



## AGENDA MEMORANDUM

First Reading Ordinance Item for the City Council Meeting of September 23, 2014  
Second Reading Ordinance Item for the City Council Meeting of September 30, 2014

**DATE:** August 12, 2014  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Mark Van Vleck, Executive Director of Utilities  
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Ordinance appropriating \$5,928.97 from the No. 4220 Wastewater Trunk System Trust Fund to refund Jack R. Day, Jr., the wastewater lot/acreage fee paid.

### **CAPTION:**

Ordinance appropriating \$5,928.97 from the No. 4220 Wastewater Trunk System Trust Fund to refund Jack R. Day, Jr., the wastewater lot/acreage fee paid since wastewater services are not available nor will it be available within the next 5 years as related to Oak Terrace Unit 2, Block 4, Lot 6A.

### **PURPOSE:**

In accordance with the Unified Development Code, Section 8.5.2.G.1, the property owner may petition the City Council to determine whether the wastewater acreage should be refunded.

### **BACKGROUND AND FINDINGS:**

In April 2004, Mr. Larry Clavette, Sr., paid the wastewater acreage fee as required during the replat of the property. The Platting Ordinance in 1993 required payment of the wastewater acreage fee or an exemption from the fee by the City Council. The applicant paid the fee. In the 1993 Platting Ordinance as well as the current Unified Development Code (UDC), the current property owner may request a refund of the 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 Oak Terrace Unit 2, Block 4, Lot 6A was recorded on June 2, 2004. It has been 10 years since the plat was recorded. Based on the criteria stated above and the payment of \$3,471.00 in 2004, Mr. Day is currently due \$5,928.97. Since the fee was paid in 2004 and has been accruing interest, it is in the best interest of the City to authorize payment to Mr. Day. Until Mr. Day is refunded the monies, the amount due will continue to increase.

**ALTERNATIVES:**

None.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The refund request is consistent with the UDC Section 8.5.2.G.1.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency.

**DEPARTMENTAL CLEARANCES:**

**FINANCIAL IMPACT:**

<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>
Wastewater Trunk System Trust Fund		\$771,776.06		
Encumbered / Expended Amount		\$274,145.95		
This item		\$5,928.97		
BALANCE		\$491,701.14		

Fund(s): Wastewater Trunk System Trust Fund

**Comments:** N/A

**RECOMMENDATION:**

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

**LIST OF SUPPORTING DOCUMENTS:**

Location Map  
Jack R. Day, Sr. Refund Request  
Ordinance