

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS**

**ORDINANCE NO. 23-044-00**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING CODE OF ORDINANCES, ARTICLE 13.07 WATER AND WASTEWATER IMPACT FEES, TO AMEND AND ADOPT WATER AND WASTEWATER COMMUNITY IMPACT FEES AND A CAPITAL IMPROVEMENTS PLAN; AMENDING PROVISIONS GOVERNING IMPACT ASSESSMENT AND PAYMENT OF IMPACT FEES; PROVIDING FOR FEES UNDER PRIOR ORDINANCES; REMOVING UNUSED DEFINITIONS; UPDATING PROVISIONS RELATED TO IMPACT FEE ACCOUNTS; PROVIDING FOR REVIEW OF LAND USE ASSUMPTIONS AND THE CAPITAL IMPROVEMENTS PLANS EVERY FIVE YEARS; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE PROVISIONS**

**WHEREAS**, pursuant to Chapter 395, Tex. Loc. Gov't. Code ("Chapter 395") and the City Charter, the City issued and timely published notices for and held public hearings on revised land use assumptions, a revised water and wastewater Capital Improvements Plan and imposition of revised impact fees; and

**WHEREAS**, the revised Capital Improvements Plan was prepared, reviewed and recommended by qualified, independent engineers in compliance with good engineering practices and methodology compliant with such practices and state law; and

**WHEREAS**, the revised Capital Improvements Plan ("CIP") sets forth and includes only those water and wastewater capital improvements that are reasonable and necessary and required to be constructed within the next ten (10) years to enable the City to serve new water and wastewater facilities and projects included in the CIP; and

**WHEREAS**, the City desires to adopt an amended Capital Improvements Plan and to amend the Community Impact Fees pursuant to Chapter 395;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:**

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of the Definitions.** The definitions of “Local Government Code, section 395.11” and “Site-Specific Facilities” set forth in Section 13.07.004 of the City of Leander Code of Ordinances (the “Code”) are hereby deleted.

**Section 3. Adoption of Capital Improvements Plan.** Section 13.07.005 of the Code is hereby amended in its entirety to read as follows:

**Sec. 13.07.005 Capital Improvements Plan Adopted**

The Capital Improvements Plan identifying capital improvements or facility expansions pursuant to which impact fees may be assessed, which was considered at the July 20, 2023, public hearing and which is set out in Exhibit "A" attached to Ordinance No. 23-044-00, is hereby adopted.

**Section 4. Community Impact Fee Amended.** Section 13.07.009 of the Code is hereby amended in its entirety to read as follows:

**Sec. 13.07.009 Amount**

The community impact fee for each living unit equivalent shall be as follows:

- (1) Wastewater: \$2,301.00
- (2) Water: \$8,762.00

**Section 5. Establishment of Accounts.** Section 13.07.012 of the Code is hereby amended in its entirety to read as follows:

**Sec. 13.07.012 Establishment of Accounts.**

- (a) The city shall establish an account to which interest is allocated for each category of capital facility for which an impact fee is imposed pursuant to this article.
- (b) Each impact fee collected within the service area shall be deposited in such account.
- (c) Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in section **13.07.013**.
- (d) The city shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes

authorized in section **13.07.013**. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this article; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

- (e) The city shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected or expended.

**Section 6. Plan Updates.** Section 13.07.047(a) of the Code is hereby amended in its entirety to read as follows:

- (a) The city shall update its land use assumptions and impact fee capital improvements plan and shall recalculate its impact fees not less than once every **five (5)** years in accordance with the procedures set forth in the Texas Rev. Civil Statutes, Local Government Code, chapter 395, or in any successor statute.

**Section 7. Amendment of Conflicting Ordinances.** Article 13.07 of the Code is hereby amended as provided herein and any ordinances governing community impact fees are amended to the extent of any conflict herewith; provided that such ordinances shall remain in force and effect as herein provided with respect to plats and applications for building permits submitted prior to the effective date of this Ordinance.

**Section 8. Savings Clause.** All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any Ordinances affecting impact fees within the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts. Furthermore, community impact fees adopted by prior Ordinance shall remain in effect pursuant to Section 13.07.041 of the City of Leander Code of Ordinances.

**Section 9. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 10. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code, and it is accordingly so ordained.

**Section 11. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on the 17 day of August, 2023.

**ATTEST:**

**CITY of LEANDER, TEXAS**

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Dara Crabtree, City Secretary

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Christine DeLise, Mayor

# TAP & IMPACT FEES

**\*Effective for Properties Platted After Aug. 17, 2023\***

*This information is subject to change. Please refer to the City of Leander Code of Ordinances for the most updated information.*

METER SIZE	LUE	CIF (Water)	CIF (Sewer)
5/8 – inch	1	\$8,762.00	\$2,301.00
¾ – inch	1.5	\$13,143.00	\$3,451.50
1 – inch	2.5	\$21,905.00	\$5,752.50
1 ½ – inch	5	\$43,810.00	\$11,505.00
2 – inch	8	\$70,096.00	\$18,408.00
3 – inch	16	\$140,192.00	\$36,816.00
4 – inch	25	\$219,050.00	\$57,525.00
6 – inch	50	\$438,100.00	\$115,050.00
8 – inch	80	\$700,960.00	\$184,080.00
10 – inch	115	\$1,007,630.00	\$264,615.00

Dwelling Type	UNITS	LUE	CIF (Water)	CIF (Sewer)
Two-Family Residential	Per Resident Unit	0.7*	\$6,133.40	\$1,610.70
Three-Family Residential	Per Resident Unit	0.6*	\$5,257.20	\$1,380.60
Multi-Family Residential	Per Resident Unit	0.5*	\$4,381.00	\$1,150.50

**\*Regardless of meter size**

**For lots platted within the Liberty Hill Wholesale Wastewater Service Area, a system reservation fee credit of \$350 toward the CIF (Sewer) fee may apply.**

## Water Tap Fees

(A) Where service lines must be installed and a water meter set by the City, the tap fee(s) shall be:

METER SIZE	TAP FEE & CHARGE
5/8 – inch	\$840.00
¾ - inch	\$940.00
1 – inch	\$800.00 + cost of meter
1 ½ - inch	\$1,050.00 + cost of meter
2 – inch	\$1,300.00 + cost of meter
3 – inch and above	At cost

All installations requiring a street cut shall require an additional \$850.00 fee for a two lane roadway and \$425.00 for each additional lane thereafter.

Boring to streets shall be done at cost.

(B) Where service lines have been installed and the City is only required to inspect the connection and install a water meter, the tap fee shall be:

Meter Size	Tap Fee and Charge
5/8 – inch	\$340.00
¾ - inch	\$415.00
1 – inch	\$225.00 + cost of meter
1 ½ - inch	\$250.00 + cost of meter
2 – inch	\$275.00 + cost of meter
3 – inch and above	\$300.00 + cost of meter

The fees included herein are also exclusive of the cost of backflow prevention devices, which shall be install and tested at the customer's expense, when and as required by the City of Leander.

## Wastewater Tap Fees

(A) Where service lines must be installed by the City, the tap fee shall be \$750.00. All installations requiring a street cut shall require an additional \$850.00 fee for a two-lane roadway and \$425.00 for each additional lane.

(B) Boring to streets shall be done at cost.

(C) Where service lines have been installed, and the City is only required to inspect the connection, the tap fee shall be \$100.00.