

A RESOLUTION

NO. _____

AUTHORIZING CITY STAFF TO NEGOTIATE AGREEMENTS CONCERNING TRANSFER OF CERTIFICATES OF CONVENIENCE AND NECESSITY, CONSTRUCTION OF INFRASTRUCTURE, AND DEVELOPMENT REQUIREMENTS FOR THE ALPHA RANCH, BROOKFIELD AND SHALE CREEK DEVELOPMENTS

WHEREAS, on September 9, 2014 City staff briefed the City Council Infrastructure and Transportation Committee on proposed transfers of the Certificates of Convenience and Necessity ("CCN") for the Alpha Ranch, Shale Creek and Brookfield Water Control and Improvement Districts; and

WHEREAS, entities affiliated with Centurion American Development Group ("Developer") own approximately 1,800 acres of land in the City's extraterritorial jurisdiction in proximity to State Highway 114, as shown on the attached map (the "Property"); and

WHEREAS, the Property is undeveloped and is located within the Alpha Ranch Water Control and Improvement District, consisting of the Elizabeth Creek and Alpha Ranch developments (collectively, the "Alpha Ranch" development), the South Denton County Water Control and Improvement District No. 1 (the "Brookfield" development), and the North Fort Worth Water Control and Improvement District No. 1 of Denton and Wise Counties (the "Shale Creek" development) (the "Districts"), which districts were created with the City's consent; and

WHEREAS, Developer agrees to develop the Property with a mixture of residential, commercial and recreational uses in accordance with City standards; and

WHEREAS, Aqua Texas has a wastewater discharge permit and the CCN rights to provide water and/or sewer service to the Property, utilizing groundwater for its water source and wastewater treatment plants; and

WHEREAS, Developer agree to pay Aqua Texas \$500 per lot, up to a maximum of \$2,000,000 to transfer its wastewater discharge permit and CCN water and sewer service rights for the Property, as follows: (i) transfer of its wastewater discharge permit to Alpha Ranch Water Control and Improvement District; (ii) transfer of its water CCN rights to the City; and (iii) transfer of its sewer CCN rights for the Brookfield development to South Denton County Water Control and Improvement District and its sewer CCN rights for the Alpha Ranch development to the Alpha Ranch Water Control and Improvement District; and

WHEREAS, a portion of the Shale Creek development located south of an unnamed tributary of Elizabeth Creek, as shown on the attached map, is developed and currently receives water and sewer service from Aqua Texas; and



WHEREAS, Aqua Texas has requested that the City enter into an agreement to sell water to Aqua Texas on a wholesale basis for 17 years to serve up to 493 single-family homes in the Shale Creek development, at which time Aqua Texas will transfer all water and sewer CCN service rights and infrastructure to serve such area to the City, at no cost to the City; and

WHEREAS, transfer of water and sewer CCN service rights for the Property to the City will ensure that the Property can be developed in accordance with City standards, including fireflow requirements, and that residents of the Property will receive water and sewer service that meets City quality standards at the City's applicable water and sewer rates; and

WHEREAS, the City will be the retail provider of sewer services to the Property when the District takes the wastewater treatment plant out of service and to transfers the sewer CCN rights for the Brookfield development and the Alpha Ranch development to the City; and

WHEREAS, Developer agrees to construct such water and sewer infrastructure to be financed by the Districts at no cost to the City; and

WHEREAS, Developer agrees to construct the portion of Sendera Ranch Boulevard located outside the City limits, at no cost to the City, and to be reimbursed less any proportional share required for the portion of the extension of Sendera Ranch Boulevard located within the City limits with roadway impact fees or fee credits in accordance with the City's transportation impact fee policy; and

WHEREAS, Developer agrees to construct a four-lane extension of Sendera Ranch Boulevard to provide access to Highway 114 for residents of Sendera Ranch and other existing neighborhoods consistent with the City's Master Thoroughfare Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

1.

That City staff is authorized to negotiate agreements with Developer, Aqua Texas, the Districts and other appropriate parties in accordance with the City's policies to provide for:

- a. the transfer of Certificates of Convenience and Necessity; and
- b. the provision of water and sewer service to the Property to include a wholesale water contract to serve part of the Shale Creek development with no infrastructure or meter cost to the City; and
- c. the construction of water and sewer infrastructure to include a water line to connect Sendera Ranch pump station to the existing line in SH 114 and a wastewater treatment plant the first 2,500 units of the Property to be financed by the Districts at no cost to the City; and



- d. the construction of a sewer line connecting to the City's system, and at the City's discretion, discontinuance by the District of wastewater treatment plant or the City taking ownership and/or operation; and the transfer of the sewer CCN rights for the Brookfield development and the Alpha Ranch development to the City, whereupon the City will become the retail sewer service provider to the Property; and
- e. the construction of a four-lane extension of Sendera Ranch Boulevard from its existing northern terminus to SH 114 in four phases as development occurs, consistent with the City's Master Thoroughfare Plan and construction of a portion of Sendera Ranch Boulevard located outside the City limits, at no cost to the City, and to be reimbursed less any proportional share required for the portion of the extension of Sendera Ranch Boulevard located within the City limits by fee credits in accordance with the City's transportation impact fee policy to be drawn from fees paid for new development within the impact fee service area or some other agreement as necessary; and
- f. development requirements for the Property, including the Alpha Ranch, Brookfield, and Shale Creek developments, together with such other agreements that City staff considers to be necessary and appropriate.

2.

That City staff is directed to present the final terms and conditions for these agreements to the City Council for final consideration and approval.

Adopted this _____ day of September, 2014.

ATTEST:

BY: _____
Mary Kayser, City Secretary

