

TOWN OF ADDISON, TEXAS

RESOLUTION NO. R09-018

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, REGARDING THE AIRPORT FUEL FLOWAGE FEE, MODIFYING THE AMOUNT OF THE FUEL FLOWAGE FEE FOR NON-PUBLIC FUELERS AS SET FORTH HEREIN, AND PROVIDING FOR THE CONTINUATION OF THE FUEL FLOWAGE FEE FOR PUBLIC FUELERS AND SELF-SERVICE FUELERS; FINDING THAT THE FUEL FLOWAGE FEE AMOUNTS SET FORTH HEREIN ARE REASONABLE AND UNIFORM FOR THE SAME CLASS OF PRIVILEGE OR SERVICE AND ARE ESTABLISHED AND CONTINUED WITH DUE REGARD TO THE PROPERTY AND IMPROVEMENTS USED AND THE EXPENSES OF OPERATION TO THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is the owner of the Addison Airport (the "Airport") located within the City; and

WHEREAS, the City has issued public/non-public and self-service aircraft fuel dispensing permits to dispense aviation fuel at Addison Airport, and has issued and may issue licenses to receive, store, or dispense fuel at Addison Airport, which permits and licenses require, among other things, the payment to the City of a fuel flowage fee for each gallon of aviation fuel received by the permittee or licensee at the Airport during the term thereof, and reserve the right in the City to increase or decrease the fuel flowage fee as the City may determine, in its sole discretion, is necessary; and

WHEREAS, the City has heretofore, by Resolution No. R94-079 of the City, amended existing fuel flowage permits to establish the fuel flowage fee in an amount equal to twelve cents (\$.012) for each gallon of aviation fuel received by permit holders, and reserved the right to increase or decrease the fuel flowage fee as, in its sole discretion, may be necessary; and

WHEREAS, the City is authorized pursuant to Section 22.014 of the Texas Transportation Code to adopt ordinances, resolutions, rules, and orders necessary to manage, govern, and use the Airport; and

WHEREAS, the City recognizes that there are different classes of fuelers, public fuelers, non-public fuelers and self-service fuelers, and in connection herewith the City has considered the differences between the classes and has given due consideration of all regulatory and legal requirements affecting the fuel flowage fees assessed for the different classes of fuelers, including the City's obligation to make the Airport as self-sustaining as possible; and

WHEREAS, the City desires by this Resolution to continue in effect the fuel flowage fee of twelve cents (\$.012) for each gallon of aviation fuel received by the holders of public or self-service fuel permits or licenses, and to adjust the fuel flowage fee to twenty cents (\$.020) for

each gallon of aviation fuel received by the holders of non-public fuel permits or licenses, and thereby to amend such permits and licenses as may be necessary to reflect such rates.

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

Section 1. The City Council does hereby establish, for non-public fuelers (non-public operators) holding (or hereafter to hold) a fuel permit or license at the Airport, a fuel flowage fee in an amount equal to twenty cents (\$0.20) for each gallon of aviation fuel received by such permit holders and license holders, beginning November 1, 2009. The City Council does hereby affirm and confirm the continuation, for public fuelers (public fixed based operators) and self-service fuelers (if any) holding (or hereafter to hold) a fuel permit or license at the Airport, of a fuel flowage fee in an amount equal to twelve cents (\$0.12) for each gallon of aviation fuel received by such permit holders and license holders. Such permits and licenses (for public fuelers (public fixed based operators) and self-service fuelers (if any) and non-public fuelers (non-public operators)) shall be and are hereby amended as may be necessary to reflect such fuel flowage fee amounts.

The said fuel flowage fee amounts shall continue in full force and effect from and after November 1, 2009 until such time as such fuel flowage fee amounts may be amended or modified by the City as the City may, in its sole discretion, deem necessary or appropriate.

Section 2. The City has reserved and hereby reserves the right to increase or decrease the said fuel flowage fee amounts as the City may, in its sole discretion, deem necessary or appropriate.

Section 3. The City Council finds that the fuel flowage fee amounts established and/or continued and confirmed hereby are reasonable and uniform for the same class of privilege or service and are established and continued with due regard to the property and improvements used and the expenses of operation to the City.

Section 4. The sections, paragraphs, sentences, phrases, clauses and words of this Resolution are severable, and if any section, paragraph, sentence, phrase, clause or word in this Resolution Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Resolution, and the City Council hereby declares that it would have passed such remaining portion of this Resolution despite such invalidity, which remaining portion shall remain in full force and effect.

Section 5. The above and foregoing premises to this Resolution are true and correct and are incorporated herein and made a part hereof.

Section 6. This Resolution shall take effect from and after its date of passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 13th day of October, 2009.



Joe Chow, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney