

WATER AND WASTEWATER INSTALLATION POLICY

Except as otherwise noted herein, Director as used in this section shall mean the Director of the Fort Worth Water Department.

The following policy shall govern the installation of all water and/or wastewater facilities within the corporate limits of the City of Fort Worth, Texas and its extraterritorial jurisdiction.

A. WATER AND WASTEWATER FACILITIES – NEW DEVELOPMENT.

1. GENERAL REQUIREMENTS FOR NEW DEVELOPMENT.

(a) EXTENSIONS.

In accordance with Section 104.303 of the Ordinance, except for property lying within the service area of a CCN owned by an entity other than the City, all platted lots (either existing or proposed) or tracts of every subdivision shall have a City water and wastewater facility extended to it to provide service. The developer shall inform the Director, in writing, of all lots and blocks within the subdivision/development to be served.

(b) DESIGN.

In accordance with Section 104.302 of the Ordinance, all water and/or wastewater systems shall be designed to meet the City design requirements, including providing for fire protection.

To determine the water and/or wastewater facilities required to provide service to the proposed development and the surrounding properties, a comprehensive water and/or wastewater facilities study is required to evaluate the adequacy of the planned water and/or wastewater facilities for the present and future needs. The study shall include a hydraulic study for water distribution systems and/or a drainage study for the wastewater collection system. The developer's engineer shall recommend the size of on-site and approach water and sewer facilities. The Director shall determine the final sizes of such facilities based upon the recommendation of the developer's engineer, City design criteria, the City Fire Code and other applicable criteria.

(c) MATERIAL/CONSTRUCTION REQUIREMENTS.

In accordance with Section 103.500, Section 104.200, and Section 104.302 of the Ordinance, all community water/wastewater systems shall be constructed utilizing materials and construction methods meeting Department specifications.

(d) APPROVAL.

In accordance with Section 103.500, all construction plans and specifications for the construction of community water/wastewater facilities shall be reviewed and approved by the Director in writing.

(e) COMMUNITY FACILITIES AGREEMENT.

In accordance with Section 104.100 of the Ordinance, a community facilities agreement, together with the acceptable financial guarantee required therein, will be required for the construction of any community water/wastewater system. No building permit shall be issued and no work shall be started for the installation of such community facilities unless and until the developer has contracted with the City to provide for the installation of such improvements.

(f) FRONT FOOT CHARGE REFUNDS.

In accordance with Section 35-58 of the City Code, front foot charges will be collected for any service connection or any extension to adjacent property from an approach water and/or wastewater main constructed by a developer or single customer property owner. These front foot charges will be refunded to the developer or single customer property owner who initiated construction of the approach facility in accordance with Section F.2 of this Policy.

(g) WATER AND SEWER PARTICIPATION ON MAINS ADJACENT TO PARK PROPERTY

The Water Department shall participate in the cost of water or sewer facilities located in the public right of way adjacent to a park to the extent such facilities exceed the minimum street frontage required by the Park and Community Services Department. Water Department participation will be calculated by multiplying the excess length times the applicable front foot charge divided by two (2). If park property is located on both sides of the public right of way, Water Department participation shall be calculated by multiplying the excess length times the applicable front foot charge.

Payment of this participation shall be made when the community facilities have been completed and accepted and the park property has been deeded to and accepted by the City.

2. STANDARD POLICY.

The developer shall cause to be constructed all water and/or wastewater facilities required to provide service to the development, subdivision or lot/tract. The division of costs of such construction shall be as follows:

(a) APPROACH FACILITIES.

(i) Standard Approach Water and Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of the approach water and/or wastewater facility sized in accordance with the Department design criteria and the City Fire Code. The approach main and appurtenances must be capable of providing water and/or wastewater service to the development from a point in the existing water and/or wastewater system that has adequate capacity as determined by previous studies as required in Section A.1.b. Standard water pipe size shall be eight (8) inches in residential and commercial development and twelve (12) inches in industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Approach Water and Wastewater Facilities.

Should the City's Master Water/Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater approach facility is required for ultimate growth considerations than the water and/or wastewater approach facility required to provide service to the development, the developer shall be responsible for one hundred percent (100%) of the cost for water and/or wastewater approach facilities designed to provide service to the proposed development. Should the City elect to install approach facilities larger than those required by subsection (i) above, the additional cost of pipe and appurtenances shall be borne by the City, subject to the availability of funds. In the event City funds are not available, the developer shall install those facilities required by subsection (i) above. City participation, if any, will be calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

(b) ON-SITE FACILITIES.

(i) Standard Size Water/Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of all standard water/wastewater facilities required by the City design criteria and the City Fire Code. Standard water pipe size shall be eight (8) inches in residential and commercial development and twelve (12) inches for industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Than Standard Water and Wastewater Facilities.

In the event that the City's Master Water/Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater facility than the water and/or wastewater facility required to provide exclusive service to the development is required for ultimate growth considerations, the developer shall be responsible for one hundred percent (100%) of the cost for the water and/or wastewater facilities designed to provide exclusive service to the proposed development. Should the City elect to install larger facilities than indicated to be necessary for the exclusive service to the development, the additional incremental cost shall be borne by the City, calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

(iii) Service Connections.

The developer shall be responsible for one hundred percent (100%) of the cost of installation of water and/or wastewater service to each proposed or existing lot or tract within the development. Residential service connections shall be installed at the same time as the water and/or wastewater facilities are constructed.

(c) SPECIAL FACILITIES.

In those situations where the construction of water main transmission facilities or wastewater collector main facilities are not economically feasible, the developer may petition the Director to construct water supply facilities and/or package wastewater treatment facilities or water/wastewater pumping facilities, and, subject to the approval of the City Manager and the City Council, construct same.

(i) Facilities for Single Customer Properties.

The City Council may authorize the construction of special facilities to serve single customer properties.

(ii) Developer Cost.

When the special facilities are designed to provide service exclusively to the development, the developer shall be responsible for one hundred percent (100%) of the cost of such facilities. In the event that the City requires larger facilities be constructed to provide service to other areas, the developer shall be responsible for that portion which represents the cost of constructing facilities to provide exclusive service to the proposed development and the City shall be responsible for the remainder of the cost, provided funds are available. In the event City funds are not available, the developer shall install those special facilities as are required to provide service to the proposed development.

(iii) Best Interest of City.

The special facilities statement of this policy shall not be construed as requiring the City to provide water and/or wastewater service to areas where normal service, as defined in this policy, is not immediately or economically available. Rather, it is intended to permit an equitable method of providing such water and/or wastewater service where the best interests of the City will be served by the use of such facilities.

(d) RELOCATION/REPLACEMENT OF EXISTING FACILITIES FOR NEW DEVELOPMENT.

(i) Developer Responsibilities.

Any replacement or relocation of an existing water and/or wastewater facility required by the developer to accommodate a contemplated or projected use of a property shall be the responsibility of the developer. In the event that the City requests that a larger line be substituted for the existing line, the City shall be responsible for the incremental installation cost calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids. If the increase in size is necessary to properly serve the proposed development or to provide capacity at least equivalent to that of the existing water or wastewater facility to be replaced or relocated, the developer shall be responsible for 100% of the cost of such water and/or wastewater facility. The plans for such replacement or relocation shall be approved in writing by the Director prior to initiation of construction.

(ii) Construction of Improvements Over Existing Facilities.

No permanent structures shall be constructed over an existing wastewater main or lateral or an existing water main. In the event that the developer desires to construct a permanent structure over an existing water or wastewater facility, the developer shall be responsible for the cost of relocating the existing facility.

3. EASEMENT REQUIREMENTS.

The developer shall be responsible for the acquisition of the following easements:

(a) MINIMUM EASEMENT WIDTH.

- (i) For both water pipe less than 16" and wastewater pipe less than 18", at a maximum depth of 10 feet, the width of the required easement is 15 feet.

- (ii) For larger pipe sizes, where the maximum depth is 10 feet, the following table shall apply:

<u>Size</u>	<u>Width of Easement</u>
Water pipe between 16” and 20”	20 feet
Water pipe between 24” and 30”	25 feet
Water pipe 36” and above	30 feet
Wastewater pipe between 18” and 24”	20 feet
Wastewater pipe between 27” and 48”	25 feet
Wastewater pipe 54” and above	30 feet

- (iii) For all mains with depths
 - Depth of Pipe Times 2.0, plus the width of the pipe plus two feet, rounded up to the nearest 5 ft. width of easement shall not exceed 50 feet unless required by special circumstances.

(b) EASEMENTS WITHIN DEVELOPMENT.

Within the development the developer shall be responsible for providing the following easements:

- (i) All easements required for water or wastewater facilities installed within the development.
- (ii) All easements that are required for larger water transmission mains or wastewater mains that are not installed as part of the initial construction of the development.

(c) EASEMENTS FOR APPROACH MAINS.

- (i) The developer shall be responsible for 100% of the cost to acquire easements for all approach mains sized solely to properly serve the proposed development (no over-sizing required).
- (ii) Where facilities are over-sized (greater than that which the developer needs to properly serve the proposed development) where the City desires to acquire a larger easement for future facilities, the City shall acquire all easements for approach mains through negotiation and/or condemnation. The developer shall be responsible for the cost of that

portion of the easement required to properly serve the proposed development and the City shall be responsible for that portion of the easement required for over-sizing, or for future facilities. (See table, section B.3.a).

- (iii) The City shall not be responsible to the developer for any delays, costs, expenses, or damages of any kind or nature caused to the developer during the time that the City is in the process of acquiring any easements through negotiation and/or condemnation.
- (iv) In the event the developer desires to acquire the easements required in (ii) above, the developer shall notify the City in writing. In such case, the developer shall be responsible for 100% of the cost of the entire easement.

(d) EASEMENTS REQUIRED FOR RELOCATION/REPLACEMENT.

The developer shall dedicate such easements or right-of-ways within the development as may be required to permit construction of the relocation/replacement. Responsibility for the acquisition of easements outside of the development shall be as provided for easements for approach facilities.

(e) FORMAT.

All easements instruments shall be in a standard City format and otherwise acceptable to the City. For each permanent easement submitted, a minimum of three easement instruments with original signature(s) of the property owner(s) and notary signature/seal are required. For each temporary construction easement submitted, a minimum of two easement instruments with original signature(s) of the property owner(s) and notary signature and seal are required.

B. EXTENSIONS FOR EXISTING SINGLE CUSTOMER PROPERTY.

The following policy shall govern the installation of water and/or wastewater facilities to property that has existing occupied residential or commercial establishments that are currently not connected to and served by the City's water and/or wastewater system:

1. EXTENSIONS TO ONE SINGLE CUSTOMER PROPERTY.

(a) LESS THAN 200 FEET.

When it is necessary to extend a water and/or a wastewater facility to serve an existing single customer property, the City, at its expense, will extend the required water and/or wastewater facility up to 200 feet to the closest property line of the lot involved. The property owner will be responsible for all other costs, as required by the City Code.

(b) GREATER THAN 200 FEET.

If the extension to the nearest property corner of the existing single customer property should exceed 200 feet, the property owner shall pay to the City the actual cost of extending the water and/or wastewater facility in excess of 200 feet, together with such other costs as required by the City Code.

(c) PAYMENT.

Payment shall be made prior to the beginning of construction. In the event payment cannot be in full, the property owner may execute a mechanic's lien and note to guarantee payments of the extension cost. In the event the Director agrees to the execution of the mechanic's lien and note, the note shall be for a term not to exceed five years and shall bear interest at the highest rate permitted by law. All cost of filing of the mechanic's lien shall be the responsibility of the property owner. Any refund of front foot charges which may become due to a single customer property owner making payments on such a mechanic's lien will be credited against the lien until such lien is satisfied.

2. EXTENSIONS TO MULTIPLE EXISTING SINGLE CUSTOMER PROPERTIES.

(a) ADDITIONAL CREDITS FOR ONE EXISTING SINGLE CUSTOMER PROPERTY.

If more than one existing single customer property is to be served by the extension of water and/or wastewater facilities, a credit from the City of up to the actual water and/or wastewater construction costs for a length of 200 linear feet will be allowed for each existing single customer property connected as of the time of construction, and any excess length will be paid for at the actual cost of the total excess length. The actual number of single customer properties connected to such extension at the time of construction shall be responsible pro rata for payment to the City for such excess length. Properties connecting to such extension after completion of construction shall be subject to front-foot charges, such charges to be refunded as provided elsewhere herein.

(b) NUMEROUS SINGLE CUSTOMER PROPERTIES-BUILT-UP AREA.

In the case of a built-up area where there are numerous prospective existing single customer properties without existing water and/or wastewater facilities to provide service, such facilities can be extended with each existing single customer property receiving a credit of 200 linear feet of extension per existing single customer property. To receive this credit, petition must be submitted to the Director with the names signed and printed, addresses, legal description of the property, telephone numbers, and appointing a committee of not more than five property owners of the area to be served. All property owners included in the area must authorize the committee to act in their behalf in negotiating with the City on all matters pertaining to the water and/or

wastewater installation. Committee representatives shall be designated in writing as the contact person to coordinate with Water Department staff.

(i) Department Responsibilities.

The Department at its cost will furnish the necessary maps and plans and perform the engineering work connected with the water and/or wastewater facility extensions.

(ii) Committee Responsibilities.

The committee shall be responsible for all contact with the other property owners in the area to be served and for collecting and depositing with the Department all required funds to be paid by the existing single customer property owners.

(iii) City Cost.

The City at its expense shall extend water and/or wastewater facilities up to 200 linear feet for each existing single customer property that has met the requirements of this section.

(iv) Payment.

The actual number of single customer properties connected to the extension shall be responsible pro rata for payment to the City for any excess length. Payment for the extension and such other costs as may be required by the City Code will be made in advance of the construction, unless other arrangements are made in advance, including the execution of a mechanic's lien and note.

(v) Limit of Extension.

The City will not extend the water and/or wastewater facility beyond the point of extension to serve the last existing single customer property represented by the committee.

(c) MAXIMUM NUMBER OF 200 FOOT CREDITS.

No more than one extension credit of 200 feet will be allowed for each separate existing single customer property lot or tract of record to be served, regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.

3. SERVICE AVAILABILITY.

The existing single customer property shall not be connected for service until the appropriate extension costs along with any associated connection charges have been paid to the City, or arrangements have been completed for payment of such charges in a manner set forth herein.

4. FRONT FOOT CHARGE REFUNDS.

Any property owner connecting to a water/wastewater facility constructed by the City and paid for by a single customer property owner(s) will be charged front foot charges, such charges to be refunded to the single customer property owner(s) who paid for the excess length. Front foot charges shall be in addition to such costs, expenses and fees as provided for by the City Code. The single customer property owner(s) who participates in the cost of water or wastewater extensions will be eligible for refunds equal to, but not greater than, the amount of their participation in the cost of excess length in the facility constructed. Any refund of front foot charges which may become due to a single customer property owner(s) making payments on a mechanic's lien note will be credited against the note until such lien is satisfied.

5. EXTENSION OF WASTEWATER FACILITIES TO PROTECT THE PUBLIC HEALTH.

(a) REQUIREMENTS FOR EXTENSION.

After notification by the Director of Public Health of a public health hazard, the Director shall request approval of the City Council to extend wastewater facilities to serve residents within the public health hazard area.

(b) CONNECTION TO EXTENSION.

Within 90 days after the completion of the extension of the wastewater facility, all single customer properties within one hundred feet of said facility shall be required to make connection. The single customer property owner shall pay all fees and charges, other than the cost of the extension.

C. OTHER REQUIREMENTS FOR WATER/WASTEWATER CONSTRUCTION.

1. SERVICE CONNECTIONS.

Service lines shall not be connected to a water and/or wastewater facility until a CFA has been executed and the water/wastewater facilities to which they connect have been completed and accepted by the City.

2. SERVICE CONNECTIONS TO LARGE MAINS.

Water transmission mains greater than 16" in diameter or wastewater mains greater than 24" in diameter shall not be tapped for service connections. When circumstances deem that such a connection is in the best interests of the City as determined by the Director, then the connection shall be made by the developer in accordance with City Policies and procedures. The developer may request in writing that the City install the service connection and the developer shall be responsible for the cost of connection.

3. SERVICE CONNECTIONS ACROSS STREETS.

Service connections to property adjacent to a street containing water and/or wastewater facilities will not be allowed in the following cases unless it is determined by the Director to be in the best interest of the City:

(a) DIVIDED STREETS WITH A MEDIAN.

A service connection shall not be made to a water/wastewater facility located in the parkway on the opposite side from the property requesting service. In addition, a service connection shall not be made to a water/wastewater facility located under the street pavement on the opposite side of the median from the property requesting service.

(b) WIDE STREETS.

A service connection shall not be made to an existing water/wastewater facility located more than 54 feet from the nearest curb line to the property for which service has been requested.

(c) STREET CUTS.

In no case shall a street be excavated for a water or wastewater service for more than 40 feet.

(d) EXTENSIONS.

In those cases where service connections are prohibited, the property owner shall install water/wastewater main extensions to a point behind the nearest curb line to the property to be served, where a service connection can be installed. In the case of a divided street or wide street, a developer owning property on both sides of the street shall be responsible for 100% of the cost of the required main along each side of the street.

4. METER LOCATION.

Water meters shall be located at the front of the property to be served in the street right-of-way behind the curb, except when the Director shall determine that it is in the best interest of the City to do otherwise.

5. COMMERCIAL/INDUSTRIAL/APARTMENT DEVELOPMENT.

In the case of a single platted tract being developed as a commercial, industrial, or apartment complex, water and/or wastewater service will be provided as follows:

(a) WATER.

Water service will be provided to the property boundary and along the entire frontage of the property in the usual manner with City participation in the cost of extending such service as provided elsewhere in this policy. The property owner may petition the Director to extend water facilities within the single platted tract. When it is in the best interest of the City, such extensions may be made for the purpose of providing fire protection, provided that such extensions are made within easements dedicated to the City for such purpose. The developer shall be responsible for 100% of the cost for extending such service, including the cost of any required easements.

(b) WASTEWATER.

Wastewater service will be provided to the property boundary and along or across the entire property in the usual manner, with the City participating in the cost of extending such service as provided elsewhere in this policy. The owner of the single property shall be responsible for 100% of the cost for the connection to the wastewater main and for any easements that may be required.

6. SUBSTANDARD WATER MAINS.

(a) SERVICE CONNECTIONS.

Where water service can be provided by an existing substandard water main, connection will be permitted in accordance with City policies and procedures provided that the Director approves the connection. The property owner requesting service shall be responsible for the appropriate fees and charges required by the City Code.

(b) RECONNECTION OF EXISTING WATER SERVICES.

All existing water service connections to a substandard water main replaced by an improved or new main will be reconnected without charge.

7. STORM DRAINS INCLUDED IN WATER/WASTEWATER CONTRACTS.

Storm drain facilities may be included in a bid proposal for the water and/or wastewater facilities, provided the Director and the Director of the Transportation and Public Works Department approve its inclusion. Any participation by the Water Department will be calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

D. SPECIAL ASSESSMENT FOR CONSTRUCTION OF WATER AND/OR WASTEWATER FACILITIES.

1. ELIGIBILITY CRITERIA.

The following is the criteria for establishing eligibility of a water or wastewater facility for construction under the special assessment policy:

(a) PETITION.

The owners of at least fifty percent (50%) of the benefited and assessable areas must sign a petition requesting that the City Council certify that there is necessity for the improvements to be considered for construction under the Assessment Utility Construction Policy, and such a petition must be filed with the Director.

(b) STATE LAW.

State law shall control a water and/or wastewater construction project to be assessed against abutting property owners.

E. OWNERSHIP AND MAINTENANCE.

1. TITLE TO ALL WATER AND WASTEWATER MAINS.

Title to all water and wastewater mains constructed under this policy that have been completed and accepted by the Director, except title to wastewater service connections, shall be vested in the City.

2. TITLE TO ALL WATER AND WASTEWATER SERVICE CONNECTIONS.

(a) WATER SERVICE CONNECTIONS.

(i) Domestic/Irrigation Service Connection.

Upon completion and acceptance by the Director, title to all water service connections for domestic/irrigation service from the water main to the meter, to include the meter and meter box or vault, shall be vested in the City.

(ii) Fire Line Connection.

Upon completion and acceptance by the Director, title to all fire line connections from the water main to the gate valve on the City side of the double detector check shall be vested in the City. Installation of the double detector check shall be in accordance with the Water Department's Backflow Prevention Policy. If the gate valve is located in the street, title to the fire line connection will be from the water main to the curblin adjacent to the property served.

(b) WASTEWATER SERVICE CONNECTIONS.

Upon completion and acceptance by the Director, title to all wastewater service connections constructed under this policy by the developer or the City shall be vested in the developer or single customer property owner, and the City shall have no responsibility for the maintenance or operation of such service connections. The developer or single customer property owner shall be responsible for the operation and maintenance of the service connection to the wastewater main, even if said main is under existing paving in City right-of-way.

3. CITY RESPONSIBILITIES FOR WATER AND WASTEWATER FACILITIES.

The City shall operate and maintain only those water and wastewater facilities, whose titles are vested in the City.

F. FRONT FOOT CHARGES.

1. FRONT FOOT CHARGE COLLECTIONS.

A front foot charge of \$10.50* per linear foot for water and \$9.00* per linear foot for wastewater, shall be paid in the following cases:

- (a) Service connections made to an approach facility constructed by a developer or single customer property owner before December 31, 1983.
- (b) Service connections or extensions made to serve adjacent property from an approach facility constructed by a developer or single customer property owner after December 31, 1983.
- (c) Service connections or extensions made to vacant lots from a water main that has been replaced at developer or single customer property owner cost.
- (d) Service connections or extensions made to vacant lots from a facility installed by multiple single customer property owners.

NOTE: * Front foot charges are subject to change on an annual basis by City Ordinance.

2. FRONT FOOT CHARGE REFUNDS.

Front foot charges will be collected by the City and refunded to the developer/single customer property owner when the following conditions are met:

(a) Eligibility.

A developer or a single customer property owner who constructs an approach main under a community facilities agreement is eligible for front foot charge refunds.

(b) Maximum Refund.

The developer/single customer property owner who constructs the approach facility shall be entitled to receive refunds equal to, but not greater than, 100% of the cost of the approach facility incurred by such developer/owner.

(c) Time Limit.

Front foot charges will be assessed for a period of ten (10) years, commencing on the date that the Director accepts the approach main. If less than 70% of the eligible collections due to the developer/single customer property owner have been collected, the developer/owner may request in writing an extension of up to an additional 10 years for collection of front foot charges. In no event will front foot charges be assessed for longer than 20 year.

(d) Refunds Source.

Refunds shall be made solely from front foot charges collected by the City during the period that front foot charges are assessed for service connections to or extensions from the approach main.

(e) Refund Procedure.

Upon written request, refunds will be made annually during the last two months of the calendar year from front foot charges paid to the City. It is the responsibility of the developer/single customer property owner requesting the refund to prove their eligibility to receive the refund due. In the event the developer/single customer property owner fails to request a refund of front foot charges within 6 months after the expiration of the eligibility to receive funds, such unrefunded front foot charges shall become the property of the City.

(f) Assignment.

The Director must approve assignment of refunds of front foot charges.

(g) Expiration of Eligibility.

Collections for front charges will cease when the developer/single customer property owner has been fully reimbursed or the time period for assessment of front foot charges has lapsed, whichever occurs first.

(h) Previous Policy.

Existing community facilities agreements with approach mains or other facilities eligible for front foot charge collections will continue under the policy that was in effect at the time the agreement was executed.

3. ADMINISTRATION.

The refund limit, together with the project number, date construction was completed, permanent record number of main, limits of portion of the facility upon which front foot charges are collectible, and name of the entity entitled to the refund.

G. VARIANCES.

1. REQUEST FOR VARIANCE.

All requests for variances must be in writing and submitted to the Director and shall include all pertinent information on the facilities involved or to be involved. The request shall state specifically the portion of the policy for which a variance is sought and the grounds for which the variance is requested.

2. CRITERIA FOR GRANTING OF VARIANCE.

- (a) In order to grant a variance, the Director shall determine that the failure to grant the variance will result in the exceptional hardship on the developer/single customer property owner. The burden of proof shall be on the developer/single property owner to show such hardship.
- (b) The developer/single property customer owner shall provide evidence that the granting of the variance will have no detrimental effect upon water and/or wastewater facilities for which the variance is requested.

3. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VARIANCE.

In the event the Director determines the variance should be granted, the Director may also require:

- (a) The execution of an indemnity agreement by the developer/single customer property owner. The form of the indemnity agreement shall be determined by the Director, and at a minimum, shall be recordable so as to run with the property;
- (b) A written agreement that the City will not be responsible for any damages arising out of the granting of the variance. The form of the agreement shall be determined by the Director, and at a minimum, shall be recordable so as to run with the property; and
- (c) Such other documents; in the discretion of the Director, deemed to be required.