

ORDINANCE No. _____

AN ORDINANCE ADOPTING A PER ACRE CHARGE IN ACCORDANCE WITH CHAPTER 35, ARTICLE III, DIVISION 3, SEWER PER ACRE CHARGES, SECTIONS 35-81 THROUGH 35-86 OF THE CITY CODE, FOR THE 3,715.6 ACRES SERVED BY DEVELOPER SEWER MAIN PROJECT (“EAST OFFSITE SANITARY SEWER TO SERVE TRADITION”) LOCATED NEAR 15710 DOUBLE EAGLE BLVD; MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 14, 2002, the City Council adopted City of Fort Worth Ordinance No. 15095 providing for the adoption of per acre charges when certain criteria are met, codified as Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code; and further amended by City Ordinance No. 23708 on or about June 25, 2019;

WHEREAS, HT Hwy 114 Land 2 LP initiated construction of an offsite parallel sanitary sewer main (City Project Number 103493) “East Offsite Sanitary Sewer to Serve Tradition” located near 15710 Double Eagle Blvd;

WHEREAS, HT Hwy 114 Land 2 LP merged with HT Hwy 114 Development LP, hereinafter referred to as “Developer”; and

WHEREAS, City of Fort Worth Water Department cost participated to upsize the offsite parallel sewer main extension to 18-inches in diameter as well as oversize the Tradition Central sewer main to 24-inches in diameter (City Project Number 102307).

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 Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code, the Developer initiated construction of approximately 13,000 linear feet of offsite parallel sewer main to serve the Tradition development. The City cost participated to upsize the offsite parallel sewer main to 18-inches in diameter as well as oversize the Tradition Central sewer main to 24-inches in diameter. Further, the City Council finds that the Sanitary Sewer Improvements will serve a calculated sewer basin area of 3,715.6 acres, such sewer basin being more fully described in the attached Exhibit "A", which is attached hereto and made a part hereof for all purposes. This sewer main is located in the City's Extraterritorial Jurisdiction and Council District 7.

SECTION 2.

The City Council finds that the City qualified costs to install offsite 18-inch parallel sewer main and Tradition Central 24-inch sewer main oversize are \$7,968,769.25. In accordance with Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code, the City Council hereby establishes the per acre charge within this sewer basin to be \$2,144.68. The percentage of the per acre charge collected that will be eligible to be reimbursed to the Developer shall be 24% and to the City of Fort Worth Water Department shall be 76%.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas, 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 4.

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 5.

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Christopher A. Mullins
Assistant City Attorney

ADOPTED: _____