

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 (“NORTHSIDE II 24-INCH WATER MAIN”) LOCATED ON BLUE MOUND ROAD; 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 Fort Worth City Code (2015), as amended ("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 Fort Worth City Council ("City Council") to allow for developers and the City of Fort Worth ("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, pursuant to Fort Worth City Secretary Contract Number 41103, the Town of Northlake is a wholesale water customer of the City; and

WHEREAS, the Town of Northlake, hereinafter referred to as “Developer”, is constructing a 24-inch diameter water main located at Blue Mound Road and Chaplin Drive to increase total water capacity available to Developer; and

WHEREAS, pursuant to the First Amendment to Fort Worth City Secretary Contract Number 41103, the City of Fort Worth Water Department is cost participating with Developer to construct the 24-inch diameter water main.

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 Chapter 35 “Water and Sewers”, Article III, Division 4, Sections 35-87 through 35-93 of the City Code, that the Developer has initiated construction of a 24-inch water transmission main, pursuant to the First Amendment to Fort Worth City Secretary Contract Number 41103.

SECTION 2.

The City Council finds that \$3,862,047.04 is the total of the City's participation cost for the construction of the 24-inch water main. In accordance with Section 35-92(d) of the City Code, the water main capacity charge shall be based on the difference in capacity expressed in terms of million gallons per day (MGD) between the net capacity of a 24-inch water main and the net MGD capacity provided to Developer upon completion of the project, which is 9.13 MGD for this

project. Therefore, \$423,006.25 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. 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 \$3,862,047.04.

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 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:

M. Kevin Anders, II
Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: _____