

ORDINANCE NO. 382-96

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS APPROVING AND ADOPTING A CAPITAL IMPROVEMENTS PLAN FOR WATER AND WASTEWATER IMPROVEMENTS PROVIDING FOR AND IMPOSING WATER AND WASTEWATER IMPACT FEES; PROVIDING TIME FOR COLLECTION OF IMPACT FEES, PROVIDING FOR THE ACCOUNTING OF FEES AND INTEREST; PROVIDING FOR REFUNDS, PROVIDING FOR UPDATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the Texas Local Government Code, Chapter 395, as amended (the "Code") (formerly Tex. Rev. Civ. Stat. Ann. Art 1269 j-4-11, as amended), provides a procedure enabling municipalities to enact impact fees; and

WHEREAS, on February 20, 1996 the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider land use assumptions to be used to develop a capital improvements plan pursuant to which water and wastewater impact fees would be imposed; and,

WHEREAS, on February 20, 1996 the City Council hereby desires to adopt the capital improvements plan for water and wastewater improvements (the "Water and Wastewater Impact Fee Study Capital Improvements Plan") attached hereto as Exhibit "B" which was considered at the February 20, 1996 public hearing; and,

WHEREAS, the Water and Wastewater Impact Fee Study Capital Improvements Plan was developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014 of the Texas Local Government Codes; and,

WHEREAS, the City Council hereby finds and determines that all legal prerequisites has been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

Section 1: Inclusions

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2: Capital Improvements Plan

The City Council hereby approves and adopts the Water and Wastewater

Impact Fee Study Capital Improvements Plans, a copy of which is attached hereto as Exhibit “B” for the Service Area shown in Exhibit “A”. A copy of the Water and Wastewater Impact Fee Study Capital Improvements Plan shall be maintained at all times in the office of the City Secretary.

Section 3: Definitions

When used in this ordinance, these terms shall be defined as follows:

- (1) Capital Impact Fee: A charge in addition to water and wastewater connection charges made against the customer or property owner after February 20, 1996 pay a proportionate share of the total cost of water and wastewater system improvements within the city.
- (2) Capital Improvements Plan: The water and wastewater impact fee study capital improvement plan adopted by the City Council, as may be amended from time to time.
- (3) Capital Pro Rata Fee: A charge in addition to water and wastewater connection charges made against the customer or property owner prior to pay a proportionate share of the total cost of water and wastewater system improvements within the city.
- (4) City: City of Willow Park, Texas
- (5) Director: City Administrator for the City of Willow Park, Texas or the Administrators authorized representative.
- (6) Land Use Assumptions: The land use assumptions adopted by the City Council upon which the capital impact fees are based.

Section 4: Impact Fee Schedule

A fee shall be charged against each lot or tract of land and the owner thereof whose water and/or wastewater line shall be connected with any water line and/or wastewater line in the city, and the fee shall be charged at the following rates based on the water meter size:

<u>Meter Size</u>	<u>Equivalency Factor</u>	<u>Water</u>	<u>Wastewater</u>	<u>Total</u>
5/8 inch	1.0	\$1,400.00	\$1,400.00	\$2,800.00
3/4 inch	1.4	1,960.00	1,960.00	3,920.00
1.0 inch	2.5	3,500.00	3,500.00	7,000.00
1.5 inch	6.0	8,400.00	8,400.00	16,800.00
2.0 inch	10.0	14,000.00	14,000.00	28,000.00
3.0 inch	23.0	32,200.00	32,200.00	64,400.00
4.0 inch	41.0	57,400.00	57,400.00	57,400.00

6.0 inch	92.0	128,800.00	128,800.00	257,600.00
8.0 inch	164.0	229,600.00	229,600.00	459,200.00

Section 5: Increasing Size of Meter

If a customer requests an increase in meter size to an existing service, the customer shall pay the fee difference between the new level of service and the existing level of service as set out in Section 3 hereof. The additional fee shall be paid prior to installation of the enlarged meter service. A request for additional sewer connections for improved property shall not result in the assessment of an additional Wastewater Impact Fee so long as no increase in the size of the water meter is made.

Section 6: Payment of and Accounting for Capital Impact Fee

- (1) The capital impact fee shall be fully paid in cash prior to the issuance of any building permit for the development and/or when application for water and and/or sewer service is submitted to the City.
- (2) All capital impact fee funds collected shall be deposited in interest bearing accounts clearly identifying the category of capital improvements or facility expansions for which the impact fee was collected. Interest earned on the impact fees deposited is considered funds of the account on which it is earned and is subject to the same restrictions placed on use of impact fees.

Section 7: Review of Capital Improvements Plan

- (1) The land use assumptions and capital improvements plan shall be updated at least every three years with the initial three-year period beginning on the day the capital improvements plan was adopted by the City Council.
- (2) The review, evaluation and update of the land use assumptions and capital improvements plan shall be done in accordance with Chapter 395, Texas Local Government Code.

Section 8: Use of Capital Impact Fees

- (1) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by Section 8, paragraph (2).
- (2) All capital impact fees may be used to pay the costs of constructing capital improvements or facility expansions identified in the capital improvement plan, including:

- (a) construction contract price;
 - (b) surveying and engineering fees;
 - (c) land acquisition costs, including land purchases, court award and costs, attorney's fees and expert witness fees; and
 - (d) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.
- (3) All capital impact fees may be used for the payment of principal and interest on bonds, notes or other obligations issued by or on behalf of the city to finance the capital improvements or facility expansions identified in the capital improvements plan.

Section 9: Compliance with other Regulations

In addition to the capital impact fees, each property owner shall:

- (1) Construct or provide for the construction of all water and wastewater lines located within, contiguous or adjacent to their property necessary to satisfy the city's minimum specifications and requirements but that are not a part of the capital improvements plan for the city; and,
- (2) Pay all water and wastewater connection charges in accordance with applicable provisions of the City Code and all other rules and regulations of the city.

Section 10: Refunds

- (1) On the request of an owner of the property on which an impact fee has been paid, the city shall refund the impact fee if existing facilities are available and service is denied or the city has, after collecting the fee when service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.
- (2) On completion of the capital improvements of facility expansions identified in the capital improvements plan, the city shall recalculate the impact fee using the actual costs of the capital improvements or facility expansion. If the impact fee calculated based on actual cost is less than the impact fee paid, the city shall refund the difference if the difference exceeds the impact fee paid by more than 10 percent.
- (3) The city shall refund any impact fee or part of it that is not spent as authorized by this Section 8 within 10 years after the date of payment.

- (4) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Articles 5069-1.03, Vernons Texas Civil Statutes), or its successor statute.
- (5) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

Section 11: Authority of Political Subdivisions to Pay Fee

Political subdivisions and other government entities are subject to the impact fees imposed under this ordinance.

Section 12: Effect of this Ordinance

- (1) This ordinance is subject to amendment by the City Council pursuant to its governmental and legislative power and upon a finding and conclusion that the then current land use assumptions and actual development and construction of capital improvement or facility expansions reflect a change in the estimates and projections used to calculate the total projected number of service units and costs of capital improvements and resulting capital impact fees.
- (2) This payment and collection of the capital impact fees shall not obligate the city to provide any specific capital improvement unless approved by the City Council and shall not guarantee any specific level or quality of capital improvement or facility expansion.

Section 13: Severability

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 14: Repealer

All ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect provided that such repeal shall be only to the extent of such

inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance.

Section 15: Effective Date

This ordinance shall be effective immediately from the date of passage and approval, and the full impact fees shall be collected as shown on the impact fee schedule.

PASSED by the City Council of the City of Willow Park by a vote of 5 to 0 on the 20th day of February, 1996.

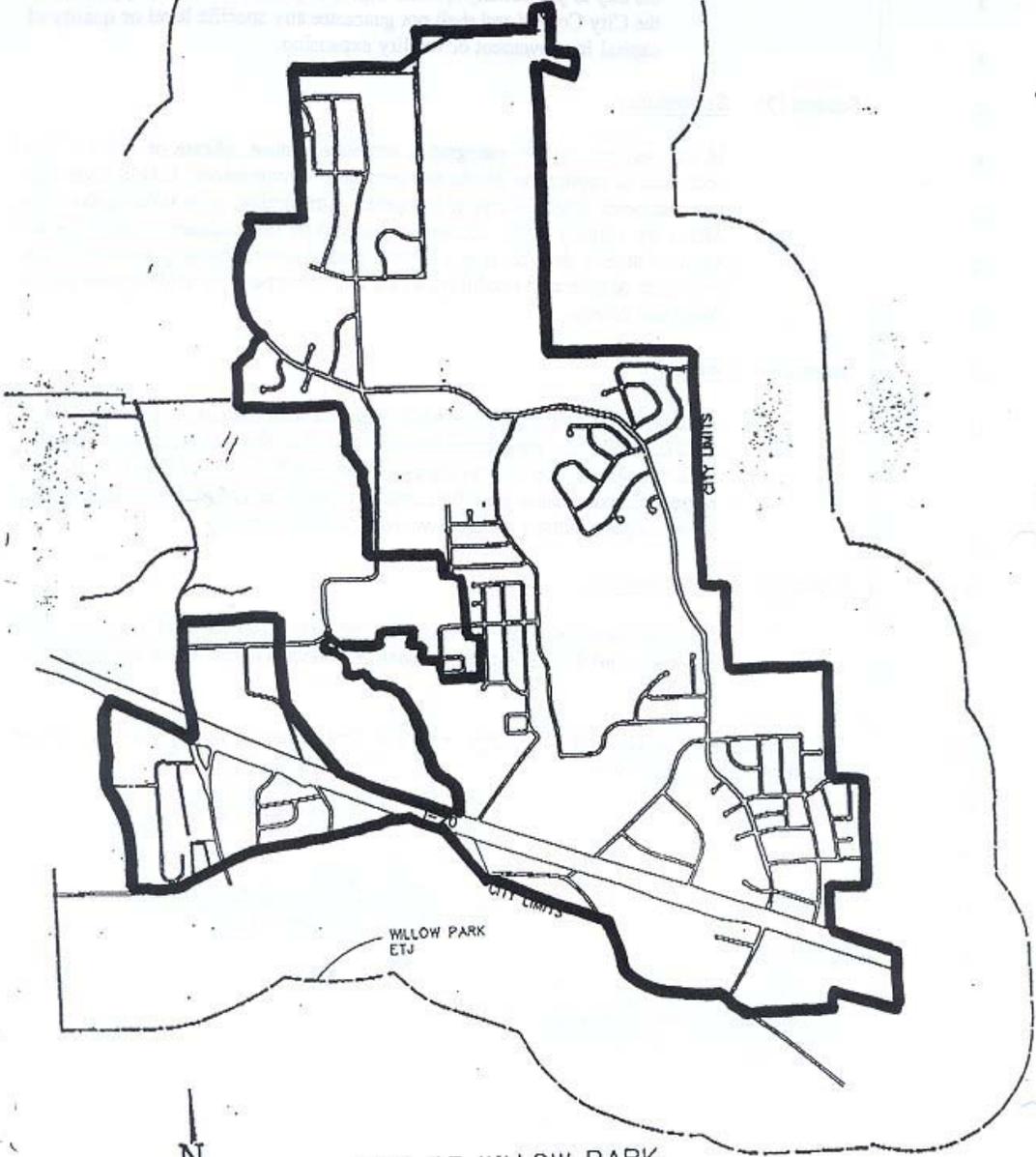
CITY OF WILLOW PARK

By: William J Clemens
William J. Clemens, Mayor

ATTEST:

Reba Robertson
Reba Robertson, City Secretary

EXHIBIT A



CITY OF WILLOW PARK
OFFICIAL CITY MAP

EXHIBIT B

Land Use Assumptions for the City of Willow Park

The current land use for the City of Willow Park is estimated to be as follows:

- a.** 85% Residential
- b.** 10% Commercial
- c.** 5% Agricultural

It is not foreseen that the overall make-up of the City's land use, as described above, will change. It is anticipated that the City of Willow Park will experience an 8-12% annual growth rate during the next 10 years. Although it is believed that the stated growth rate will be predominantly from residential (single-family) development; the City also expects significant growth will be derived from the following:

- a.** An increase in the City's population and development of its residential and agricultural areas. Currently, the City's residential area is 100% single-family units. The City anticipates an increase in the number of single-family units, as well as, possible development of duplexes and multifamily dwellings.
- b.** An increase in the City's corporate boundaries through annexation of the City's extra-territorial jurisdiction. Currently, areas being considered are the remaining portion of the Willow Wood Estates, the Laguna Vista Estates and a portion south of Old Bankhead Highway.
- c.** Development of the commercial area. The commercial area is defined to be all zoning districts other than residential and agricultural.

The land use assumption for the City of Willow Park is based upon the Living Unit Equivalent (LUE). The LUE is equal to the flow, 1.25 gpm (gallons per minute), required through a 5/8 meter to meet the needs of a single-family dwelling on a one acre tract of land. The LUE described above is the result of:

- a.** five years of past data that demonstrates that residents of Willow Park use 1.25 gpm's.
- b.** the City's zoning ordinance requires single-family units to be developed on 40,000 sq. ft. (approx. 1 acre/lot).

The City estimates a build-out of an additional 2,500 Living Unit Equivalents (LUEs) during the next 10 years. It is understood that the 2,500 LUE build-out is a combination of the anticipated residential and commercial growth. The 2,500 LUE's is a figure from which the City can calculate estimated total gpm's. By using the LUE definition above, the City can development impact fees based upon meter size which will determine the actual flow needed, and the impact on the system, eliminating the need to determine impact impact fees for individual zoning districts and/or land uses.

EXHIBIT C

Capital Improvement Plan & Impact Fee Calculations
for the
City of Willow Park

A. Water:

The City provides water service to 943 customers over an area of approximately 32 square miles. The existing system is composed of: a) the Main System which supplies water to a majority of the City; and, b) the Willow Springs/Willow Springs Oaks system. The two independent systems produce a combined total of 870 gallons per minute (gpm) from a total of eighteen (18) Paluxy Aquifer wells. Two elevated storage tanks and 7 ground storage tanks provide a combined storage capacity of approximately 1,100,000 gallons. In addition to storage, the two elevated tanks ensure that there is adequate pressure on the system. With drilling of the 18th well, the City can adequately supply the current needs of the City. Any future development however, could begin to have a significant impact on the system.

To meet the City's future water needs, the Capital Improvement Plan identifies three specific components: 1) Production, 2) Storage, and 3) Distribution. Based upon the City's land use assumptions, the City estimates a build-out of an additional 2,500 Living Unit Equivalents (LUES) during the next 10 years. The 2,500 LUE's is a figure from which the City can calculate an estimated total gpm's. It is understood that the 2,500 LUE build-out will be a combination of residential and commercial growth. In addition, information regarding water usage from records over the past 5 years shows that the City of Willow Park needs to provide approximately 1.25 gpm of water for each LUE. To meet the water needs of production, storage and distribution, the City proposes the following:

1) Water Production: Is equal to 3,125 gpm (2,500 LUE's X 1.25 gpm). To meet the demand of 3,125 gpm, the City would be looking at the development of 25 Trinity Aquifer Water Wells at \$100,000/well. These wells can be located at existing well sites since the existing City wells are feed by the Paluxy Aquifer. The cost is based on the current cost of a Trinity Well drilled in a nearby community.

25 Trinity Wells x \$100,000 = \$2,500,000

2) Water Storage: Two 250,000 gallon elevated storage tanks to supply adequate pressure and 500,000 gallons of ground storage.

1,000,000 gallons = \$500,000

3) Transmission: 5 miles of transmission line to extend the service area and connect the two independent systems.

\$500,000

TOTAL COST

\$3,500,000

Water Impact Fee: \$3,500,000/2,500 LUE's \$ 1,400

B. WASTEWATER:

The City provides limited wastewater service to 15 commercial establishments (including a Class 1 Horse Race Track) with an estimated flow of 400 gallons per day (gpd) per LUE. Presently, the City's wastewater system is composed of two lift stations and a transfer line. The lift stations pump wastewater to the City of Weatherford for treatment. The City of Weatherford will discontinue providing service to Willow Park in November 1996. This has forced the City of Willow Park to make plans for the construction of a 300,000 gpd wastewater treatment facility.

To meet the City's future wastewater needs, the Capital Improvement Plan for collection, treatment, and transmission, the City proposes:

- 1) Construction and future expansion of a wastewater treatment facility to accommodate a daily flow of 500,000 gpd. **\$1,500,000**

 - 2) Collection system and approximately 15 miles of extension lines to serve all of the commercial area. **\$1,500,000**

 - 3) Lift Stations **\$ 500,000**
- TOTAL COST \$3,500,000**
WASTEWATER IMPACT FEE: \$3,600,000/2,500 LUEs \$ 1,400