin Anders, II  
Assistant City Attorney

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Jannette S. Goodall  
City Secretary

ADOPTED AND EFFECTIVE: \_\_\_\_\_