



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of April 23, 2013  
Second Reading Ordinance for the City Council Meeting of April 30, 2013

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**DATE:** March 29, 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 Jimmie and Barbara Moretich for the wastewater development fees paid in 1993
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### **CAPTION:**

Ordinance appropriating \$3,143.60 from the No. 4220 Wastewater Trunk System Trust Fund to refund Jimmie J. Moretich and Barbara A. Moretich wastewater lot/acreage fees previously paid for Lot 7, Block 3, Farias Grant Subdivision and authorizing the City Manager or designee to issue payment.

### **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 December 1993, Mr. & Mrs. Moretich paid the wastewater acreage fee as required during the replat of their 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 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 Farias Grant Subdivision, Block 3, Lots 7 & 8 was recorded on December 14, 1993. It has been 19 years since the plat was recorded. Based on the criteria stated above and the payment of \$1,136.66 in 1993, the Moretich are currently due \$3,143.60. Since the fee was paid in 1993 and has been accruing interest, it is in the best interest of the City to authorize payment to Mr. & Mrs. Moretich. Until Mr. & Mrs. Moretich are refunded their monies, 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: 2011-2012</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		\$255,696.03		
This item		\$3,143.60		
BALANCE		\$451,533.03		

Fund(s): Wastewater Trunk System Trust Fund

**Comments:** N/A

**RECOMMENDATION:**

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

**LIST OF SUPPORTING DOCUMENTS:**

Location Map  
Moretich's Refund Request  
Ordinance