

ORDINANCE NO. 239

AN ORDINANCE OF THE CITY OF ADDISON REGULATING THE INSTALLATION OF WATER AND SEWER MAIN EXTENSIONS, PROVIDING FOR PRO RATA CHARGES, PROVIDING FOR REFUNDS, PROVIDING AN ALTERNATIVE METHOD FOR EXTENDING WATER AND SEWER MAINS, METHOD OF ENFORCING PAYMENT OF PRO RATA CHARGES, PROVIDING THE EFFECTIVE DATE OF THE ORDINANCE, AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. - DEFINITIONS: The following definitions apply in the construction of this ordinance:

Approach Main - Lines required to interconnect property being developed with the existing water and sewer system.

Offsite Main - Means same as approach main.

On-Site Main - All water and sewer mains required within a subdivision.

Temporary Line - Any line constructed by a developer as an expedient to develop a particular area not required in the city's ultimate development plan.

Service Connection - A water or sewer connection extending from the main line to serve a consumer.

Developed Area - An area is developed at such time as the City Council has approved the final plat of a subdivision, and building permits have been issued.

Abutting Foot - Property contiguous and adjacent to a water and/or sewer line.

Frontage - Property abutting either side of a water and/or sewer line.

Pro Rata - A charge made against the consumer or property owner to pay for replacement or extension of water and sanitary sewer mains as provided for in this ordinance.

Consumer - The actual user of water from a city water connection.

Property Owners - The record title holder of premises served with water from a connection by the City of Addison.

Oversize Cost - The difference between the actual cost of the main as built and the cost of the main determined to be the minimum size required to serve the subdivision .

SECTION 2. - PRO RATA CHARGES: - The City of Addison may extend water and sanitary sewer mains in the streets and alleys, or easements, within the city limits of the City of Addison in order to permit connections by persons desiring and seeking water service and sanitary sewer service. A charge, which shall be known as the "Pro Rata" shall be made against each lot or tract of land, and the owner thereof, whose water or sewer line shall be hereafter connected with any water mains or sewer mains in the City of Addison, and the charge shall be at the following rates, which rates are a portion of the total cost of such water and sewer mains:

\$300 per acre or \$3.00 per front foot, whichever is greater, for tracts to which water connections may be made;

\$300 per acre or \$3.00 per front foot, whichever is greater, for tracts of land to which sewer connections may be made;

Where lots or tracts are intended to be used for business, commercial or industrial purposes, or have a depth greater than 150 feet from the front street line, then the pro rata herein provided shall be paid on the frontage on all streets which the property may abutt, minus 150 feet frontage for each corner of the property abutting a street intersection. Should said property be re-subdivided whereby water or sewer main extensions are required to serve the same, the terms of this ordinance shall apply and additional pro rata charges shall be made based on such additional street frontage.

In addition to the pro rata charge on water and sewer mains, the property owner must pay the tap charges as established by the City of Addison. Where a developer extends a water or sewer line through his subdivision, and/or has paid his pro rata cost of construction of said lines, then such developer is exempted from additional assessment under this section.

SECTION 3. - EXTENSION OF WATER AND SEWER LINES: Upon request of the owner, or his agent, of a given lot or tract of land, for the purpose of this ordinance known as "Applicant" accompanied by the payment of the charges due under this ordinance, the City of Addison may extend or cause to have extended, lay or construct all necessary sanitary sewer and water mains, including valves and hydrants, a distance of 100 feet plus the distance across the frontage necessary to provide the service for which application has been made. The applicant to be served shall be required to pay the charges herein provided for. The owners of all intervening property served by the given main extensions shall be required to pay the charges provided for herein at such time as their property is connected to the mains thus laid. Where an applicant for service secured an extension and service under this particular option for main extension, he shall pay the pro rata charges on all property owned by him and which is served by the requested extension. In applying the 100 foot rule, the required extension of the main shall be figured in such a manner as to leave out of the calculation of that portion of any main adjacent to property already having other than a temporary water service and for which the pro rata charge thereon has been paid or credited under the terms of this ordinance.

An exception to the above 100 foot rule shall be made where two or more individual applicants desire water and/or sewer service and the nearest applicant is more than 100 feet from existing lines, the City of Addison will extend or cause to have extended their mains upon payment of the charge due under this ordinance provided there is one customer for every 100 feet of such extension, excluding street intersections and that portion of the extension adjacent to property already having other than temporary water and/or sewer service.

SECTION 4. - ALTERNATIVE METHOD: At the option of the City of Addison the following method for extending water and sewer mains may be used where the applicant's property is more than 100 feet from an existing water or sewer main. This method shall be available only for use by an individual owner, person or corporation to secure water and sewer service for the individual's residence or place of business. Where eligible for this option, the owner may advance and pay into the City of Addison the entire pro rata cost as set forth in this ordinance, to-wit:

\$3.00 per front foot for water extensions, and \$3.00 per front foot for sewer extensions on all property served by the desired main extension, and the City of Addison, when said money has been actually deposited with the city, will construct or cause to have constructed the said desired water or sewer main along the street, alley or easement. When any property for which such person has advanced the pro rata cost is connected to the said main extension, then, in that event, the pro rata cost so advanced on that particular property shall be refunded by the City of Addison to the person making the original deposit.

SECTION 5. - REFUND OF COST OF EXTENSION: Where extensions of water and sewer mains are required to serve property which has been subdivided or platted for development and resale and the final plat has been approved by the City Council, the City of Addison shall construct or cause to have constructed such mains upon deposit of the total cost of such extensions, including the cost of approach mains fronting property not owned by the developer, but necessary to connect the area for which application is made with the City of Addison water and sewer system.

The developer will bear the total cost of construction of off site or approaching mains required to interconnect property to be developed with existing mains, the sizes to be determined by the City of Addison, and with the only refunds to be the pro rata as collected by the city. Any refund to the developer shall not exceed the total of the pro rata charges, or the total cost of the actual construction, whichever is the lesser amount.

There shall be a maximum of five years as the period of eligibility wherein the original depositor may request a refund or pro rata payments under this section. In the event the abutting property is not developed during the said five year period, then no refund shall be made under this section. The period of eligibility shall begin as of the date of final inspection and acceptance of the extensions by the City of Addison.

SECTION 6. - COST OF ON-SITE MAINS: The developer will bear the total cost of on-site mains, with sizes to be determined by the City of Addison, except that the City of Addison will refund the increment of cost on water and sewer mains over twelve inches in diameter proportionately as the frontage served is connected. The increment of cost born by the city shall be determined on the basis of the difference between the price bid for twelve inch water and sewer mains and the larger size required; provided that in the event the bid price for mains larger than twelve inches are not considered reasonable by the City of Addison, the city will not be obligated to proceed under the terms of this ordinance. If the city has no funds available, it is not required to participate in oversizing costs.

SECTION 7. - TEMPORARY LINES: Where temporary lines are constructed as an expedient to develop a particular area, such as across easements within the subdivision of which no frontage can be connected, or where sewers are constructed which otherwise are not required in the ultimate plan of development for the sanitary sewer system, the developer will bear the total cost without refund. Moreover, the developer or owner will still be liable for pro rata charges on permanent lines when they are installed.

SECTION 8. - NO FUNDS AVAILABLE: In no event may the City of Addison be required to make extensions under the provisions of this ordinance if there are no funds available on hand for the purpose.

SECTION 9. - METHOD OF ENFORCING PAYMENT: That nothing herein shall be deemed in any way to be an exclusive method of enforcing the payment of the pro rata cost against the consumer and property owners, and shall not be deemed in any manner to be a waiver of the city's right to validly assess the property owners and/or consumers concerned for cost of the installation of standard size water and sewer mains and to fix and enforce liens against said property, all which may be done as provided by ordinance in the manner prescribed by law.

SECTION 10. - ALTERNATE PLAN FOR INSTALLATION OF WATER AND SEWER EXTENSIONS: At the option of the City of Addison, as an alternative plan, the developer may be permitted to pay for the total cost of installation of water and sewer extensions as provided for in this section in lieu of paying the pro rata charge provided for in this ordinance. Upon approval by the City of Addison, a developer of an addition or plat shall design and prepare construction plans of water and sanitary sewer facilities, or either of them, to serve the subdivision, including any access of off site facilities that may be required. These plans shall conform in all details to the city's standards as to the design, grade, location, size and quality of materials and construction.

SECTION 11. - LIFT STATIONS AND SPECIAL INSTALLATIONS: In the event a lift station or other special installations are required the same shall be installed under separate agreements between the City of Addison and the developer.

SECTION 12. - PRO RATA CHARGES FOR MAINS EXISTING AT THE TIME OF PASSAGE OF THIS ORDINANCE: All structures existing or under construction for which tap fees have already been paid, will be exempt from the pro rata charges for the water and sewer mains. All other properties, including those abutting water and sewer mains which have not already paid tap fees, or previous pro rata fees, shall be required to pay the pro rata charges and tap fees before receiving water and sewer services.


SECTION 13. CONTRACTS FOR EXTENSIONS: All water or sewer mains to be extended by the city with any investment of public funds or any future reimbursement of pro rata funds will be handled through a three party contract between the City of Addison, the developer and the firm actually doing the construction. Such contract must be presented to the Addison City Council and approved prior to any construction. All construction must be according to city specifications and be inspected by the city.

SECTION 14. CHARGES CREDITED TO WATER AND SEWER FUND: Any and all sums of money hereinafter collected as a pro rata charge or deposit for water and/or sewer extensions, at the rates set forth in this ordinance, shall be credited to the Water and Sewer Fund of the city and all refunds shall be paid from this same account.

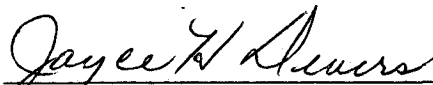
SECTION 15. PURPOSE OF ORDINANCE; WHERE FRONT FOOT RULE OR ACREAGE CHARGE IS INEQUITABLE; NO VESTED RIGHT; SEVERABILITY CLAUSE: The intent and purpose of this ordinance is to provide an equitable charge for water and sanitary sewer connections as a proportionate distribution of the cost of water and sanitary sewer main extensions to serve property in the City of Addison. In case property or a tract of land is so situated or shaped that the front foot rule creates an inequitable basis as between it and other tracts of land in the City of Addison, then, in that event, the city engineer shall determine the proper charge in accord with the intent and purpose of this ordinance. No person shall acquire any vested right under the terms and provisions of this ordinance. That the terms and provisions of this ordinance shall be deemed to be severable, in that if any section, phrase, word or part thereof shall be deemed to be invalid, the same shall not affect the validity of the remaining portions of this ordinance.

SECTION 16. This ordinance shall not effect the existing Pro Rata Ordinances, Nos. 211, 198, and 188. The above named ordinances shall remain in full force and effect.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY