

CITY OF WILLOW PARK

ORDINANCE NO. 504-03

AN ORDINANCE ADOPTING AND APPROVING LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND ACCEPTING THE REPORT ON MUNICIPAL IMPOSITION OF AN IMPACT FEE

WHEREAS, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to provide for the health, safety and general welfare of its citizens; and

WHEREAS, Chapter 213 TEXAS LOCAL GOVERNMENT CODE "*Municipal Comprehensive Plans*" delegates to municipalities the authority to adopt a comprehensive plan for the long range development of the municipality; and

WHEREAS, the City of Willow Park does lawfully impose an impact fee pursuant to the provisions of Chapter 395, TEX. LOCAL GOVT. CODE as provided for in Art. 11.500 of the Municipal Code of the City of Willow Park and has undertaken to update the land use assumptions and capital improvements plan upon which the impact fees are based pursuant to Section 395.052, TEX. LOCAL GOVT. CODE; and

WHEREAS, the City did appoint an Advisory Committee to advise City Council with respect to implementation of the capital improvement plan and analyze the effect of impact fees, including the need to update or revise the impact fee; and

WHEREAS, the City has engaged Cheatham and Associates to make professional reports and analysis available to the Advisory Committee in discharging its duties; and

WHEREAS, the Advisory Committee has filed written comments concerning the land use assumptions and capital improvement plan prior to the hearings thereon; and

WHEREAS, the hearings on the updated land use assumptions and capital improvement plan have been conducted with notice and in accord with statutory provisions; and

WHEREAS, subsequent to the report of the Advisory Committee and the approval by the City Council of the capital improvement plan and land use

assumptions the Advisory Committee recommended certain impact fees per service unit be considered which was made available to the public pursuant to Section 395.054 TEX. LOCAL GOVT. CODE.

NOW THEREFORE:

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

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. LAND USE ASSUMPTION

The Advisory Committee concluded its review of the land use assumptions in consultation with Dunkin-Sefko, a professional urban planning firm which was approved by the City Council.

SECTION 3. CAPITAL IMPROVEMENT PLAN

The Advisory Committee, in conjunction with professional engineer consultants, Cheatham and Associates concluded its review of the capital improvement plan which was approved by adoption of the City Council in accord with notice and hearing requirements.

SECTION 4. IMPACT FEES

A. The Advisory Committee, having reviewed the impact fees, submitted a report containing their findings to the City Council on October 21, 2003. The report, by motion made and adopted, was accepted by Council.

B. The City Council, having received the recommendation of the Advisory Committee, finds that: in absence of aggressive growth, existence of adequate capacity utilization, existing infrastructure capacity and an unfavorable economic climate mitigates against any current adjustment of the impact fee per unit.

C. The City Council finds that it is in the best interest of the City to continue the interim impact fees as previously adopted by the City Council for a period of six months until June 1, 2004 at which time the Advisory Committee will be requested to review current economic conditions, system capacity, utilization and projected demands and provide an update of their recommendations.

SECTION 5. SEVERANCE

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 6. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 7. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of

the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND APPROVED this 18th day of November, 2003.

James H. Poythress

 Mayor

ATTEST:

Andie J. Weaver

 City Secretary/Clerk

APPROVED AS TO FORM:

[Signature]

 City Attorney

The Willow Park City Council in acting on Ordinance No. 504-03, did on the 18th day of November 2003

vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	_____	_____
Terry Skaggs, Place 2	<u>X</u>	_____
Brad Johnson, Place 3	<u>X</u>	_____
Jason Ellerbusch, Place 4	<u>X</u>	_____
Hale Alderman, Place 5	<u>X</u>	_____