

**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 SOUTHSIDE II WATER TRANSMISSION MAIN TO SERVE SOUTHGATE MARKETPLACE AND SURROUNDING AREAS, LOCATED AT THE INTERSECTION OF SOUTH FREEWAY AND E MC ALISTER RD; 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**, Ware Vista #1, LLC, hereinafter referred to as “Developer”, has initiated construction of offsite public water mains to serve Southgate Marketplace and surrounding areas located at the intersection South Fwy and E Mc Alister Rd; and

**WHEREAS**, The Developer and the City of Fort Worth Water Department entered a Design Procurement Agreement (DPA) to construct offsite public water line extensions to adjust the Southside Pressure Plane Boundaries (CSC 51100) in the far southern areas of the City along Interstate 35W; and

**WHEREAS**, The City of Fort Worth Water Department funded to construct the 24-inch Southside II offsite 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 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 of offsite public water mains to serve Southgate Marketplace and surrounding areas, located at the intersection of South Fwy and E Mc Alister Rd. The City funded to construct the 24-inch Southside II water main.

**SECTION 2.**

The City Council finds that \$2,519,247.99 is the City’s cost to construct the Developer initiated 24-inch diameter Southside II water transmission main. Therefore, \$197,433.23 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.

### **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 (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:

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Christa R. Lopez-Reynolds  
Sr. Assistant City Attorney

ADOPTED: \_\_\_\_\_