



## AGENDA MEMORANDUM

First Reading for the City Council Meeting of May 8, 2018  
Second Reading for the City Council Meeting of May 15, 2018

**DATE:** April 17, 2018  
**TO:** Keith Selman, Interim City Manager  
**FROM:** Nina Nixon-Méndez, FAICP, Director, Department of Development Services  
NinaM@cctexas.com  
361-826-3276

Ordinance appropriating \$13,006.92 from the No. 4220 Wastewater Trunk System Trust Fund to refund John Butler and Elizabeth Butler, the wastewater lot/acreage fee paid.

### **CAPTION:**

Ordinance refunding \$13,006.92 from Wastewater Trunk System Trust Fund to John and Elizabeth Butler.

### **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 fee should be refunded.

### **BACKGROUND AND FINDINGS:**

The 2007 Platting Ordinance and the current Unified Development Code (UDC) provide that a property owner may request a refund of the wastewater acreage 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.

In October 2007, John Butler and Elizabeth Butler paid the wastewater acreage fee as required during the platting of the property. The Platting Ordinance in 2007 required payment of the wastewater acreage fee, or an exemption from the fee by the City Council. The applicant paid the fee. The plat of Butler Addition, Lot 1 was recorded on October 7, 2007. The Butlers paid a \$7,614.65 Wastewater Acreage Fee, and a \$446.00 Water Pro Rata Fee, by cashier's check, totaling \$8,060.65, evidenced by a copy of the cashier's check and a copy of Planning Department receipt dated October 8 and 9, 2007.

It has been 10 years since the plat was first recorded and the wastewater fee paid. Based on the criteria stated above, and the payment of \$7,614.65, and the accrual of interest, Mr. and Mrs. Butler are currently due \$13,006.92. Since the fee was paid in 2007 and has been accruing interest, it is in the best interest of the City to authorize payment to the Butlers.

**ALTERNATIVES:**

None.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

Refund request is consistent with UDC Section 8.5.2.G.1.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency.

**DEPARTMENTAL CLEARANCES:**

**FINANCIAL IMPACT:**

<b>Fiscal Year: 2017-2018</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		\$182,020.97		
Encumbered / Expended Amount		\$0.00		
This item		\$13,006.92		
BALANCE		\$169,014.05		

Fund(s): Wastewater Trunk System Trust Fund

**Comments:** N/A

**RECOMMENDATION:**

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

**LIST OF SUPPORTING DOCUMENTS:**

- Ordinance
- John and Elizabeth Butler Refund Request
- Location Map
- Interest Chart