

## RESOLUTION 2017-2

### BY THE BOARD OF DIRECTORS OF THE BENBROOK WATER AUTHORITY AMENDING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN AND IMPACT FEES RELATED TO WATER AND WASTEWATER FACILITIES

WHEREAS, Texas Local Government Code, Chapter 395, authorizes BWA to adopt a resolution establishing impact fees for the benefit of its customers and its water and sewer system, following a public hearing to consider land use assumptions and capital improvement plans for its designated service area; and

WHEREAS, the Authority, with the passage of Resolution 2007-7, last updated its master plan, containing land use assumptions, its capital improvements plan and impact fees effective in 2007; and

WHEREAS, the Authority, with the passage of Resolution 2012-9, determined that no changes to land use assumptions, capital improvements plan or impact fees were required effective in 2012; and

WHEREAS, the Authority has appointed a Capital Improvements Advisory Committee ("Advisory Committee") to advise the Authority concerning the need for adoption of land use assumptions, the capital improvements plan and impact fees and for amendment or revision of same; and

WHEREAS, Texas Local Government Code Section 395.052 requires a mandatory five-year update to impact fees; and

WHEREAS, Texas Local Government Code, Section 395.057 provides that within 30 days after the public hearing on any amendments, the governing body shall approve or disapprove the amendments of the land use assumptions, the capital improvement plan and modification of an impact fee; and

WHEREAS, the Advisory Committee undertook an examination of the Authority's need and timing of new development improvements in order to generate revenue for future growth by review of revised land use assumptions, capital improvements plans and impact fees per dwelling as set forth in the Water & Wastewater Impact Fee Study, dated October 31, 2016 and prepared by Freese and Nichols, Inc., ("Study") as the 2017 Update of the Impact Fee Program ("2017 Update") necessary within the Authority's water and sewer service areas. ; and

WHEREAS, the action and comments of the Advisory Committee regarding the 2017 Update have been duly recorded in the public minutes of the Committee meeting of November 7, 2016 in compliance with State law; and

WHEREAS, as required by the Texas Local Government Code, Section 395.050, the Advisory Committee approved the Land Use Assumptions, Capital Improvements Plans and Maximum Assessable Water and Wastewater Impact Fees per service unit and submitted its written comments on the proposed amendments to the Authority on November 7, 2016; and


WHEREAS, the Authority acknowledged receipt of the Advisory Committee recommendations and as required by Section 395.054 of the Texas Local Government Code, the Authority conducted a public hearing to discuss the proposed amendments to the Land Use Assumptions, Capital Improvements Plans and Impact Fees on December 20, 2016, to be adopted by resolution within thirty (30) days following the public hearing; and

WHEREAS, by the adoption of this resolution, the Authority approves the amendments to the Land Use Assumptions and Capital Improvements Plans; and establishes new Impact Fees to be collected upon issuance of a building permit;

**Now, Therefore, Be It Resolved By The Board Of Directors Of The Benbrook Water Authority:**

1. That the Amendments to the land use assumptions, capital improvements plan are incorporated for the 2017 Update of the Impact Fee Program within the water and sewer service areas and are amended as set forth in the Study.
2. That the impact fees are amended to establish the new Impact Fees for water and wastewater within the water and sewer service area as set forth in the tables of Exhibit "A" attached hereto.
3. That should any paragraph, sentence, clause, phrase or section of this Resolution be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the current impact fee structure previously adopted by the Authority.

ADOPTED AND APPROVED by a quorum of the Board on this 10th day of January, 2017, to become effective immediately.

  
President, Board of Directors  
Benbrook Water Authority

ATTEST:

  
Secretary, Board of Directors  
Benbrook Water Authority

# BENBROOK WATER AUTHORITY

Exhibit A

**TABLE 1**  
**SYSTEM WIDE IMPACT FEE PER SERVICE UNIT EQUIVALENT\***

Meter Size	Water Impact Fee	Sewer Impact Fee
<1"	\$ 3,456.00	\$ 1,741.00

**TABLE 2**  
**SERVICE UNIT EQUIVALENCY TABLE**

Meter Size	Water Service Unit Equivalents
<1"	1.00
1-1/2"	2.50
2"	4.00
3"	8.75
4"	15.00
6"	31.25
8"	45.00

\* The actual impact fee may be calculated by multiplying the impact fee per service unit equivalent in Table 1 by the water service unit equivalent value in Table 2 which corresponds to the Meter Size.