

PUBLIC NOTICE

The City Council of the City of Sunset Valley will hold a Public Hearing at City Hall, 3205 Jones Road, Sunset Valley Texas 78745 at 7:00 P.M on Tuesday September 7, 2010, to consider the following ordinance.

AN ORDINANCE ESTABLISHING THE CITY OF SUNSET VALLEY DRAINAGE UTILITY AND ITS SERVICE AREA; DEDICATING CITY ASSETS TO THE UTILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE CONTINUING EFFECT OF OTHER DRAINAGE REGULATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNSET VALLEY, TEXAS:

SECTION 1. FINDINGS

The City Council of the City of Sunset Valley (hereinafter sometimes referred to as the "City") finds that

- (a) it will establish a schedule of drainage charges against all real property in the service area subject to charges as permitted by Subchapter C, Chapter 552, Texas Local Government Code ("Subchapter C"), subject to any exemptions as required or permitted by Subchapter C;
- (b) it will provide drainage for all real property in the service area on payment of drainage charges, except real property exempted in accordance with Subchapter C;
- (c) it will offer drainage service on nondiscriminatory, reasonable, and equitable terms; and
- (d) notice as required by Subchapter C shall be provided.

SECTION 2. ESTABLISHMENT OF DRAINAGE UTILITY AND SERVICE AREA AND DEDICATION OF ASSETS

The City adopts the provisions of Subchapter C to implement a drainage utility for the City. Accordingly, the drainage of the City of Sunset Valley is hereby declared to be a public utility as provided in Subchapter C.

The service area for the drainage utility shall include all real property within the city limits of the City of Sunset Valley and the portions of the extraterritorial jurisdiction of the city which contribute overland flow into the watersheds served by the drainage system of the City of Sunset Valley as now existing or which may be annexed hereafter from time to time. The service area is more particularly identified in the attached Exhibit "A" which is incorporated herein for all purposes.

All property exempt from the provisions of this Ordinance pursuant to applicable law on the effective date of this Ordinance, including Section 552.053 of Subchapter C, shall be exempt from the provisions of this Ordinance.

The City incorporates into the drainage utility system all existing property, facilities, materials, and supplies constituting the City's drainage system on the effective date of this Ordinance. All future acquisitions by the City of real or personal property used in the City's drainage system shall be maintained as a part of the drainage utility.

SECTION 3. NO EFFECT ON LAND OWNER OBLIGATIONS UNDER CITY ORDINANCES; NO WAIVER OF IMMUNITY

The establishment of the drainage utility by the City does not relieve private land owners, developers, or other individuals or entities from responsibility for providing drainage improvements in connection with land development pursuant to the City of Sunset Valley's Land Development Code and other ordinances of the City or laws of the State of Texas that relate to stormwater runoff drainage management or drainage improvements.

The establishment of the drainage utility does not imply or warrant that a benefitted property will be free from flooding, stormwater pollution, or stream erosion; the City makes no representation that all drainage problems will be remedied. This ordinance does not create additional duties on the part of the City or create liable for any flooding, stream erosion, deterioration of water quality, or other damages. Nothing in this ordinance shall be deemed to waive the City's immunity under state law or reduce the need or necessity for flood insurance.

SECTION 4. SEVERABILITY; EFFECTIVE DATE

If any part of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby, this being the intent of the City Council in adopting this Ordinance, and all provisions of this Ordinance are declared severable for that purpose. This Ordinance shall become effective from and after the day it is passed and approved.

PASSED AND APPROVED this ____ day of _____ 2010.

Mayor Barbara Wilson

ATTEST:

Rae Gene Greenough
City Secretary

Exhibit "A"
Service Area

1. All property within the city limits of the City of Sunset Valley Texas
2. Property within the extraterritorial jurisdiction of the City of Sunset Valley further described as:
 - a. 21.529 acres in the Thomas Anderson survey 17 Abstract 2, known as the Grand Preserve Apartments at 5500 Brodie Lane, bounded by Brodie Lane on the east and Home Depot Boulevard on the north.
 - b. 18.00-acres (more or less) out of the Thomas Anderson Survey No. 17, Abstract No. 2 including: Lots 1, 2, and 3 of the Rayford Subdivision; Lots 1, 2, and 3 of the Rayford Subdivision No. 2; Lots 1 and 2 of the Offer Subdivision; one parcel within this 18.00 acres is described as a 6.61-acre tract of land out of the Thomas Anderson Survey No. 17, Abstract No. 2; and one parcel within this 18.0-acres is described as a 2.63 acre tract of land out of the Thomas Anderson Survey No. 17, Abstract No. 2. This property is along Country White Lane and west of Brodie Lane consisting of single family residences