

73
9-28-06

ORDINANCE NO.

AN ORDINANCE GRANTING WAIVERS FROM SECTIONS 25-9-311 AND 25-9-321 OF THE CITY CODE RELATING TO PAYMENT OF WASTEWATER CAPITAL RECOVERY FEES FOR PROPERTIES LOCATED AT 4308 BUNNY RUN, 4312 BUNNY RUN, 4314 BUNNY RUN, AND 4400 BUNNY RUN, AUSTIN, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the properties located at 4308 Bunny Run, 4312 Bunny Run, 4314 Bunny Run, and 4400 Bunny Run, Austin, Texas.

PART 2. The Council finds that wastewater capital recovery fees should be waived because:

- (A) The annexation service plan for the Davenport West Area, attached as Exhibit B to Ordinance No. 001214-34, provides that wastewater service is extended to areas not currently receiving service, and the City constructed new wastewater facilities in accordance with the service plan.
- (B) The City sent letters to all area residents in and around the Davenport West Area informing the area residents that a new City wastewater line was in service and available for hookup, and that they might be eligible for a fee waiver to connect to the City's central sewer line.
- (C) The letter did not distinguish between properties eligible for exemption from capital recovery fees, that is, properties within the corporate limits of the City, and ineligible properties, that is, properties outside the corporate limits of the City.
- (D) A letter was sent to 4308 Bunny Run, 4312 Bunny Run, and 4314 Bunny Run and should have been sent to 4400 Bunny Run. These properties are outside the corporate limits of the City, but can connect to the City wastewater line constructed in the right-of-way abutting these properties.
- (E) Relying on the information in the letter, the property owner at 4312 Bunny Run made the plumbing preparations necessary for connection to the City's central sewer line and incurred related costs, and the property owners at 4314 Bunny Run have already connected to the City wastewater line.

1 **PART 3.** The Council waives the requirements of Sections 25-9-321 and 25-9-325 of the
2 City Code relating to payment of wastewater capital recovery fees. The property owners
3 at 4308 Bunny Run, 4312 Bunny Run, 4314 Bunny Run, and 4400 Bunny Run may
4 connect with the City's central sewer system without paying capital recovery fees.

5 **PART 4.** The waiver of wastewater capital recovery fees granted in this ordinance
6 expires on January 24, 2008.

7 **PART 4.** This ordinance takes effect on _____, 2006.

8
9 **PASSED AND APPROVED**

10
11 _____, 2006 §
12 §
13 §
14 _____
15 Will Wynn
16 Mayor

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18 **APPROVED:** _____
19 David Allan Smith
20 City Attorney

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18 **ATTEST:** _____
19 Shirley A. Gentry
20 City Clerk