

**ORDINANCE NO. 1910**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, TO THE ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 1997, AND ENDING SEPTEMBER 30, 1998, AND PASSED AND ADOPTED ON SEPTEMBER 16, 1997, TO PROVIDE FOR PARTICIPATING AID BY THE CITY OF TERRELL IN THE COST OF DEVELOPMENT OF RESIDENTIAL SUBDIVISIONS AND MULTI-FAMILY PROJECTS WITHIN THE CORPORATE LIMITS OF THE CITY OF TERRELL; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:**

**SECTION I.**

The Annual Budget of the City of Terrell shall reflect the designation of \$35,000.00 to be taken from the general fund of the City of Terrell to be used for the funding of improvements necessary in development of new residential subdivisions and multi-family projects within the corporate limits of the City of Terrell.

**SECTION II.**

The City of Terrell shall reimburse residential and multi-family developers of property located within the City of Terrell for a portion of the cost of improvements necessary for development of new residential subdivisions and multi-family projects in the City of Terrell through a program of participating aid. The capital outlay for all improvements shall be financed by the developer and any participating aid funded by the City of Terrell shall be in the form of reimbursement if such participating funds are available.

Any reimbursement for residential developments to be made by the City of Terrell shall be at a rate of \$67.50 per foot building, construction and erecting of water lines, sewer lines, drainage structures or streets meeting the requirements of the subdivision ordinances of the City of Terrell.

The City of Terrell shall reimburse residential developers, in the form of participating aid, at a rate of \$42.00 pre foot of street frontage based upon

platted lot size, for the construction, completion and acceptance by the City of Terrell of street improvements only in residential subdivisions located within the corporate limits of the City of Terrell.

They developer shall qualify for reimbursement only for a proportionate part of the laying, building, construction or erecting of water lines, sewer lines, drainage structures or streets in any residential subdivision consisting of a minimum of ten (10) residential lots but not to exceed thirty (30) residential lots suitable for construction of residential dwellings.

The City of Terrell shall reimburse developers of multi-family projects in the form of participating aid for projects consisting of a minimum of 20 units but not exceeding 150 units. Any reimbursement will be paid to the multi-family project developer at a maximum of \$200 per apartment unit and such funds can be used for extension of water lines, sewer lines, drainage structures, streets or parking lots.

Any reimbursement to be made by the City of Terrell shall be paid to the Developer at the time the residential structure and/or multi-family project is completed, all state, federal and local requirements are met and a Certificate of Occupancy is issued by the City of Terrell.

### **SECTION III.**

The City of Terrell shall at no time participate by any manner, means or degree in the laying, building, construction or erecting of any water line, sewer line, drainage structure, street or other facility required by the ordinances of the City of Terrell on any property located beyond and outside the corporate limits of the City of Terrell.

### **SECTION IV.**

The City Council of the City of Terrell shall have the right to cease to offer participating aid in the form of reimbursement to developers for improvements, including but not limited to, the laying, building, construction or erection of any water line, sewer line, drainage structure, street or parking lot to any new residential subdivision or multi-family project located within the corporate limits of the City of Terrell, at any time it shall deem appropriate.

## **SECTION V.**

This Ordinance shall terminate eighteen (18) months after final passage unless further action is taken by the City Council.

## **SECTION VI.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **SECTION VII.**

All Ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

## **SECTION VIII.**

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**PASSED AND APPROVED ON THIS 20<sup>TH</sup> DAY OF JANUARY 1998.**

**PASSED AND ADPOTED ON THIS 3<sup>RD</sup> DAY OF FEBURARY 1998.**

**APPROVED:**

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**DON L. LINDSEY, MAYOR**

**ATTEST:**

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**JOHN ROUNSAVALL, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**MARY GAYLE RAMSEY, CITY ATTORNEY**