

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING A SCHEDULE OF CHARGES FOR DRAINAGE SERVICE FOR THE MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 14, Article III, of the Code of Ordinances of the City of Allen, Texas, as amended, the City of Allen created the Municipal Drainage Utility System (“System”) in accordance with V.T.C.A., Local Government Code §552.041, et.seq., known as the Municipal Drainage Utility Systems Act (“the Act”); and,

**WHEREAS**, in accordance with §552.045(d) of the Act and Section 14-72 of the Code of Ordinances of the City of Allen, Texas, the City Council of the City of Allen, established a schedule of drainage charges to be levied on real property that will benefit from and use the System except those properties otherwise exempt from such under the Act or as otherwise set forth in Section 14-74 of the Code of Ordinances of the City of Allen, Texas; and,

**WHEREAS**, in accordance with §552.047, the City of Allen, Texas, may change, adjust, and readjust the rates and charges for drainage services from time to time; as the result of the increased cost of repairing, expanding, operating, and maintaining the System and the need to provide an even greater equity of drainage charges for users of the System, the City Council of the City of Allen, Texas, finds it to be in the public interest to amend the schedule of drainage charges for the System in order to provide adequate revenue to pay the costs of operating the System.

**WHEREAS**, the City Council of the City of Allen, Texas, finds that notice of the public hearing held this date was made in accordance Section 552.045(c) and (d) of the Act and that a public hearing with respect to the subject matter contained in the Resolution has been held in accordance with the Act prior to the passage of this Resolution; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The property classes set forth in this resolution shall be as defined in Section 14-73 of the Code of Ordinances of the City of Allen, Texas.

**SECTION 2.** Every owner of non-exempt property within the Municipal Drainage Utility System shall pay each and every month a Base Drainage Charge in an amount equal to the greater of:

- (a) the Base Rate for the respective property class set forth in Section 5, below, multiplied by the total acreage of the property being assessed; or
- (b) \$3.50.

**SECTION 3.** In lieu of the Base Drainage Charge and upon the determination of the impervious acreage within the boundaries of the property to be assessed in accordance with Section 4, below, owners of non-exempt property classified as anything other than Single Family Residential may pay each and every month an Alternate Drainage Charge in an amount equal to the greater of:

- (a) the Alternate Rate for the respective property class set forth in Section 5, below, multiplied by the impervious acreage of the property being assessed; or
- (b) \$3.50.

**SECTION 4.** The impervious acreage of a property to be assessed shall be determined by the City Engineer upon review of a survey of the property prepared and sealed by a Texas registered professional engineer or a Texas registered professional land surveyor which survey shows the location of the impervious area of the property and calculates the acreage of the impervious area.

**SECTION 5.** The Base Rates and Alternate Rates for each property classification shall be as follows:

<b>Property Classification</b>	<b>Base Rate</b>	<b>Alternate Rate</b>
Single Family Residential Property	\$3.50 per dwelling located on the property	n/a
Multi-Family Residential Property	\$21.99	\$24.44
Commercial/Industrial Property	\$21.99	\$24.44
Day Care Facility	\$17.10	\$24.44
Religious Facility	\$17.10	\$24.44

**SECTION 6.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution, which shall remain in full force and effect.

**SECTION 7.** All prior Resolutions of the City of Allen, Collin County, Texas, in conflict with the provisions of this Resolution, and the same are hereby repealed; provided, however, that all other provisions of said Resolutions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 8.** This Resolution shall be effective on November 1, 2017, and it is accordingly so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 10<sup>TH</sup> DAY OF OCTOBER 2017.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**ATTEST:**

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**Shelley B. George, CITY SECRETARY**