

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, ORDERING A PUBLIC HEARING CONCERNING AMENDING ARTICLE III, "IMPACT FEES" OF CHAPTER 90 "UTILITIES" OF THE CITY CODE OF ORDINANCES BY ADOPTING NEW IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S PROPOSED WATER AND WASTEWATER IMPACT FEE SERVICE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY; PROVIDING OPEN MEETING AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, pursuant to Chapter 395 of the Texas Local Government Code, the City Council (the "Council") of the City of Montgomery, Texas (the "City") adopted Ordinance No. 2016-21, which approved the Capital Improvement Plan, Exhibit "C" to the Ordinance, and the Land Use Assumptions, Exhibit "C" to the Ordinance, presently in Article III, Impact Fees, Chapter 90, Utilities, City's Code of Ordinances and established water and wastewater impact fees for connection to the City's water and wastewater system; and

**WHEREAS**, pursuant to Section 395.054 of the Texas Local Government Code, the City Council held a public hearing on November 14, 2017 to review and discuss the Capital Improvement Advisory Committee's comments and suggestions concerning the City's Land Use Assumptions and Capital Improvement Plan; and

**WHEREAS**, the City Council approved an amendment to the City's Capital Improvement Plan based on the Capital Improvement Advisory Committee's recommendation, described in the Capital Improvement Advisory Committee's report, dated October 25, 2017, set out in Exhibit "A," to Ordinance No. 2018-06; and

**WHEREAS**, the City has undertaken to update the Capital Improvement Plan and the Land Use Assumptions to determine whether any amendments are advisable and determine whether the impact fees should be amended pursuant to Sec. 395.052 of the Texas Local Government Code; and

**WHEREAS**, pursuant to Secs. 395.053 and 395.054 of the Texas Local Government Code, the City must adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan, assumptions and/or impact fees.

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

**Section 1. Findings.** The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council, and made a part hereof for all purposes as findings of fact.

**Section 2. Order.** The City Council of the City of Montgomery hereby orders a public hearing to discuss and review the updates to the Capital Improvement Plan and the Land Use Assumptions and determine whether to amend the plan and if so, what amendments to the Capital Improvement Plan, Land Use Assumptions and/or Impact Fees to be set for June 11, 2024 and to cause such notices of such public hearing to be given as required by Secs. 395.053, 395.054 and 395.055, of the Texas Local Government Code.

**Section 3. Capital Improvement Advisory Committee.** The City Council of the City of Montgomery requests that the Capital Improvement Advisory Committee review and file its written comments on the proposed amendments to the Land Use Assumptions, Capital Improvements Plan, and Impact Fees before the fifth business day before the date of the public hearing on the amendments.

**Section 4. Effective Date.** This ordinance shall take effect immediately upon its passage and adoption.

**Section 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** on this the \_\_\_\_ April, 2024.

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Byron Sanford, Mayor

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Nici Browe, City Secretary