

ORDINANCE NO. 3494

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 110, ARTICLE XIX, IMPACT FEES, APPENDIX A FEE SCHEDULE OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; AMENDING LAND USE ASSUMPTIONS AND THE CAPITAL IMPROVEMENTS PLAN FOR WATER AND WASTEWATER IMPROVEMENTS; AMENDING WATER AND WASTEWATER IMPACT FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395, Texas Local Government Code, provides a procedure enabling municipalities to enact and update impact fees; and

WHEREAS, on September 22, 1997, the City Council first imposed impact fees by passing Ordinance 2241 which fees have been previously reviewed as provided by law and last updated after a public hearing on March 8, 2010; and,

WHEREAS, on December 11, 2017, the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider amendments to the land use assumptions and capital improvements plan upon which the City's impact fees are based, as well as to consider amendments to such impact fees; and

WHEREAS, the City Council desires to amend the impact fees heretofore imposed by adopting the water and wastewater fees established herein for the Service Area shown on Exhibit "A" hereto; and

WHEREAS, the City Council desires to adopt the updated land use assumptions and capital improvements plan for water and wastewater improvements as set forth in the "Water and Wastewater Impact Fee Study," attached hereto as Exhibit "B" which was considered at the December 11, 2017 public hearing; and

WHEREAS, the City Council desires to adopt the updated capital improvements plans and impact fee calculations for water and wastewater improvements to the City's water and wastewater system, which was considered at the December 11, 2017 public hearing; and

WHEREAS, the Water and Wastewater Impact Fee Study and Capital Improvements Plans were developed by qualified professionals using generally accepted engineering and planning practices in

accordance with Section 395.014 of the Texas Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

SECTION 1: The City Council finds that all legal requisites have been met, and that the recitals above are true and correct and are incorporated into the body of this Ordinance for all purposes as if copied in their entirety.

SECTION 2: The City Council hereby approves and adopts the Water and Wastewater Impact Fee Study as set forth in Exhibit "B," which is attached hereto and incorporated into this Ordinance for all purposes.

SECTION 3: The City Council hereby adopts the Capital Improvement Plans for Water and Wastewater Impact Fees for the City of Fort Worth Systems, which include service to North Richland Hills as a wholesale customer, as set forth in Exhibit "C," which is attached hereto and incorporated into this Ordinance for all purposes.

SECTION 4: The fees established by Appendix A of the North Richland Hills Code of Ordinances for Chapter 110, Article XIX, Impact Fees, are hereby amended by deleting Table 1 and replacing it in its entirety with new Table 1 as set forth in Exhibit "D," which is attached hereto and incorporated into this Ordinance for all purposes.

SECTION 5: All other provisions of Chapter 110 and all other fees set forth in Appendix A not amended herein in this Ordinance remain unchanged and in full force and effect.

SECTION 6: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 7: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence,

paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9: This ordinance shall become effective immediately after and upon its passage.

AND IT IS SO ORDAINED.

PASSED on this 8th day of January, 2018.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Maleshia McGinnis, Attorney

APPROVED AS TO CONTENT:

Mike Curtis, Managing Director