

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION X OF THE NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY OF THE CITY OF FORT WORTH, AS AMENDED, TO AUTHORIZE THE USE OF PARK DEDICATION AND DEVELOPMENT FEES IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND REVISE RULES RELATED TO THE EXPENDITURE OF INTEREST EARNED ON PARK DEDICATION AND DEVELOPMENT FEES; PROVIDING FOR NON-SUBSTANTIVE CHANGES TO THE POLICY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth seeks to provide adequate parks in the City to ensure the health, safety, welfare, and quality of life of the citizens of Fort Worth; and

WHEREAS, Section 212.002 of the Texas Local Government Code provides that after a public hearing, the governing body of a municipality may adopt rules governing plats and subdivision of land within the municipality’s jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, on November 14, 2023, the City Council of the City of Fort Worth adopted Ordinance Number 26597-11-2023 repealing and restating the Neighborhood and Community Park Dedication Policy; and

WHEREAS, the City Council finds it necessary to amend the Neighborhood and Community Park Dedication Policy to authorize the use of park dedication and development fees in the adjacent extraterritorial jurisdiction of the City from where the fees are collected if park development opportunities are not available within the City limits; and

WHEREAS, the City Council finds it necessary to amend the Neighborhood and Community Park Dedication Policy to revise the authorized uses of interest earned on park dedication and development fees collected by the City and make non-substantive changes to the Policy;

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

SECTION 1.

Section X of the Neighborhood and Community Park Dedication Policy of the City of Fort Worth, Texas, as amended, is hereby amended to be and read as follows:

X. USE OF PARK DEDICATION AND DEVELOPMENT FEES

- A. All fees received for park acquisition and development and will be dedicated for the purpose of acquiring and developing parkland within the proposed subdivision development. However, if acquisition and development of a Neighborhood Based or Community Park is not achievable within the proposed subdivision development, then the Park & Recreation Department shall:
1. Have the discretion of determining if park and recreational needs of the proposed subdivision development would be served by the expansion of existing park sites located within the same Neighborhood Unit where the proposed subdivision development is located.
 2. If such acquisition opportunities are not available within the Neighborhood Unit, then areas within the adjacent contiguous Neighborhood Unit(s) or within the adjacent extraterritorial jurisdiction of the City of Fort Worth that is adjacent to existing City limits or planned annexation may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development.
 3. If such acquisition opportunities are not available within the adjacent contiguous Neighborhood Unit(s), then areas within the adjacent contiguous Community Park Unit(s) or within the Park Planning District or within the adjacent extraterritorial jurisdiction of the City of Fort Worth that is adjacent to existing City limits or planned annexation may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development. Additionally, funding for Community Park acquisition may be accumulated from Community Park Units with the Park Planning District, adjacent contiguous Community Park Units or adjacent Park Planning District equal to the percentage of service radius (1.5 mile) within the adjacent Park Planning District.
 4. Notwithstanding subsections (1) through (3) above, for the Central Business District Community Park Unit and the Near Southside Community Park Unit, as those units are identified in Exhibit A to this Policy, the following rules shall apply:
 - i. All Central City Flat Fees collected within the Central Business District Community Park Unit shall only be spent within the Central Business District Community Park Unit;

- ii. Central City Flat Fees collected outside the Central Business District Community Park Unit shall not be spent within the Central Business District Community Park Unit;
 - iii. All Central City Flat Fees collected within the Near Southside Community Park Unit shall only be spent within the Near Southside Community Park Unit;
 - iv. Central City Flat Fees collected outside the Near Southside Community Park Unit shall not be spent within the Near Southside Community Park Unit;
- B. All payments made in accordance with this Policy shall be deposited in a designated Neighborhood Park Unit Acquisition and Development Fund and/or a Community Park Unit Acquisition Fund. The City shall account for all such funds paid with reference to each subdivision development, Neighborhood Park Unit, and Community Park unit.
- C. Interest earned on accumulated park acquisition and development fees ~~designated for a specific subdivision development~~ shall may be used for the following purposes: additional park acquisition and development as described in this Policy; comprehensive park and facility master plans; individual park master plans; and funding of staff positions for staff who administer this Policy.
- D. All fees received must be expended within five years from date of receipt of the last fee paid on the original preliminary plat. If such fees are not expended, the Developer/Owner shall be entitled to a refund on interest earned, less inflation as determined by the Consumer Price Index as published by the U.S. Department of Labor, with the principal held by the City. The Developer/Owner must request such refund in writing within ninety (90) days of entitlement or such right shall be waived.

SECTION 2.

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 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.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall take effect on March 1, 2025, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Trey Qualls
Assistant City Attorney

Jannette Goodall, City Secretary

ADOPTED: _____