



**POLICY FOR THE
INSTALLATION OF
COMMUNITY FACILITIES**

FORT WORTH, TEXAS

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A GUIDE TO LAND DEVELOPMENT

The following outline is prescribed as a guide for developing land in Fort Worth.

1. Make contact with the Development Department for guidance as to what steps are needed before land can be developed and used. It may also be advisable to contact the Transportation and Public Works Department, Water Department, Parks and Community Services Department, Planning Department and the Applications Division of the Development Department. The Development Department will give advice as to how much of the following outline will need to be followed for a particular piece of property.
2. Make formal request for annexation if area is not totally within the City, but is contiguous to the City limits.
3. File a concept plan with the Applications Division (Lower Level, Municipal Building) if you are not submitting a subdivision plat for the entire parcel.
4. File an application to amend Master Thoroughfare Plan with the Applications Division, if required.
5. File preliminary or short form plat with Applications Division.
6. File an application to vacate streets, alleys, easements and/or plats and applications for zoning changes with Applications Division.
7. After approval of preliminary plat, make request by letter to the Department of Transportation and Public Works for a community facilities agreement. Please include with the letter cost estimates and exhibits. (Community facilities include streets, street lights, street name signs, storm drains, water, sewer and park facilities, see page A-1.)
8. The City will participate in the costs of oversizing road, street, street lights, street name signs, traffic control devices, and drainage improvements. Subject to the exceptions listed in Section II, paragraph 7.C, the developer has the option to competitively bid the project and base City participation on the unit prices contained in the bid or to calculate City participation based on unit costs adopted by the City from time to time.
9. Execute community facilities agreement and provide the developer's financial guarantee. The Community Facilities Agreement is then presented to the City Council for approval.
10. File final plat or short form plat (see #5 above) with Applications Division. Upon approval of plat and submittal of a tax certificate reflecting that no taxes on the property are delinquent, the City will file the plat in the county plat records.

11. Construct community facilities as agreed to in the community facilities agreement and provide utilities as needed.
12. Land is now ready for a building permit.

NOTE: The above outline is intended to be used as a guide, and is not meant to be a complete list of requirements. Additional requirements may be imposed.

REQUIREMENTS FOR A COMMUNITY FACILITIES AGREEMENT REQUEST

The following must be submitted to the Director of Transportation and Public Works Department in accordance with the “Policy for Installation of Community Facilities”:

1. Name, mailing address/(local), telephone and fax numbers of developer and whether developer is an individual, corporation, partnership, joint venture, limited liability company or other entity.
2. Exact name and title of person(s) authorized to sign Community Facilities Agreement (CFA).
3. Filing fee of \$500.00 made payable to City of Fort Worth.
4. If developer is not an individual, copy of partnership or joint venture agreement, limited liability company regulations, corporate resolution or other documentation satisfactory to the City to establish authorization to sign the Community Facilities Agreement on behalf of the developer.
5. Submissions as per “Policy for Installation of Community Facilities” below:

COST ESTIMATE	Estimate for Developer’s Share of Cots	Estimate for City’s Share of Costs	Estimate for Total Costs of Project	MYLARS* Exhibit Showing Configuration of Development Size 8 ½” 11 ”
WATER LINES (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “A”
SANITARY SEWER (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “A-1”
STREETS OR ASSESS- MENT PAVING (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “B”
STORM DRAINAGE (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “B-1”
STREET LIGHTS (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “C”
PARKS (if required)	REQUIRED	REQUIRED	REQUIRED	EXHIBIT “D”
TOTAL PROJECT	REQUIRED	REQUIRED	REQUIRED	LOCATION MAP <u>REQUIRED</u> – Show development’s relationship to City

SECTION I: DEFINITIONS

APPROACH STREET:

A new route or an open street not adjacent to a subdivision being platted, but which provides access or improved access to such subdivision.

APPROACH MAIN OR BOUNDARY FACILITY SERVICE CONNECTIONS:

Service connections located outside the development for which the “approach main” or “boundary facility” is constructed, and connected directly to the “approach main” or “boundary facility”.

APPROACH MAINS:

- a. Water
The offsite main required to connect a development to a source of ample supply, which shall not be less than eight inches in diameter.

- b. Sewer
The sanitary sewer required by the Water Department to serve the entire drainage area in which it is to be constructed, both inside and outside of a developer’s property, under ultimate development conditions, to connect sanitary sewer facilities in the development to the City sanitary sewerage system.

ARTERIAL ROADWAY:

Part of the roadway system that serves as a principal network for through traffic flow. Such roadways connect areas of principal traffic generation and include major thoroughfares and highways entering the City.

ASSESSMENT ADMINISTRATION:

Assessment administration costs includes advertising, filing fees, salaries, and all other associated costs in the City’s efforts in administering the assessment paving program.

BACK LOT:

Residential lot abutting two streets, but facing on the street not being improved.

BORDER DRAINAGEWAY:

A creek, channel, or low area which, in its natural state, conveys storm water runoff generally along the boundary of two properties which are under separate ownership; or a drainageway formed or excavated along such a boundary by work such as fill, berms, retaining walls, excavation, or features such as railroads, pipelines, or private roadways.

BORDER STREET:

A street that divides properties under a separate ownership, one side of which is adjacent to property being platted for development.

BOUNDARY STREET:

A street that forms a boundary between two municipalities.

BRIDGE:

A structure that supports a public street where it passes over a drainage way or street.

CCN:

The Certificate of Convenience and Necessity for water or sewer utility service issued by the Texas Natural Resource Conservation Commission to a public or private organization to provide exclusive water or wastewater service to a defined area.

CFA:

Community Facilities Agreement.

CITY:

City of Fort Worth, Texas.

CITY CODE:

The City Code of the City of Fort Worth (1986), as amended.

COLLECTOR STREET:

A distribution and collection roadways serving traffic between major arterials and local roadways that is used mainly for traffic movements within residential, commercial and industrial areas.

COMMERCIAL DEVELOPMENT/COMMERCIAL PROPERTY:

All properties, other than one- and two-family residentially zoned properties, that require extensions of community facilities due to new construction or expansion of existing improvements on the property.

COMMERCIAL ESTABLISHMENT:

Any establishment other than a one- or two-family residence.

COMMUNITY FACILITIES:

Streets, storm drains, water and sanitary sewer facilities, bridge, culverts, and such other public facilities that are constructed under a community facilities agreement.

COMMUNITY FACILITIES AGREEMENT OR CONTRACT:

A contract between the developer and the City for the construction of one or more of the following public facilities within City public right-of-way or easement: water, sanitary sewer, street, storm drain, street light, and street name signs. A contract may include private facilities within right-of-way dedicated as private right-of-way or easement on a recorded plat.

CONSTRUCTION ENGINEERING shall consist of the following:

- a. Review and approval of plans and specifications and contract documents.
- b. Advertising and receipt of bids and award of contracts (if required).
- c. The setting of line and grade stakes from the approved plans.
- d. Necessary laboratory tests to assure compliance with plans and specifications except those specified in the project specification documents.
- e. Field inspection to assure compliance with plans and specifications.
- f. Review and approval of change orders submitted by developer's design engineer.
- g. Preparation of monthly estimates and final payments to the construction contractor.
- h. Final inspection for acceptance of project by City.

COUNCIL:

The duly elected and qualified governing body of the City of Fort Worth, Texas.

CURBLINE:

An imaginary vertical line that intersects the back of the curb of an existing or proposed street.

CULVERT:

A conduit that carries storm water underneath a street.

DEDICATED STREET OR ALLEY:

Any street or alley for which the right-of-way has become public property through platting, deed, or public usage as defined by law.

DEPARTMENT:

The department having jurisdiction over work being performed, including the Water Department, Department of Transportation and Public Works, or the Department of Engineering.

DESIGN ENGINEERING:

All necessary studies, tests, preliminary plans, and other documents necessary for the preparation of complete plans, specifications and contract documents meeting the approval of the department having jurisdiction over the work.

DEVELOPER:

- a. Any type of new water or sewer customer other than a "single customer".
- b. The owner or its agent of a tract of land that has been subdivided or is being subdivided.

DEVELOPMENT:

A tract of land to which a developer is extending street, storm drainage, water and/or wastewater facilities to provide service to one or more existing or proposed lots within the tract.

DIRECTOR:

The director of the Water Department, the director of the Department of Transportation and Public Works, or the director of the Department of Engineering, as the case may be, or his or her designee.

DRAINAGE PLAN:

A general plan for handling the storm water affecting property proposed for development. The drainage plan shall show how and where water will be received from adjacent higher areas; how and where it will be collected and handled within the property; and how and where it will be discharged to a recognized drainageway in a lower area. The plan shall deal with individual watershed areas as necessary; show the proposed phasing of development and attendant phasing of drainage improvements; describe any unusual water features anticipated; provide topographic, physical and geographical information as required for concept plans per the Plan Commission Rules and Regulations; and form the basis for subsequent review of design plans submitted for property to be final platted.

EARTHWORK:

In regard to assessment paving, shall mean excavation, grading, borrow, embankment, clearing and grubbing, and preparation of right-of-way.

ENHANCED COMMUNITY FACILITIES AGREEMENT:

Any CFA that varies from this "Policy for Installation of Community Facilities".

EXISTING DEVELOPED RESIDENTIAL AREA:

A defined area in which at least fifty-one percent (51%) of the lots of record already have existing improvements and in which a community facility is required for the benefit of the area as a whole.

FIRELINE:

A private line for fire protection purposes connected to the Fort Worth water system that connects to a fire extinguishing system with an automatic sprinkler system, a standpipe system, a combined system, basement pipe inlet, and/or private fire hydrants.

FRONT FOOT CHARGES:

a. Water

The charge made for a connection to a water main, in addition to the regular tap or service connection fee, based on the front footage measurement of the property to be served. The amount of the front foot charge shall be established by ordinance.

b. Sewer

The charge made for a connection to a sanitary sewer, in addition to the regular service connection charge, based on the front footage of the property served. The amount of the front footage charge shall be established by ordinance.

FRONT FOOTAGE:

The number of linear feet in that portion of a property boundary abutting a street, alley, or easement containing a sanitary sewer or water facility for which front foot charges are collected for connection.

In the case of an easement containing a sanitary sewer for which front foot charges are collected for connection, which sewer crosses through the property to be served, the "boundary" on which the front foot charge is to be based shall be the length of the sewer within the limits of such property, measured along the center line of such sewer.

Front footage to be used in application of front foot charges shall be determined as follows:

- a. The front foot charge shall apply directly to property platted into the usual rectangular lots or tracts of land, except that the minimum front footage to be used in determining a charge to be made for connection of a one unit or a two unit residence shall be 100 feet.
- b. Where the property served is irregular in shape, the front footage shall be computed as one-sixth of the perimeter of such property, except that in no case shall the charge for a one unit or a two unit residence on such property be based on a front footage in excess of 100 feet. A front foot charge will be due each time a connection is made to a different water or sewer facility from such irregularly shaped lot or tract.
- c. On property which is rectangular in shape and has more than one boundary abutting a street, alley or easement containing a sanitary sewer or water facility servicing the property, only that boundary across which a connection is effected will be used in determining front foot charges, except as provided under a, b, and .
- d. Where one or more residences are located on an unsubdivided tract, each such residence shall be charged for a front footage of 100 feet, with the provision that if the property is later subdivided into lots, each requiring additional connection to a sanitary sewer or water facility will be charged for front footage in the usual manner. Commercial property will be charged on the basis of actual front footage as defined above under a, b, and c.

INTERIOR STREET:

A street that is located within a development and is being platted, a street that has been platted and is not open on the ground, and/or an open street that bisects property under a single ownership.

IRREGULARLY SHAPED LOT:

A lot, either residential or commercial that has an irregular shape, such as triangular.

LOCAL OR MINOR STREET:

A roadway used primarily for direct access to residential, commercial, industrial, or other abutting property. Does not include roadways carrying through traffic.

MAJOR THOROUGHFARE:

See “Arterial Roadway”

NEW DEVELOPMENT:

The construction or installation of community facilities (including without limitation streets, storm drains, water, and sewer) in an undeveloped area.

NEW STREET CONSTRUCTION:

Paving of a street that has not previously been paved, or that has been surfaced, but is not on City grade.

NON-CONFORMING USE:

A use of property that was legal when established but that no longer conforms to the zoning ordinance.

NON-PROFIT PROPERTY:

Any property such as churches or schools that is carried as exempt on City tax rolls.

ON-SITE MAINS:

- a. Water
An on-site water main is one that provides service within a development or subdivision
- b. Sewer
An on-site sanitary sewer main is one designed to serve the entire drainage area in which it is to be constructed both inside and upstream from all or part of a developer’s property, under ultimate development conditions, but which is located entirely within the limits of the development.

OPEN STREET OR ALLEY:

Any street or alley for which the right-of-way has become public property through platting, deed, or public usage as defined by law, and which is presently being used by vehicular traffic.

ORDINANCE:

City of Fort Worth Ordinance No. 7234, as it may be amended from time to time, amending the Code by adding Appendix H, which Appendix shall constitute the “Subdivision Ordinance of the City of Fort Worth”.

OWNER-OCCUPIED RESIDENCE:

A building used as the actual residence of the owner, with the only commercial enterprise being rental of one part of a duplex or one room of the building for residential purposes.

PUBLIC WATER:

The concentration of surface water flowing through or from public land, right-of-way or easements. Public water must be contained within a drainage easement until these waters return to a natural flow condition.

REDEVELOPMENT:

The reconstruction or the improvement of an area within a built-up area with existing community facilities.

RESIDENTIAL DEVELOPMENT:

Any platted residential property along a street where the greater portion of the property footage between two intersecting streets is owned by the individual or firm developing all or any part of the lots, or any new residential platting.

In the case of storm drain policy, this designation shall apply to all residential subdivisions in which houses are not constructed on at least 51 percent of the lots of record within the area defined as requiring community facilities.

RESIDENTIAL PROPERTY:

Property zoned “A-43”, “A-21”, “A-10”, “A-7.5” or “A-5” one-family, “B” two-family, “R-1” or “R-2” Residential or “AR” residential and used for either one-family or two-family dwellings.

SERVICE CONNECTIONS:

- a. Water
The connection between a water main and the water meter through which a given property is supplied with water.
- b. Sewer
That portion of the house sewer located in the roadway of a public street between the main or lateral sanitary sewer in such street and a point approximately three feet behind the curb line of such public street nearest to the site to be served, or to that portion of the house sewer located in a public alley, or to the tap and test tee installed for connection to a sanitary sewer located in the parkway of a public street or in an easement.

SHORT FORM COMMUNITY FACILITIES AGREEMENT:

A letter agreement between a Developer and the City for the installation of storm drainage, street, water or sanitary sewer improvements involving no City cost participation.

SIDE LOT:

Residential property abutting two streets at their intersection, with the longer street frontage being the side of the lot.

SINGLE CUSTOMER:

An existing occupied residential establishment or an existing commercial establishment not presently connected to the City's water and/or sanitary sewerage systems.

STORM DRAIN PIPE:

A continuous pipe that carries storm water beneath the surface of the ground.

STREET:

Property dedicated for the public's use for vehicular and/or pedestrian traffic, including a street dedicated as a private street.

STREET RECONSTRUCTION:

The widening and/or complete rebuilding (including base rehabilitation and new surface construction) of an existing street that has an asphalt, concrete or brick surface built on City grade.

UNOPENED STREET OR ALLEY:

Any dedicated street or alley that is not being used by vehicular traffic.

**SECTION II: PROCEDURES FOR OBTAINING A CONTRACT
FOR THE INSTALLATION OF COMMUNITY FACILITIES**

1. Contract for the Installation of Community Facilities Required:

A contract for the installation of community facilities is required when community facilities are needed and whenever any new construction is planned. The life of a standard Community Facilities Agreement (CFA) shall be two (2) years. The City's obligation to participate (exclusive of front foot charges) in the cost of the community facilities shall terminate if the facilities are not completed within two (2) years; provided, however, if construction of the community facilities has started within the two year period, the developer may request that the CFA be extended for one year. If the community facilities are not completed within such extension period, there will be no further obligation of the City to participate.

City participation in a CFA shall be subject to the availability of City funds and approval by the Fort Worth City Council.

2. Information Regarding Proposed Contracts:

Information concerning proposed contracts for installation of community facilities can be obtained from the Transportation and Public Works, Water or Development Departments.

3. Requests for Preparation of Community Facilities Agreements:

- A. The developer shall request in writing a formal CFA with the City providing for the installation of all streets, storm drainage, street lights, electronic traffic signals, water and/or wastewater facilities within the development along with all required approach facilities and provide the appropriate department with plans and specifications for the proposed community facilities.
- B. The plans and specifications in a format acceptable to the City for the construction of the community facilities shall be prepared by an engineer licensed to practice in the State of Texas. For water or sewer extension projects of less than 600 feet using pipe sizes of 12 inches or smaller, the developer may request the City to design the project at a cost of 10% of the total construction cost. If the plans and specifications meet the applicable policies, regulations and design criteria, they shall be approved by the City. The determination as to compliance of the plans and specifications with applicable policies, regulations and design criteria shall be the sole responsibility of the Director.
 - 1. Approval by the City of the plans and specifications shall not constitute or be deemed to be a release of the responsibility and liability of the developer and its

engineer, their officers, agents, employees and subcontractors, for the accuracy and competency of the plans and specifications, including but not limited to surveys, location of subsurface investigations, design, working drawings and specifications and other engineering documents.

2. Such approval shall not be deemed to be an assumption of such responsibility and liability by the City for any negligent act, error or omission in the conduct or preparation of the subsurface investigation, surveys, designs, working drawings and specifications and other engineering documents by the developer and its engineer, their officers, agents, employees and subcontractors, it being the intent of the parties that approval by the City signifies the city's approval of only the format of the plans and specifications and the general design concept of the improvements to the constructed.

C. Before a developer may award a contract for the construction of community facilities:

1. For water and wastewater facilities, the contractor must be prequalified in accordance with the requirements of the Water Department.
2. For street and storm drainage facilities, the contractor must be licensed and bonded to do work in the public streets in accordance with the City Code.

2. Early Construction of Water and Sewer Facilities:

If the developer desires that work be started on water and/or sanitary sewer facilities in advance of execution of the contract covering installation of all facilities, such work may be initiated in the following manner:

- a. Submit a written request to the Water Department that construction work on water and/or sewer facilities be initiated at the earliest possible time, even if before the requested contract providing for these and other facilities is executed, and stating his understanding that such facilities will not be connected and placed in service until the contract is executed.
- b. As determined below, deposit funds for the developer's share of the cost of such water and/or sewer facilities prior to award of a construction contract, if work is to be done by a private construction firm, or prior to issuance of a project authorization, if construction is to be done by City forces.
- c. It is necessary that the subdivision plats be recorded prior to water and sewer facilities construction and that street profiles and storm sewer design grades be established before the water and sanitary sewer facilities are designed.

5. Approval of Community Facilities Agreements With City Participation:

After the CFA has been signed by the developer and returned to the appropriate City department, together with the financial guaranty, it will be submitted to the City Manager for review. If the provisions of the CFA conform with, or exceed minimum requirements of City Council policies for the installation of community facilities, the City Manager will submit the CFA to the City Council for authorization to execute it. If any special provisions or deviations from established policies are included in the CFA, specific approval of those provisions by the City Council is required. Approximately three weeks are normally required before the CFA can be scheduled on the agenda of the City Council meeting.

6. Developer's Financial Guaranty:

A. Time for Providing Financial Guaranty

At the time a CFA is executed, the developer shall provide the City with adequate financial security to guaranty the developer's obligations under the CFA, which include but are not limited to the developer's obligations to construct all the community facilities contemplated by the CFA and the payment by the developer to all contractors with whom the developer has a contract. No construction work shall ever begin until the financial guaranty has been accepted and approved by the City.

B. Form and Amount of Financial Guaranty

1. The developer shall provide its financial guaranty in one of the following forms:

a. Developer Bond

A developer bond in the total amount of the developer's share of each or all contracts for the construction of the community facilities contemplated by the CFA shall be provided to the City. The developer and a surety company acceptable to the City on forms provided by the City shall execute the bonds. The bond must meet the requirements of Chapter 2253, Texas Government Code and must be executed by a corporate surety in accordance with Article 7.19-1, Vernon's Texas Insurance Code, as same may be amended from time to time.

b. Escrow Pledge Agreement

An Escrow Pledge Agreement in the amount of 125% of the developer's share of each or all contracts for the construction of the community facilities

contemplated by the community facilities agreement shall be provided to the City. The Escrow Pledge Agreement shall be on forms provided by the City. The additional 25% above the actual the developer's share shall be considered the developer's change order fund.

With City approval, the developer may make timely withdrawals from the escrow account to pay its contractor(s) based upon the amount of construction work completed as approved and verified by the Director of the department having jurisdiction over the work.

c. Completion Agreement

A Completion Agreement in the amount of 100% of the developer's share of each or all contracts for the construction of the community facilities contemplated by the CFA shall be provided to the City. The Completion Agreement shall be on forms provided by the City. With City approval, the developer may make withdrawals timely from the funds deposited as required by the Completion Agreement to pay its contractor(s) based upon the amount of construction work completed as approved and verified by the Director of of the department having jurisdiction over the work.

If a Completion Agreement is used to guaranty the developer's obligations under the CFA, the plat shall not be filed until the community facilities are substantially completed and all Hard Costs (as defined in the Completion Agreement) contractors have been paid, less retainage.

d. Letter of Credit

A letter of credit in the amount of 125% of the total amount of the of the developer's share of each or all contracts for the construction of the community facilities contemplated by the CFA shall be provided to the City. The letter of credit shall be issued by a financial institution having a net worth of at least \$500,000,000.00 and shall otherwise be acceptable to the City in its sole discretion. The financial institution shall be located in Tarrant County, Texas and the letter of credit shall be presentable and drawable at such location. The additional 25% above the actual developer's share shall be considered the developer's change order fund.

e. Cash Deposit

A cash deposit in the amount of 125% of the total amount of each or all contracts for the construction of the community facilities contemplated by the CFA shall be provided to the City. The additional 25% above the developer's

share shall be considered the developer's change order fund. The City shall not pay any interest on cash deposits made with the City.

With City approval, the developer may make timely withdrawals from the cash deposit to pay its contractor(s) based upon the amount of construction work completed as approved and verified by the Director of the department having jurisdiction over the work.

2. Estimate of financial guaranty

In the event the financial guaranty provided by the developer is based upon estimates of construction that are less than the actual amount of the construction contract(s), additional financial security shall be provided to equal the total amount of the construction contract(s).

7. Award of Contracts for the Construction of Community Facilities:

- A. If the City is not to participate in the cost of the community facilities, the developer, at its sole option, may either negotiate its contract for the construction of the community facilities or competitively bid the contract.
- B. Except as provided for herein, where there is City participation, the developer may either negotiate or competitively bid contracts for the construction of community facilities contemplated by the CFA.

1. Negotiation of Construction Contracts

If the developer elects to negotiate the construction contract(s), City participation shall be made in accordance with unit prices contained in ordinances adopted by the City Council in the manner provided for herein.

2. Competitive Bids

If the developer elects to competitively bid the construction contract(s), the process shall be in accordance with state law. The contract shall be awarded to the lowest responsible bidder. An award of contract to any bidder other than the lowest responsible bidder shall waive the developer's right to City participation. City participation, if any, shall be determined from the actual construction costs based upon the unit prices contained within the bid proposal of the construction contract awarded for the community facilities contemplated by the CFA.

3. Time for Making Election

At the time of the execution of the CFA, the developer shall advise the City in writing the manner in which it will award a contract for the construction of the community facilities contemplated by the agreement. If the developer elects to competitively bid the construction contract(s), the bid process shall be in accordance Section II, Paragraph 6.D. Upon the advertisement for the solicitation for competitive bids, the developer's election to competitively bid the construction contract(s) shall become final and irrevocable.

C. Competitive Bidding Required for the Construction of Certain Community Facilities

Competitive bidding shall be required in the following instances:

1. Construction of water mains greater than sixteen (16) inches.
2. Construction of wastewater mains greater than twenty-four (24) inches.
3. Construction of pump stations, lift stations and storage tanks.
4. All community facilities contemplated by an Enhanced Community Facilities Agreement.
5. All other community facilities for which unit prices are not included in City ordinances adopted for the purpose of calculating City participation.
6. Where competitive bidding is required herein or where the developer elects to competitively bid the project, in order to be entitled to City participation, the following is required:

- a. Compliance with State Law and City Ordinances

The developer shall comply with all competitive bid requirements, both state and local.

- b. Notice to City.

The Director shall be informed not less than seven (7) days prior to bid opening and will be provided two copies of the bid documents.

- c. Bid Opening.

All bids shall be opened in City Hall at a time and location therein to be

designated by the City. The developer or his representative shall provide a list of all prospective bidders to the Director at least 24 hours prior to the bid opening.

4. Prequalification.

All prospective bidders must be prequalified to bid on the project in the same manner as prospective bidders must be prequalified for City awarded water and wastewater.

5. Award to Lowest Prequalified Bidder.

The developer shall let the contract for the project to the lowest responsible prequalified bidder on the work to be done. If the developer elects to award the contract to any contractor other than the lowest responsible prequalified bidder, the developer waives its right to City participation. In the event the developer wishes to award one contract for all community facilities, City participation will be limited to the amount the City would pay if separate contracts were awarded to the lowest possible combination of bidders.

6. Confirmation of Award of Contract.

Before the Department issues a confirmation of award of contract, the following items are required to be submitted or deposited with the Department:

- (a) The executed CFA must show the estimated amount of City participation. For water and sewer projects, the developer may start work in advance of the execution of the CFA by complying with Section II, Paragraph 4 of this Policy, provided that the water and/or sewer portion of the CFA showing the estimated City participation has been approved by the Director.
- (b) A bid tabulation showing the bid proposals of all the prospective bidders.
- (c) Publisher's affidavit from the official newspaper of the City.
- (d) A letter of recommendation from the developer for contract award to the lowest responsible prequalified bidder.
- (e) A breakdown of developer cost and City participation based upon the bid items contained in the lowest responsible prequalified bid.
- (f) The payment in cash of the construction inspection fee equal to two percent (2%) of the total developer share of the contract based upon the

bids contained in the bid proposal for which the contract award is recommended.

E. If the City is to award the construction contract:

1. Prior to the award of the contract, the developer shall deposit in cash with the City 125% of the developer's share of the total construction cost as calculated herein above, plus ten percent (10%) for engineering and miscellaneous cost, if the City prepares the plans, together with construction inspection and material testing fees, and all required fees and charges in accordance with City ordinances and policies.
2. Within a reasonable time after receipt of one hundred percent (100%) of the developer's cost, the Director may release all or a portion of the initial developer's financial guaranty.

8. Administration of the Construction Contract:

- A. The developer shall be responsible for the construction of all community facilities required to provide facilities or service to the development.
- B. No facilities shall be installed in a public right-of-way or easement until such right-of-way or easement has been excavated to the appropriate subgrade elevation.
- C. Prior to the issuance a notice to proceed allowing construction to start, the following are required:
 1. The CFA between the developer and the City shall be completed and executed. The developer may elect to use an Informal Developer's Agreement in accordance with Section II, Paragraph 4, "Early Construction of Water and Wastewater Facilities".
 2. Signed easement instruments or recorded final plat(s) showing all required easements for water and/or wastewater facilities which are not to be installed in proposed rights-of-way, or existing utility easements and executed railroad, state, county or such other permits as may be required.
 3. Adequate financial security to guaranty the developer's obligations as required by paragraph 5, Form and Amount of Financial Guaranty, above.
 4. Payment to the City in cash for the construction inspection and material testing fee equal to four percent (4%) of the developer's share of the construction cost of street and storm drainage facilities and two percent

(2%) of the developer's share of water and sewer facilities as stated in the construction contract. At the same time that City participation is due to the developer, the construction inspection fee will be recalculated using the actual construction contract cost based upon the actual quantities as reflected in the final payment estimate. In the event the difference in the construction inspection fee paid to the Department and the recalculated construction fee based upon the final payment estimate of the construction contract varies by more than \$25.00, the developer shall pay the City under any underpayment which the adjustment might indicate as being due, and the City shall pay the developer any overpayment.

5. Payment of required fees and charges in accordance with the City Code.
 6. Delivery to the City and contractor of the required number of street, storm plans and executed construction contracts between the developer and its contractor, which shall include the following:
 - a. A performance and payment bond in the amount of the construction contract executed by the developer's contractor and a surety acceptable to the City in the name of the developer and the City covering the construction of the community facilities.
 - b. Regardless of the amount of the contract, a maintenance bond in the amount of the construction contract executed by a surety acceptable to the City in the name of the City covering the community facilities to be constructed against defects in materials and/or workmanship for a period of one year after completion and acceptance of the facility by the City.
 - c. Insurance certificates in the amounts required by the contract documents. The City shall be added as an additional insured under all insurance policies.
 7. The developer shall require its contractor to give at least 48 hours notice to the Department of Engineering prior to work beginning in order for City inspection personnel to be available
- D. All construction of community facilities shall be subject to inspection at any and all times by the City inspection personnel, and in no case shall any community facilities be installed unless the responsible City of Fort Worth inspector is present or gives consent to proceed. The developer shall be responsible for all

laboratory tests of materials being used as may be required by City inspectors, such tests to be performed by an independent laboratory.

- E. The developer shall be responsible for all surveying, including but not limited to control points, and centerline stakes, together with cut stakes in accordance with City surveying guidelines.
- F. All estimates for partial and final payments shall be approved by the Director prior to payment by the developer to the contractor. The approval of any partial payment shall in no way constitute acceptance of the work, nor in any way affect the obligations of the developer under this Policy or the community facilities agreement.
 - 1. If the contract cost is \$400,000 or greater, such release from the financial guaranty shall equal the percentage of work completed for that period multiplied by ninety-five percent (95%). This percentage shall be applied to the actual current total contract cost to determine the amount that may be reduced upon request of developer.
 - 2. If the contract cost is less than \$400,000, such release from the financial guaranty shall equal the percentage of work completed for that period multiplied by ninety percent (90%). This percentage shall then be applied to the actual current total contract cost to determine the amount of security that may be reduced upon request of developer.
 - 3. The remaining security, five percent (5%) for projects of \$400,000 or greater and ten percent (10%) for projects less than \$400,000 together with the remaining funds from the Developer's Change Order Fund, if any, will be released to the developer after the project has been accepted by the City. Partial release of funds shall be limited to once per month. There shall be no partial release of funds for projects of less than \$25,000. Proof that the developer has paid the contractor shall be required for partial releases.
- G. If a change order is required during construction that increases City participation by more than \$15,000 or would otherwise deviate from this Policy, a change order must be approved in writing by the developer and the contractor and then submitted to the City Council for approval. The additional City participation is contingent upon the approval of the City Council.

9. MODIFICATION OF REQUIREMENTS:

Developers shall be required to dedicate right-of-way and construct community facilities only to the extent that the requirements are roughly proportionate to the impact of the

proposed development. If the City determines that the requirements for dedication of land or construction of community facilities under the “Policy for Installation of Community Facilities is not roughly proportionate to the projected impact of a proposed development, the City shall modify the requirements.

10. NEED FOR A CFA FOR CITY PARTICIPATION:

No City participation shall be paid for work performed prior to the CFA being executed by the developer and the executed CFA being delivered to the City. It is the developer’s sole responsibility to obtain a receipt from an appropriate employee of the department receiving the executed CFA. Such receipt shall be evidence that the City received the CFA.

11. LIMIT OF CITY PARTICIPATION:

State law provides that the maximum City participation shall not exceed thirty percent (30%) of the total community facilities contract price, exclusive of cost for any oversizing of community facilities required by the City. At no time shall the City reimburse the developer more than thirty percent (30%) of the actual cost of the actual work completed, even if the city has a greater than thirty percent (30%) share in a particular portion of the project.

12. COMPLETE POLICIES AVAILABLE:

Complete sets of standard “Policies for Installation of Community Facilities” as adopted by the City Council are available to all interested persons from the Department of Development.

SECTION III: WATER AND WASTEWATER INSTALLATION POLICY

Except as otherwise noted herein, Director as used in this section shall mean the Director of the Fort Worth Water Department.

The following policy shall govern the installation of all water and/or wastewater facilities within the corporate limits of the City of Fort Worth, Texas and its extraterritorial jurisdiction.

A. WATER AND WASTEWATER FACILITIES – NEW DEVELOPMENT.

1. GENERAL REQUIREMENTS FOR NEW DEVELOPMENT.

(a) EXTENSIONS.

In accordance with Section 104.303 of the Ordinance, except for property lying within the service area of a CCN owned by an entity other than the City, all platted lots (either existing or proposed) or tracts of every subdivision shall have a City water and wastewater facility extended to it to provide service. The developer shall inform the Director, in writing, of all lots and blocks within the subdivision/development to be served.

(b) DESIGN.

In accordance with Section 104.302 of the Ordinance, all water and/or wastewater systems shall be designed to meet the City design requirements, including providing for fire protection.

To determine the water and/or wastewater facilities required to provide service to the proposed development and the surrounding properties, a comprehensive water and/or wastewater facilities study is required to evaluate the adequacy of the planned water and/or wastewater facilities for the present and future needs. The study shall include a hydraulic study for water distribution systems and/or a drainage study for the wastewater collection system. The developer's engineer shall recommend the size of on-site and approach water and sewer facilities. The Director shall determine the final sizes of such facilities based upon the recommendation of the developer's engineer, City design criteria, the City Fire Code and other applicable criteria.

(c) MATERIAL/CONSTRUCTION REQUIREMENTS.

In accordance with Section 103.500, Section 104.200, and Section 104.302 of the Ordinance, all community water/wastewater systems shall be constructed utilizing materials and construction methods meeting Department specifications.

(d) APPROVAL.

In accordance with Section 103.500, all construction plans and specifications for the construction of community water/wastewater facilities shall be reviewed and approved by the Director in writing.

(e) COMMUNITY FACILITIES AGREEMENT.

In accordance with Section 104.100 of the Ordinance, a community facilities agreement, together with the acceptable financial guarantee required therein, will be required for the construction of any community water/wastewater system. No building permit shall be issued and no work shall be started for the installation of such community facilities unless and until the developer has contracted with the City to provide for the installation of such improvements.

(f) FRONT FOOT CHARGE REFUNDS.

In accordance with Section 35-58 of the City Code, front foot charges will be collected for any service connection or any extension to adjacent property from an approach water and/or wastewater main constructed by a developer or single customer property owner. These front foot charges will be refunded to the developer or single customer property owner who initiated construction of the approach facility in accordance with Section F.2 of this Policy.

(g) WATER AND SEWER PARTICIPATION ON MAINS ADJACENT TO PARK PROPERTY

The Water Department shall participate in the cost of water or sewer facilities located in the public right of way adjacent to a park to the extent such facilities exceed the minimum street frontage required by the Park and Community Services Department. Water Department participation will be calculated by multiplying the excess length times the applicable front foot charge divided by two (2). If park property is located on both sides of the public right of way, Water Department participation shall be calculated by multiplying the excess length times the applicable front foot charge.

Payment of this participation shall be made when the community facilities have been completed and accepted and the park property has been deeded to and accepted by the City.

2. STANDARD POLICY.

The developer shall cause to be constructed all water and/or wastewater facilities required to provide service to the development, subdivision or lot/tract. The division of costs of such construction shall be as follows:

(a) APPROACH FACILITIES.

(i) Standard Approach Water and Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of the approach water and/or wastewater facility sized in accordance with the Department design criteria and the City Fire Code. The approach main and appurtenances must be capable of providing water and/or wastewater service to the development from a point in the existing water and/or wastewater system that has adequate capacity as determined by previous studies as required in Section A.1.b. Standard water pipe size shall be eight (8) inches in residential and commercial development and twelve (12) inches in industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Approach Water and Wastewater Facilities.

Should the City's Master Water/Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater approach facility is required for ultimate growth considerations than the water and/or wastewater approach facility required to provide service to the development, the developer shall be responsible for one hundred percent (100%) of the cost for water and/or wastewater approach facilities designed to provide service to the proposed development. Should the City elect to install approach facilities larger than those required by subsection (i) above, the additional cost of pipe and appurtenances shall be borne by the City, subject to the availability of funds. In the event City funds are not available, the developer shall install those facilities required by subsection (i) above. City participation, if any, will be calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

(b) ON-SITE FACILITIES.

(i) Standard Size Water/Wastewater Facilities.

The developer shall be responsible for one hundred percent (100%) of the cost of all standard water/wastewater facilities required by the City design criteria and the City Fire Code. Standard water pipe size shall be eight (8) inches in residential and commercial development and twelve (12) inches for industrial development, or such larger size as may be necessary to properly serve the proposed development. Standard wastewater pipe size shall be eight (8) inches, or such larger size as may be necessary to properly serve the proposed development.

(ii) Larger Than Standard Water and Wastewater Facilities.

In the event that the City's Master Water/Wastewater Plan, Capital Improvement Plan or the City approved developer's comprehensive water and/or wastewater facilities study indicate that a larger water and/or wastewater facility than the water and/or wastewater facility required to

provide exclusive service to the development is required for ultimate growth considerations, the developer shall be responsible for one hundred percent (100%) of the cost for the water and/or wastewater facilities designed to provide exclusive service to the proposed development. Should the City elect to install larger facilities than indicated to be necessary for the exclusive service to the development, the additional incremental cost shall be borne by the City, calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

(iii) Service Connections.

The developer shall be responsible for one hundred percent (100%) of the cost of installation of water and/or wastewater service to each proposed or existing lot or tract within the development. Residential service connections shall be installed at the same time as the water and/or wastewater facilities are constructed.

(c) SPECIAL FACILITIES.

In those situations where the construction of water main transmission facilities or wastewater collector main facilities are not economically feasible, the developer may petition the Director to construct water supply facilities and/or package wastewater treatment facilities or water/wastewater pumping facilities, and, subject to the approval of the City Manager and the City Council, construct same.

(i) Facilities for Single Customer Properties.

The City Council may authorize the construction of special facilities to serve single customer properties.

(ii) Developer Cost.

When the special facilities are designed to provide service exclusively to the development, the developer shall be responsible for one hundred percent (100%) of the cost of such facilities. In the event that the City requires larger facilities be constructed to provide service to other areas, the developer shall be responsible for that portion which represents the cost of constructing facilities to provide exclusive service to the proposed development and the City shall be responsible for the remainder of the cost, provided funds are available. In the event City funds are not available, the developer shall install those special facilities as are required to provide service to the proposed development.

(iii) Best Interest of City.

The special facilities statement of this policy shall not be construed as requiring the City to

provide water and/or wastewater service to areas where normal service, as defined in this policy, is not immediately or economically available. Rather, it is intended to permit an equitable method of providing such water and/or wastewater service where the best interests of the City will be served by the use of such facilities.

(d) RELOCATION/REPLACEMENT OF EXISTING FACILITIES FOR NEW DEVELOPMENT.

(i) Developer Responsibilities.

Any replacement or relocation of an existing water and/or wastewater facility required by the developer to accommodate a contemplated or projected use of a property shall be the responsibility of the developer. In the event that the City requests that a larger line be substituted for the existing line, the City shall be responsible for the incremental installation cost calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids. If the increase in size is necessary to properly serve the proposed development or to provide capacity at least equivalent to that of the existing water or wastewater facility to be replaced or relocated, the developer shall be responsible for 100% of the cost of such water and/or wastewater facility. The plans for such replacement or relocation shall be approved in writing by the Director prior to initiation of construction.

(ii) Construction of Improvements Over Existing Facilities.

No permanent structures shall be constructed over an existing wastewater main or lateral or an existing water main. In the event that the developer desires to construct a permanent structure over an existing water or wastewater facility, the developer shall be responsible for the cost of relocating the existing facility.

3. EASEMENT REQUIREMENTS.

The developer shall be responsible for the acquisition of the following easements:

(a) MINIMUM EASEMENT WIDTH.

(i) For both water pipe less than 16" and wastewater pipe less than 18", at a maximum depth of 10 feet, the width of the required easement is 15 feet.

(ii) For larger pipe sizes, where the maximum depth is 10 feet, the following table shall apply:

<u>Size</u>	<u>Width of Easement</u>
Water pipe between 16” and 20”	20 feet
Water pipe between 24” and 30”	25 feet
Water pipe 36” and above	30 feet
Wastewater pipe between 18” and 24”	20 feet
Wastewater pipe between 27” and 48”	25 feet
Wastewater pipe 54” and above	30 feet
(iii) For all mains with depths greater than 10 feet	Depth of Pipe Times 2.0, plus the width of the pipe, plus two feet, rounded up to the nearest 5 ft. width of easement shall not exceed 50 feet unless required by special circumstances.

(b) EASEMENTS WITHIN DEVELOPMENT.

Within the development the developer shall be responsible for providing the following easements:

- (i) All easements required for water or wastewater facilities installed within the development.
- (ii) All easements that are required for larger water transmission mains or wastewater mains that are not installed as part of the initial construction of the development.

(c) EASEMENTS FOR APPROACH MAINS.

- (i) The developer shall be responsible for 100% of the cost to acquire easements for all approach mains sized solely to properly serve the proposed development (no over-sizing required).
- (ii) Where facilities are over-sized (greater than that which the developer needs to properly serve the proposed development) where the City desires to acquire a larger easement for future facilities, the City shall acquire all easements for approach mains through negotiation and/or condemnation. The developer shall be responsible for the cost of that

portion of the easement required to properly serve the proposed development and the City shall be responsible for that portion of the easement required for over-sizing, or for future facilities. (See table, section B.3.a).

(iii) The City shall not be responsible to the developer for any delays, costs, expenses, or damages of any kind or nature caused to the developer during the time that the City is in the process of acquiring any easements through negotiation and/or condemnation.

(iv) In the event the developer desires to acquire the easements required in (ii) above, the developer shall notify the City in writing. In such case, the developer shall be responsible for 100% of the cost of the entire easement.

(d) EASEMENTS REQUIRED FOR RELOCATION/REPLACEMENT.

The developer shall dedicate such easements or right-of-ways within the development as may be required to permit construction of the relocation/replacement. Responsibility for the acquisition of easements outside of the development shall be as provided for easements for approach facilities.

(e) FORMAT.

All easements instruments shall be in a standard City format and otherwise acceptable to the City. For each permanent easement submitted, a minimum of three easement instruments with original signature(s) of the property owner(s) and notary signature/seal are required. For each temporary construction easement submitted, a minimum of two easement instruments with original signature(s) of the property owner(s) and notary signature and seal are required.

B. EXTENSIONS FOR EXISTING SINGLE CUSTOMER PROPERTY.

The following policy shall govern the installation of water and/or wastewater facilities to property that has existing occupied residential or commercial establishments that are currently not connected to and served by the City's water and/or wastewater system:

1. EXTENSIONS TO ONE SINGLE CUSTOMER PROPERTY.

(a) LESS THAN 200 FEET.

When it is necessary to extend a water and/or a wastewater facility to serve an existing single customer property, the City, at its expense, will extend the required water and/or wastewater facility up to 200 feet to the closest property line of the lot involved. The property owner will be responsible for all other costs, as required by the City Code.

(b) GREATER THAN 200 FEET.

If the extension to the nearest property corner of the existing single customer property should exceed 200 feet, the property owner shall pay to the City the actual cost of extending the water and/or wastewater facility in excess of 200 feet, together with such other costs as required by the City Code.

(c) PAYMENT.

Payment shall be made prior to the beginning of construction. In the event payment cannot be in full, the property owner may execute a mechanic's lien and note to guarantee payments of the extension cost. In the event the Director agrees to the execution of the mechanic's lien and note, the note shall be for a term not to exceed five years and shall bear interest at the highest rate permitted by law. All cost of filing of the mechanic's lien shall be the responsibility of the property owner. Any refund of front foot charges which may become due to a single customer property owner making payments on such a mechanic's lien will be credited against the lien until such lien is satisfied.

2. EXTENSIONS TO MULTIPLE EXISTING SINGLE CUSTOMER PROPERTIES.

(a) ADDITIONAL CREDITS FOR ONE EXISTING SINGLE CUSTOMER PROPERTY.

If more than one existing single customer property is to be served by the extension of water and/or wastewater facilities, a credit from the City of up to the actual water and/or wastewater construction costs for a length of 200 linear feet will be allowed for each existing single customer property connected as of the time of construction, and any excess length will be paid for at the actual cost of the total excess length. The actual number of single customer properties connected to such extension at the time of construction shall be responsible pro rata for payment to the City for such excess length. Properties connecting to such extension after completion of construction shall be subject to front-foot charges, such charges to be refunded as provided elsewhere herein.

(b) NUMEROUS SINGLE CUSTOMER PROPERTIES–BUILT-UP AREA.

In the case of a built-up area where there are numerous prospective existing single customer properties without existing water and/or wastewater facilities to provide service, such facilities can be extended with each existing single customer property receiving a credit of 200 linear feet of extension per existing single customer property. To receive this credit, petition must be submitted to the Director with the names signed and printed, addresses, legal description of the property, telephone numbers, and appointing a committee of not more than five property owners of the area to be served. All property owners included in the area must authorize the committee to act in their behalf in negotiating with the City on all matters pertaining to the water and/or

wastewater installation. Committee representatives shall be designated in writing as the contact person to coordinate with Water Department staff.

(i) Department Responsibilities.

The Department at its cost will furnish the necessary maps and plans and perform the engineering work connected with the water and/or wastewater facility extensions.

(ii) Committee Responsibilities.

The committee shall be responsible for all contact with the other property owners in the area to be served and for collecting and depositing with the Department all required funds to be paid by the existing single customer property owners.

(iii) City Cost.

The City at its expense shall extend water and/or wastewater facilities up to 200 linear feet for each existing single customer property that has met the requirements of this section.

(iv) Payment.

The actual number of single customer properties connected to the extension shall be responsible pro rata for payment to the City for any excess length. Payment for the extension and such other costs as may be required by the City Code will be made in advance of the construction, unless other arrangements are made in advance, including the execution of a mechanic's lien and note.

(v) Limit of Extension.

The City will not extend the water and/or wastewater facility beyond the point of extension to serve the last existing single customer property represented by the committee.

(c) MAXIMUM NUMBER OF 200 FOOT CREDITS.

No more than one extension credit of 200 feet will be allowed for each separate existing single customer property lot or tract of record to be served, regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.

3. SERVICE AVAILABILITY.

The existing single customer property shall not be connected for service until the appropriate extension costs along with any associated connection charges have been paid to the City, or arrangements have been completed for payment of such charges in a manner set forth herein.

4. FRONT FOOT CHARGE REFUNDS.

Any property owner connecting to a water/wastewater facility constructed by the City and paid for by a single customer property owner(s) will be charged front foot charges, such charges to be refunded to the single customer property owner(s) who paid for the excess length. Front foot charges shall be in addition to such costs, expenses and fees as provided for by the City Code. The single customer property owner(s) who participates in the cost of water or wastewater extensions will be eligible for refunds equal to, but not greater than, the amount of their participation in the cost of excess length in the facility constructed. Any refund of front foot charges which may become due to a single customer property owner(s) making payments on a mechanic's lien note will be credited against the note until such lien is satisfied.

5. EXTENSION OF WASTEWATER FACILITIES TO PROTECT THE PUBLIC HEALTH.

(a) REQUIREMENTS FOR EXTENSION.

After notification by the Director of Public Health of a public health hazard, the Director shall request approval of the City Council to extend wastewater facilities to serve residents within the public health hazard area.

(b) CONNECTION TO EXTENSION.

Within 90 days after the completion of the extension of the wastewater facility, all single customer properties within one hundred feet of said facility shall be required to make connection. The single customer property owner shall pay all fees and charges, other than the cost of the extension.

C. OTHER REQUIREMENTS FOR WATER/WASTEWATER CONSTRUCTION.

1. SERVICE CONNECTIONS.

Service lines shall not be connected to a water and/or wastewater facility until a CFA has been executed and the water/wastewater facilities to which they connect have been completed and accepted by the City.

2. SERVICE CONNECTIONS TO LARGE MAINS.

Water transmission mains greater than 16" in diameter or wastewater mains greater than 24" in diameter shall not be tapped for service connections. When circumstances deem that such a connection is in the best interests of the City as determined by the Director, then the connection shall be made by the developer in accordance with City Policies and procedures. The developer may request in writing that the City install the service connection and the developer shall be responsible for the cost of connection.

3. SERVICE CONNECTIONS ACROSS STREETS.

Service connections to property adjacent to a street containing water and/or wastewater facilities will not be allowed in the following cases unless it is determined by the Director to be in the best interest of the City:

(a) DIVIDED STREETS WITH A MEDIAN.

A service connection shall not be made to a water/wastewater facility located in the parkway on the opposite side from the property requesting service. In addition, a service connection shall not be made to a water/wastewater facility located under the street pavement on the opposite side of the median from the property requesting service.

(b) WIDE STREETS.

A service connection shall not be made to an existing water/wastewater facility located more than 54 feet from the nearest curb line to the property for which service has been requested.

(c) STREET CUTS.

In no case shall a street be excavated for a water or wastewater service for more than 40 feet.

(d) EXTENSIONS.

In those cases where service connections are prohibited, the property owner shall install water/wastewater main extensions to a point behind the nearest curb line to the property to be served, where a service connection can be installed. In the case of a divided street or wide street, a developer owning property on both sides of the street shall be responsible for 100% of the cost of the required main along each side of the street.

4. METER LOCATION.

Water meters shall be located at the front of the property to be served in the street right-of-way behind the curb, except when the Director shall determine that it is in the best interest of the City to do otherwise.

5. COMMERCIAL/INDUSTRIAL/APARTMENT DEVELOPMENT.

In the case of a single platted tract being developed as a commercial, industrial, or apartment complex, water and/or wastewater service will be provided as follows:

(a) WATER.

Water service will be provided to the property boundary and along the entire frontage of the property in the usual manner with City participation in the cost of extending such service as provided elsewhere in this policy. The property owner may petition the Director to extend water facilities within the single platted tract. When it is in the best interest of the City, such extensions may be made for the purpose of providing fire protection, provided that such extensions are made within easements dedicated to the City for such purpose. The developer shall be responsible for 100% of the cost for extending such service, including the cost of any required easements.

(b) WASTEWATER.

Wastewater service will be provided to the property boundary and along or across the entire property in the usual manner, with the City participating in the cost of extending such service as provided elsewhere in this policy. The owner of the single property shall be responsible for 100% of the cost for the connection to the wastewater main and for any easements that may be required.

6. SUBSTANDARD WATER MAINS.

(a) SERVICE CONNECTIONS.

Where water service can be provided by an existing substandard water main, connection will be permitted in accordance with City policies and procedures provided that the Director approves the connection. The property owner requesting service shall be responsible for the appropriate fees and charges required by the City Code.

(b) RECONNECTION OF EXISTING WATER SERVICES.

All existing water service connections to a substandard water main replaced by an improved or new main will be reconnected without charge.

7. STORM DRAINS INCLUDED IN WATER/WASTEWATER CONTRACTS.

Storm drain facilities may be included in a bid proposal for the water and/or wastewater facilities, provided the Director and the Director of the Transportation and Public Works Department approve its inclusion. Any participation by the Water Department will be calculated in accordance with the ordinance establishing unit prices for city participation in community facilities agreements or based upon unit prices contained within competitive bids.

D. SPECIAL ASSESSMENT FOR CONSTRUCTION OF WATER AND/OR WASTEWATER FACILITIES.

1. ELIGIBILITY CRITERIA.

The following is the criteria for establishing eligibility of a water or wastewater facility for construction under the special assessment policy:

(a) PETITION.

The owners of at least fifty percent (50%) of the benefited and assessable areas must sign a petition requesting that the City Council certify that there is necessity for the improvements to be considered for construction under the Assessment Utility Construction Policy, and such a petition must be filed with the Director.

(b) STATE LAW.

State law shall control a water and/or wastewater construction project to be assessed against abutting property owners.

E. OWNERSHIP AND MAINTENANCE.

1. TITLE TO ALL WATER AND WASTEWATER MAINS.

Title to all water and wastewater mains constructed under this policy that have been completed and accepted by the Director, except title to wastewater service connections, shall be vested in the City.

2. TITLE TO ALL WATER AND WASTEWATER SERVICE CONNECTIONS.

(a) WATER SERVICE CONNECTIONS.

(i) Domestic/Irrigation Service Connection.

Upon completion and acceptance by the Director, title to all water service connections for domestic/irrigation service from the water main to the meter, to include the meter and meter box or vault, shall be vested in the City.

(ii) Fire Line Connection.

Upon completion and acceptance by the Director, title to all fire line connections from the water main to the gate valve on the City side of the double detector check shall be vested in the City. Installation of the double detector check shall be in accordance with the Water Department's Backflow Prevention Policy. If the gate valve is located in the street, title to the fire line connection

will be from the water main to the curblin adjacent to the property served.

(b) WASTEWATER SERVICE CONNECTIONS.

Upon completion and acceptance by the Director, title to all wastewater service connections constructed under this policy by the developer or the City shall be vested in the developer or single customer property owner, and the City shall have no responsibility for the maintenance or operation of such service connections. The developer or single customer property owner shall be responsible for the operation and maintenance of the service connection to the wastewater main, even if said main is under existing paving in City right-of-way.

3. CITY RESPONSIBILITIES FOR WATER AND WASTEWATER FACILITIES.

The City shall operate and maintain only those water and wastewater facilities, whose titles are vested in the City.

F. FRONT FOOT CHARGES.

1. FRONT FOOT CHARGE COLLECTIONS.

A front foot charge of \$10.50* per linear foot for water and \$9.00* per linear foot for wastewater, shall be paid in the following cases:

- (a) Service connections made to an approach facility constructed by a developer or single customer property owner before December 31, 1983.
- (b) Service connections or extensions made to serve adjacent property from an approach facility constructed by a developer or single customer property owner after December 31, 1983.
- (c) Service connections or extensions made to vacant lots from a water main that has been replaced at developer or single customer property owner cost.
- (d) Service connections or extensions made to vacant lots from a facility installed by multiple single customer property owners.

NOTE: * Front foot charges are subject to change on an annual basis by City Ordinance.

2. FRONT FOOT CHARGE REFUNDS.

Front foot charges will be collected by the City and refunded to the developer/single customer

property owner when the following conditions are met:

(a) Eligibility.

A developer or a single customer property owner who constructs an approach main under a community facilities agreement is eligible for front foot charge refunds.

(b) Maximum Refund.

The developer/single customer property owner who constructs the approach facility shall be entitled to receive refunds equal to, but not greater than, 100% of the cost of the approach facility incurred by such developer/owner.

(c) Time Limit.

Front foot charges will be assessed for a period of ten (10) years, commencing on the date that the Director accepts the approach main. If less than 70% of the eligible collections due to the developer/single customer property owner have been collected, the developer/owner may request in writing an extension of up to an additional 10 years for collection of front foot charges. In no event will front foot charges be assessed for longer than 20 year.

(d) Refunds Source.

Refunds shall be made solely from front foot charges collected by the City during the period that front foot charges are assessed for service connections to or extensions from the approach main.

(e) Refund Procedure.

Upon written request, refunds will be made annually during the last two months of the calendar year from front foot charges paid to the City. It is the responsibility of the developer/single customer property owner requesting the refund to prove their eligibility to receive the refund due. In the event the developer/single customer property owner fails to request a refund of front foot charges within 6 months after the expiration of the eligibility to receive funds, such unrefunded front foot charges shall become the property of the City.

(f) Assignment.

The Director must approve assignment of refunds of front foot charges.

(g) Expiration of Eligibility.

Collections for front charges will cease when the developer/single customer property owner has been fully reimbursed or the time period for assessment of front foot charges has lapsed, whichever occurs first.

(h) Previous Policy.

Existing community facilities agreements with approach mains or other facilities eligible for front foot charge collections will continue under the policy that was in effect at the time the agreement was executed.

3. ADMINISTRATION.

The refund limit, together with the project number, date construction was completed, permanent record number of main, limits of portion of the facility upon which front foot charges are collectible, and name of the entity entitled to the refund.

G. VARIANCES.

1. REQUEST FOR VARIANCE.

All requests for variances must be in writing and submitted to the Director and shall include all pertinent information on the facilities involved or to be involved. The request shall state specifically the portion of the policy for which a variance is sought and the grounds for which the variance is requested.

2. CRITERIA FOR GRANTING OF VARIANCE.

- (a) In order to grant a variance, the Director shall determine that the failure to grant the variance will result in the exceptional hardship on the developer/single customer property owner. The burden of proof shall be on the developer/single property owner to show such hardship.
- (b) The developer/single property customer owner shall provide evidence that the granting of the variance will have no detrimental effect upon water and/or wastewater facilities for which the variance is requested.

3. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VARIANCE.

In the event the Director determines the variance should be granted, the Director may also require:

- (a) The execution of an indemnity agreement by the developer/single customer property owner. The form of the indemnity agreement shall be determined by the Director, and at a minimum, shall be recordable so as to run with the property;

- (b) A written agreement that the City will not be responsible for any damages arising out of the granting of the variance. The form of the agreement shall be determined by the Director, and at a minimum, shall be recordable so as to run with the property; and
- (c) Such other documents; in the discretion of the Director, deemed to be required.

SECTION IV: POLICY FOR STORM DRAINAGE FACILITIES

Except as otherwise noted herein, Director as used in this section shall mean the Director of the Transportation and Public Works Department or his/her designee.

The following policy shall govern the installation of all drainage facilities within the corporate limits of the City of Fort Worth, Texas:

1. ENGINEERING AND SUPERVISION:
 - A. The plans and specifications for the construction of all storm drainage facilities shall be in compliance with the Subdivision Ordinance, Plan Commission Rules and Regulations, and criteria of the Transportation and Public Works Department that shall include but not be limited to the following:
 - (1) The “Storm Drainage Criteria and Design Manual”, as amended; and
 - (2) Chapter 7, Article VIII, Floodplain Provisions of the Code, as same may be amended from time to time.
 - B. The developer shall employ an engineer proficient in civil engineering and registered in the State of Texas for preparation of the plans and specifications subject to approval of the Director. If the estimated construction cost is less than \$10,000, the developer may request the City prepare the plans and specifications for improvements. If the City agrees to prepare the plans and specifications, the developer shall pay the City ten percent (10%) of the actual construction cost as compensation for such design work.
 - C. The determination as to compliance of the plans and specifications with applicable policies, regulations and criteria shall be the sole responsibility of the Director. Where there is a question as to the justification or size of facilities required, doubt will be resolved in favor of additional drainage capacity.
 - D. The plans and specifications shall be prepared in accordance with the adopted procedures of the Transportation and Public Works Department. The Director shall establish a standard check list to be used by Transportation and Public Works staff in the review of plans and specifications. Said check list shall be made available to consultants, developers and developer representatives. While the list will be as comprehensive as possible, it must be recognized that the staff cannot be limited to review of only those items listed in all cases. Staff will:
 - (1) Review plans for compliance with established City policy and accepted engineering design.

- (2) Avoid commenting on items because of personal preference unless plans are unclear as prepared or the item is part of established policy.
 - (3) Thoroughly review items at the “Concept Review” and “Design Plan” review levels so as to minimize new comments concerning items previously submitted. This does not mean that potential problems should be ignored simply because they were previously overlooked.
- E. If the plans and specifications are prepared by the developer’s engineer, then these plans and specifications shall be submitted to the Director for the review and approval of the appropriate officials of the City. This review and approval process shall proceed as follows:
- (1) It is recommended that during the review of the preliminary plat a Drainage Plan and Concept Review of Engineering Problems be submitted to the Transportation and Public Works Department for review and comment. This will permit the City staff to better review the preliminary plat and encourage early resolution of difficulties, thereby minimizing time and work by the developer’s engineer. If these items are submitted at least ten (10) City working days prior to the Development Review Committee meeting, the City Staff should be able to reply in writing by the time that the Plan Commission considers the plat.
 - (2) If the drainage plan is not submitted in advance as recommended in paragraph (1) above, it must be submitted along with or before the design plan submittal. The drainage plan shall include all drainage areas that affect the area to be preliminary or final platted both in the natural state and in the ultimate development.
 - (3) A minimum of three (3) of design plans and specifications shall be submitted to the Transportation and Public Works Department for review. Additional sets may be required for other departments and/or agencies.
 - (4) If the design plans and specifications are incomplete, a letter stating the necessary changes to the plans and specifications and a set of the design plans and specifications marked with the necessary changes and/or comments shall be returned to the developer’s engineer for his use in the correction of the plans and specifications.

The Transportation and Public Works Department will attempt to complete each review within the number of City working days listed below:

<u>Review Stage</u>	<u>City Working Days</u>
Drainage Plan and Concept Review of Engineering Problems	* *
Design Plans and Specifications/ Contract Documents	15***
Final Plans	15

**If submitted according to Paragraph E(1) above, this review will run concurrently with the review of the preliminary plat.

***The first time design plans are submitted they shall be fully reviewed as final construction plans. When the plans and specifications are sufficiently complete, the cover sheet will be requested of the developer's engineer for issuing final approval.

Any of the following items may cause the review time to be suspended until a satisfactory resolution is made. It should be noted that some of the items below may be resolved concurrently with Plan Commission review of the preliminary plat.

- Request for (or implied) deviation from established minimum design standards;
- Specific request for deviation from established Development Policy;

Design decisions or proposals yielding higher City costs than would result with minimum City standards;

- When the project includes unconstructed street and/or storm drainage facilities common to (or shared with) adjacent property for which a CFA has been executed or for which earlier design plans have been approved or
- For Preliminary Plans or Final Plans, lack of a preliminary plat approved by the Plan Commission, or an approved site plan in case of Unified Residential Developmental.

The Director shall determine the adequacy of the construction proposed by the developer's engineer.

- (5) The final plans shall be submitted when all comments, changes and corrections to the design plans and specifications have been made. The final plans shall be signed and dated by the Director and Director of Water Department upon approval. The developer's engineer shall be notified upon plan approval.
 - (6) The expiration of any CFA as provided for in Section II hereof shall result in the expiration of the City's approval of all plans and specifications for the proposed development. Future use of the plans and specifications shall require a new submittal, review and approval.
- F. All coordination required with public and/or private utility agencies to eliminate conflicts with proposed storm drainage facilities shall be the responsibility of the developer and/or his engineer. Coordination with agencies requiring special conditions (i.e., railroads and the Texas Department of Transportation) shall be the responsibility of the developer and/or his engineer.

2. CONSTRUCTION REQUIREMENTS:

- A. "Standard Specifications for Street and Storm Drain Construction" of the City of Fort Worth Transportation and Public Works Department will govern on all projects. A copy of the Standard Specifications may be purchased from the Transportation and Public Works Department.
- B. Construction of storm drainage facilities shall be by a contractor employed by the City or by a contractor employed by the developer.
- C. Storm drainage facilities and appurtenances shall be constructed to the line and grade established in the approved final plans.
- D. Drainage easements shall be provided by the developer along the entire length of the system for all storm drainage facilities and to an adequate outfall condition acceptable to the Director outside a public right-of-way.
- E. Under circumstances that would preclude an adequate outfall condition, an on-site detention system may be allowed. In this case, the design of the detention system shall be such that the additional runoff generated by the proposed development will be detained on site until it can be safely discharged off-site, and will not increase the amount of original discharge nor change the time of concentration downstream. The provision of either an adequate outfall condition or an on-site detention system shall be subject to the approval of the Director. Drainage easements along a required outfall channel or ditch shall be provided until the flowline "day lights" on natural grade. The minimum grade allowed on an outfall channel or ditch will be 0.2 foot per 100 feet. Drainage easements will generally

extend at least twenty-five (25) feet past an outfall headwall to provide an area for maintenance operation.

- F. Each project and/or development phase shall provide a drainage system which is fully functional and readily maintained.
- G. Border channels shall be improved as per the City of Fort Worth “Storm Drainageway Criteria and Design Manual” at the time of development unless conditions preclude improvements at that time as determined by the Director. In no case shall property adjacent to a recognized drainageway be final platted unless provisions are made for making it conform with all City drainageway and flood plain criteria. The drainage design must be in accordance with City design criteria to protect all platted property, shall not adversely affect property owned by others and the developing party is responsible to construct, if necessary, a reasonable portion of the drainageway applicable to the property being developed. In no case shall any segment or portion of the drainageway be neglected by the present or future development. This may consist of platting an easement capable of containing the 100-year flood and entering into a maintenance agreement for the land to be final platted.
- H. Storm flow resulting from a one hundred (100) year frequency storm once contained in a public drainage easement and/or right-of-way shall continue to be retained within public easements or rights-of-way, unless approved by the Director under a strictly controlled set of criteria.

3. DISTRIBUTION OF COST.

- A. For existing developments, the City shall bear the cost of drainage facilities where the drainage conditions, overall existing development, or planned improvement projects (e.g. street reconstruction) justify the installation of drainage facilities. Such financing of drainage facilities in these areas shall be limited to the availability of City funds and subject to the following exceptions:

Individual property owners may request the extension of an existing enclosed drainage facility across their property. Such an extension will be installed provided the benefited property owner supplies a drainage easement to the City free of cost and furnishes the required and necessary storm drainage pipe. Drainage facilities installed in conjunction with paving projects adjacent to platted property shall be at City expense, except portions of systems which are adjacent to undeveloped, newly developing or redeveloping (replatting) property or which extend out of the street right-of-way into new developments where it shall be financed in accordance with Paragraph 3(b) below.

- B. For new developments, redeveloping property and park property, the City shall participate in the cost of the storm drainage facilities located within a public right-of-way or easement that are 60 inch or greater in diameter and that will be accepted for maintenance by the City and become public facilities, based on the following:
- (1) For storm drain pipe larger than sixty (60) inches that crosses a public street, the City shall pay the difference between the material cost of the sixty 60 inch pipe and the larger pipe.
 - (2) For all other storm drain pipes other than those crossing a public street larger than sixty (60) inches in diameter, the City shall pay twenty-five percent (25%) of the difference between the material cost of the sixty (60) inch pipe and the larger pipe.
 - (3) There shall be no City participation in the cost of any trench and/or channel excavation, manholes, inlets, lead lines, headwalls, rip rap and/or any other items required to complete the system.
 - (4) Channels: Where a channel is constructed, the City's participation shall be as follows:
 - a. Twenty-five percent (25%) of the cost of concrete lining in place provided the bottom of the channel is lined with concrete, rip-rap, or consists of natural solid rock.
 - b. Twenty-five percent (25%) of the cost of gabion lining provided that the channel bottom is lined either with concrete, rip-rap, or gabion; or the bottom of the channel consists of natural solid rock.
 - c. There shall be no City participation in the cost of any trench excavation, right-of-way, inlets, manholes, guard rail, seeding, sodding and/or any other appurtenances necessary to complete the drainage facilities.
 - (5) Bridges and/or Culverts: Where a bridge or culvert is constructed, the City's participation shall be as follows:
 - a) For structures smaller in area than or equal to a pipe size of sixty (60) inch (19.6 square feet) in diameter, area-wise, there shall be no City participation.

- b) Where the structure is larger than a pipe of sixty (60”) inches in diameter or is of some other shape with a cross sectional area of more than 19.6 square feet, the City shall base its share of the cost on the water shed area to be drained and will calculate its share according to the table below for any bridge and/or culvert for roadway in excess of fifty-four feet:

<u>Watershed Area</u> Acres	<u>City’s Participation</u> (% of Cost)
Up to – 1,000	25
1,001 – 1,500	30
1,501 – 2,000	35
2,001 – 2,500	40
2,501 – 3,000	45
3,001 – 3,600	50
3,601 – 4,200	55
4,201 – 4,800	60
4,801 – 5,400	65
5,401 – 6,100	70
6,101 – 6,800	75
6,801 – 7,500	80
7,501 – 8,300	85
8,301 – 9,100	90
9,101 – 10,000	95
Over 10,000	100

- c. Except as noted above, there shall be no City participation in the cost of parkway improvements, including but not limited to pedestrian ways and guardrails.
- d. If the City requires a roadway width greater than fifty-four (54) feet, one hundred percent (100%) of the additional cost of the drainage facility necessary for that excess width will be paid by the City in accordance with ordinances adopted by the City or based upon unit prices contained in competitive bids.
- e. If the developer desires a roadway wider than determined necessary by the Director, there shall be no City participation for the additional cost of the drainage facility necessary for the excess width.

- (6) Storm flow shall not be diverted from its natural drainage course to a border street unless approved by the Director. At a minimum, in order for approval to be granted, there must be no increase in volume or velocity of the storm flow. When the Director approves the diversion of storm flow, there shall be no City participation for the additional cost of constructing and/or over sizing any drainage facility or appurtenance required to handle such diverted storm flow and the City's participation shall stay the same as if the diversion did not occur. No diversion shall occur unless the developer provides such studies as the Director may require.
- (7) The City shall pay engineering costs in the amount of six percent (6%) of the actual cost of the City's share of construction as calculated in accordance with ordinances adopted by the City or based upon unit prices contained in competitive bids.

4. GENERAL ARRANGEMENTS AND FINANCING:

- A. Subsequent to approval of the drainage plan, the preliminary subdivision plat, adequate plans and specifications, and cost estimates, the developer shall request a CFA to provide for the installation of the storm drainage improvements. Such request and accompanying information shall be in writing and addressed to the Director. No construction shall begin until developer and the City have executed a contract. See Section 104.100 of the Subdivision Ordinance, as amended.
- B. The Director shall review and may approve the drainage facilities deemed necessary by the developer's engineer.
- C. The award of contract shall be made in accordance with Section II.
- D. In the event that no funds are available for City participation, the developer may provide its financial guaranty (plus ten percent (10%) for engineering and miscellaneous costs if the City prepares the plans) and award the contract.
- E. The Director may require a developer to begin and complete construction of any storm drainage facility included in a developer contract when, in the judgment of the Director, the facility is needed for the proper and orderly development of the area.
- F. When the Director determines that a storm drainage facility should be constructed, he shall notify the developer in writing to make arrangements for construction of the facility. Within 15 calendar days after receiving the notice, the developer shall make arrangements for constructing the facility, including

making the necessary payment to the City in accordance with this policy.

- G. Construction must be completed within 90 days from the date on which the developer receives notice from the City to proceed with construction. If construction has not been completed within the 90 day period, the City may take whatever action is required to insure prompt completion of the improvements, including, but not limited to, awarding a construction contract for the improvements and forfeiting the developer's financial guaranty to pay all costs resulting from failure of the developer to complete the improvements. Such costs shall include, but not be limited to, construction costs, engineering costs, administrative and legal expenses, and damages.
- H. Easements necessary to provide drainage for the development, together with access to the drainage ways, shall be provided to the City by the developer free of cost. There shall be no City participation for public drainage unless the developer provides access easements or rights-of-way. Where a public or community necessity for such easement(s) has been determined by the City Council, and the requesting developer provides written evidence including affidavits as appropriate, that he is unable to negotiate the purchase of the necessary easement(s) at a fair price, the City may expeditiously undertake to acquire same using its powers, provided the requesting developer agrees to pay the actual cost of the easement and any and all other costs connected with such attempted acquisition.

5. OWNERSHIP AND MAINTENANCE:

- A. All storm drainage facilities installed in connection with a development project and which is in a public easement and/or right-of-way shall be and shall remain the property of the City, and shall be operated and maintained by the City unless special agreements to the contrary are entered into by the developer and the City.
- B. The developer may choose to construct either a concrete or gabion lined channel or an improved earthen channel under the condition that current City standards are fully satisfied. When all City standards including special design criteria, are satisfied, the City shall operate and maintain the channel.
- C. The developer may request the Director to leave a "Natural Creek" in its natural state in accordance with current policy. A separate agreement regarding maintenance of the "natural creek" shall be required prior to approval of any such request and, if the developer is to maintain the "natural creek", the plat shall contain a perpetual maintenance statement. The developer shall also be required to enter into an indemnification agreement to indemnify the City from any harm that may come to person or property. Proper easements must be dedicated to the

City for access and inspection by City personnel. All work, including but not limited to filling, on the creek must conform to criteria established in the City's "Storm Drainage Criteria and Design Manual" in which "Natural Creek" is defined.

- D. Drainageways adjacent to single family or duplex residential property shall be handled as a lined channel, improved earthen channel or "Natural Creek" as required in the City's "Storm Drainage Criteria and Design Manual".
- E. Should the Director determine that property zoned or used other than single family or duplex residential has special design limitations that make adherence to normal requirements for lined channels, improved earthen channels or "natural creeks" unreasonable, the property owner may enter into agreement with the City whereby the property owner accepts perpetual maintenance responsibilities for the drainage facility. Such an agreement shall be noted on the final plat and recorded in such a manner as to clearly run with the land.

SECTION V: POLICY FOR STREET IMPROVEMENTS

Except as otherwise noted herein, Director as used in this section shall mean the Director of Transportation and Public Works or his/her designee.

The following policy shall govern the installation of all street, alley and parkway improvements within the corporate limits of the City of Fort Worth, Texas:

1. ENGINEERING AND SUPERVISION:
 - A. All street, alley and parkway improvements shall be in accordance with the Subdivision Ordinance, City Plan Commission Rules and Regulations and with design criteria of the Transportation and Public Works Department. Sections VII and VIII of the City Plan Commission Rules and Regulations are specifically applicable to engineering criteria and construction plans.
 - B. The plans and specifications shall be prepared in accordance with the adopted procedures of the Transportation and Public Works Department of the City. The Director shall establish a standard check list to be used by Transportation and Public Works Staff in the review of plans and specifications. Said check list shall be made available to consultants, developers and developer representatives. While the list will be as comprehensive as possible, it must be recognized that the staff cannot be limited to review of only those items listed in all cases. Staff will:
 - (1) Review plans for compliance with established City policy and good engineering design.
 - (2) Avoid commenting on items because of personal preference unless plans are unclear as prepared or the item is part of established policy.
 - (3) Thoroughly review items at the "Concept Review" and "Design Plan" review levels so as to minimize new comments concerning items previously submitted. This does not mean that potential problems should be ignored simply because they were previously overlooked.
 - C. In the event the plans and specifications are prepared by the developer's engineer, the plans and specifications shall be submitted to the Director for the review and approval of the appropriate officials of the City. This review and approval process shall take place through the Department of Transportation and Public Works and shall proceed as follows:
 - (1) If the design plans and specifications are incomplete, a letter stating the

necessary changes to the plans and specifications and a set of the design plans and specifications marked with the necessary changes and/or comments shall be returned to the developer's engineer for use in the correction of the plans and specifications.

- (2) The marked plans and specifications must be returned to the Transportation and Public Works Department with the revised plans and specifications. The Transportation and Public Works Department will attempt to complete each review within the number of City working days listed below:

<u>Review State</u>	<u>City Working Days</u>
Drainage Plan and Concept Review of Engineering Problems	* *
Design Plans and Specifications/Contract Documents ***	15
Final Plans	15

**If submitted according to Paragraph C (1) above, this review will run concurrently with the review of the preliminary plat.

***The first time design plans are submitted they shall be fully reviewed as final construction plans. When the plans and specifications are sufficiently complete, the cover sheet will be requested of the developer's engineer for issuing final approval.

- (3) Any of the following matters will be cause for time to be suspended until a satisfactory resolution is made. It should be noted that some of the items below may be resolved concurrently with Plan Commission review of preliminary plat.
- Request for (or implied) deviation from established minimum design standards;
 - Specific request for deviation from established Development Policy;
 - Design decisions or proposals yielding higher City costs than would result with minimum City standards;

- When the project includes unconstructed street and/or storm drainage facilities common to (or shared with) adjacent property for which a CFA has been executed or for which earlier design plans have been approved; or
- For Preliminary plans or Final Plans, lack of a preliminary plat approved by the Plan Commission, or an approved site plan in case of Unified Residential Development.

(4) The adequacy of the construction proposed by the developer’s engineer shall be determined by the affected Director or his authorized representative.

D. “Standard Specifications for Street and Storm Drain Construction” of the Transportation and Public Works Department will govern on all projects. A copy of the Standard Specifications may be purchased at the office of the Transportation and Public Works Department. Upon approval of the Director, the “NCTCOG Uniform Specifications” may be used in lieu of or in conjunction with the City of Fort Worth Standard Specifications for Street and Storm Drain Construction.

E. Border streets shall be improved at the time of development unless conditions preclude improvements at that time as determined by the Director of Transportation and Public Works.

2. DISTRIBUTION OF COST:

A. Interior Streets:

(1) Except as provided in Item (c), Page V-5, the City shall bear all of the excess cost of street improvements for widths greater than fifty-four (54) feet.

(2) The City shall not use standard assessment paving provisions for interior streets, even if there is more than one (1) property owner adjacent to the street, but will require a standard CFA with the adjacent property owners and all right-of-way shall be dedicated free of charge to the City during the platting process.

B. Border Streets:

(1) Except as provided in Item (c), Page V-5, the City shall bear all of the excess cost of street improvements for widths greater than fifty-four (54) feet.

- (2) On border streets adjacent to a development, the developer shall either construct or provide a financial guaranty for one-half (1/2) the cost of the street construction (not to exceed 27 feet), including one-half (1/2) the cost of drainage improvements in accordance with the “Policy for the Installation of Community Facilities” just as if the project were an Interior Street at the time of execution of the Community Facilities Agreement.
- (3) The developer shall dedicate the right-of-way free of charge to the City during the platting process one-half of the street adjacent to its property. For the other half of the street the following shall apply:
- Where property adjacent to a border street is platted, the property owner shall be assessed in accordance with VI-1 and/or VI-2, Assessment Paving Policy as applicable.
 - Where property adjacent to a border street is unplatted, the property owner shall be assessed for one-half of the construction cost, including the cost of the drainage improvements adjacent to his property in accordance with the policy for the “policy for Installation of Community Facilities” just as if the property were that of a developer on an interior street. The assessments are to be paid in five (5) equal payments, the first 20% due 30 days after completion of the project and additional payments of 20% annually for four (4) additional payments at eight percent (8%) interest. If the adjacent property owner dedicates additional right-of-way at no cost to the City, the assessment may be paid in ten (10) equally payments over a nine year period, with 8% interest on the unpaid balance.
 - Where there is an existing farmhouse or similar dwelling on property adjacent to an open border street, the property owner shall be assessed at the residential rate in accordance with the Assessment Paving Policy as applicable for up to one hundred (100) feet of frontage. Furthermore, the property owner shall be assessed for one-half of the construction cost, including the cost of the drainage improvements adjacent to his property for the remainder of his frontage (if any) in accordance with the “Policy for Installation of Community Facilities” just as if the property were that of a developer on an interior street. The assessments would be paid in five (5) equal payments, the first 20% due 30 days after completion of the project and additional payments of 20% annually for four (4) additional payments at eight percent

(8%) interest. If the adjacent property owner dedicates additional right-of-way at no cost to the City, the assessment may be paid in ten (10) equal payments over a nine year period, with eight percent (8%) interest on the unpaid balance.

- Anytime unplatted property is platted, all assessment liens shall become due and payable prior to final platting. If actual cost figures are unavailable, estimated costs shall be used to determine the payment required.

- C. If the developer constructs a wider street than requested by the City, there shall be no City participation for the cost of the extra width. However, in the event a street wider than fifty-four (54) is constructed at the request of the City, the City will participate in the cost of construction calculated in accordance with ordinances adopted by the City or based upon process contained in competitive bids upon completion of the entire length of street included in the CFA.
- D. The Developer will pay the cost of one-half of any street abutting a City park, up to a maximum cost of twenty-seven (27) feet.
- E. All Railroad Crossings shall be of the “Concrete or Rubber Railroad Crossing” type, as determined in the Director’s sole discretion. The City’s participation in railroad crossings shall be in accordance with this Section. Furthermore, if it is necessary for the City to condemn railroad property, the developer shall reimburse the City the entire cost of the condemnation process including attorney fees plus any other costs associated with the right-of-way and/or easement acquisition.
- F. The City shall pay engineering costs in the amount of six percent (6%) of the actual cost of the City’s share of construction as calculated in accordance with ordinances adopted by the City or based upon unit prices contained in competitive bids.

3. GENERAL ARRANGEMENTS AND FINANCING:

- A. Subsequent to approval of adequate subdivision plans and specifications, cost estimates, and the preliminary subdivision plat, the developer shall request a CFA to provide for the installation of the street improvements. Such request and accompanying information shall be in writing and addressed to the Director. No construction shall begin until the developer and the City have executed a CFA. See Subdivision Ordinance Section 104.100 for further details.
- B. The City shall assume a share of the cost of the street improvements and engineering only if funds are available for such participation. In the event that no

funds are available for City participation, the developer may award the contract and deposit with the City its financial guaranty.

- C. The Director may require a developer to begin and complete construction of any street included in a developer contract when, in the judgment of the Director, the facility is needed for the proper and orderly development of the area. In addition, installation of all underground utilities will be required before the paving in accordance with the procedure established by this policy. The developer's financial guaranty shall be released when all of the developer's obligations under the CFA have been completed.
- D. When the Director determines that a street or streets, including underground utilities, should be constructed, he shall notify the developer in writing to make arrangements for construction of the facilities. Within fifteen (15) calendar days after receiving the notice, the developer shall make arrangements for constructing the streets and utilities including making the necessary payment to the City if accordance with this policy. Within ninety (90) calendar days after receiving the notice, the developer shall have completed construction of the utilities and streets.
- E. In the event the developer fails to complete the required street and/or utilities improvements within the ninety (90) day period, as required by the Director, the City may take whatever action is required to insure prompt completion of the improvements, including, but not limited to, awarding a construction contract for the street and/or utilities improvements or the incompleated portions of such improvements, and forfeiting developer's financial guaranty. The cost to complete shall include, but not be limited to, street and/or utilities construction costs, engineering costs, administrative and legal expenses, and damages.

4. OWNERSHIP AND MAINTENANCE:

All street and alley paving installed in connection with the development within dedicated streets or alleys shall be and shall remain the property of the City, and after expiration of the maintenance bonds, shall be maintained by the City.

SECTION VI: ASSESSMENT PAVING POLICY COST DISTRIBUTION

It is the policy of the City of Fort Worth that the initial construction of a street, including curb, gutter, driveway approaches, and sidewalks, is the financial responsibility of the property owner, developer, or builder. When the City undertakes the construction or reconstruction of a street, it may assess a portion of the cost of construction against the owners of abutting property under conditions outlined in this policy.

When the City assesses a portion of the cost of construction against the owners of abutting property, the procedure to be followed shall be in accordance with Chapter 313 of the *Texas Transportation Code*. The amount assessed shall not exceed one hundred percent (100%) of the cost of curb and gutter, driveways, and required sidewalks, and ninety percent (90%) of the cost of all other facilities required for the construction of the project abutting private property. In addition, the assessments shall not exceed the amount that the value of the property is enhanced as determined in a Benefit Hearing as prescribed by law. The City will pay for the cost of curb and gutter, sidewalks, and pavement at intersections.

The assessment policy is based on the following functional classifications for the street system outlined in the City's *Traffic Engineering Design Standards and Policy Guidelines*.

1. Local Streets

Local streets, which are, as a rule, streets less than 42 feet in width, generally provide access to and from low density residential areas and very limited public facilities. These streets carry less than 5,000 vehicles a day and provide little exposure to commercial ventures located on them. Under the City's *Policy for the Installation of Community Facilities*, these streets are constructed at the full expense of land developers with no City cost participation. The City accepts responsibility for maintaining local streets and for replacing them when they have deteriorated beyond the point of feasible maintenance. For existing local streets which are not paved or which do not have curb, or for streets that require features in excess of standard local street designs, property owners will be assessed as follows:

- a. Assessments for paving to a standard local street section will be computed on an annual rate based on the cost per front foot for earthwork, sub-base, base, and pavement for that portion of construction between the property line and the center of the street.
- b. Assessments for curb and gutter will be computed on an annual rate based on the cost per front foot for curb and gutter construction.
- c. Assessments for driveway approaches and sidewalks will be computed on an annual rate based on the cost per square yard for these facilities.

- d. Where the City Engineer determines that the use of adjoining land calls for paving to a standard greater than a local street section, assessments will be computed on a rate based on the actual or estimated cost per front foot for earthwork, sub-base, base, and pavement for that portion of construction between the property line and the center of the street.
- e. Where, at the property owner's request, streets are paved to a greater width or a stronger standard than required by the City, the increased cost will be paid entirely by the property owner, in advance of the contract award for the project.
- f. An additional seven percent (7 %) of the assessment rate will be assessed for design engineering and assessment administration costs.
- g. The total assessment against residential properties on local streets shall be no more than twenty percent (20%) of the amount that the property (including improvements) is currently appraised by the Tarrant Appraisal District.
- h. Enhancement studies will not be routinely obtained on local street projects.
- i. Council authorization will be obtained in advance before proceedings are initiated for assessments for pavement on local streets, but not before proceedings are initiated for assessment only for non-existent curb, gutter, driveways, and sidewalks.
- j. Individual consideration shall be given where property is irregularly shaped, where property does not have access to the street, where the street is behind or beside the property, and in other situations which, in staff's opinion, merit modification because the literal application of this policy would result in injustice or inequity. These cases will be referred to the City Council for any special action that the Council determines is necessary.

2. Arterial Streets

Arterial Streets, which are, as a rule, streets 42 or more feet in width, generally provide access to and from the major centers of activity of a metropolitan area. They carry more than 5,000 vehicles a day and provide greater exposure for commercial ventures, which benefit from such exposure. The City generally constructs arterial streets, often with participation from property owners through community facilities agreements. The City accepts responsibility for maintaining arterial streets; however, on the premise that traffic volumes will increase on roadways that have improved surfaces and traffic carrying capacity, properties on arterial streets will be assess a portion of the cost of construction or reconstruction as follows:

- a. Assessments will be levied against all abutting properties for pavement, curb, gutter, sidewalks, and driveway approaches for streets that are (a) initially constructed at or widened to a width greater than 42 feet or (b) built to a pavement section stronger than that of a standard local street.
- b. Assessments will be computed on a rate based on the actual or estimated cost per front foot for curb and gutter, earthwork, sub-base, base and pavement for that portion of construction between the property line and the center of the street but no more than 26 feet from the face of curb.
- c. Assessments for driveway approaches and sidewalks will be computed on a rate based on the actual or estimated cost per square yard for these facilities.
- d. An addition seven percent t(&5) of the assessment rate will be assessed for design engineering and assessment administration costs.
- e. Where, at the property owner's request, streets are paved to a greater width or a stronger standard than required by the City, the increased cost will be paid entirely by the property owner, in advance of the contract award for the project.
- f. Assessments against properties that are used for one- or two-family residences and publicly-owned properties will be levied on the same basis as non-residential properties but will be waived after ten years if the property use has not changed. "Publicly owned" Properties means properties that are owned by the United States, the State of Texas, or a political subdivision of the State.
- g. Enhancement studies will be obtained for these projects, using the long-range value method, as opposed to the current value or income method.
- h. Council authorization will be obtained in advance for proposed assessments on arterial streets.

3. Community Development Block Grant Projects

On both local and arterial streets, the following provisions shall apply:

- a. When Community Development Block Grant (CDBG) funds are available to pay thirty percent of all construction costs and a majority of the abutting property does not have curb, all properties used as single-family or duplex residential property shall not be assessed.
- b. The total assessment against any property located in a Community Development Block Grant target area shall be no more than forty percent (40%) of the amount

that the property, including improvements, is currently appraised by the Tarrant Appraisal District.

4. Border Streets

On border streets adjacent to a development, the Developer shall put up a cash deposit or bond acceptable to the City for one-half ($\frac{1}{2}$) the cost of the street construction, including the cost of drainage improvements and street lights in accordance with the policy for Installation of Community Facilities, just as if the project were an Interior Street, at the time of execution of the Community Facilities Agreement, plus an additional two percent (2%) of the construction cost for construction inspection, administration and materials testing. In such cases where the developer/property owner will be platting properties such that one hundred (100) feet or less frontage on an open border street will occur, and/or the City Engineer believes that the open border street will not be constructed or reconstructed during the next five (5) years, the cash deposit or bond may be waived provided a duly executed assessment paving petition is submitted to the City. Furthermore, the developer shall dedicate the right-of-way to the City during the platting process for the half of the street adjacent to his property. For the other half of the street the following shall apply:

- a. Where property is platted, the property owner shall be assessed in accordance with Paragraphs 1 and 2 above as applicable. These assessments may be paid in five (5) equal payments, the first $\frac{1}{5}$ due 30 days after completion of the project and additional payments of $\frac{1}{5}$ annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance.
- b. Where property is unplatted, the property owner shall be assessed for one-half of the street construction cost, including the cost of drainage improvements and street lights in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first $\frac{1}{5}$ due 30 days after completion of the project and additional payments of $\frac{1}{5}$ annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance. If the adjacent property owner dedicates right-of-way, at no cost to the City, the assessments may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.
- c. Where there is an existing farm house or similar dwelling on unplatted property, the property shall be treated as residential property in accordance with the Assessment Paving Policy as applicable for up to two hundred (200) feet of frontage. Furthermore, the property owner shall be assessed for half of the construction cost, including the cost of drainage improvements and street lights

for the remainder of his frontage (if any) in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first 1/5 due 30 days after completion of the project and additional payments of 1/5 annually for four (4) additional payments at eight percent (8%) interest. If the adjacent property owner dedicates additional right-of-way, at no cost to the City, the assessment may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.

- d. Any time unplatted property is platted, all assessment liens shall become due and payable prior to final platting. If actual cost figures are unavailable, estimated cost figures shall be used to determine the payment required.

5. Approach Streets:

The right-of-way for approach streets (a new route or an open street not adjacent to a subdivision being platted, but which provides access or improved access to such subdivision) must be provided to the City. Where a public or community necessity for such a street has been determined by the City Council, and the requesting developer is unable to negotiate the purchase of the necessary right-of-way, the City may acquire the right-of-way using its powers of eminent domain, provided the requesting developer agrees to pay any and all costs connected with the acquisition of the right-of-way.

If the adjacent property has previously been platted, the property owner shall be assessed for street paving in accordance with Paragraphs 1 or 2 above, with payments being 1/5 of the amount assessed due and payable 30 days after completion of the project and an additional payment of 1/5 each year thereafter for four (4) additional years with eight percent (8%) interest on the unpaid balance.

If the adjacent property is unplatted, the property owner shall be assessed for the construction cost, including the cost of drainage improvements and street lights in accordance with the policy for the Installation of Community Facilities just as if the property were that of a developer on an Interior Street. These assessments may be paid in five (5) equal payments, the first 1/5 due 30 days after completion of the project and additional payments of 1/5 annually for four (4) additional payments with eight percent (8%) interest on the unpaid balance. If the adjacent property owner dedicates right-of-way, at no cost to the City, the assessments may be paid in ten (10) equal payments over a nine (9) year period, with eight percent (8%) interest on the unpaid balance.

Any time unplatted property is platted, all assessment liens shall become due and payable

prior to final platting. If actual cost figures are unavailable, estimated cost figures shall be used to determine the payment required.

6. Interior Streets in a New Development:

- a. On developer- and/or property owner- initiated projects, the City shall not levy assessments for an interior street in a new development. Such cost must be financed by the developer in accordance with Sections IV, V, VII and X of the Policy for the Installation of Community Facilities. This results in the City not financing the cost of interior streets in a new development.
- b. On City-initiated joint ventures between the City and the adjacent property owner, the use of assessment paving financing may be used; however, the cost participation will normally be in accordance with the “Policy for Street Light Installation,” the “Policy for Street Name Sign Installation,” the “Policy for Street Improvements in New Developments and Subdivisions’ and the “Policy for Storm Drainage Facilities.”

7. Boundary Streets Between Governmental Entities:

Whenever a boundary street is to be constructed under the Assessment Paving Policy, the following shall apply:

- a. By mutual consent, one of the two municipalities shall act as the City assessing all property.
- b. The other City will grant authority to assess on behalf of the assessing City.
- c. The assessment policy to be used will be the one in effect in the assessing City.
- d. All cost of building the facility such as right-of-way, grading, drainage, pavement, engineering, administration, interest on borrowed money, etc., shall be divided equally between the two municipalities regardless of the exact location of the City limit line.
- e. Assessments made against property within each municipality shall be applied to and reduce the municipality’s obligation.
- f. Each City shall be responsible for financing the construction costs to be recovered through assessments to be levied within the respective City.

- g. The municipality not making the assessment shall pay its share (assessments plus City-at-large share) at the time of the Benefit Hearing unless arrangements to pay its share, with interest, have been agreed to by both Cities.

8. Alleys:

When an alley is improved under the assessment paving program, the cost distribution as outlined in Paragraph 1 above shall apply, except that:

- a. When platted lots zoned single-family and/or duplex residential are rezoned to a higher use and redeveloped and require access to the new development through the alley, the cost of improving the alley or a portion thereof to the nearest street, shall be the responsibility of the developer and a requirement of the building permit.
- b. Where property zoned other than single-family and/or duplex residential back up to property zone single-family and/or duplex residential in a given block and the owners of the property zoned other than residential request the alley be improved, the cost of improving the alley shall be the responsibility of the requesting owners. However, should owners of the residentially-zoned property have and/or desire access from the alley, a proportionate cost distribution shall apply to the width of their property abutting the alley.

9. Deviations from Standard Policy:

Deviations from standard policy, as stated herein, that are recommended by the Director of Transportation and Public Works shall be called to the attention of the City Council prior to or during the assessment paving Benefit Hearing. Any special credits not covered by the standard policy will be made only after approval of the City Council.

Deviations from standard policy shall apply in the following instances:

- (1) Bus Routes: A residential collector and/or local residential street designated and used as a bus route for more than 50% of the time since it was built to City specifications and where the City Engineer certifies that the deterioration of the street was accelerated by the bus operations, the street shall be reconstructed at 100 percent City cost subject to the availability of funds. This is because under normal vehicular usage a residential collector street and/or local residential street will not deteriorate as rapidly as one used by frequent bus traffic. It is therefore the public in general who cause the street to require reconstruction prior to normal life expectancy of the paving section. The new pavement section shall be designed and constructed to withstand bus wheel load traffic. Deteriorate

concrete curb and gutter and driveway approaches shall also be replaced in conjunction with the pavement reconstruction. In instances where no curb and gutter or driveway approaches exist, property owners may have same constructed by paying for each in advance and by having said curb and gutter included in the City's construction contract.

- (2) Water Main and/or Sanitary Sewer Main Replacement: At such time as the City's Water Department determines a water and/or sanitary sewer main should be replaced in local residential or residential collector streets that have been built to City standards and it is determined by Transportation and Public Works Department staff that the entire street pavement section should be reconstructed at 100 percent City cost. The cost shall be shared by the two departments. Normally, pavement section deterioration in this category is prompted by water and or sewer main breaks and/or the repair of same. Because the street was damaged by City operations, the City will assume the responsibility for its reconstruction. Deteriorated concrete curb and gutter and driveway approaches will be replaced at the same time. Where there is no existing concrete curb and gutter and/or driveway approaches, property owners may request that same be constructed and pay cash in advance based on unit prices of the project. Such funds will be deposited in the project account as a contribution.

10. Payment:

- a. The total amount of the assessment may be paid in a lump sum cash payment, without interest, if payment is made within 30 days of acceptance of the project by the City Council.
- b. The assessment may be divided into five equal annual payments to be paid over a four year period (ten equal payments over a nine year period for those properties that meet special provisions in Paragraph 4 or 5) with the first payment being due within 30 days of acceptance of the construction project by the City Council, and with interest on the unpaid balance, not to exceed the greater of: eight percent (8%) a year, or the rate payable by the City on its most recently issued general obligation bonds, determined as of the date of the notice of hearing on the assessments.
- c. The assessment may be paid in monthly payments of \$9.00 or more per month over a maximum period of 49 months with the interest rate pre-computed and made a part of the monthly payment.
- d. In financial hardship cases, where the owner occupies the property as a homestead, a monthly installment can be determined to fit any budget with payments extended for more than 49 months.

11. Delinquent Assessment Collection Involving Homestead Property Owned by Persons 65 or Older:

- a. Collection efforts for delinquent paving assessments against property owners who have been granted both the “Residential Homestead” property tax exemption and the additional homestead property tax exemption for persons 65 years of age or older will be different from the routine procedures utilized with property owners who do not have both of these exemptions.

If the particular property owner with both exemptions specific above has not made arrangements for payment of his or her assessment prior to completion of the project, a “standard” initial billing and letter will be sent just as it is sent to all property owners. The account will not become delinquent until 30 days after the due date. (Billings are handled by City employees in the Department of Fiscal Services). Interest on these accounts will accrue for no more than forty-nine months.

- b. When delinquent accounts are referred to the City’s contractor for collection, the accounts of these particular property owners will be flagged for different handling procedures. A delinquency notification letter will be sent explaining that no legal action will be taken to collect the assessment but that the obligation does still exist and that interest will accrue on the debt subject to the limitation provided in Paragraph 11a. This letter will give a City employee’s name to handle questions in the matter (rather than a name at the collection firm’s office). The same letter will be sent annually, simply as a reminder and to ensure understanding on the part of the property owner that the debt still exists which must be paid when the property is sold or transferred and that interest will continue to accrue subject to the limitation provided in Paragraph 11a. If there is some change in the property owner’s situation and the owner is able to pay the assessment at a later date, this reminder letter can help the owner eliminate this debt.

12. Assessment Paving Petitions and Poll Card Surveys:

- a. It is the City’s policy that a petition for paving of a street that qualifies for assessments that bears the signatures of the owners of at least fifty percent of the front footage on that street shall be sufficient to initiate a project for the paving of the street.
- b. If any street listed in the Capital Improvement Program qualifies for assessments and is declared by the City Staff to be in such a deteriorated condition that it needs to be rebuilt, the City Council may declare the necessity of the project and order the construction without a petition or poll card survey.
- c. If a street is a needed thoroughfare, the Staff determines that the street cannot be kept open to traffic because of gross pavement failure, and the City Council concurs, the City Council may order the project constructed or reconstructed without a petition or a poll card survey.

- d. The City will poll property owners to determine their desires with regard to street paving in the following situations:
 - (1) When a petition is received that represents a significant amount but less than fifty percent of the front footage on the street, the City will conduct a poll card survey of the remaining property owners.
 - (2) When a border street to a new development is a minor collector or a local street, the City will conduct a poll card survey of property owners other than the developer(s).
- e. When the property owners are surveyed by mail to determine their wishes regarding assessment paving projects, any property owner who does not respond will be assumed to have no objections to the project. If the signatures on the petition and the favorable poll cards, plus the poll cards that are not returned, represents fifty percent of the front footage on the street, the street will be recommended for paving.
- f. If a street scheduled in a bond program for improvement or a border street to a new development is classified by the Planning Department as an arterial or major collector street, no poll card survey will be conducted. In these cases, the necessity for street improvement for use by the City-at-large will be deemed to outweigh the preferences of the individual property owner; however, this assumption shall not be interpreted to mean that there will be no enhancement or benefit to the individual property.

13. Provisions Concerning Prior Policy

- a. The Assessment Paving Policy that was in effect immediately prior to the adoption of this revised Assessment Paving Policy is hereby expressly saved and preserved and such prior Policy shall remain in effect with respect to all paving assessment proceedings initiated thereunder and all liens assessed thereunder. Such assessment proceedings and liens shall not be affected by the adoption of this revised Policy and such proceedings and liens shall remain subject to the provisions of the prior Policy.
- b. Appendices A, A-1, A-2, B, B-1, C, C-1, C-2 and D of Section XII of the prior Assessment Paving Policy are not adopted as part of this revised Assessment Paving Policy.

14. Effective Date:

This policy shall become effective immediately upon adoption by the City Council.

Dear Property Owner:

The enclosed statement represents the first billing for the street paving assessment against Your property. The construction has been completed, and payment is due by the date Indicated.

If you have any questions, please call _____
in the Assessment Paving Collection Office at (817) 871-6611.

Sincerely,

John Doe
Title

Enclosure

Date:

Dear Property Owner:

The enclosed statement represents the total billing for the street paving assessment against your property. The construction has been completed, and payment is due by the date indicated.

If you have any questions, please call _____
in the Assessment Paving Collection Office at (817) 871-6611.

Sincerely,

John Doe
Title

Enclosure

Date:

Mr./Mrs./Ms./etc.
Address
City of Fort Worth, TX

RE: PAVING ASSESSMENT, LOT _____, BLOCK _____ .
_____ ADDITION, TAX ACCOUNT NO. _____

Dear _____ :

According to our records, the paving assessment against your property is past due.

Since your property is a homestead and you qualify for the special homestead extension for persons sixty-five years or older, the City will not pursue court action to collect this assessment. Interest will continue to accrue, however, at the rate of 8% per annum; and we urge you to make arrangements for the payment of this obligation if it is at all possible.

If you have any questions, or if you desire to enter into a payment agreement, please call The City's Assessment Paving Collection Office at (817) 871-6661.

Sincerely,

Heard, Goggan and Blair

(M&C PW-1149, July 23, 1962)
(Revised M&C G-1144, October 23, 1967)
(Revised M&C G-1435, September 22, 1967)
(Revised M&C G-2521, October 7, 1974)
Revised M&C G-3989, November 14, 1978)
(Revised M&C G-5381, August 31, 1982)
(Revised M&*C G-6539, January 7, 1986)
(Revised M&C G-7160, July 28, 1987)
(Revised M&C G-8000, April 11, 1989)
(Revised M&C G-8894, November 6, 1990)
(Revised M&C G-9312, September 17, 1991)
(Revised M&C G-9351, October 22, 1991)
(Revised M&C G-11497, June 11, 1996)

SECTION VII: SIDEWALK POLICY

1. GENERAL

It is the intent of this policy to encourage the construction and maintenance of sidewalks throughout the City for the safety and convenience of pedestrians.

2. DESIGN STANDARDS

Sidewalks installed under this policy shall conform to City standards for width, location, finish, appearance and structural quality. Sidewalks and related sidewalk ramps shall conform to the Americans with Disabilities Act (ADA) requirements. Sidewalks shall be constructed of concrete unless otherwise approved by the Director of Transportation and Public Works.

The standard City sidewalk is a four-foot wide sidewalk, placed adjacent to the private property line with a minimum unpaved parkway width of four feet. The parkway width is the distance from the back of curb to the front edge of the sidewalk.

If physical constraints, sidewalk continuity, urban type development or other factors require sidewalks to be placed against the back of curb, the width of sidewalk shall be increased to a minimum of five feet. In locations where buildings are typically constructed at the private property line, for example in the downtown area, the minimum sidewalk width shall be 7.5 feet.

Wherever sidewalks are constructed, the remaining parkway width, whether between the curb and sidewalk or sidewalk and property line, shall remain unpaved.

Meandering sidewalks are permitted but shall be no closer than four feet from the back of the curb.

The specific design and location of all sidewalks shall be approved by the Director of Transportation and Public Works.

3. NEWLY DEVELOPING AREAS

Sidewalks are required on both sides of all publicly maintained streets within the City, except local industrial streets within an industrial park.

The location and design of sidewalks shall normally be determined during the subdivision process.

Due to the potential damage sidewalks can incur during the construction of homes and other buildings, sidewalks should not be installed until building work has been completed on individual properties. Exceptions may be made for streets that are without direct property access.

The cost of all sidewalks in newly developing areas shall be paid for by the developer, builder or property owner. The City will not participate in the cost.

All required sidewalks shall be installed prior to final inspection or issuance of a Certificate of Occupancy.

4. REDEVELOPING AREAS

Sidewalks shall be required in redeveloping areas in the same manner as in “Newly Developing Areas” when redevelopment occurs.

Redevelopment is defined as issuance of a building permit for construction that equals or exceeds 50% of the assessed value of existing improvements as determined by the appraisal district in which the property is located.

The cost of required sidewalks shall be paid for by the developer, builder or property owner. The City will not participate in the cost.

All required sidewalks shall be installed prior to final inspection or issuance of a Certificate of Occupancy.

5. EXISTING DEVELOPED AREAS

(a) New Sidewalks

New sidewalks may be installed in existing developed areas by either of the following methods:

1. By the property owner at his/her expense

Property owners may construct sidewalks along their property frontage at their expense. Sidewalks constructed by individual property owners shall conform to the City’s design standards and will be inspected by the City at no expense to the property owner.

Sidewalks constructed by private property owners must be constructed by qualified bonded contractors under permit by the Department of Transportation and Public Works.

2. By the City at its expense

The City installs sidewalks under its “Safe Pathways Program” to enhance the safety and convenience of pedestrians. Priority is given to continuous sidewalks that serve a higher number of pedestrians on more heavily traveled streets or where children typically walk to schools, parks and community centers. City staff prioritizes locations and these are approved by City Council annually. The number of sidewalks constructed each year is dependent upon funding availability.

The City may also install sidewalks as part of a City funded street reconstruction or public building construction project. These projects are funded through the City's capital improvements program.

(b) Replacement Sidewalks

Under City Code the maintenance and repair of sidewalks is the responsibility of each individual property owner. Since sidewalks are typically within City right-of-way the City reserves the right to inspect sidewalks and to notify property owners to make repairs when their sidewalks become unsafe.

Where sidewalk repair or replacement is impractical due to physical conditions or lack of right-of-way, the city may elect to remove the sidewalk and return the property to grass.

In order to assist property owners in maintaining sidewalks the City offers a cost participation program. The program allows property owners to have qualified sidewalks replaced with cost participation by the City. The current cost participation level, as set by City Council, is 25% to the property owner and 75% to the City. The City's cost participation is subject to change from time to time.

In order to qualify for this program each sidewalk must be inspected by the City and determined by the City that full replacement is required. The City will determine the cost, bill the property owner in advance for his/her share and when payment is received, schedule replacement.

The City will not participate in minor repair or routine maintenance of sidewalks, only total replacement. Where property owners fail to participate in their share of sidewalk replacement and where the City has determined the sidewalk is an immediate hazard to the general public, the City may choose to repair or remove the sidewalk and bill the property owner for the work.

6. SPECIAL PROVISIONS

If special conditions make sidewalk construction infeasible, unnecessary or undesirable, and such conditions have been verified by City staff, the sidewalk requirement may be waived. Such waivers shall be granted upon written application to and approval of the Director of Transportation and Public Works. Appeals of decisions made by the Director of Transportation and Public Works may be made to City Council.

SECTION VIII: STREET LIGHT POLICY

The following policy shall govern all street light installations within the city limits of Fort Worth, Texas.

1. GENERAL.

- (a) The Director of Transportation and Public Works or his designated representative, hereinafter referred to as the “Director” shall specify the equipment and material that will be acceptable for all street lighting projects.
- (b) All designs, plans, and specifications for street light installations shall be reviewed and approved by the Director. Requests for approval of designs other than the City’s minimum standard design must include calculations of average, maximum, and minimum light levels demonstrating that the proposed design equals or exceeds the City’s minimum standard design.

2. STREET LIGHTING ON LIMITED LOCAL, LOCAL AND LOCAL COLLECTOR STREETS.

- (a) Street lighting shall be installed:
 - (1) At all intersections.
 - (2) At the end of all cul-de-sac and dead-end streets longer than 200 feet.
 - (3) At all significant changes in direction of the roadway, defined as those where, when standing in the center of the roadway at one street light, you cannot see the next street light due to horizontal or vertical changes in the roadway.
 - (4) As necessary to achieve an approximate spacing between lights of 300 feet, except that along a City park where the spacing will be reduced to 200 feet.
- (b) The minimum standard design for local streets shall consist of a 100 watt high pressure sodium vapor luminaire, mounted at a minimum 25 foot height above the roadway surface on a galvanized steel pole, using underground wiring.
- (c) Existing utility poles may be used when available at the proper locations. Steel poles and underground wiring shall be used at all new developments.

- (d) Post top lighting is allowed provided that a complete neighborhood is installed in the same manner and the number of lights is increased to compensate for the lower light levels. Two (2) post top lights are required at each intersection, and mid block lights will be placed approximately 150 feet apart.

3. STREET LIGHTING ON COLLECTOR STREETS.

- (a) Street lighting shall be installed:
 - (1) At all intersections.
 - (2) At all significant changes in directions, defined as those where, when standing in the center of the roadway at one street light, you can not see the next street light due to horizontal or vertical changes in the roadway.
- (b) The minimum standard design for collector streets shall consist of a 100 watt high pressure sodium vapor luminaire, mounted at a minimum 30 foot height above the roadway surface, on a galvanized steel pole using underground wiring.
- (c) Existing utility poles may be used when available at the proper locations. Steel poles and underground wiring shall be used at all new developments.

4. STREET LIGHTING ON ARTERIAL STREETS.

- (a) Street lighting shall be installed on arterial streets to meet the lighting criteria of the American National Standards Institute (ANSI) for major roadways.
- (b) The minimum standard design for arterial streets shall consist of a 200 watt high pressure sodium vapor luminaire, mounted at a 38 foot height above the roadway surface on a steel pole, using underground wiring at an approximate spacing of 200 feet apart.

5. STREET LIGHTING ON FRONTAGE/SERVICE ROADS.

Street light installation on any frontage road, service road, or other roadway adjacent to an Interstate Highway, U.S. Highway, or State Highway, will be determined by the Director subject to the approval of the Texas Department of Transportation on an individual basis according to current standards for collector roadways.

6. ENGINEERING AND INSPECTION.

- (a) All street lighting installations shall be in accordance with design criteria developed by the Director. The Director shall determine street classifications, essential street lighting equipment, and construction requirements. Where there is a question as to equipment required, it shall be resolved in favor of additional street lighting.
- (b) Existing utility poles, where available at specific locations, and overhead wiring may be used under certain circumstances, subject to approval of the Director.
- (c) The developer shall furnish, at his sole expense, an exhibit plat at a standard engineering scale and a cost estimate together with his submittal of the request for a developer's contract. For developments scheduled to be done in phases, the developer shall submit an exhibit plat at a standard engineering scale showing the total development.
- (d) The developer shall provide all necessary utility easements required for the street lighting system on the final plat.

7. CONSTRUCTION.

- (a) Street light conduit and footings shall be installed by the developer's contractor as part of and at the time of street construction. The City will obtain electric service and complete the street light construction in accordance with approved plans.
- (b) At the option of the City, an electric utility may be requested by the City to install all of the street light system including conduit and footings, in which case the developer will be responsible for paying the first twenty-four (24) months of service under special service rates agreed to by the City and the utility company.
- (c) Street lights along private streets shall be installed by a contractor employed by the developer.

8. FINANCIAL RESPONSIBILITY.

- (a) Availability of Funds: Allocation of available funds shall be as specified below.
- (b) Unlighted Existing Developments:
 - (1) In existing developments where lighting has not been installed, the City will pay 100% of the costs to install the minimum standard light poles and fixtures if:

- (i) A majority of the adjacent property owners petition the Department of Transportation and Public Works for a street lights.
 - (ii) The property owners shall provide the necessary utility easements for electrical service to the lights at no cost to the City.
- (2) Property owners shall pay the additional costs involved if other than the minimum standard street light poles and fixtures are requested by the petitioning citizens.
- (c) In-fill and upgrade projects:
 - (1) Where an existing neighborhood or developed area already has street lighting and there is a desire to increase the level of lighting to provide a special, historic, or neighborhood environment, or to upgrade the street light hardware, the City will pay 100% of the cost to install standard light poles and fixtures or light poles and fixtures of the types already in use, in accordance with the spacing standard currently adopted, subject to:
 - (a) A majority of the adjacent property owners petition the Department of Transportation and Public Works for street lights.
 - (b) The property owners shall provide the necessary utility easements for electrical service to the light at no cost to the City.
 - (2) The property owners shall pay the additional costs associated with any type of poles and luminaires requested which are not standard or already in use in the area.

9. OWNERSHIP AND MAINTENANCE.

All street lights installed in a dedicated public right-of-way under this policy shall be, and shall remain, the property of the City, and shall be operated and maintained by City.

SECTION IX: ELECTRONIC TRAFFIC SIGNALS POLICY

1. PURPOSE:

The following policy shall govern the installation of traffic signals that are approved by an engineering investigation conducted by the City of Fort Worth and/or the Texas Department of Transportation and determined to be in the best interest of the citizens.

2. DEFINITIONS:

A traffic signal installation shall include the traffic signal and all auxiliary material and equipment located on public right-of-way and on secured easements necessary to control vehicular and pedestrian traffic in the manner intended by the City and/or Texas Department of Highways and Public Transportation.

3. GENERAL:

The Director of Transportation and Public Works or his designated representative, hereafter referred to as the “Director”, shall approve the design and installation of all traffic signals within the City with the following exceptions:

- A. The installation of traffic signals on freeway frontage roads which are financed and installed by the Texas Department of Transportation; and
- B. The installation or revision of traffic signals in connection with the improvement of streets and highways under a Federal-aid and/or State-aid program.

4. POLICY AND PROCEDURES:

Traffic signals may be constructed by the City or by the developer by executing a traffic signal construction contract or by including the cost in the Community Facilities Agreement. The City will inspect the construction of the signal. Materials for the signal shall conform to City specifications. Specialized electronic hardware such as the controller, cabinet, and communication equipment shall be purchased from the City inventory for use on the project.

A traffic signal installation shall include the traffic signal and related equipment including signage, pavement markings, sidewalks and pedestrian ramps, geometric changes such as turn lanes, and electronic communications and surveillance equipment.

5. DISTRIBUTION OF COST:

The responsibility for financing the installation of an approved traffic signal for specific developments shall be as follows:

1. If the traffic signal is installed based on traffic generated by a development, the developer shall fund all costs.
2. If the traffic signal is installed based on traffic generated from several developments, the developers shall pay a pro rata share of the projects' traffic flow through the intersection based on a Traffic Impact Study.
3. If traffic signal equipment is needed for one or more approaches, driveways or private streets of a development, then the developer shall fund all improvement costs.

SECTION X: POLICY FOR STREET NAME SIGN INSTALLATIONS

1. STREET NAME SIGN REQUIREMENT:

It is the policy of the City to install street name signs at all intersecting public streets.

Intersections created by streets within a subdivision that intersect border streets shall also be considered intersections within a subdivision.

2. INSTALLATION AND PAYMENT:

The City will install standard City of Fort Worth street names on all public streets at the City's cost.

3. ENGINEERING AND INSTALLATION:

In order to remain uniform and consistent with materials and workmanship throughout the City, the Department of Transportation and Public Works shall prepare, locate and install all street name signs for public streets within the City. The signs will be installed by the City when street construction has met final approval.

4. OWNERSHIP AND MAINTENANCE:

All street name signs installed within the dedicated streets shall be and remain the property of the City, and shall be maintained by the City.

SECTION XI: NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY

I. PREMISE

The premise of this Neighborhood and Community Park Dedication Policy is that these “local close to home” park facilities are integral City infrastructure that are needed in residential neighborhoods to ensure the health, safety, welfare and quality of life of the citizens of Fort Worth.

II. PURPOSE

This policy shall insure the provision of adequate park and recreational areas with needed facilities in the form of Neighborhood Parks and Community Parks. New residential development or an increase in density by redevelopment in existing neighborhoods creates the need for additional park and recreation facilities. This Policy shall govern all park dedication and improvement requirements within the corporate limits of the City of Fort Worth. The implementation of the policy shall furnish developed Neighborhood Parks that are in place when neighborhoods are built. The policy also shall provide for needed land acquisition for Community Parks that serve new residential development or an increase in density by redevelopment in existing neighborhoods. The City has developed and adopted standards for Neighborhood and Community Parks that are included in the Park, Recreation and Open Space Master Plan adopted in Resolution 2414 by the City Council on June 30, 1998. These standards are the basis for the adoption and application of amendments to this existing policy.

III. DEFINITION OF TERMS

A. For purposes of this policy, the following terms shall be defined as follows:

1. Parks and Community Services Department (PACSD) – the department of the City of Fort Worth charged with design, construction and management of the City’s park system.
2. Developer/Owner - Individual, firm, association, corporation or any other organization dividing or proposing to divide land for the purpose of developing or making improvements to such land.
3. Subdivision of Land - Division of any lot, tract, or parcel of land into a minimum of five (5) or more lots sites for the purpose of developing residential dwelling units or the submission of Unified Residential Development Site Plan whether immediate or future.

4. Dwelling Units - Any building or structure which, is designed, used or intended to be used for human occupancy as primary living quarters.
5. Neighborhood Unit - A residential area bounded by major thoroughfares which generally encompass approximately one square mile, serving approximately 3,000 to 6,000 in population. The neighborhood unit is defined in the Park, Recreation and Open Space Master Plan.
6. Community Park Unit- A Community Park Unit consists of a minimum of six neighborhood units and is the designated service area of one community park. Community Park Units are defined by the Parks and Community Services Department and result from the service area definition included in the Park, Recreation and Open Space Master Plan.
7. Neighborhood Park - Open space area encompassing five (5) to twenty (20) acres. If the Neighborhood Park is contiguous with a school site, it may be five (5) to twelve (12) acres. Neighborhood Parks should provide a one-quarter (1/4) to one-half (1/2) mile service radius serving approximately 3,000 to 6,000 in population for the purpose of providing daily unprogrammed recreational needs of residential areas within the Neighborhood Unit. (Refer to the Park, Recreation and Open Space Master Plan for a more detailed description, recreation activity menu and an example of a typical neighborhood park).
8. Community Park - Open space area encompassing 30 to 75 acres within a one and a half (1 1/2) mile service radius serving approximately 18,000 to 36,000 in population and six neighborhood units for the purpose of providing both preservation of natural features within the urban environment and programmed recreational needs on a community wide basis.

The minimum size for a Community Park dedication is (30) thirty acres. When the subdivision development is not of sufficient size to generate a thirty acre community park dedication a fee in lieu of park dedication will be assessed or a combination of fee in lieu of park dedication and park dedication may occur at the discretion of the Parks and Community Services Department. The Parks and Community Services Department at their sole discretion may determine that land in an amount less than the minimum dedication for a community park is needed: 1) when the property adjoins unplatted land that is zoned residential (2) the proposed land use according to the City's Comprehensive plan is residential (3) market and development patterns in the area indicate that the property is likely to be rezoned as a residential use or (4) there is a larger park system need that will be met by the dedication of community park land in an amount less than the minimum size. (Refer to the Park, Recreation and Open Space Master Plan for a

more detailed description, recreation activity menu and an example of a typical Community Park.)

9. Neighborhood Park Development Concept Plan – A park site plan drawn at an appropriate scale that indicates the required park facilities and the relationship of those facilities to the proposed park development. The Neighborhood Park Development Concept Plan must indicate the following: (1) Scale, (2) North arrow, (3) Topography indicating existing one foot (1') contours and any proposed grading with appropriate spot elevations, (4) Location of required facilities proposed for the neighborhood park. The plan must identify existing vegetation and indicate if it will remain or be removed. The plan must indicate the 100 year floodplain, the 100 year floodway and the course of any stream, river, creek, or drainage channel in the proposed neighborhood park.
10. Director – The ranking official of the Parks and Community Services Department, or any successor department of the City of Fort Worth charged with the management of the City parks system.
11. City Council – The City Council of the City of Fort Worth, Texas
12. Consumer Price Index- The published price index of the United States Department of Labor that indicates increases or decreases in prices of goods and services.

IV. PLANNING

- A. The overall program and full implementation of the Fort Worth Neighborhood and Community Park Dedication Policy shall generally follow the City of Fort Worth's Comprehensive Plan and the officially adopted Comprehensive Park, Recreation and Open Space Master Plan. The Parks and Community Services Department may develop implementation guidelines to insure the fair and objective application of this park policy.
- B. There should be a minimum of one Neighborhood Park within each designated "Neighborhood Unit" as defined by the Park, Recreation and Open Space Master Plan and delineated by the Parks and Community Services Department. The park should include needed recreational facilities to service the recreation needs of the neighborhood unit.
- C. The City of Fort Worth shall require residential developers, to dedicate subdivision land and recreation improvements for parks to meet the recreational needs as a condition of the platting process and/or the submission of a Unified Residential

Development Site Plan, just as land for streets, alleys, utility easements and other improvements directly attributable to the development of a new residential neighborhood is dedicated. A combination of fees and parkland dedication shall be considered at the sole discretion of the Parks and Community Services Department.

- D. Where private recreation facilities are built for the residents of a subdivision development, a credit may be given to the Developer/ Owner for neighborhood park development fee, neighborhood land dedication or fee-in-lieu thereof, based on the value of such neighborhood park recreational facility development. At the discretion of PACSD director or his/her designee, credit maybe issued up to 50% of the total amount of neighborhood park development fee, and up to 50% of the fair market value of the required land dedication or fee-in-lieu thereof from such development. Credits exceeding 50%, and up to 75%, will require prior written approval from the Director. Credits greater than 75% will require City Council approval before they can be issued on any development. Credit will be granted for those recreation facilities that are listed as part of the minimum neighborhood park configuration. (Refer to Section IV. G.) Credit may also be given for recreation facilities that address the specific neighborhood recreational needs of the development. The developer must provide sufficient documentation to the Parks and Community Services Department demonstrating that the recreational needs of the proposed neighborhood are different than the needs of a typical neighborhood unit. The Parks and Community Services Department may at the discretion of the Director or his/her designee award credit for those recreational facilities that are deemed to meet the neighborhood recreational needs of a new community.
- E. Should a submitted subdivision development be located within a previous development concept or preliminary plat in which park dedication requirements have been met and the submitted development does not increase the overall population density, then additional park dedication requirements will be waived. However, if the submitted subdivision development, reflects an increased population density, then additional park dedication requirements will be in effect on the difference in population. New preliminary plats within an existing concept plan shall require community park dedication. New preliminary plats will also be subject to the application of the neighborhood park development fee based on the portion of the neighborhood park dedication that can be attributed to that preliminary plat.
- F. Neighborhood Park Infrastructure - The Developer shall bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to the Neighborhood Park site.
- i) Required Street Frontage – The developer shall provide street frontage that is equal to thirty five percent (35%) of the linear measure of a square area equal to the required Neighborhood Park dedication. In the event the subdivision requires the payment of a fee in lieu of park dedication a fee must also be submitted for

Neighborhood Park Infrastructure. The Parks and Community Services Department may participate in a Community Facilities Agreement for additional street frontage and infrastructure when there is a need determined by the Parks and Community Services Department or it is in the interest of the City of Fort Worth to provide additional street frontage. The determination of the need for additional frontage is at the sole discretion of the Parks and Community Services Department.

ii) In the event that additional land is donated to the City of Fort Worth for park purposes at the same time as a required park dedication the Parks and Community Services Department may elect to participate in park infrastructure development. Any additional street, utility and storm drainage frontage participation is contingent on the availability of capital improvement funds for additional street frontage and City Council approval. The Parks and Community Services Department may participate in up to fifty percent (50%) of the cost of additional street frontage, water and sewer front foot charges generated by the additional donation of parkland. When the street frontage is related to a Neighborhood Park the 50% participation cap applies to only a residential street section. The Parks and Community Services Department will only participate in up to fifty percent (50%) of storm drainage improvements that are directly related to storm water run-off generated by park development. Costs for the required extension of neighborhood storm drainage systems to the cut bank of any existing channels, streams, creeks, rivers or other park water bodies are the responsibility of the developer. Any participation in additional infrastructure is at the sole discretion of the Parks and Community Services Department.

G. Neighborhood Park Development – The developer shall bear a proportional cost of improvements of a Neighborhood Park which shall include the following recreational facilities as a minimum Neighborhood Park configuration:

- 1) Playground
- 2) Picnic shelter
- 3) Practice field with backstop
- 4) Walking trail
- 5) Multi-Use Slab with basketball backboard and goal
- 6) Site grading and preparation
- 7) Turf and vegetation

The Neighborhood Park Development Fee shall be based on the minimum Neighborhood Park dedication requirement of the subdivision plat. The Neighborhood Park Development Fee shall be \$30,000 per acre based on the required acreage of the Neighborhood Park dedication. This fee is based on the current construction costs of these facilities and maybe adjusted administratively by the Parks and Community Services Department Director or their designee up to the annual amount of the change in the Consumer Price Index. Any fee adjustment greater than the annual amount of change in the Consumer Price Index shall require City Council

approval. The acreage of required Neighborhood Park dedication will be determined at the time of the preliminary plat. This fee shall be over and above the amount needed for the developer to provide the Neighborhood Park infrastructure development.

Development Options and Offsets - Developers may select option (1) or (2) in consultation with the Parks and Community Services Department.

- 1) If mutually agreed between the Developer and the Parks and Community Services Department, the developer may chose to develop the park site prior to final plat approval in lieu of submitting the Neighborhood Park Development Fee. The cost of the developer to provide the neighborhood park and recreation facilities shall offset the required Neighborhood Park Development Fee by the amount of the actual cost of the developer to design and construct the Neighborhood Park recreational facilities and site improvements. Prior to approval of a Neighborhood Park development agreement the developer must submit a conceptual master plan indicating the proposed neighborhood park facilities and their locations. Upon approval of the proposed Neighborhood Park Development Concept Plan the developer may authorize preparation of construction documents for neighborhood park development.

In the event that the Parks and Community Services Department and the developer reach a development agreement for park development prior to final plat approval the developer shall be required to submit Neighborhood Park development construction plans that conform to Parks and Community Services Department design, construction and specification standards. The Parks and Community Services Department and the Department of Engineering will review the construction documents for compliance with City park construction requirements. The developer must agree to standard City construction inspections of Neighborhood Park improvements. Prior to final plat approval the Neighborhood Park construction must be approved and accepted by the City of Fort Worth. or

- 2) The developer shall pay the \$30,000 per acre fee for each acre of land required as a neighborhood park dedication and described as the Neighborhood Park Development Fee.

V. SITE SELECTION/CHARACTERISTICS OF PARK

- A. In selecting a site for a park, the City shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes.
- B. Parks sites shall be selected on the basis of obtaining natural, park-like settings where available and shall consist of diverse topography and open space suitable

for the development of recreational facilities.

- C. Neighborhood Park size should be a minimum of five (5) acres and obtained as one complete parcel. If a development parcel cannot provide the minimum five acre (5) parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of parkland or a combination of fee and parkland dedication shall be required at the discretion of the Parks and Community Services Department.
- D. Parcels under five (5) acres which are not contiguous with existing park sites or which do not appear to have the potential for future expansion shall be considered for recreational open space use as small Neighborhood Parks only if permanent or ongoing maintenance operations are addressed.
- E. Both Neighborhood and Community Park sites shall be located, whenever possible, adjacent to and contiguous with school sites and other public or non-profit agency sites in order to make maximum use of common facilities and grounds.
- F. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas which provide potential recreational uses. Criteria for floodplain area (based upon 100 year floodplain) usage is as follows:
 - 1. Floodplain and natural drainage areas shall generally not exceed seventy five (75%) percent of the total park site.
 - 2. At least fifty (50%) percent of required dedicated parkland shall have slopes in range of 2-5%, well drained, and suitable for active use development.
 - 3. Additional floodplain acreage may be acquired at a ratio of three to one (3:1) in acres in lieu of non-floodplain property. Any such consideration of additional floodplain acreage shall be as agreed upon between the Parks and Community Services Department and the Developer/ Owner.
- G. Proposed parkland boundaries of community park dedications shall provide reasonable access to improved street frontage for readily accessible entry into the park area by the public.

VI. LAND DEDICATION AND DEVELOPMENT FEE

- A. Any required conveyance of land from any proposed subdivision residential development shall be keyed to the density of the population to be served within the neighborhood.

B. The Park, Recreation and Open Space Master Plan standard for public park space provides for 2.5 acres of neighborhood park dedication and 3.75 acres of community park dedication per 1,000 population. For each submitted residential preliminary plat subdivision or Unified Residential Development Site Plan, the following formula shall apply for the calculation of parkland needs.

i) Neighborhood Park Dedication Formula

$$\frac{2.5 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1000 \text{ population}} = \text{Acres to be dedicated}$$

ii) Neighborhood Park Development Fee Calculation

$$\text{Neighborhood Park Acres to be dedicated} \times \$30,000 = \text{Neighborhood Park Development Fee}$$

iii) Community Park Dedication Formula

$$\frac{3.75 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1000 \text{ population}} = \text{Acres to be dedicated}$$

C. The number of persons per dwelling unit shall be based on both current U.S. Census information and population data compiled by the City and shall be reviewed and adjusted administratively by the Director of the Park and Community Services or their designee as necessary to fairly and accurately reflect trends in household size. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication.

1.	Single Family Detached/Duplex	3.0 Persons/unit
2.	Multi-Family	2.0 Persons/Unit

D. Where a subdivision plat is submitted indicating multi-family residential development, and a table of information is not provided indicating the number of dwelling units, the City shall assume the highest density allowed in the zoning classification to be applied to the property by which to determine projected population in order to determine park dedication policy requirements.

E. All determinations of required land dedication shall be based upon review of all preliminary subdivision plats submitted through the City of Fort Worth's Department of Development to the Parks and Community Services Department. Failure to indicate proposed park dedications on the submitted preliminary plat shall be sufficient grounds for the Plan Commission to deny a concept plan or preliminary plat. Upon final agreement between the Parks and Community Services Department and the Developer/Owner regarding mutually acceptable parkland, such land shall be

indicated on the revised preliminary plat and final plat. Such park property shall be conveyed by General Warranty Deed before release of the final plat on any or all portions of the subdivision thereof by the City for filing in the County plat records. Submission of park dedication documents is required for final plat and Unified Residential Development Site Plan release. Park dedication documents include 1) a general warranty deed (2) a metes and bounds description of the park dedication property, (3) a survey plat of the park property only, (4) an abstractors certificate that indicates that the developer has clear title to the property and the legal ability to deliver the title to the City of Fort Worth, (5) an environmental statement that indicates that the park site is free of environmental contamination or hazards. The Parks and Community Services Department can provide developers with example documents for use in meeting this submission requirement.

- F. The land required to be conveyed for Neighborhood Park dedication may be located inside or outside the subdivision development so long as the land is so located within the Neighborhood Unit and is of such proximity to the development so as to serve or benefit the Neighborhood residents. Land required to be conveyed for Community Park dedication may be located inside or outside the Community Park Unit but may only be located in adjacent Community Park Units and must still meet the needs of the Community Park Unit where the subdivision is located.
- G. If a replat is filed, the dedication requirements shall be controlled by the policy in effect at the time of replat. Additional land dedication (or fee in lieu of) shall be required if the actual density of structures constructed on the property is greater than the former assumed density or additional requirements are in force as a result of the adoption of this policy. (i.e. Neighborhood Park Development Fee)
- H. Prior to dedication of land and / or improvements, the Developer/Owner shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (U.S.T.'s) and all construction processes affecting the site of which the Developer/Owner has knowledge. The City, at its discretion, may proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate, and the Developer/Owner shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such construction inspections, surveys, and tests. If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of U.S.T.'s, or other environmental hazards the City may require further surveys and tests to be performed at the Developer/Owner's expense as the City may deem necessary prior to its acceptance of the dedication and improvements, or in the alternative, the Developer/Owner may be required to identify alternative property or pay the fees in lieu of such parkland dedication, Neighborhood

Infrastructure Development and Neighborhood Park Development.

- I. In areas where the residential density is lower than one unit per acre or it is in the interests of the City the Parks and Community Services department may combine the neighborhood and community park dedication and development requirements to create an adjoining neighborhood and community park facility that meets the recreational needs of these suburban and rural neighborhoods.

VII. PAYMENT OF FEES IN LIEU OF PARKLAND DEDICATION

- A. If the calculation for required Neighborhood Park dedication within the proposed subdivision development results in less than five (5) acres and/or the calculation for required Community Park dedication does not result in a thirty (30) acres and/or does not meet site selection criteria as per section V. of this policy, the Parks and Community Services Department may recommend that a fee in lieu of neighborhood and/or community parkland dedication be required.
- B. All fees received for Neighborhood Park acquisition and development will be dedicated for the purpose of acquiring and developing parkland within the proposed subdivision development. However, if acquisition and development of a neighborhood park is not achievable within the proposed subdivision development, then the Parks and Community Services Department shall:
 1. Have the discretion of determining if park and recreational needs of the proposed subdivision development would be served by the expansion of existing park sites located within the same Neighborhood Unit where the proposed subdivision development is located.
 2. If such acquisition opportunities are not available within the Neighborhood Unit, then areas within the adjacent contiguous Neighborhood Unit(s) may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development.
- C. The amount of the fee in lieu of parkland dedication shall be determined by the following method:
 1. The amount equal to the Fair Market Value of the required land dedication, and, if applicable, less a credit for the value of the land actually dedicated for park and recreational purposes. The Fair Market Value will be determined by the City of Fort Worth.
 2. The Developer/Owner, at their own expense, may obtain an appraisal of the property by a State of Texas certified real estate appraiser, mutually agreed

upon by the City and the Developer/Owner, which may be considered by the City in determining fair market value.

3. If the property was acquired by the developer within the last year the developer may submit the contract for sale or appraisal documents related to the acquisition of the property to be considered by the City in determining Fair Market Value.
- D. Submission of fees related to final plats, which are part of larger preliminary plats.
1. All fee payments made in lieu of land dedication in accordance with this policy shall be pro-rated on a per dwelling unit charge based on the Fair Market Value of the required dedication of the land and relative to the number of dwelling units included in the final plat submittal or the Unified Residential Development Site Plan.
 2. Fees for neighborhood park development will be pro-rated on a per dwelling unit rate based on the required dedication for that portion of the preliminary plat being submitted as a final plat or a Unified Residential Development Plan.
 3. Fees established at the time of preliminary plat submittal shall apply to subsequent final plats submitted on any or all portions thereof for a period of two years from the date of preliminary plat approval by the Plan Commission. Subsequent Final plat submittals after such two year period shall be reassessed new fee values per dwelling unit as per current Fair Market Value of the land and the current Neighborhood Park Development Fee at time of Final plat submittal.
- E. All required fees shall be paid and received before release of the final plat on any or all portions of the subdivision indicated on the original preliminary plat thereof by the City for filing in the County plat record.
- F. All payments made in accordance with this policy shall be deposited in a designated Neighborhood Unit Park Acquisition and Development Fund and/or a Community Park Unit Acquisition Fund. The City shall account for all such funds paid with reference to each subdivision development, neighborhood unit and community park unit.
- G. Interest earned on accumulated park acquisition and development fees designated for a specific subdivision development shall be used for additional acquisition and development as described in this policy.
- H. All fees received must be expended within five years from date of receipt of the last fee paid on the original preliminary plat. If such fees are not expended, the Developer/Owner shall be entitled to a refund on interest earned, less inflation as

determined by the Consumer Price Index as published by the U.S. Department of Labor, with the principal held by the City. The Developer/Owner must request such refund in writing within ninety (90) days of entitlement or such right shall be waived.

VIII. INSTALLATION OF PARK IMPROVEMENTS

- A. Installation of Neighborhood Park improvements by the City generally will occur when there is:
 - 1. A minimum population of 2,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Neighborhood Unit, and;
 - 2. Availability of funds for such improvement, and;
 - 3. Appropriation of maintenance funds for ongoing maintenance operations.
- B. Installation of Community Park improvements by the City generally will occur when there is:
 - 1. A minimum population of 8,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Community Park Unit, and
 - 2. Availability of funds for such improvement, and;
 - 3. Appropriation of maintenance funds for ongoing Community Park maintenance and operations.

IX. DECISION MAKING; APPEALS

- A. Unless otherwise provided in this policy, any decision shall initially be made by the Park and Community Services Director or their designee in the exercise of his/her reasonable discretion. In the event that the determination is made by a designee of the Director of the Parks and Community Services Director the first recourse of the developer is an appeal of the decision to the Director.
- B. Decisions of the Parks and Community Services Director with regard to this policy may be appealed to the Plan Commission and ultimately to the C

THIS IS WHERE THE APPENDICES GO.

