

CITY OF EVERMAN, TEXAS

ORDINANCE NO. 779

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS, ADOPTING LAND USE ASSUMPTIONS AND A CAPITAL IMPROVEMENTS PLAN FOR 2022-2032 IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE; MAKING VARIOUS PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Everman, Texas (“City”), is a home rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the City possesses the full power of self-government, as authorized by the Texas Constitution and the City’s duly adopted Charter; and

WHEREAS, Chapter 395 of the Texas Local Government Code (“Chapter 395”) provides the requirements and procedures for the adoption of Land Use Assumptions and Capital Improvements Plan by a municipality; and

WHEREAS, the City retained CobbFendley (“Consultant”) to prepare Land Use Assumptions reflecting a description of water and sanitary sewer service areas and projections of growth in residential and non-residential land uses in the designated service area, and a Capital Improvements Plan to identify Capital Improvements or facility expansions; and

WHEREAS, the Consultant prepared and filed the 2022-2032 Land Use Assumptions and Capital Improvements Plan for Water and Sanitary Sewer with the City in March 2022, attached hereto as **Exhibit A** and incorporated herein for all intents and purposes; and

WHEREAS, in accordance with Chapter 395, the City Council created a Capital Improvements Advisory Committee (“CIAC”) to study the land use assumptions and capital improvements plan within certain areas of the City; and

WHEREAS, the CIAC officially received the draft report on March 28, 2022 and forwarded its recommendations to the City for approval of the Land Use Assumptions and the Capital Improvements Plan; and

WHEREAS, the City previously adopted a resolution establishing a public hearing date of April 19, 2022, to consider the 2022-2032 Land Use Assumptions and Capital Improvements Plan for the designated service area; and

WHEREAS, the City Council has reviewed and evaluated the 2022-2032 Land Use Assumptions and Capital Improvements Plan in the time and manner required by law; and

WHEREAS, the City Council has called, given notice of, and conducted a public hearing

on the 2022-2032 Land Use Assumptions and the Capital Improvements Plan in the time and manner required by law; and

WHEREAS, the City Council now desires to adopt such Land Use Assumptions and the Capital Improvements Plan for water and sanitary sewer, all in accordance with Chapter 395 of the Texas Local Government Code, and hereby finds and determines it is in the best interest of the health, safety, and welfare of the public to approve the LUA and CIP for 2022-2032 as submitted by CobbFendley, attached as **Exhibit A**.

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

SECTION 1. The findings and recitations recitals set out in the preamble of this Ordinance are found to be true and correct and are hereby adopted by the City Council and incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. The City Council hereby approves and adopts the Land Use Assumptions and Capital Improvements Plan for 2022-2032 in its entirety, attached hereto and incorporated herein for all intents and purposes.

SECTION 3. This Ordinance is adopted pursuant to Texas Local Government Code Chapter 395 and said Chapter 395 supplements this ordinance to the extent that its provisions may be applicable hereto and, to such extent, its provisions are incorporated herein by reference.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council of the City of Everman hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Everman, Texas, as amended, except where provisions of this ordinance are in direct conflict with the provisions of such ordinances or such Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

SECTION 6. 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.

SECTION 7. This Ordinance shall be effective immediately upon passage and

publication, if required and when such a requirement is satisfied.

PASSED AND APPROVED this the ____ day of _____, 2022, by a vote of ____
(ayes) to ____ (nays) to ____ (abstentions) of the City Council of the City of Everman, Texas.

By: _____
Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

EXHIBIT A

**CITY OF EVERMAN, TEXAS
2022-2032 LAND USE ASSUMPTIONS
AND CAPITAL IMPROVEMENTS PLAN**