

ORDINANCE NO. 1951

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, TO PROVIDE FOR PARTICIPATING AID BY THE CITY OF TERRELL IN THE COST OF DEVELOPMENT OF RESIDENTIAL SUBDIVISIONS 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 within the corporate limits of the City of Terrell.

SECTION II.

The City of Terrell may elect to reimburse residential developers of property located within the City of Terrell for a portion of the cost of improvements necessary for development of new residential subdivisions 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 front foot of lot for building, constructing and erecting of water lines, sewer lines, drainage structures and streets meeting the requirements of the subdivision ordinances of the City of Terrell.

The City of Terrell will reimburse residential developers, in the form of participating aid, at a rate of \$42.00 per front foot of street frontage based upon platted lot size, for the construction, completion and acceptance by the City of Terrell of street and drainage improvements only in residential subdivisions located within the corporate limits of the City of Terrell.

The developer shall only qualify for reimbursement for a proportionate part of the laying, building, constructing 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 exceeding thirty (30) residential lots, suitable for construction of residential dwellings.

Any reimbursement to be made by the City of Terrell shall be paid to the developer at the time the residential structure is completed, all state, federal and local requirements are met and the City of

Terrell issues a Certificate of Occupancy. The developer shall apply for the incentive funds no later than 30 days after issuance of the Certificate of Occupancy.

SECTION III.

Upon final approval and acceptance of subdivision improvements by the Terrell City Council, the City of Terrell and the developer shall enter into a development escrow agreement. The City of Terrell agrees to hold in escrow funds for the development incentive for a period of twenty-four (24) months from the date of acceptance of subdivision improvements by the City of Terrell. If homes are not completed within twenty-four (24) months from subdivision acceptance, as evidenced by issuance of a certificate of occupancy, incentive funds will no longer be available for the specific development that had funds placed in escrow

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 project located within the corporate limits of the City of Terrell, at any time it shall deem appropriate.

SECTION V.

This Ordinance is subject to annual renewal and allocation of funds.

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 16TH DAY OF FEBRUARY, 1999.

PASSED AND ADOPTED ON THIS 2ND DAY OF MARCH, 1999.

APPROVED:

HENRY C. MADGWICK, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

D r a f t
(italics in parenthesis) = deleted from original ordinance
italics – added to original ordinance

ORDINANCE NO. 1951

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 *may elect to (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 of 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 per 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.

The 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 the City of Terrell issues a Certificate of Occupancy. *The developer shall apply for the incentive funds no later than 30 days after issuance of the Certificate of Occupancy.*

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).

Upon final approval and acceptance of subdivision improvements by the Terrell City Council, the City of Terrell and the developer shall enter into a development escrow agreement. The City of Terrell agrees to hold in escrow funds for development incentive for a period of twenty-four (24) months from the date of acceptance of subdivision improvements by the City of Terrell. If homes are not completed within twenty-four (24) months from subdivision acceptance, incentive funds will no longer be available for the specific development that had funds placed in escrow.

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.)

This Ordinance is subject to annual renewal and allocation of funds.

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.

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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 _____ DAY OF _____ 1999.

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APPROVED:

HENRY C. MADGWICK, SR. MAYOR.

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

