

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 152, SUBCHAPTER B. ROADWAY IMPACT FEES TO INCLUDE AN UPDATED ROADWAY IMPACT FEE SERVICE AREA MAP AND PROVISIONS RELATING TO APPRAISALS FOR ESTIMATING FAIR MARKET VALUE FOR THE DEDICATION OF RIGHT-OF-WAY, AND APPROVING A ROADWAY IMPACT FEE STUDY 2022 UPDATE INCORPORATED HEREIN; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 395, Texas Local Government Code (the "Statute") provides the requirements and procedures for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and Roadway Impact Fees; and

WHEREAS, the City adopted a roadway impact fee ordinance by amending the Code of Ordinances Chapter 152 of the Code of Ordinances on November 24, 2020 per Ordinance No. 1470-20-11-24, to include: 1.) a Roadway Impact Fee Capital Improvements Plan ("CIP") to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed; 2.) the establishment of Service Areas; 3.) the establishment a roadway impact fee per service unit within the Service Areas; 4.) the establishment of procedures for the assessment, collection, computation, expenditure, refund, and general administration of the roadway impact fees; 5.) provide for the establishment of accounts for roadway impact fees; and

WHEREAS, the City retained Kimley-Horn and Associates ("Kimley-Horn") to prepare an updated Roadway Impact Fee (RIF) Study, attached as **Exhibit A** hereto and incorporated by reference herein; and

WHEREAS, on January 3, 2022, the Capital Improvement Advisory Committee (CIAC) reviewed the Roadway Impact Fee (RIF) Study 2022 Update and RIF ordinance amendments to include a minor update to the Roadway Impact Fee Service Areas to incorporate newly annexed areas and reflect the current City limits as of December 2021; and

WHEREAS, pursuant to Sec. 395.047, Texas Local Government Code, the City adopted Resolution No. RES-1941-22-01-11-0959 on January 11, 2022, which set a date of February 22, 2022 to conduct a public hearing to discuss the City's Roadway Impact Fee Ordinance amendments; and

WHEREAS, the City of Pflugerville's Capital Improvement Advisory Committee ("CIAC"), further described in Sec. 395.058, Texas Local Government Code, filed its written comments on the proposed Roadway Impact Fee Study 2022 Update and on RIF ordinance amendments on January 3, 2022, which is at least five (5) business days before the date of the public hearing on the adoption of the Roadway Impact Fee Ordinance amendments pursuant to Section 395.056; and

WHEREAS, as required by Section 395.054, Texas Local Government Code, the City Council conducted a public hearing on February 22, 2022, on the adoption of Roadway Impact Fees in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee; and

WHEREAS, a copy of the Roadway Impact Fee Study 2022 Update can be acquired through the City Secretary's office; and

WHEREAS, the Roadway Impact Fee Capital Improvements Plan, Land Use Assumptions, and Roadway Impact Fee Rates are not being amended as part of the Roadway Impact Fee Study 2022 Update; and

WHEREAS, the City Council desires to adopt amendments to the Roadway Impact Fee Study and Ordinance as provided herein and finds that it is in the best interest of the citizens of the City of Pflugerville.

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

Section I. Findings Incorporated.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found to be true and correct factual and legislative determinations of the City of Pflugerville, Texas.

Section II. Roadway Impact Fee Study 2022 Update Adopted

The Roadway Impact Fee Study 2022 Update, dated February 22, 2022, is hereby approved and adopted for all purposes consistent with this Ordinance and is attached as Exhibit A hereto and is incorporated herein by reference for all purposes.

Section III. Code Amendments

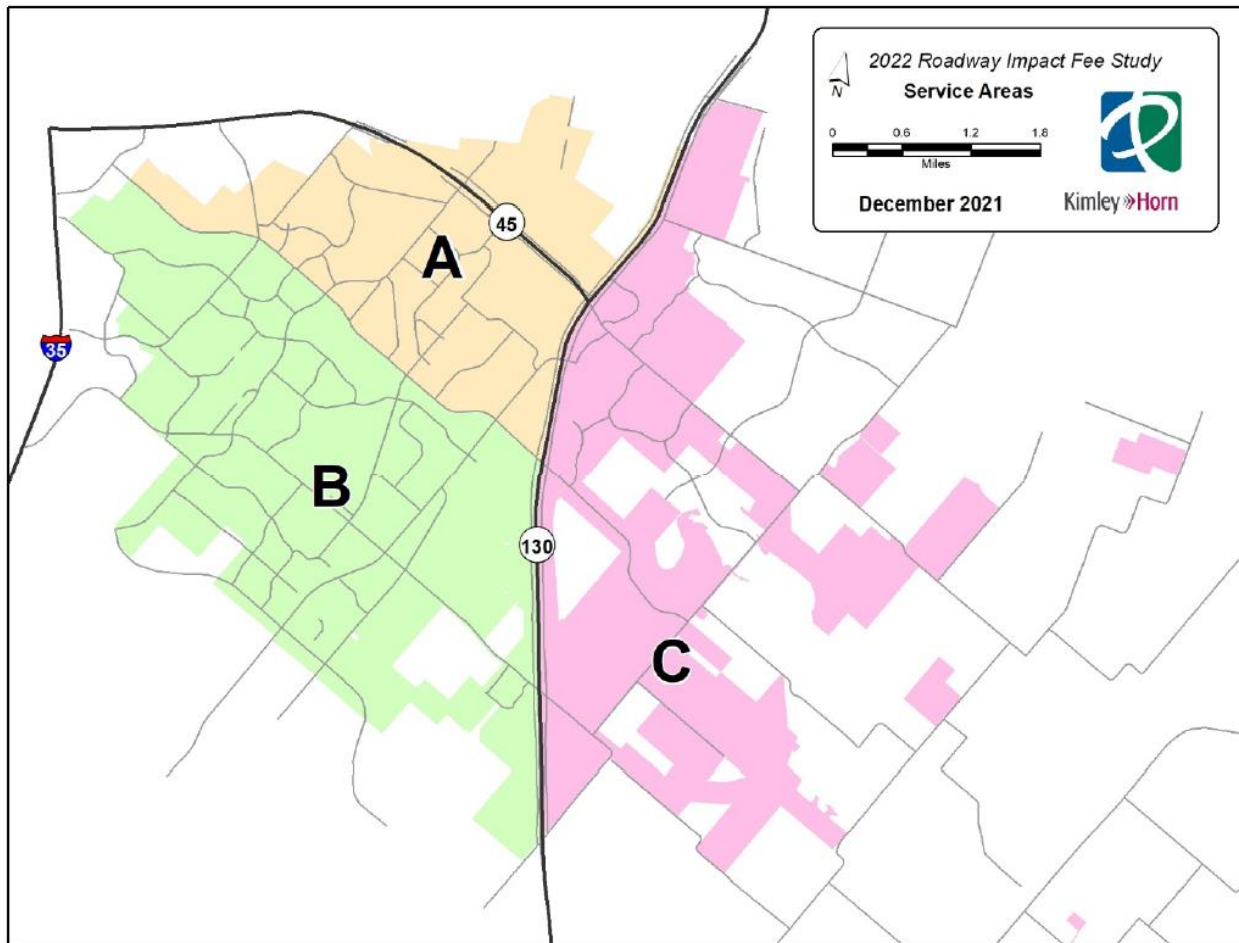
That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 152, Subchapter B Roadway Impact Fees, Section 152.104 is hereby amended to include an updated Figure 1. Roadway Service Areas and § 152.110 (H) No Credits for rights-of-way or easements, is amended with strikethroughs being deletions from the Code and underlines being additions to the Code:

§ 152.104 ROADWAY SERVICE AREAS.

The City hereby establishes three (3) Roadway Service Areas, constituting land within the City's

corporate boundaries, as depicted in Figure 1, Roadway Service Areas. The boundaries of the Roadway Service Areas may be amended from time to time, or new Roadway Service Areas may be delineated, pursuant to the procedures of this Subchapter.

Figure 1. Roadway Service Areas



§ 152.110 (H) No Credits for rights-of-way or easements.

(a) Rights-of-way and easements are not included in the study, and no Credits shall be granted for the dedication of rights-of-way or easements. Rights-of-way and easements are dedicated as required by the ordinances of the City, necessitated by and attributable to a New Development, ~~and do~~ but shall not exceed the amount required for infrastructure improvements that are roughly proportionate to the New Development. The fair market value of the conveyed right-of-way in evaluating proportionality will be determined by the appropriate Central Appraisal District values.

(b) If an applicant for roadway impact fee credits desires an alternate fair market value determination, the applicant must supply an alternative value in an agreement between the City

and applicant and may be determined by an MAI appraisal obtained by the City at the applicant's cost.

Section IV. Severability

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

Section V. Repealer

This ordinance shall be cumulative of all other ordinances, resolutions or acts of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section VI. Effective Date

This Ordinance shall take effect from and after its passage and publication in accordance with the provisions of the Texas Local Government Code, whichever is later, and it is accordingly so ordained.

PASSED AND APPROVED this ____ day of _____, 2022.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.

EXHIBIT A

Roadway Impact Fee Study 2022 Update