

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE CITY'S SHARE OF THE COSTS FOR PARTICIPATING IN A COMMUNITY FACILITIES AGREEMENT WITH SRPF D/HYDE RANCH PHASE I, L.P. FOR THE HYDE RANCH PROJECT TO CONSTRUCT A TWENTY-FOUR INCH SANITARY SEWER FORCE MAIN; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Fort Worth participates in the cost of public improvements constructed by developers in the City of Fort Worth and its extraterritorial jurisdiction pursuant to Community Facilities Agreements; and

WHEREAS, Chapter 271, Subchapter C of the Texas Local Government Code provides that when the City enters into a contract with a developer that is exempt from the competitive sealed bidding procedures in order to participate in the cost of public improvements, the City must establish by ordinance the City's share of the costs under the contract; and

WHEREAS, the City Council has adopted a unit price ordinance to establish the City's share of the costs when the City participates in a Community Facilities Agreement, with the most recently adopted ordinance being Ordinance Number 23657-05-2019 ("Unit Price Ordinance"); and

WHEREAS, the City desires to participate in a Community Facilities Agreement with SRPF D/Hyde Ranch Phase I, L.P. ("Developer") for the Hyde Ranch project in order for the City to pay one hundred percent of the cost of a constructing a twenty-four inch sanitary sewer force main ("Project"); and

WHEREAS, the Project was privately bid and the Community Facilities Agreement will be executed in accordance with Chapter 212, Subchapter C of the Texas Local Government Code; and

WHEREAS, the force main will be constructed from a special material, which is not contained within the Unit Price Ordinance; and

WHEREAS, the Fort Worth Water Department have been unable to identify a recent project that was publicly bid that contains the material pursuant to the alternative methods authorized by the Unit Price Ordinance; and

WHEREAS, the Fort Worth Water Department has reviewed the unit prices submitted by the Developer's contractor and find that the prices are fair and reasonable and less than the opinion of probable construction cost provided by the City's engineer; and

WHEREAS, the City Council finds it necessary to adopt this ordinance to establish the City's share of the participation in the Community Facilities Agreement in order to comply with Section 212.072 of the Texas Local Government Code.

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

**SECTION 1.
CITY PARTICIPATION**

The City shall pay one hundred percent (100%) of the cost of the construction of the 24-inch sanitary force main set forth in the Community Facilities Agreement with Developer based upon the unit prices set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2.

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 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 4.

This ordinance shall take effect upon adoption, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Richard A. McCracken
Assistant City Attorney

Jannette Goodall, City Secretary

ADOPTED: _____

EXHIBIT A UNIT PRICES

Project Item Information					Bidder's Proposal	
Bidlist Item No.	Description	Specification Section No.	Unit of Measure	Bid Quantity	Unit Price	Bid Value
UNIT VI: FORCE MAIN IMPROVEMENTS						
119	9999.0001 24" HDPE DIPS DR-13.5 Force Main w/ Acceptable Backfill	33 31 26	LF	2,311	\$222.00	\$513,042.00
120	9999.0002 24" HDPE DIPS DR-13.5 Force Main w/ Deep Trench Backfill	33 31 26	LF	99	\$414.00	\$40,986.00
121	9999.0003 24" ASTM F679 PS 115 PVC w/ Acceptable Backfill	33 31 20	LF	108	\$198.00	\$21,384.00
122	9999.0004 24" ASTM F679 PS 115 PVC w/ Deep Trench Backfill	33 31 20	LF	40	\$232.00	\$9,280.00
123	9999.0005 24" HDPE DIPS DR-13.5 Force Main Carrier Pipe	33 05 24	LF	185	\$266.00	\$49,210.00
124	9999.0006 42" Casing By Open Cut w/ Acceptable Backfill	33 05 22	LF	118	\$658.00	\$77,644.00
125	9999.0007 42" Casing By Open Cut w/ Deep Trench Backfill	33 05 22	LF	67	\$708.00	\$47,436.00
126	9999.0008 5' Polymer Concrete Manhole	33 39 21	EA	1	\$27,559.00	\$27,559.00
127	9999.0008 5' Extra Depth Polymer Concrete Manhole	33 39 21	VF	6	\$860.00	\$5,160.00
128	9999.0009 6' Polymer Concrete Drop Manhole	33 39 21	EA	1	\$64,959.00	\$64,959.00
129	9999.0010 6' Extra Depth Polymer Concrete Manhole	33 39 21	VF	15	\$1,382.00	\$20,730.00
130	3305.0109 Trench Safety	33 05 10	LF	2,743	\$5.00	\$13,715.00
131	P&P Bond		LS	1	\$14,343.00	\$14,343.00
132	Contractor Insurances		LS	1	\$10,820.00	\$10,820.00
133	Contractor Fee		%		3.25%	\$29,778.71
TOTAL UNIT VI: FORCE MAIN IMPROVEMENTS						\$946,046.71