



Legal Notices

(B) FEE Calculation. The drainage (stormwater) utility fee shall be based on an inventory of parcels within the City which evaluates the stormwater runoff potential on those parcels and establishes a rate for each class of property. The drainage (stormwater) utility fee shall be set to recover the cost-of-service that has been established for the drainage (stormwater) utility system in a fair and equitable manner and if so determined by the City Council, an amount to establish one or more funds to provide financing for future stormwater system construction and for implementing programs to improve stormwater quality. The proportional stormwater runoff potential for each class shall be distributed equitably between classes and among the parcels in each class in proportion to the relative contribution of stormwater runoff from each class, pursuant to the calculation methodology selected by the City Council. The fee calculation shall be based on the square feet of impervious area utilizing an established size for an equivalent residential unit (ERU).

(C) Stormwater Runoff Potential. For purposes of establishing the stormwater runoff potential on parcels within each rate class, the impervious area for parcels shall be inventoried from information established by Tarrant County Appraisal District, from Geographic Information System records, and from aerial photography, site plans or other facts available for properties within the City. The impervious area measured in square feet as obtained from these database sources, site plans or other facts available for properties shall be used to establish the relative stormwater runoff potential for each rate class and among parcels within each rate class.

Section 86-146 Appeal.

(a) Appeal of Issues relating to Drainage (Stormwater) Utility Fees to the Director of Public Works. An owner or customer may appeal any decision or action of the City under this Article to the Director of Public Works. The Director of Public Works shall evaluate all appeals based on the provisions of this Article, the applicable rate Ordinance, and other applicable law.

(b) Appeal Process.

1. A person desiring to appeal the fee determination to the Director of Public

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relating to Drainage (Stormwater) Utility Fees to the City Council.

1. An owner or customer may appeal the following decisions of the Director of Public Works to the City Council:

- the applicability of a drainage (stormwater) utility fee for a parcel;
- the calculation of applicable stormwater runoff potential for a parcel;
- the calculation of the drainage (stormwater) utility fee for a parcel; or
- the discontinuance of utility service, filing of a lien, or other legal actions for non-payment of drainage (stormwater) utility fees.

2. In order to appeal, the owner or customer shall file a written appeal to the City Secretary within fifteen (15) days following receipt of the Director of Public Works' decision that is being appealed. The City Council shall hear the appeal within sixty (60) days of receipt of the appeal by the City Secretary. Notice of the hearing shall be mailed to the address given in the appeal form or, if no address is given, to the address on the utility billing statement at least fifteen (15) days prior to the hearing.

3. Any appeal shall be governed by the following rules and procedures:

- Such appeal shall be set as an item on the regular City Council agenda.
- At the hearing of the appeal, the City Council may consider facts or evidence as the City Council determines is appropriate. The Director or Administrator shall present the facts and evidence relied upon by the Director of Public Works and the reasons for the ruling; the appellant shall then have an opportunity to present the facts and evidence relied upon by the appellant; the City Council shall then consider any facts or evidence from the public or other interested persons. The City Council may ask questions of the Director, the appellant or other interested persons as the City Council determines is appropriate. The City Council may limit the time for any presentation in its sole discretion and may continue the hearing to a subsequent meeting at the Council's discretion. Upon the conclusion of the hearing, the City Council may render its decision or it may take the appeal under advisement and make or render its decision on the appeal within thirty (30) days of the hearing. Any appeal shall be determined by majority vote of the members of the City Council then present at a meeting of the Council. The City Council's decision shall be final.
- Written documents or evidence which any party, including the Director, wishes to present must be

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pursuant to this Article III;

- The street address and a legal description of the real property on which the building is or was located;
- A statement of charges and the balance due, including any late charges and administrative fees incurred; and
- A statement that the charges are unpaid and delinquent, and that if not paid within thirty (30) days, a lien will be placed upon the premises.

(C) Appeal of Notice of Intent to Place Lien. The owner may appeal the decision to impose the lien on the property to the Director of Public Works by filing a written notice of appeal as provided in this Article. If such an appeal is filed, either with the Director of Public Works or the City Council, the filing of the notice of lien pending the decision on such appeal.

(d) Notice of Lien Filed in County Records. If full payment or a notice of appeal and sufficient bond guaranteeing payment in form acceptable to the City as provided herein is not received by the City within fifteen (15) days of such notice, if no appeal of such notice is pending, the City Secretary shall file a Notice of Lien in the deed records of the county in which the premises are located. Such notice shall contain the following information:

- The name and address of the customer to whom utility bills were sent pursuant to this Article III and the name and address of the owner of the property; and
- The street address and a legal description of the real property on which the building is or was located; and
- An itemized statement of charges and the balance due, including any late charges and administrative fees incurred.

(e) Personal Obligation of Property Owner. The expenses incurred by the City as set forth in the Notice of Lien shall be a personal obligation of both the customer and the owner and shall constitute a priority lien against the property. The City Attorney may bring an action in any court of proper jurisdiction against the owner of the property to recover the costs incurred by the City.

(f) Lien Shall be Valid and Privileged. Upon filing of the Notice of Lien in the Deed Records of Tarrant County, Texas, the lien shall be valid against the property so assessed. The lien shall be privileged and subordinate only to tax liens, existing special assessment liens, and shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon has been paid.

(g) Assessment Must be Paid. No utility service, building permit or certificate of occupancy shall be

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monitoring, building, inspecting and maintaining structures needed for the State's regulation and permitting requirements imposed on the City for providing stormwater quality improvements for the benefited property; and

8. The administrative costs of the drainage (stormwater) utility system.

(b) Drainage (Stormwater) Utility Fund Accounting.

- The City shall clearly account for revenues and expenditures authorized for operation of the drainage (stormwater) utility system, from other funds and accounts.
- The revenues collected from drainage (stormwater) utility fees shall be segregated and completely identifiable from other funds and accounts.

3. Funds and revenues in the drainage (stormwater) utility fund may be transferred to the City's general fund as allowed by law.

(c) Drainage (stormwater) Service Deposit. A deposit shall not be charged for initiation or continuation of stormwater utility service.

Section 86-150 Exemptions.

(a) Exemptions. The following entities of persons shall be exempt from payment of the fees established by this Ordinance:

- State Governmental Entities. A state governmental entity listed below, and a department of such a state governmental entity holds a freehold interest:
 - the State of Texas; and
 - a State agency;
- Entities of Higher Education. A public or private institution of higher education;
- The City; and
- Undeveloped Property Exemption. Any property to which a statutory exemption under Section 402.053 of the Act applies, including without limitation:
 - property with proper construction and maintenance that is wholly efficient and privately owned stormwater system that does not discharge under any storm frequency event or conditions for occupancy or use; or
 - property held and maintained in its natural state, until such time that the property is developed or used for public infrastructure constructed has been accepted by the City for maintenance; and
 - a subdivided parcel or lot, until a structure has been built on the lot and a certificate of occupancy has been issued, or the City has taken another official action to release the property for occupancy or use.
- Proof of Exemption. If the owner of property asserts that such property is exempt pursuant to this Section or any other applicable law, such property owner has the burden to assert such exemption by filing notice of eligibility for such exemption, and suf-

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any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars and no cents (\$2,000.00) for each violation of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS DAY OF 2008.

THE HONORABLE DAVID L. RAGAN, MAYOR

ATTEST: LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: APPROVED AS TO FORM AND LEGALITY: TIM G. SRALLA, CITY ATTORNEY

CITY OF EULESS NOTICE OF PUBLIC HEARING

A public hearing will be held by the Euless City Council on Tuesday, August 26, 2008, at 7:00 p.m. in the Council Chambers, Euless City Hall, 201 N. Ector Drive, Euless, Texas. The purpose of the public hearing will be to hear public comments for consideration of the proposed Euless Development Corporation Budget for Fiscal Year 2008-2009.

/s/ Susan Crim Secretary

CITY OF EULESS NOTICE OF PUBLIC HEARING

A public hearing will be held by the Euless City Council on Tuesday, August 26, 2008, at 7:00 p.m. in the Council Chambers, City Hall, 201 N. Ector Drive, Euless, Texas. The purpose of the public hearing will be to hear and receive public comments for consideration of the proposed City of Euless Budget for Fiscal Year 2008-2009.

This budget will raise more total property taxes than last year's budget by \$512,602 or 3.42% and of that amount \$155,148 is tax revenue to be raised from new property added to the roll this year.

Note: This notice is compiled in accordance with House Bill 3195 approved by the 80th Legislature of the State of Texas effective September 1, 2007.

/s/ Susan Crim City Secretary

CITY OF GRAND PRAIRIE PUBLIC NOTIFICATION

You are hereby notified of the opportunity for written comments or telephone comments concerning the application for site approval of a temporary concrete batch plant for a period of six (6) months (September 8, 2008 to March 8, 2009) proposed by Glenn Thurmann, Inc to be located at the property west of the western dead end of Koscher Drive. If you have any questions or comments concerning this portable concrete batch plant