

ORDINANCE NO. 314

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, REPEAL OF CERTAIN CONFLICTING ORDINANCES.

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 systems.

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.

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 estimated 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. DEVELOPMENT RESPONSIBILITY: - All property owners shall be partially responsible for water and/or sanitary sewer mains running along any platted streets or dedicated right-of-way which fronts their property. Properties which lie on a corner will be responsible for utility lines entirely across both frontages.

In the event that no utility lines have been constructed along the frontage of a property it will be the responsibility of the developer to bring the utilities to his property (except as outlined below) and across his frontage to the adjacent property. In the event that lines have already been constructed along the frontage, pro rata must be paid for the lines according to the terms of this ordinance.

SECTION 3. - 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 seeking water 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, at the time of platting (or issuance of a building permit, if the property is already platted), shall pay to the city according to the following rates:

\$6 per front foot for water mains, which amount should cover all appurtenances, valves, hydrants and fittings.

\$7 per front foot for sewer mains, which amount should cover the cost of manholes and other appurtenances.

These amounts shall be reviewed periodically by the city engineer.

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.

SECTION 4. - 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 platted. 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 5. - ALTERNATIVE METHOD: At the option of the City of Addison the following methods 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.

- (1) The applicant may deposit with the City of Addison the entire pro rata amount due on the line or lines and the city will cause the line to be extended. When and as, pro rata is received from property owners along this line seeking to serve their property, the city will reimburse the applicant up to the amount of his deposit, less his own pro rata.
- (2) The applicant may, at his option, elect to install the utility lines at his own expense instead of paying a pro rata. The city will provide, if necessary, a means to reimburse him for the pro rata due on the other side of the line, when and as the other property owner(s) seek to provide service to their property. The 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 6. - 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 ten years as the period of eligibility wherein the original depositor may request a refund of pro rata payments under this section. In the event the abutting property is not developed during the said ten 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.

The City of Addison will return all refunds due from other developers when and as they are received. Oversize payments and the city's portion of one sided lines will be refunded by January 1 of each year for the funds due from the previous fiscal year. No funds will be paid until a complete analysis is made of the water and sewer fund. Refunds will be made in the order of the liabilities incurred by the city. No refunds will be made which might reduce the capability of the water and sewer fund to maintain its coverage, to meet its annual budget obligations and to extend lines according to Section 4 of this ordinance. All refunds due from the city for oversize or one sided lines will be paid in full at one time. In the event of a large refund being due the City Council may elect to include the refund in a future bond program.

SECTION 7. - COST OF ON-SITE MAINS: The developer will bear the total cost of on-site mains throughout his subdivision 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 ten inches in diameter. The increment of cost born by the city shall be determined on the basis of the difference between the unit prices established in this ordinance. The current unit prices are:

Water

10"	-	\$12.00	-	Per Linial Foot
12"	-	14.00	-	Per Linial Foot
14"	-	16.00	-	Per Linial Foot
16"	-	19.00	-	Per Linial Foot
20"	-	22.00	-	Per Linial Foot
24"	-	25.00	-	Per Linial Foot

Sewer

10" - \$14.00 - Per Linial Foot
12" - 16.00 - Per Linial Foot

If the city has no funds available, it is not required to participate in oversizing costs.

SECTION 8. - LINES ABUTTING ADJACENT CITIES: In the event that a water or sewer line is to be constructed along the boundary line between Dallas and one of its adjoining cities, the city will bear the responsibility for eventually refunding pro rata to the developer as if the city was the property owner on the opposite side. The city will not be responsible, however, unless such line is considered essential to the completion of the master plan. Any refunds will be made according to the terms of Section 6.

SECTION 9. - 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 10. - 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 11. - 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 12. - 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 13. - 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 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. The Water and Sewer Fund will maintain a capital fund for future construction and reimbursements.

SECTION 15. - PURPOSE OF ORDINANCE; WHERE FRONT FOOT RULE 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. - Ordinance #239 and all other conflicting ordinances are hereby repealed except ordinance nos. 188, 198 and 211 and any pro rata resolutions enacted under said ordinance #239 shall remain in full force and effect.

March 22, 1977

APPROVED:

ATTEST:

Joyce H. Lewis
CITY SECRETARY

MAYOR

Jim Redding