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

**AN ORDINANCE ADOPTING A WATER MAIN CAPACITY CHARGE FOR OVERSIZING A DEVELOPER INITIATED 16-INCH WATER MAIN TO A 36-INCH WATER MAIN FOR THE MORNINGSTAR DEVELOPMENT, NORTH OF WALSH RANCH RESERVOIR AND PUMP STATION ALONG INTERSTATE HIGHWAY 20; 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 developers and the City to recover cost incurred from installing water 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 water mains; and

**WHEREAS**, FG Aledo Development, LLC, the Developer, has initiated construction of a 36-inch water main to serve Morningstar Development, north of the Walsh Ranch Reservoir and pump station and along Interstate Highway 20;

**WHEREAS**, Fort Worth Water Department requested the approach water main to be upsized from 16 inches to 36 inches in diameter;

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 4, Sections 35-87 through 35-93, that the Developer has initiated construction of an approach water main to serve Morningstar Development, north of the Walsh Ranch Reservoir and pump station and along Interstate Highway 20, and that such Developer initiated approach water main is 36-inches in diameter.

**SECTION 2.**

 The City Council finds that $1,037,683 is the Developer’s portion of the development cost for the Developer initiated approach water main. The City Council also finds that $528,227 is the City cost participation to upsize the Developer initiated approach water main. Therefore, $60,855 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 both FG Aledo Development, LLC, and the Fort Worth Water Department. Percentage of reimbursement will be 69.1% to the Developer and 30.9% to the Water Department.

**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 35-93.

**SECTION 4.**

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 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:

Christa R. Lopez-Reynolds

Sr. Assistant City Attorney

ADOPTED: