

ORDINANCE NO. 389

AN ORDINANCE AMENDING ORDINANCE NO. 159, PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, ON NOVEMBER 5, 1973, BY AMENDING SECTION 1 TO DEFINE AN AREA IN WHICH PRO RATA WILL BE COLLECTED; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, AirBorn, Inc. and the City of Addison have constructed at their expense certain sanitary sewer lines and a sewage treatment plant, and Ordinance No. 159 was enacted to provide reimbursement from users of those facilities, and

WHEREAS, the Ordinance was based on collection of pro rata charges on 208 acres of property, which it has become apparent will not all drain into said sanitary sewer line, making it difficult to recoup the original investment as outlined in an agreement between AirBorn, Inc. and the City of Addison, dated September 20, 1973, and

WHEREAS, that there is a possibility that the original investment may not be totally recovered, that the amount which is collected in pro rata charges will be due to AirBorn, Inc. up to a maximum allowed by Ordinance No. 159, and that the City of Addison shall incur no liability.

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

Section 1. That the following charge shall be collected from owners of property making connection to the sanitary sewer main, or using the sewage treatment plant heretofore constructed by AirBorn, Inc. and the City of Addison within the limits of the City of Addison. That attachment "A" included herein, shall become part of this ordinance for all purposes, and defines the area in which pro rata shall be collected. However, acreage outside this area which can feasibly drain into the property and connects to the hereinabove described system, shall be liable for pro rata charges as previously described herein. That approximately one hundred seventy eight (178) acres of land will be subject to charge. That said charges shall be paid to the City of Addison prior to the time any connection is made to said sewage treatment plant or sanitary sewer line. That the following charge shall be paid, in addition to the normal connection charges and tapping fee charged by the City of Addison, prior to the connection to the said sewer line or sewage treatment plant metering station, to-wit:


1. The sum of Four Hundred Fifty Dollars (\$450.00) per acre for each acre to be served through the sewage treatment plant or sewage line.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 3. That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are, hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

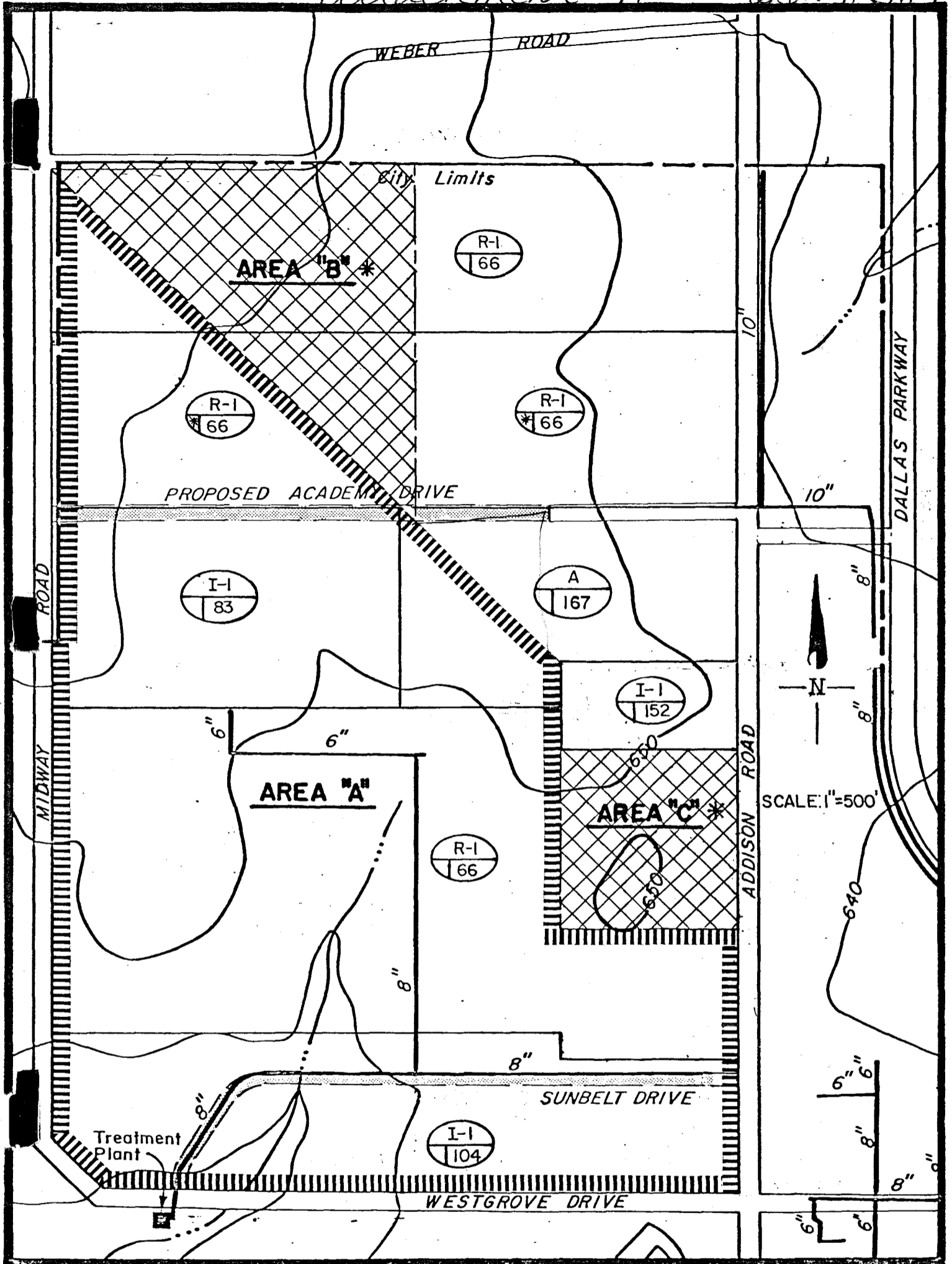
SECTION 4. The fact that AirBorn, Inc. has used its funds to install certain water and sewer improvements, and the fact that the City of Addison is desirous of correcting any inequities existing in the original Ordinance No. 159 creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.

DULY ADOPTED by the City Council of the City of Addison, Texas, this the 17th day of May, 1978.


MAYOR

ATTEST:


ACTING CITY SECRETARY



**CITY OF ADDISON
DRAINAGE BASIN MAP**

	SCALED ACREAGE
AREA "A"	138 ACRES
AREA "B"	23 ACRES
AREA "C"	17 ACRES

*DETAILED FIELD SURVEYS MAY INDICATE THAT AREAS "B" & "C" CAN DRAIN INTO AREA "A"

GINN & STACY, INC.
CONSULTING ENGINEERS
DALLAS, TEXAS
APRIL 25, 1978