

## **RESOLUTION 2020-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS ADOPTING AMENDED IMPACT FEES FOR WATER AND WASTEWATER IMPROVEMENTS THAT ARE ATTRIBUTABLE TO NEW DEVELOPMENT IN THE CITY'S WATER AND WASTEWATER PROPOSED IMPACT FEE SERVICE AREAS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Oak Ridge North, Texas ("the City") adopted Resolution 2016-13 on August 8, 2016 which initially adopted impact fees for water and wastewater improvements that are attributable to new development in the City's proposed water and wastewater impact fee service areas, provided for impact fee collection and accounting for fees and interest and provided for semi-annual review of impact fees by the Capital Improvement Advisory Committee ("CIAC"); and

**WHEREAS**, Jones & Carter presented to the CIAC a report (the "Water and Wastewater Impact Fees Analysis") on August 3, 2020, concerning necessary updates to the City's impact fees for water and wastewater made necessary due to the projected increase in future costs associated with the City's current capital improvement plan for the construction of infrastructure needed in the City's impact fee service areas; and

**WHEREAS**, the projected increase in the cost to implement the City's capital improvement plan in the impact fee service areas has created the need for the CIAC to consider and recommend the amendment of the impact fees for water and wastewater improvements which was originally adopted by Resolution 2016-13 on August 8, 2016; and

**WHEREAS**, Tex. Loc. Gov't Code Section 395.054 states that to amend water and wastewater impact fees, the City Council must hold a public hearing to discuss the proposed ordinance, order, or resolution amending the impact fees; and

**WHEREAS**, the City Council finds and determines that the City has complied with the requirements in Tex. Loc. Gov't Code Sections 395.042 and 395.043 for publicizing the Water and Wastewater Impact Fees Analysis and Capital Improvement Plan prior to holding public hearings on the proposed amended impact fees; and

**WHEREAS**, pursuant to Tex. Loc. Gov't Code Section 395.055, the City Secretary of the City of Oak Ridge North timely published on August 12, 2020, the notice of public hearing (attached as Exhibit "A") in the City of Oak Ridge North's official newspaper of general circulation concerning the public hearing to consider approval of the amendment of the City's current impact fees for water and wastewater infrastructure necessary to serve new development; and

**WHEREAS**, the Capital Improvements Advisory Committee convened on August 3, 2020, and recommended that the City Council approve the proposed amended impact fees as calculated and presented by Jones & Carter and directed the preparation and filing of its preliminary written Comment 2020-02 recommending that the City Council approve the amended impact fees for water and wastewater improvements attributable to new development in the revised impact fee service areas pursuant to the final Water and Wastewater Impact Fee Analysis – 2020 Amendments report; and

**WHEREAS**, the CIAC's preliminary written Comment 2020-02 was timely filed with the City Secretary on August 7, 2020; and

**WHEREAS**, the City Council held a public hearing on September 28, 2020, to consider the CIAC's Comment 2020-02 and the proposed amended impact fees attributable to new development in the impact fee service areas; and

**WHEREAS**, after the public hearing on September 28, 2020, the CIAC ratified and finalized its written Comment 2020-02 on August 3, 2020 recommending to City Council the approval of the proposed amended impact fee for water of \$2,149.00 per ESFC and for wastewater of \$2,209.00 per ESFC based on the amended CCNs applicable to certain tracts of land for water and wastewater improvements attributable to new development in the revised impact fee service.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS:**

**SECTION 1.** The facts and recitations found in the preamble of this Resolution are true and correct and incorporated herein for all purposes.

**SECTION 2. Amended Impact Fees Approved.** The amended impact fees recommended by the CIAC of \$2,149.00 per ESFC for water and \$2,209.00 per ESFC for wastewater as reflected in the Water and Wastewater Impact Fee Analysis – 2020 Amendments report presented to City Council on August 10, 2020, which is incorporated into this Resolution by reference for all purposes, are approved, levied and imposed as to the City's water and wastewater impact fee service areas.

**SECTION 3. Impact Fee Collection.** The City may collect the amended impact fees herein imposed or as may be later amended immediately upon adopting the Resolution. The amended impact fees herein imposed, or as may be later amended, may be collected on any service unit located in an impact fee service area for which a valid building permit is issued or as otherwise allowed by Texas Local Government Code Chapter 395.

**SECTION 4. Severability.** In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Oak Ridge, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 5. Effective Date.** This Resolution is in full force and effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** on this the 26<sup>th</sup> day of October, 2020.

*Paul Bond*  
Paul Bond, Mayor

ATTEST:

*Elizabeth Harrell*

Elizabeth Harrell, City Secretary



**EXHIBIT "A"**

**(Proof of Publication)**



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

OAK RIDGE NORTH  
RAN A LEGAL NOTICE  
SIZE BEING: 2 x23 L

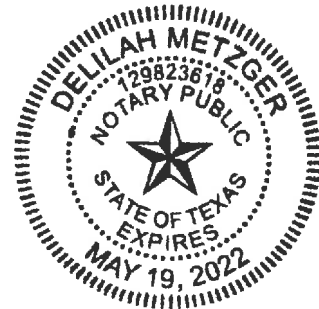
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*Victoria Bond A R Clerk*

NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 12th Day of August A.D. 2020



*[Signature]*

Notary Public in and for the State of Texas

**NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES**

The City of Oak Ridge North will hold a Public Hearing before the City Council. The public hearing will be held on the 28th day of September 2020 at 7:00 o'clock p.m. at City Hall, 27424 Robinson Road, Oak Ridge North, Texas 77385, or in the alternative via Zoom videoconference due to the continued COVID-19 pandemic with Zoom meeting attendance credentials posted in accordance with the notice requirements of the Texas Open Meetings Act then in effect, to discuss the amendment of an impact fee for water and wastewater infrastructure necessary to serve new development. The proposed amended impact fee for water is \$2,149.00 per equivalent single family connection (ESFC) and the proposed amended impact fee for wastewater is \$2,209 per equivalent single family connection (ESFC). An equivalent single family connection (ESFC) is defined as a 5/8" meter size. Any member of the public may appear and be heard and has the right to appear at the public hearing and present evidence for or against the proposed amended fee.

If you have any questions concerning this joint public hearing, please contact City Secretary Elizabeth Harrell at 281-292-4649, ext. 303.

Publish Date: 12th day of August 2020.