ORDINANCE No. _____

AN ORDINANCE ADOPTING A SEWER MAIN CAPACITY CHARGE PURSUANT TO SECTION 35-97 OF THE CITY CODE FOR A DEVELOPER INITIATED LIFT STATION ("VENTANA LIFT STATION AND SEWER MAINS"), LOCATED NEAR THE INTERSECTION OF VEALE PKWY AND 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 5 entitled "Sewer Main Capacity Charges" provides for the adoption of Sewer Main Capacity charges by City Council to allow for developers and the City to recover cost incurred from installing sewer 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 sewer mains; and

WHEREAS, PB Ventana 1, LLC, hereinafter referred to as "Developer", is constructing a lift station, force main, and gravity mains to serve the Ventana development near the intersection of Veale Pkwy and Longvue Ave.; and

WHEREAS, the City of Fort Worth Water Department is cost participating to upsize the lift station and the sewer mains.

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 5, Sections 35-94 through 35-100, that the Developer has initiated construction of a lift station to serve the Ventana development located at the intersection of Veale Pkwy and Longvue Ave.

SECTION 2.

The City Council finds that the total cost to construct the Ventana Lift Station and Sewer Mains is $2,822,148.06. The Developer initiated this project. Pursuant to Section 35-99 of the City Code, the net capacity of the lift station and sewer mains is 5.0 million gallons per day (MGD). The developer's allocation is 1.65 MGD, leaving a remaining available capacity of 3.35 MGD. Therefore, the sewer main capacity charge is $842,432.26 per MGD. The City will charge properties the sewer main capacity charge if they are in plats which utilize the Ventana Lift Station and sewer mains that are located in or around the boundary area as described in Exhibit "A" and meet the definition of "other development," as defined in Section 35-95 of the City Code. The City Council further finds that the sewer main capacity charge has been calculated in accordance with the requirements of the sewer main capacity charge policy. This sewer main capacity charge will be reimbursed to the City of Fort Worth Water Department. The maximum reimbursable amount to the Water Department is $2,822,148.06. 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 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 35-100 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

_____	_____
M. Kevin Anders, II	Jannette S. Goodall
Assistant City Attorney	City Secretary

ADOPTED AND EFFECTIVE: _____