

ORDINANCE OF THE CITY OF ABILENE SETTING FORTH THE POLICY IN REGARD TO THE FURNISHING OF WATER AND/OR SEWER FACILITIES, PAYMENT OF DISTRIBUTION SYSTEM, PROVIDING FOR RECOVERABLE COSTS, PROVIDING FOR PRO RATA CHARGES, PROVIDING FOR EXEMPTIONS THEREFROM; PROVIDING FOR THE REFUSAL TO SERVE; DECLARING AN EMERGENCY, AND PASSING THE SAME ON SECOND AND FINAL READING.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE:

SECTION I: The following words and phrases as used in this ordinance shall be defined as:

OWNER OR SUBDIVIDER - Person or persons, corporations, partnerships or legal entity which as the owner, plats or subdivides an area, tract or section of land and files the same for record in the office of the County Clerk of Taylor County, Texas.

PRO RATA CHARGES - Those charges for water and/ or sewer lines as set out herein to be charged to owner of lot, areas or subdivisions on a front foot basis.

RECOVERABLE COST - That portion of a water and/or sewer line distribution system paid for by the owner or subdivider for the purpose of connecting the distribution system of a subdivision, area or tract of land with the existing City of Abilene water and/or sewer distribution system exclusive of the cost of the first one thousand feet thereof.

POINT OF CONNECTION - That point at which the owner and/or subdivider taps on and connects with the existing City of Abilene water and/or sewer distribution system for purposes of serving his premises.

INTERVENING AREA - That area between the existing City of Abilene water and/or sewer distribution system to which the owner or subdivider connects his distribution system (known as point of connection) and the property line of the area or subdivision served extending for a distance of 140 feet of privately owned, deeded property (exclusive of public property) on either side of the water and/or sewer line respectively.

SECTION II: All meter setting and tapping charges shall be in addition to the pro rata charges as herein set out.

SECTION III: There shall be no recoverable costs on a water line smaller than 8 inches nor on a sewer line smaller than 10 inches under any circumstances.

SECTION IV: The owner and/or subdivider shall not be required to pay for a water line larger than 8 inches or a sewer line larger than 10 inches. In the event the City Commission shall require larger lines it shall be at the expense of the City of Abilene for the portion thereof greater than 8 inches, in the case of the water line, and 10 inches, in the case of the sewer line.

SECTION V: No water and/or sewer line shall be furnished to any area, lot or subdivision on which the paving of the adjacent streets have not been completed as required under the City policy or a contract to complete the same has been fully executed.

SECTION VI: The Board of Commissioners does hereby declare as the policy to be followed by the City of Abilene in the furnishing of water and/or sewer lines in areas platted and to be platted, subdivided and to be subdivided, presently within the city limits and those to be annexed to the city limits not now being served as follows:

(a) All lands which were platted and subdivided or which were within the city limits of the City of Abilene and which were so subdivided and platted or annexed to the City of Abilene before January 1, 1952 and which on January 1, 1956 had water and sewer lines either in front of, along side of, or behind said lot, area, or plat, in such a manner that the City will not have to now nor in the anticipated future run sewer and/or water lines to serve the demand, will not have to pay the prorata charge hereinafter set forth.

(b) Any area which was annexed to the city limits as a properly approved subdivision and upon which the Owner and/or

Subdivider paid for the entire cost of the water and sewer distribution system for the complete subdivision, provided said system was installed according to plans and specifications approved by the City of Abilene Water Engineer, shall be exempted from the pro rata charges hereinafter set forth.

SECTION VII: The prorata charges for the area within the city limits at the date of the passage of this resolution and which are not exempted as above provided, together with those areas which shall and may be annexed after the date of the passage of this ordinance and before the owner and/or subdivider provides or contracts to provide a water and sewer distribution system to serve said area shall be as follows:

(a) There shall be a charge to the owner or developer by the City of Abilene of two dollars and fifty cents (\$2.50) per front foot for water lines furnished on any area not exceeding one hundred forty feet (140) in depth.

(b) There shall be a charge to the owner or developer of one dollar and twenty-five cents (\$1.25) per front foot for sewer lines furnished on any areas not to exceed one hundred forty feet (140) in depth.

(c) Where the area or lots furnished exceed one hundred forty feet in depth, or where the lots and area furnished are irregular in shape, one hundred forty square feet shall be computed to be one front foot and the pro rata front foot charges made according.

(d) The present policy of the City requiring the owner or developer of entire new subdivision to provide the necessary water and sewer distribution system to serve said area shall be unchanged.

SECTION VIII: The owner and/or subdivider that pays for and provides water and sewer distribution lines from the point of connection to the property line of his subdivision or tract or land, and which supply line entitles the owner and/or subdivider to recoverable costs as herein defined, shall be entitled to be paid his recoverable costs as follows:

(a) The owner and/or subdivider shall be entitled to that portion of the pro rata charges received by the City of Abilene from the intervening area in direct proportion, based upon two things:

(1) The percent of total cost as represented by the recoverable cost; and,

(2) The percent of the developed intervening area paid in pro rata charges as compared to the total intervening area.

(b) In no event shall the owner or subdivider be entitled to recover more than his Recoverable Cost.

(c) In no event shall the owner and/or subdivider be entitled to any proportion of the pro rata charges paid from the intervening area after five (5) years from the date of the completion of the water and/or sewer lines.

SECTION IX: None of the provisions herein shall be construed as to interfere with or prohibit the City of Abilene through its duly elected officials from regulating, increasing, decreasing, or in any manner changing the rates chargeable for water and/or sewer service as presently provided for by the Statutes and the Charter of the City of Abilene.

SECTION X: Upon failure of any owner and/or subdivider to pay the charges as herein stipulated, water and/or sewer service shall be denied at the 10% area or subdivision sought to be served.

SECTION XI: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

PASSED ON FIRST READING this 16th day of March, 1956.

After the passage of said ordinance on first reading, it being deemed necessary to pass this ordinance to meet an emergency in accordance with Section 32 of the Charter of the City of Abilene, the rule requiring publication at least one week prior to a public hearing and requiring such hearing, was suspended by vote of four members of the Board of Commissioners and said ordinance was read and passed on second and final reading on the 16th day of March, 1956.

E. S. Roberts
Mayor

ATTEST:

Elizabeth M. Austin
City Secretary

APPROVED AS TO FORM BEFORE PASSAGE:

W. Allen Stephens
Corporation Counsel