

City of Fort Worth, Texas
Mayor and Council Communication

DATE 5/14/02	REFERENCE NUMBER **G-13621	LOG NAME 60ACRE	PAGE 1 of 2
SUBJECT	ADOPTION OF ORDINANCE ESTABLISHING A PER ACRE CHARGE FOR CERTAIN SANITARY SEWER MAINS AND REIMBURSEMENTS TO A DEVELOPER AND THE CITY OF FORT WORTH		

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 35, Water and Sewers of the Code of the City of Fort Worth (1986) by adding a Division 3 to Article III providing for per acre charges for reimbursement to a developer or to the Water Department for construction of certain sanitary sewer mains.

DISCUSSION:

Texas Senate Bill 243, signed by the Governor on May 26, 2001 (effective September 1, 2001), amended the Texas Local Government Code to allow the City to assess charges to reimburse off-site sewer main extensions. The attached ordinance establishes definitions, guidelines and criteria, as well as calculation, assessment, and refund procedures to govern sewer per acre charges for developer and City projects.

The major criteria for a developer per acre charge are:

- Sewer main extended is at least 1 mile in length; and
- Sewer basin area served is at least 1,000 acres; and
- Proposed development is less than, or equal to, 1/3 of the calculated sewer basin area served by approach sewer main.

The only major criteria for the City to recover per acre charges is that the 15-inch or larger sewer main be constructed with City funds.

The maximum reimbursement time period is 10 years for developer initiated projects. There is no time limit for the City.

The per acre charge is calculated by dividing the total cost of the project (construction, plus design, plus easement acquisition costs) by the total number of gross acres within the calculated sewer basin area.

The assessment of the per acre charge is on properties located within the calculated sewer basin area served by the approach sewer main. The total amount of assessment is determined by multiplying the per acre charge to the gross acres of the final platted area. The total assessment amount is to be paid prior to the filing of the final plat.

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FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

BG:k

Submitted for City Manager's Office by:	FUND	ACCOUNT	CENTER	AMOUNT	CITY SECRETARY
Bridgette Garrett/Acting 6140	(to)				APPROVED 05/14/02 ORD.# 15095
Originating Department Head:					
Dale Fisseler 8207	(from)				
Additional Information Contact:					
Dale Fisseler 8207					

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 35, WATER AND SEWERS, OF THE CODE OF THE CITY OF FORT WORTH (1986), BY ADDING A DIVISION 3 TO ARTICLE III, PER ACRE CHARGES; PROVIDING FOR DEFINITIONS; PROVIDING CRITERIA FOR PER ACRE CHARGES FOR DEVELOPER INITIATED PROJECTS AND CITY INITIATED PROJECTS; PROVIDING FOR THE CALCULATION OF A PER ACRE CHARGE; PROVIDING FOR THE ASSESSMENT AND PAYMENT OF A PER ACRE CHARGE; AMENDING ARTICLE IV, RESERVED; PROVIDING FOR REFUNDS TO DEVELOPERS AND FOR THE ADMINISTRATION OF FUNDS COLLECTED FROM PER ACRE CHARGES; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE FORT WORTH CITY CODE IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

Section 1.

Chapter 35, Water and Sewers, of the Code of the City of Fort Worth (1986) is hereby amended by adding Division 3 to Article III, "Per Acre Charges", which shall be and read as follows:

Sec. 35-81 Purpose.

The purpose of this ordinance is to allow developers and the city to recoup some of the costs incurred that are associated with the construction of sanitary sewer main extensions that meet the criteria contained herein.

Sec. 35-82 Definitions.

- (a) "Approach sewer main" shall mean a sewer main constructed by a developer and is that portion of a sewer main from the connection an existing main to the closest outer perimeter of the proposed development.
- (b) "Sewer basin area" shall mean the acres within the calculated basin area that are to be assessed a per acre charge.
- (c) "Calculated sewer basin area" shall mean the acres within a sewer basin area that will be subject to a per acre charge.

The calculated sewer basin area will be determined using the natural basin area bounded by existing topographies as shown on USGS maps. Boundaries of the area shall be provided by a metes and bounds description overlaid on a city base map. The final calculated sewer basin area shall be subject to the review and written approval by the city.

The calculated basin area shall not include any sub-basins within the basin area that are equal to or greater than 1,000 acres.

- (d) "City initiated sewer main" shall mean any sewer main constructed by the city that is fifteen inches (15") or greater, regardless of the length of the pipe constructed or the size of the sewer basin.
- (e) "Development cost-Developer initiated project" shall mean the cost incurred by the developer related to the construction of an approach sewer main based solely on the cost of the construction contracts, reduced by the amount of any city participation, awarded without regard to the final actual cost and may include the cost of easement acquisition and design, subject to city written approval. Development cost excludes any developer incurred legal fees, real estate agent fees, or condemnation expenses incurred in easement acquisition.
- (f) "Development cost -City initiated project" shall mean the cost incurred by the city related to the construction of a city initiated sewer main based upon the cost of the construction contracts awarded without regard to the final actual cost, and may include the reasonable cost of easement acquisition, including costs and legal fees associated with condemnation and design.
- (g) "Other development" shall mean any property located within the calculated basin area that connects to an approach sewer main constructed by a developer or a sewer main constructed by the city.
- (h) "Proposed development" shall mean property for which service is being requested that requires the construction of an approach sewer main. The proposed development must be delineated on a concept plan or a preliminary plat (if a concept plan is not required) that has been filed with the city's development department.

Sec. 35-83 Criteria for per acre charge sewer mains -Developer initiated project.

For a per acre charge to be collected for an approach main constructed by a developer, the approach sewer main must:

- (a) Be a minimum of one (1) mile in length;
- (b) The proposed development to be served by the approach sewer main shall be less than or equal to one-third (1/3) of the calculated sewer basin area to be served by the approach sewer main; and

- (c) The sewer basin area to be served by the approach sewer main shall be equal to or greater than 1000 acres.
- (d) It is the developer's responsibility to provide all necessary information for a determination to be made if a per acre charge is appropriate for any given construction project.

Sec. 35-84 Calculation of the per acre charge

- (a) In order for a per acre charge to be assessed, the city council must adopt an ordinance for that purpose. For approach mains constructed under a developer initiated project, the per acre charge shall be calculated as follows:
 - 1. Development cost shall be determined consistent with the requirements of sec. 35.83 above.
 - 2. The developer is responsible for providing the calculated basin area, together with any necessary exhibits as may be reasonably requested by the city. An engineer licensed to practice in the state of Texas shall prepare the calculated basin area. Sub-basins of 1,000 acres or more shall not be included in the calculation of the sewer basin area.
 - 3. The development cost is divided by the calculated basin area expressed in acres to determine the per acre charge.
 - 4. An ordinance will be presented to the city council to establish the per acre charge.
- (b) For sewer mains constructed as a city initiated project, the per acre charge shall be calculated as follows:
 - 1. Development cost shall be determined consistent with the requirements of sec. 35.83 above.
 - 2. The city's consultant engineer shall determine the calculated basin area or the maps of the USGS may be used.
 - 3. The development cost is divided by the calculated basin area expressed in acres to determine the per acre charge.
 - 4. An ordinance will be presented to the city council to establish the per acre charge.

Sec. 35-85 Assessment and payment of the per acre charge; refunded to a developer; administration.

- (a) The Water Department shall be responsible for the collection, refund, and maintenance of per acre charges collected.
- (b) Except as provided by subsection (c) below, a per acre charge shall be assessed each acre within the calculated sewer basin area served by a sewer approach main or by a sewer main constructed under a city initiated project, without exclusion or reduction.

- (c) Park property that is dedicated by final plat or by other instrument prior to the filing of the final plat shall not be assessed
- (d) The payment of the per acre charge assessed hereunder shall be paid at the time the final plat for the proposed development is ready to be filed, but the plat shall not be filed until the per acre charge has been paid.
- (e) For developer initiated projects, the developer shall make a written request for refund during each November following the start of a developer initiated project. Refunds shall be collected for a period of 10 years. No further refunds shall be made following one year after the date that the lat per acre charge was collected by the city.
- (f) Collection of per acre charges shall cease when the developer has recovered its development cost.
- (g) Refunds shall be paid to the developer during the month of December following the November written requests for refunds.
- (h) There is no time limit for the city to recover its development cost for city initiated projects.

Sec. 35-86 Adoption of Ordinance

The city council may adopt an ordinance assessing a per acre charge calculated in accordance with this Division III to be assessed within a basin area.

SECTION 2.

Article IV, Reserved, of Chapter 35, Water and Sewers, is amended to provide for reserved sections of 35-87 through and inclusive of 35-130.

SECTION 3.

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 ordinance and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

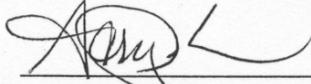
SECTION 4.

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 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 take effect upon adoption.

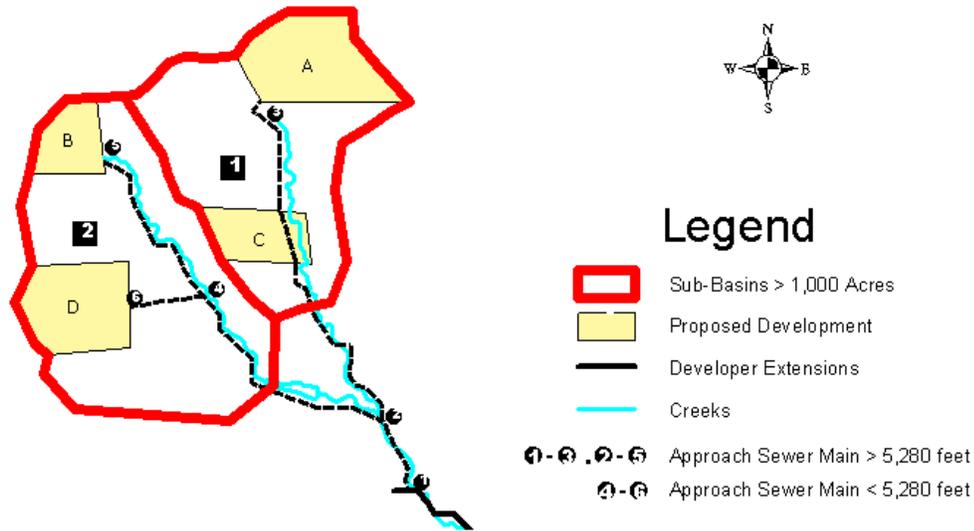
APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Amy L.", written over a horizontal line.

Assistant City Attorney

Adopted: 5-14-02

Sanitary Sewer Per-Acre Charge for Developer's Project



Development "A"	=	Proposed Development < 33% of Sub-Basin 1 Developer Extended from 1-2 as the first extension
Development "B"	=	Proposed Development < 33% of Sub-Basin 2 Developer Extended from 2-5 after 1-2 is completed
Per Acre Charge for Extensions 1-2	=	$\frac{\text{Development Cost from } \mathbf{1-2}}{\text{Calculated Basin Area of Sub-Basin } \mathbf{1} \text{ \& \; } \mathbf{2}}$
Per Acre Charge for Extensions 2-5	=	$\frac{\text{Development Cost from } \mathbf{2-5}}{\text{Calculated Basin Area of Sub-Basin } \mathbf{1}}$
Per Acre Charge for Extensions 2-5	=	$\frac{\text{Development Cost from } \mathbf{2-5}}{\text{Calculated Basin Area of Sub-Basin } \mathbf{2}}$
Development "C"	=	Pays for Per-Acre Charge of Extensions 1-2 + Per-Acre Charge of Extension 2-5
Development "D"	=	Pays for Per-Acre Charge of Extensions 1-2 + Per-Acre Charge of Extension 2-5

FORT WORTH WATER DEPARTMENT
Application for Fire Line Service

This is a request to the Director of the Water Department of the City of Fort Worth for the installation or continuation of a fire line, complete with necessary appurtenances, to provide water service for a fire protection system.

Name: _____ Company: _____

Location: _____
Size tap requested: _____ Maximum flow required: _____ G.P.M.
Plans attached: Yes No Date Applied: _____
* * * * *

Estimated cost (installed as per attached sketch): _____
Date: _____ By: _____
* * * * *

I, _____, representing the _____
(Name) (Company)

understand that the fire line tap to be installed hereunder shall be utilized in strict compliance with Chapter 37 of the Fort Worth Code (1964), Ordinance No. 5432 and all other applicable ordinances, regulations and policies of the City of Fort Worth, and is subject to the following conditions:

1. All fire protection systems used exclusively for fire-fighting purposes shall be provided with double detector type check valves as per the comprehensive Environmental Protection and Compliance Ordinance of the City at applicant's cost before connection with the water mains of the City. In case it is determined that water is used through such double detector-check valves for purposes other than for fire-fighting, it shall be replaced with a standard meter with the applicant paying the full cost of the meter installation.
2. It is agreed that applicant will not use water from this fire line of his fire protection system for purposes other than fire-fighting. If or when it has been determined that such water has been used for purposes other than fire-fighting, the applicant will pay the full cost of installation of a standard meter for the purpose of metering the water used through his fire protecting system. In addition, the applicant will pay the resulting monthly charges for the size of meter installed as provided in said Chapter 37 of the Fort Worth City Code (1964) as amended. It is understood that said code provides minimum monthly charges whether water is used or not.
3. It is understood that this payment reflects the total estimated cost of the fire line tap, such cost being determined by the estimating procedures currently employed by the Fort Worth Water Department. It is further understood that there will be no cost adjustment after completion of the installation, except for cost adjustments as may be necessary to accommodate addition or deletion of one or more of the component parts of the installation depicted on the attached sketch.

In the event that this application is not complete by applicant within 90 calendar days after the date of the estimate shown herein, complete processing of a new application will be required.

I certify that I am authorized to make this application on behalf of the above named Company and to bind said Company to all covenants and representations made herein.

(Applicant's Signature) (Date)

Approval upon authority of the Fort Worth Water Department Director

by: _____
(Signature) (Date)