

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING ORDINANCE NO. 900404, ENTITLED “AN ORDINANCE ADOPTING A UTILITY EXTENSION AND IMPROVEMENT POLICY TO GUIDE THE PLANNING, DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF ALL UTILITY SYSTEM IMPROVEMENTS,” REGARDING THE PLACEMENT OF WATER UTILITY FACILITIES IN RIGHTS-OF-WAY OR PUBLIC UTILITY EASEMENTS IN THE CITY’S EXTRATERRITORIAL JURISDICTION; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 13.15.030.B of the City of Georgetown’s Code of Ordinances, “Water system requirements,” applies the requirements of Chapter 13 of the City of Georgetown Unified Development Code (“UDC”) to provision of water service to developments in the City’s water service territory, whether in the city limits, the City’s Extraterritorial Jurisdiction (“ETJ”), or beyond; and

WHEREAS, UDC Section 13.07 requires that Master Plan infrastructure be situated within an easement or right-of-way dedicated to the City; and

WHEREAS, Section 13.04.B of the UDC requires that the extension of water utilities conform to the City’s adopted Utility Extension and Improvement Policy, as amended; and

WHEREAS, on August 28, 1990, the City Council of the City of Georgetown, Texas approved Ordinance No. 900404, entitled “An Ordinance Adopting a Utility Extension and Improvement Policy to Guide the Planning, Design, Construction, Operation, and Maintenance of all Utility System Improvements,” attached hereto as **Exhibit A** and by this reference incorporated herein (the “Policy”); said Policy being later incorporated into the UDC by reference in UDC Section 1.16; and

WHEREAS, among other things, the Policy requires that “all necessary easements” be donated to the City and that “all design and implementation of utility improvements shall be in accordance with the City’s adopted Comprehensive Plan”; and

WHEREAS, in accordance with the City’s 1445 Agreement with Williamson County, the City’s subdivision rules apply to development within the city limits and the City’s ETJ; and

WHEREAS, Section 13.03 of the UDC requires all developments to dedicate or convey 10- or 15-foot public utility easements along all street frontages within the development; and

WHEREAS, the City’s Development Manual, incorporated into the UDC by reference in UDC Section 1.11, instructs that easements and rights-of-way be dedicated by plat in the City’s ETJ to either the public or Williamson County, requires that easements granted to the City must

be conveyed by separate instrument, and instructs that such easements cannot overlap any “conflicting” easement; and

WHEREAS, the City’ platting requirements and the Policy together therefore require ETJ developments to encumber residential lots with utility easements of up to 30, or sometimes 45, feet in width along the street frontage, and often plat approval is delayed as the applicant completes the separate instrument conveyance process; and

WHEREAS, Section 552.104 of the Texas Local Government Code authorizes municipalities to “lay water system pipes, mains, conductors, or other fixtures through, under, along, across, or over a public road, a public street, or a public waterway not in a municipality...” with notice to the Texas Transportation Commission or County commissioners court, as applicable; and

WHEREAS, the City Council of the City of Georgetown finds it in the best interest of the community to update the Policy to authorize the placement of City water facilities within public utility easements and rights-of-way in the City’s ETJ under certain circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS:

SECTION 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION 3. Ordinance No. 900404, entitled “An Ordinance Adopting a Utility Extension and Improvement Policy to Guide the Planning, Design, Construction, Operation, and Maintenance of all Utility System Improvements,” attached hereto as **Exhibit A**, is hereby re-adopted and ratified as if set forth herein, except as amended by this Ordinance. All other ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. The Policy is hereby updated to authorize the placement of City water facilities within public utility easements and rights-of-way in the City’s ETJ under certain circumstances. Accordingly, Section 5 shall be added to Ordinance No. 900404, to read as follows:

Section 5.

- 1) All utility improvements must be placed within easements conveyed to the City of Georgetown in a form approved by the City Attorney. Within the city limits, rights-of-way and easements dedicated by plat, as well as specific utility

easements, shall satisfy this requirement. Outside of the city limits, easements must be conveyed to the City by separate instrument, except as otherwise set forth herein. All dedications and conveyances must adhere to the rules and regulations governing the granting of real property interests to the City promulgated by the City of Georgetown, as amended from time to time by resolution of the City Council.

- 2) Notwithstanding the foregoing, new development within the City's Extraterritorial Jurisdiction is hereby to place new water system improvements within public utility easements, public waterways, and public rights-of-way dedicated by plat in accordance with the City's subdivision rules and Subsection 3 below, provided the improvements are:
 - A) to be located within the development and not along its boundaries;
 - B) not identified in the City's adopted Water Master Plan or Capital Improvement Plan; and
 - C) to be relied upon only by the owner of the property being developed and the owner's successors and assigns, tenants, guests, or invitees.
- 3) Any water system improvements proposed to be located within a public utility easement, public waterway, or public right-of-way may NOT be placed in a public utility easement or right-of-way that contains, or is parallel to, any of the following:
 - A) a numbered Texas Department of Transportation or County road;
 - B) a road listed in the Overall Transportation Plan of either the City or Williamson County; or
 - C) a road included in an adopted or pending Capital Improvement Plan of either the City or Williamson County, or a road identified for future expansion by the Texas Department of Transportation.

SECTION 5. If any section or any portion of any section of this ordinance, or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance; and that each section and each portion thereof not decreed to be invalid shall remain valid and enforceable, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the ____ day of _____, 2022.

PASSED AND APPROVED on Second Reading on the ____ day of _____, 2022.

ATTEST:

THE CITY OF GEORGETOWN

Robyn Densmore, City Secretary

By: _____
Joshua Schroeder, Mayor

APPROVED AS TO FORM:

Skye Masson, City Attorney

EXHIBIT A

ORDINANCE NUMBER 900404

AN ORDINANCE ADOPTING A UTILITY EXTENSION AND IMPROVEMENT POLICY TO GUIDE THE PLANNING, DESIGN, CONSTRUCTION, OPERATION, AND MAINTENANCE OF ALL UTILITY SYSTEM IMPROVEMENTS

WHEREAS, the City of Georgetown, Texas, is committed to providing utility services in a manner that is beneficial to present and future rate-payers;

WHEREAS, it is recognized that the extension of utilities is a major factor in the timing and direction of urban growth;

WHEREAS, the City Council of the City of Georgetown, Texas, adopted the following Ordinances which establish the policies by which water and wastewater services will be extended and improved: 83-28 on August 29, 1983, and incorporated in the Subdivision Ordinance; and 86-50 on November 25, 1986;

WHEREAS, the City Council of the City of Georgetown, Texas, adopted Ordinance 870110 on March 24, 1987, which establishes the policies by which electrical service will be installed and provided;

WHEREAS, the existing utility extension and improvement policies should be updated from time-to-time and conditions set forth by which they can be modified; and

WHEREAS, the City Council finds that this action implements the following Century Plan - Policy Plan Policies: Finance Policies 1 and 2, Growth and Physical Development Policy 2, and Utilities/Energy Policies 3 and 5; the Community Development Goal of the Strategic Plan for Economic Development; and Policy 5/Goals A, B, and D, Policy 6/Goal A/Ongoing Objectives 1 and 2, Policy 8/Goal A/Short Range Objective 8, Policy 9/Goal B/Short Range Objective 1, Policy 18, and Policy 19 of the Century Plan - Development Plan. The City Council further finds that this action is not inconsistent or in conflict with any adopted Century Plan Policies or Goals, as required by Section 2.03 of the Administrative Chapter of the Policy Plan.

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

Section One.

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

ORD. 95-12
Exhibit A

Section Two.

This policy shall apply to improvements to the City of Georgetown's Utility Systems, which encompass both existing system upgrades and system expansion for treatment plant capacity, utility line networks, and appurtenances. It is hereby established as the official policy of the City of Georgetown that all Utility System improvements shall be planned, designed, constructed, operated, and maintained such that

- A) Upgrades of existing infrastructure and system extensions in close proximity to existing utility networks shall be preferred to excessive line extensions and expansion of the system outside the established and approved utility service area.
- B) Priority shall be assigned to projects which provide the greatest benefit as measured by the size in acres of the land to be served and the level of capacity to be provided.
- C) System improvements which promote the retention and/or creation of long term jobs shall receive greater emphasis over projects which produce only temporary or no lasting employment results.
- D) Improvement programs which support and compliment the City's adopted economic and industrial development objectives shall receive preference.
- E) Projects which increase property values and retail sales are preferred.
- F) Project capacity should be able to accommodate projected demand for a ten (10) year period.
- G) Improvements that will achieve shorter build-out times and will initially satisfy higher levels of projected ultimate demand capacity are favored.
- H) Infrastructure programs designed to simplify construction, operation, and maintenance are preferred.
- I) There exists the potential for the City to recapture 100 percent of all non-reimbursed City expenditures.
- J) Participation by owners of benefiting property is strongly encouraged.
- K) Incentive for up-front participation:
 - Enter into contract
 - Guarantee capacity availability for ten (10) years
 - Interest free for first three (3) years

ORD. 95-12
Exhibit A

- Interest at T-Bill rate for remaining seven (7) years
- If option not exercised in ten (10) year period guarantee for capacity expires
- Option assignable if all/part of property sold during life of agreement
- Prepayment applied to 100 percent of cost of first units used

L) Terms for obtaining capacity:

- At time of connection - full payment for units of capacity requested computed on design capacity plus carrying costs calculated from date of award of contract for construction of initial project. (This is for non-guaranteed capacity and assumes capacity is available.)

At time capacity is desired may obtain guaranteed capacity by paying in the same manner as for a connection but must provide City with one (1) year notice of intent to connect to system.

- All payments based upon units of capacity.
- All necessary easements are donated and only facilitate the ability to connect to system but do not convey any right or privilege to hook-on to system (water system will provide fire protection and lower fire insurance rates).

M) Water line improvements shall be designed and constructed to satisfy domestic/industrial demands and fire flow requirements as forecast in the City's Comprehensive Plan.

N) System improvements will begin when existing line demand equals 70 percent of design capacity or committed capacity plus existing demand equals 90 percent of design capacity.

O) All design and implementation of utility improvements shall be in accordance with the City's adopted Comprehensive Plan.

Section Three.

- 1) The Ordinances cited in the preamble to this Ordinance shall remain in effect, and this Ordinance shall be considered an addendum to those Ordinances.
- 2) The policies contained within this Ordinance shall be used to determine the conditions under which the preceding Ordinances may be modified.

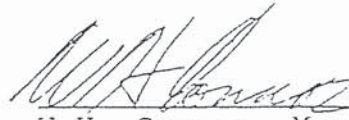
ORD. 95-12
Exhibit A

Section Four.

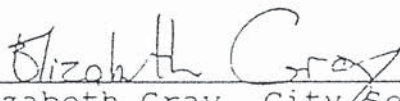
This Ordinance shall take effect immediately after its passage on the second reading.

READ, PASSED AND APPROVED on the first reading, on this the 14th day of August, 1990.

READ, PASSED AND APPROVED on the second reading, on this the 28th day of August, 1990.


W.H. Connor, Mayor

ATTEST:


Elizabeth Gray, City Secretary

APPROVED:


Marianne Landers Banks, City Attorney

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Exhibit A