

**City of Willow Park, Texas, Ordinance No. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS UPDATING AND AMENDING THE CITY OF WILLOW PARK CODE OF ORDINANCES, SECTION 13.08.003 OF CHAPTER 13, ARTICLE 13.08, ENTITLED “IMPACT FEES”, APPROVING THE AMENDED AND UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND AMENDED IMPACT FEES FOR WATER AND WASTEWATER UTILITIES, AND PROVIDING FOR FINDINGS OF FACT; ENACTMENT; ENFORCEMENT; A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Willow Park (the “City”) has previously enacted an ordinance codified in Chapter 13, Article 13.08, entitled “Impact Fees” establishing impact fees relating to water and wastewater utilities to be assessed; and

**WHEREAS**, the City has fully complied with Chapter 395, Local Government Code, concerning the notice, adoption, promulgation and methodology necessary to adopt land use assumptions and a capital improvements plan establishing impact fees for water and wastewater utilities; and

**WHEREAS**, the City has reviewed the land use assumptions, the capital improvements plan, and the impact fees for water and wastewater utilities previously adopted by ordinance of the City, in compliance with Chapter 395, Local Government Code; and

**WHEREAS**, the City has, within sixty (60) days after the date it received the proposed updated land use assumptions, the capital improvements plan and assessment of water and wastewater impact fees adopted an order setting a public hearing to discuss and review the same and determine whether to amend them; and

**WHEREAS**, on or before the date of the first publication of the notice of the hearing on the proposed amendments, including the amount of the proposed impact fee per service unit, such information was made available to the public; and

**WHEREAS**, the City Council held a public hearing to discuss the proposed amendments to the land use assumptions, the capital improvements plan and water and wastewater impact fees; and

**WHEREAS**, the Capital Improvements Advisory Committee, after publishing notice of the meeting as required by law, met to review the proposed amendments to the land use assumptions, capital improvements plan and water and wastewater impact fees at that meeting, and filed its written comments on the proposed amendments before the fifth (5<sup>th</sup>) business day before the date of the public hearing on the amendments; and

**WHEREAS**, within thirty (30) days after the date of the public hearing on the proposed amendments to the land use assumptions, capital improvements plan and the water and wastewater impact fees, the City Council is approving amendments to the land use assumptions, capital improvements plan and the water and wastewater impact fees; and

**WHEREAS**, the City has fully complied with Chapter 395, Local Government Code, to approve the proposed amendments to the land use assumptions, capital improvements plan and the water and wastewater impact fees; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of the City to amend the land use assumptions, capital improvements plan, and the water and wastewater impact fees previously adopted pursuant to Article 13.08 of the Code of Ordinances; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:**

**Section 1. Findings of Fact.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Approval of Amended Land Use Assumptions and Capital Improvements Plan.** The City Council hereby approves the following: (a) the amended and updated Land Use Assumptions contained in the document entitled “Water and Wastewater Impact Fee Study” prepared by Jacob & Martin Engineers attached hereto as Exhibit “A” and incorporated herein as though set out in full; and (b) the amended and updated Capital Improvements Plan contained in the document entitled “Capital Improvement Plan” prepared by Jacob & Martin Engineers attached hereto as Exhibit “B” and incorporated herein as though set out in full. Both Exhibit “A” and Exhibit “B” contain overlapping information on the Land Use Assumptions and the Capital Improvements Plan and, to that extent, both Exhibits are hereby approved by the City Council.

**Section 3. Enactment.** The City Council hereby approves the amended schedule of water and wastewater impact fees attached hereto as Exhibit “C” and incorporated herein as though set out in full. Therefore, Section 13.08.003 “Impact Fee Schedule” of Article 13.08, “Impact Fees”, of the Code of Ordinances of the City of Willow Park is hereby amended in its entirety to read as described in Exhibit “C” attached hereto.

**Section 4. Enforcement.** The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

**Section 5. Repealer Clause.** In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**Section 6. Severability Clause.** If any provision, section, subsection, 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 or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon final passage.

**PASSED, APPROVED AND ADOPTED** on this the \_\_\_\_ date of September 2022.

\_\_\_\_\_  
Doyle Moss, Mayor

**ATTEST:**

\_\_\_\_\_  
Crystal Dozier, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
William P. Chesser

The Willow Park City Council is acting on Ordinance No. \_\_\_\_\_, did on the \_\_\_\_ day of September 2022:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Doyle Moss	_____	_____	_____
Erick Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel, Place 5	_____	_____	_____