

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 5,009.46 ACRES SERVED BY DEVELOPER AND CITY INITIATED SEWER MAIN PROJECT (“OFFSITE SANITARY SEWER TO SERVE MCKELVEY-COLE TRACT”) LOCATED NEAR 2544 WHISPERING PINES DR; 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; and

WHEREAS, Forestar (USA) Real Estate Group, Inc., hereinafter referred to as “Developer”, is constructing a sanitary sewer main (City Project Number 101118) “Offsite Sanitary Sewer to Serve McKelvey-Cole Tract” located near 2544 Whispering Pines Dr.;

**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 is installing 5,255 linear feet of 36-inch diameter sewer main and 4,771 linear feet of 30-inch diameter sewer main to serve the McKelvey-Cole Tract development. Further, the City Council finds that the Sanitary Sewer Improvements will serve a calculated sewer basin area of 5,009.46 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 the 36-inch and 30-inch sewer main is \$2,956,868.20. 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 \$590.26. The percentage of the per acre charge collected that will be eligible to be reimbursed to the Developer shall be 100%.

**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:

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Christa R. Lopez-Reynolds  
Sr. Assistant City Attorney

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