

**ORDINANCE NO. #323-2020**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS, REQUIRING AN ECONOMIC AND UTILITY FEASIBILITY STUDY TO BE PERFORMED ON NEW DEVELOPMENTS WITHIN THE CITY; PROVIDING FOR AN ESCROW AGREEMENT TO REIMBURSE THE CITY FOR ITS EXPENSES RELATED TO THE STUDY AND PLATTING; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.**

**WHEREAS**, the City of Shepherd, Texas is expected to experience rapid growth with new single-family residential, multi-family residential, and commercial and industrial development; and

**WHEREAS**, such rapid growth of undeveloped property within the corporate city limits and its extraterritorial jurisdiction (ETJ) will tax the water and sanitary wastewater distribution facilities of the City and the City's water wells and sewer plant facilities; and

**WHEREAS**, the City Council of the City of Shepherd finds that it is prudent to require an economic and utility feasibility study for the future development of acreage within the corporate city limits and its ETJ.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS THAT:**

**SECTION 1.** The City of Shepherd shall require the developer to fund an economic and utility feasibility study of all proposed developments requiring the equivalent of five (5) or more single-family connections in advance of any approval by the City Council.

**SECTION 2.** The Economic and Utility Feasibility Study shall be performed by the City's engineer or the City's designee, a Texas professional engineer, who will identify the following:

a. *Water Distribution System/Wastewater Collection System:* to determine if the capacity is available in the City's lines and if the lines need to be extended to the proposed Development; to determine the costs to extend the lines; and if comprehensive waste plans that are necessary, potential responsibility and costs for extending utilities;

b. *Water Wells and Sewer Plant Facilities:* to determine if the capacity for the City water well(s) and sewer treatment plant(s) is sufficient to serve the proposed Development; to determine the cost of any increase of capacity of such facilities; and if comprehensive plans are necessary, potential responsibility and costs of expanding these City utility facilities;

c. *Storm Sewer System/Storm Water Detention*: to determine if capacity exists in the infrastructure serving the proposed Development; to determine if detention is required; to determine if regional detention is available; and to determine potential responsibility and costs;

d. *Streets/Turn Lanes/Traffic Signals*: to determine if a street needs to be extended or widened because of project traffic volumes; to determine if a Traffic Impact Analysis (TIA) is needed; to determine whether turn lanes are needed on the existing streets serving the proposed development; and to determine the potential responsibility and cost.

e. *Revenue*: to calculate the potential tax revenues, water and sewer rates, and associated expenses for any contribution/reimbursement by the City and its financial impact on the City;

f. *Annexation*: to identify whether the tract will require annexation to be served; and identify the cost to process the annexations; and

g. *Schedule*: to identify the developer's potential schedule for the project.

**SECTION 3.** In order to guarantee adequate funds to reimburse the City for engineering, legal and related expenses for the Economic and Utility Feasibility Study and the platting of the proposed development, a developer shall execute an Escrow Agreement with the City in the form substantially found in Exhibit "A" of this Ordinance. The city engineer shall provide the estimated costs of providing such services to the developer which shall be attached as an exhibit to the Escrow Agreement.

**SECTION 4.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 5.** This Ordinance shall be effective upon its publication as provided by law.

PASSED AND APPROVED after a second reading this 13th day of July 2020. Shannon Bailey made a motion to adopt this ordinance with Mark Porter seconding. The vote was unanimous.

CITY OF SHEPHERD, TEXAS

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Charles Minton, Mayor

ATTEST:

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Debra Hagler, City Secretary