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 III WATER TRANSMISSION MAIN ("BREWER BOULEVARD 24 INCH WATER MAIN"), LOCATED AT BREWER BLVD; 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 the City to recover its incurred costs from installing water mains and to set forth the method and procedures for assessing reimbursements from developers wishing to utilize the water mains; and

WHEREAS, Meritage Homes of Texas LLC, hereinafter referred to as "Developer", is constructing an eight-inch water main to serve the Chisolm Trail Ranch development located at Brewer Blvd and McPherson Blvd; and

WHEREAS, the City of Fort Worth Water Department is cost participating to upsize the eight-inch diameter pipe to 24-inch diameter pipe (City Project Number 104634 and 103826).

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 (2015), as amended, Chapter 35 "Water and Sewers," Article III, Division 4, Sections 35-87 through

35-93, that the Developer has initiated construction of a eight-inch water transmission main to serve the Chisolm Trail Ranch development located at Brewer Blvd.

SECTION 2.

The City Council finds that $1,081,302.04 is the total city cost to upsize the Developer initiated eight-inch diameter water transmission main to 24-inch diameter pipe. This water transmission main is approximately 2598 linear feet. Pursuant to Section 35-92 of the City Code, the net capacity for a 24-inch water main is 12.76 million gallons per day (MGD). Therefore, $84,741.54 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. The maximum reimbursable amount to the Water Department is $1,081,302.04. The City's collection of this charge will cease when the City's development costs are fully reimbursed.

SECTION 3.

The City Council also hereby directs the City of Fort Worth 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 (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 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: CITY SECRETARY

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M. Kevin Anders, II
Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: _____