



## AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of February 25, 2014  
Second Reading Ordinance for the City Council Meeting of March 18, 2014

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**DATE:** January 29, 2014

**TO:** Ronald L. Olson, City Manager

**FROM:** Mark E. Van Vleck, P.E., Director, Development Services Department  
MarkVV@cctexas.com  
(361) 826-3246

**Wastewater Lot/Acreage Fee Exemption  
by Urban Engineering, representative, for developer  
of Buena Vista Addition, Block 3, Lots 2A & 3**

**CAPTION:**

Ordinance exempting Buena Vista Addition, Block 3, Lots 2A & 3, a subdivision located on Guth Lane, north of Interstate Highway 37 and west of Sessions Road, from payment of the wastewater lot/acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

**PURPOSE:**

The purpose of this item is to exempt the proposed subdivision from the required wastewater lot/acreage fees because public wastewater facilities will not be available within the next 15 years.

**RECOMMENDATION:**

Planning Commission and Staff Recommendation (January 29, 2014): Approval of the wastewater lot/acreage fee exemption for Buena Vista Addition, Block 3, Lots 2A & 3 subject to a Sanitary Sewer Connection Agreement.

**BACKGROUND AND FINDINGS:**

The nearest wastewater line is approximately 425 feet east of the subject property on a separate tract of land. The existing manhole on that tract of land has a depth of 10 feet. In order to serve the subject property, the Ayala's would have to obtain a 15-foot wide easement on the abutting tract of land and build the wastewater line to City standards. The Ayala's would have to purchase approximately 6,400 square feet from the abutting

property which could cost approximately \$5,300.00. The construction of the wastewater line could cost approximately \$17,000.00. The total of \$22,300.00, which may not include engineering costs, is not equitable for a single-family residential structure.

Lot 3 will have an area of 1.2 acres, which is more than enough lot area to contain its own on-site treatment system. The adjacent property to the east and north are currently on their own septic system.

Section 8.5.2.G.1. of the Unified Development Code (UDC) outlines the exemption of payment of wastewater lot or acreage fees if the land for which the fees are required lies within an area exempted by City Council for the payment of such fees. Exempted areas are determined by City Council, and generally are those areas not likely to be served by City wastewater services within the next fifteen (15) years.

This section also provides that owners of property for which an acreage fee has been paid may receive a refund if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50 percent of the property petition City Council for a hearing to determine whether the fees should be refunded. A refund may be made if City Council finds that, among other things, the property is not likely to receive services within another 5 years.

**ALTERNATIVES:**

1. Deny requested exemption and require payment of wastewater lot/acreage fees.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The requested exemption is consistent with the UDC.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2013-2014</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
<b>BALANCE</b>				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Location Map  
 Ordinance  
 Sanitary Sewer Connection Agreement