

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2023-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS ADDING SUBSECTION (d) TO SECTION 20.05.008 (SPECIFIC LINE EXTENSION CHARGES) OF THE CITY’S CODE OF ORDINANCES TO ADOPT THE “WEST INTERCEPTOR LINE EXTENSION CHARGE (SEGMENT 1)”; PROVIDING FOR THE FOLLOWING: FINDINGS OR FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**WHEREAS,** the West Interceptor wastewater line extension (Segment 1) (the “West Interceptor Line Extension (Segment 1)”) has been or is being constructed under the terms of the April 14, 2014 “Second Amended Wastewater Service and Impact Fee Agreement” between the City of Dripping Springs on the one hand, and Hays County Development District No. 1, Development Solutions CARTER, LLC, and Development Solutions CAT, LLC on the other hand; and

**WHEREAS,** as provided in Article 20.05 of the City’s Code of Ordinances (“City Code”), the City may adopt specific charges for the line extension and allow for reimbursement of line costs; and

**WHEREAS,** the City has determined the West Interceptor Line Extension (Segment 1) charge, with the concurrence of a professional engineer licensed in the state and in compliance with the substantive and procedural requirements of Article 20.05, including the factors set forth in section 20.05.005; and

**WHEREAS,** the City wishes to adopt the West Interceptor Line Extension (Segment 1) charge to be included in a new Section 20.05.008 of the City Code as subsection (d); and

**WHEREAS,** pursuant to Texas Local Government Code, including Chapter 552, the City has the authority to purchase, construct, or operate a utility system inside or outside its municipal boundaries and to regulate the system in a manner that protects the interests of the municipality, including the adoption of this Ordinance; and

**WHEREAS,** this Ordinance adding Section 20.05.008 (“Specific line extension charges”) of the City Code adopting the West Interceptor Line Extension (Segment 1) charge is in the best interests of the City; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace and order of the City of Dripping Springs to adopt an ordinance providing for funding of the West Interceptor.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRIPPING SPRINGS, TEXAS, THAT:**

## 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## 2. ENACTMENT

2.1 Section 20.05.008(d) of the City Code is hereby adopted and added as follows:

(d) West Interceptor Line Extension (Segment 1). The West Interceptor Line Extension (Segment 1) line extension is identified on map A-4 found on file in the office of the city secretary. The West Interceptor Line Extension (Segment 1) line extension charges are:

(1) Total line extension charges: \$1,060,400.38.

(2) Wastewater flow: 1835 service units.

(3) Line extension charges per service unit: \$577.87.

2.3 The West Interceptor Line Extension (Segment 1) is identified on the map labeled A-4, provided as the attached Exhibit "A", incorporated into this Ordinance for all intents and purposes, and to be kept on file in the office of the City Secretary.

2.4 All other sections of Article 20.05 of the City Code remain in effect with no change.

## 3. REPEALER

All resolutions, ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

## 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## 5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_ 2023, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas:

**CITY OF DRIPPING SPRINGS:**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

# **EXHIBIT “A”**