

ORDINANCE No. _____

AN ORDINANCE ADOPTING A WATER MAIN CAPACITY CHARGE PURSUANT TO SECTION 35-90 OF THE CITY CODE FOR A DEVELOPER INITIATED 24-INCH NORTHSIDE II WATER TRANSMISSION MAIN TO SERVE MCKELVEY-COLE DEVELOPMENTS, LOCATED AT THE INTERSECTION OF FM 156 AND INTERMODAL PARKWAY; 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 City Council to allow for developers and the City to recover cost incurred from installing water mains offsite of their development and to set forth the method and procedures for assessing reimbursements from subsequent developers wishing to connect to the offsite water mains; and

WHEREAS, Forestar (USA) Real Estate Group, Inc., hereinafter referred to as “Developer”, is constructing a 24-inch water transmission main, located at the intersection of FM 156 and Intermodal Parkway; and

WHEREAS, the Developer constructed the 24-inch water transmission main to serve their developments along FM 156 and State Highway 114 that lie within the Northside II pressure plane; and

WHEREAS, the City of Fort Worth Water Department did not cost participate to construct the 24-inch water transmission main; and

WHEREAS, the purpose of this ordinance is to recover costs from properties not associated with the developer which are currently or previously within the City's extraterritorial jurisdiction along FM 156, as shown in attached Exhibit A.

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 as amended (1986), Chapter 35 "Water and Sewers", Article III, Division 4, Sections 35-87 through 35-93, that the Developer has initiated construction 12,500 linear feet of 24-inch diameter water transmission main to serve McKelvey-Cole Developments, located at the intersection of FM 156 and Intermodal Parkway.

SECTION 2.

The City Council finds that qualified costs to install the 24-inch water transmission main is \$2,740,319.00. Therefore, \$214,758.54 per MGD is the Water Main Capacity charge to be assessed if the plat meets 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. The percentage of the water main capacity charge to be collected that will be eligible to be reimbursed to the Developer shall be 100%.

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.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), 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:

Christa R. Lopez-Reynolds
Sr. Assistant City Attorney

ADOPTED: _____