

RESOLUTION 2022-11

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 plan for its designated service area; and

WHEREAS, the Authority, with the passage of Resolution 2017-2, last updated its master plan, containing land use assumptions, its capital improvements plan and impact fees 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 plan and impact fees per dwelling as set forth in the Water & Wastewater Impact Fee Update, prepared by Freese and Nichols, Inc., ("2022 Update"), adopting as the 2022 Update of the Impact Fee Program necessary within the Authority's water and sewer service areas; and

WHEREAS, the action and comments of the Advisory Committee regarding the 2022 Update have been duly recorded in the public minutes of the Committee 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 Plan 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 1, 2022; 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 Plan and Impact Fees on November 15, 2022, 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 Plan; 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 2022 Update of the Impact Fee Program within the water and sewer service areas and are amended as set forth in the 2022 Update.
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 29th day of November 2022, to become effective on January 1, 2023.

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 METER SIZE**

Actual Meter Size	Water Impact Fee	Wastewater Impact Fee	Total Impact Fee*
<1”	\$ 4,662	\$ 2,327	\$ 6,989
1 ½“	\$ 11,655	\$ 5,818	\$ 17,473
2”	\$ 18,648	\$ 9,308	\$ 27,956
3”	\$ 40,793	\$ 20,361	\$ 61,154
4”	\$ 69,930	\$ 34,905	\$ 104,835

* Excludes pass-through wastewater impact fees assessed by the City of Fort Worth in accordance with the Wholesale Wastewater Agreement between the City of Fort Worth and Benbrook Water Authority.

**TABLE 2
METER EQUIVALENCY FACTORS**

Meter Size	Equivalency Factor
1”	1.00
1 ½“	2.50
2”	4.00
3”	8.75
4”	15.00
6”	31.25
8”	45.00