

ORDINANCE NO. 18-04-05-02

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 13, "UTILITIES," ARTICLE 13.700 "WATER AND WASTEWATER LINE EXTENSIONS." PROVIDING AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.

WHEREAS, The City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, The City Council of the City of Lago Vista, Texas ("City Council"), finds that the efficient operation and maintenance of the City's water and wastewater systems are essential to the general health, safety and welfare of the citizens as well as the orderly growth of the City; and

WHEREAS, The City Council finds that the developers and other entities decide to develop properties which require extensions of water and wastewater lines which can be cost prohibitive to the City; and

WHEREAS, The City Council seeks to amend the utility extension ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1. FINDINGS. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. MODIFICATION. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 13, Article 13.700, Code of Ordinances as shown in Exhibit "A."

SECTION 3. SEVERABILITY. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Lago Vista in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 4. CONFLICTING ORDINANCES. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or

inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

SECTION 6. OPEN MEETING. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Tex. Gov't Code*.

AND, IT IS SO ORDERED.

ADOPTED AND APPROVED on this 5th day of April, 2018 by a vote of the City Council of the City of Lago Vista, Texas.



ATTEST:

Sandra Barton

Sandra Barton, City Secretary

Ed Tidwell

Ed Tidwell, Mayor

On a motion by Councilman Weatherly, seconded by Councilman Williams, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

CHAPTER 13
UTILITIES

ARTICLE 13.700 WATER AND WASTEWATER LINE EXTENSIONS

The Code of Ordinances, Chapter 13, "Utilities," Article 13.700 "Water and Wastewater Line Extensions," Sub-Article 13.702 is hereby renamed to "Utility Extensions," and Sub-Article 13.703 "Payment of Costs" are hereby amended to read as follows:

Sec. 13.702 Utility Extensions

- (a) Upon meeting the requirements of Sub-Article 13.707 of this chapter, upon payment of all applicable fees and charges due under this chapter, and at the expense of the applicant, and upon execution of an agreement with the City regarding the extension of utilities, as deemed necessary by the City to provide utility services for the property for which the application for service has been made.
1. The applicant shall pay the estimated cost to extend the water and wastewater facilities prior to construction.
 2. The City may utilize pre-qualified contractors to construct and extend the utility line, in areas not part of a planned development, any City water or wastewater line as deemed necessary by the City to make any water or wastewater tap. The applicable water or wastewater tap fee shall include the cost and expense, if any, for extending any such line for a distance as outlined in Sub-Article 13.703. The City may perform design and construction management for the utility extensions.
 - a. The individual making such request may construct the utility line provided that the City approves the design and contractor. The applicant is to provide detailed construction plans for the improvements complying with the City's direction on construction standards and specifications, and the design shall be done by a Texas registered professional engineer and approved by the City Engineer prior to any construction.
 - b. All water and wastewater utilities are owned and operated by the City. Any extensions of the City's water and wastewater facilities made by a qualified service applicant, after inspection and acceptance by the City, shall be owned by the City.
 3. The minimum size for all utility line extensions shall be:
 - a. Water line extensions shall be the greater of: minimum eight inches in diameter (8"), equal or greater to the largest adjacent connecting utility, or as indicated in the City's Master Plan.
 - b. Wastewater line extensions shall be the greater of: minimum eight inches in diameter (8") for gravity lines and minimum two inches in diameter (2") for pressure lines, equal or greater to the largest adjacent connecting utility, or as indicated in the City's Master Plan.

4. The minimum Fire Hydrant spacing locations shall be five hundred feet (500') for water lines installed in residential zoned areas, and two hundred fifty feet (250') for all other zones.
 5. The City shall determine all needed utility system appurtenances to be included in the line extension.
 6. All main line materials shall be High Density Polyethylene (HDPE) type, designed and constructed as directed by the City.
- (b) The construction shall be inspected prior to final acceptance by the City Engineer.
 - (c) In no event will the City be required to make extensions connect individuals, non-developers, or developers, to the water and wastewater system if there is no capacity in the water and wastewater plant or systems to provide the service. The City may enter into a facilities agreement with an applicant for the expansion of the water and wastewater plant and/or systems.
 - (d) In no event will the City be required to make extensions to or participate in the cost of improvements under the provisions of this section if there are no funds available, or if, at the discretion of the City, the extension or improvement is not practical, or otherwise warranted, or is for an unreasonable consumer use.
 - (e) The City has the right to extend any and all utilities, or to enter in partnerships with other entities, if deemed necessary or beneficial to the City to do so.
 - (f) Where recorded public utility easements in favor of the City do not exist on the property of an individual, non-developer, who is requesting water and wastewater service from the City, the individual, non-developer, shall grant a permanent recorded public utility easement to the City. A state-owned or another entity right-of-way does not constitute a public utility easement in favor of the City. Failure to grant the required easements shall result in the denial of service.
 - (g) A separate connection for each house or building on the property requiring water or wastewater service shall be required unless the City Manager or City Engineer approves the connection of more than one (1) building located on the single property to a single connection.

Sec. 13.703 Payment of Costs

The Code of Ordinances, Chapter 13, "Utilities," Article 13.700 "Water and Wastewater Line Extensions," Sub-Article 13.703 "Payment of Costs," is hereby amended to read as follows:

- (a) The City shall be paid in advance by the owner, agent or person making application for the line, extension, as provided in this article. The cost shall be the actual costs and expenses for constructing the water and wastewater lines extension of the City. The City may compare the actual costs to the original estimated costs and make an adjustment as is reasonable. The costs shall be paid to the City based on the following options:
 1. Option 1: If the applicant is a resident of the City, or a prospective resident who presently occupies or intends to occupy the property, and not a homebuilder or developer, and the utility extension request is to provide services to existing platted lots for less than four hundred feet (400'), the applicant shall pay for all the construction costs and the City shall pay for any surveying and design fees. The City will charge a five percent (5%) of the construction estimate as administrative fee for managing and inspecting the utility extension.
 - a. If the applicant does not fit the parameters of option 1, or the applicant is a homebuilder or developer, the City will charge ten percent (10%) of the construction estimate.

- b. If the utility extension request is four hundred feet (400') or more, the City will charge fifteen percent (15%) of the construction estimate.
2. Option 2: Applicable to all other cases, the applicant making such request shall construct the utility line and pay all associated planning, design, and construction costs for the utility extensions directly to the design engineer and construction company. The individual making such request shall provide the City with a fiscal security no less than one hundred twenty five percent (125%) of the estimated construction costs. The Applicant shall pay the City an estimated five percent (5%) of the construction costs for inspections and administrative duties of the City.
- a. The Fiscal security shall be in the form of cash escrow or a cashier's check or money order in the specified amount. If authorized by the City, a performance bond or a letter of credit may be considered by the City, as security for the construction of the controls. The issuer of any surety bond and letter of credit shall be subject to the approval of the City. The City manager may compare the actual costs to the original estimated costs and make an adjustment as is reasonable.
 - b. Applicant shall use a City approved Contractor.
 - c. Design shall be done per City standards as approved by the City Engineer.
 - d. The Cost estimate shall be done by a licensed and engineer and as approved by the City Engineer.
 - e. The project shall be inspected and approved by the City.