



## AGENDA MEMORANDUM

First Reading Ordinance Item for the City Council Meeting of July 30, 2013  
Second Reading Ordinance Item for the City Council Meeting of August 20, 2013

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**DATE:** July 9, 2013  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Mark E. Van Vleck, P.E., Director, Department of Development Services  
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361-826-3246

Reimburse Isaac C. Anthony, III and Betty Anthony for the wastewater lot/acreage fees paid in 1996.
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### **CAPTION:**

Ordinance appropriating \$1,135.31 from the No. 4220 Wastewater Trunk System Trust Fund to refund Isaac C. Anthony, III and Betty Anthony the wastewater lot/acreage fees paid since wastewater services are not available nor will any be available within the next 5 years as related to King Estates Unit 2, Block 7, Lot 3.

### **PURPOSE:**

In accordance with the Unified Development Code, Section 8.5.2.G.1, the property owner may request that the City Council refund the wastewater acreage fees that were paid in 1996.

### **BACKGROUND AND FINDINGS:**

In March 1996, the developer of King Estates Unit 2 paid the wastewater acreage fee as required during the platting of the property. The Platting Ordinance in 1993 required payment of the wastewater acreage fees or an exemption from the fees by the City Council. The Developer was denied an exemption and paid the fees. In the 1993 Platting Ordinance as well as the current Unified Development Code (UDC), the current property owner may request a refund of the pro-rated fees paid. The refund request must be made after 10 years and before 20 years from the date of the filing of the plat. The UDC states that the City Council may decide during a hearing to refund the monies if the petitioners are the property owners; no wastewater lines currently serve the petitioners' property; and the property is not likely to be served within the next 5 years. The refunds will be appropriated from the Wastewater Trunk System Trust Fund, if funds available. The refund shall include a 5.5% interest per annum from the date of filing of the plat. The order of refunds will be determined according to the date the application for refund is approved by the City Council.

The plat of King Estates Unit 2 was recorded on March 15, 1996. It has been 17 years since the plat was recorded. King Estates Unit 2 contained 127.08 acres and paid \$56,204.28 in wastewater acreage fees. The Anthony's property, Lot 3, Block 7, contains 45,000 square feet or 1.033 acres. Pro-rating the fees paid and the Anthony's property, Lot 3, Block 7 is credited for \$456.90. Based on the fee value of \$456.90 paid in 1996, the Anthony's are currently due \$1,135.31. Since the fee was paid in 1996 and has been accruing interest, it is in the best interest of the City to authorize payment to Mr. & Mrs. Anthony. Until monies are refunded to the Anthony's, the amount due will continue to increase.

**ALTERNATIVES:**

None.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

Not Applicable. Refund request.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency.

**DEPARTMENTAL CLEARANCES:**

**FINANCIAL IMPACT:**

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Wastewater Trunk System Trust Fund		\$710,372.66		
Encumbered / Expended Amount		\$708,839.63		
This item		\$1,135.31		
BALANCE		\$397.72		

Fund(s): Wastewater Trunk System Trust Fund

**Comments:** N/A

**RECOMMENDATION:**

Staff recommends approval of the appropriations ordinance to the refund of Mr. Mrs. Anthony's wastewater acreage fee plus the required 5.5% interest per annum.

**LIST OF SUPPORTING DOCUMENTS:**

Location Map  
Isaac C. Anthony, III & Betty Anthony Refund Request  
Ordinance