ORDINANCE No. \_\_\_\_\_\_\_\_\_\_\_\_\_

**AN ORDINANCE ADOPTING A PER ACRE CHARGE IN ACCORDANCE WITH CHAPTER 35, ARTICLE III, DIVISION 3, SEWER PER ACRE CHARGES, SECTIONS 35-81 THROUGH 35-86 OF THE CITY CODE, FOR THE 689 ACRES LOCATED EAST OF INTERSTATE 30 AND LOOP 820 BY COOKS LANE SERVED BY CITY INITIATED SEWER MAIN PROJECT NO. B45002 (“M-339 SEWER MAIN IMPROVEMENTS”); MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on May 14, 2002, the City Council adopted City of Fort Worth Ordinance No. 15095 providing for the adoption of per acre charges when certain criteria are met, codified as Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code; and further amended by City Ordinance No. 21251 on or about May 20, 2014; and

WHEREAS, the City of Fort Worth is rehabilitating and upsizing an existing sewer main located east of interstate 30 and loop 820 by Cooks Lane, under City Project No. B45002 (“M-339 Sewer Main Improvements”) by increasing existing 10 and 12-inch diameter pipes to 18-inch diameter pipe.

**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 Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code, the City is rehabilitating and upsizing of 3,650 linear feet of existing sewer main (the “Main”) to provide wastewater service and that such Main is 18-inches in diameter. Further, the City Council finds that the M-339 Sewer Main Improvement Project located east of interstate 30 and loop 820 by Cooks Lane will serve a calculated sewer basin area of 689 acres, such sewer basin being more fully described in the attached Exhibit “A”, which is attached hereto and made a part hereof for all purposes. This sewer main is located in Council District 5.

**SECTION 2.**

The City Council finds that the cost to improve the Main is$1,284,998. In accordance with Chapter 35, Article III, Division 3, Sewer Per Acre Charges, Sections 35-81 through 35-86 of the City Code, the City Council hereby establishes the per acre charge within this sewer basin to be $1,865.48

**SECTION 3.**

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 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 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 5.**

This ordinance shall be effective upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Christa R. Lopez-Reynolds

Sr. Assistant City Attorney

ADOPTED: