

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 WESTSIDE III WATER TRANSMISSION MAIN TO SERVE VENTANA DEVELOPMENT AND SURROUNDING AREAS, LOCATED AT 5206 LONGVUE AVE; 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, PB Ventana 1, LLC, hereinafter referred to as “Developer”, is constructing a water transmission main, a water recirculation main, ground storage tank, and pump station, to serve the Ventana Development located at 5206 Longvue Ave; and

WHEREAS, the Developer constructed the ground storage tank and pump station to serve portions of the Ventana Development that lie within the Westside IV pressure plane; and

WHEREAS, City of Fort Worth Water Department cost participated to construct the water recirculation main as well as upsize the water transmission main from 16-inch diameter pipe to 24-inches in diameter.

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 a water transmission main and water recirculation main to serve the Ventana Development and surrounding areas, located at 5206 Longvue Ave. The City cost participated to construct the water recirculation main and to upsize the water transmission main to 24-inches in diameter.

SECTION 2.

The City Council finds that qualified costs to install the water recirculation main and 24-inch water transmission main is \$1,244,555.27. Therefore, \$97,535.72 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 30% and to the City of Fort Worth Water Department shall be 70%.

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:

Christa R. Lopez-Reynolds
Sr. Assistant City Attorney

ADOPTED: _____