

**SECTION 6: Cost Participation**

**6.1 Street Paving**

- A. Oversize Streets: When the City requires paving width in excess of 37 feet as may be required by the comprehensive plan or as otherwise may be required by the city for the orderly development of the street system, the City of Harlingen shall pay for any portion of the street in excess of 37 feet. The subdivider shall pay for installation of curb and gutter.
- B. Interior Streets: Subdivider shall pay 100% of the costs of installing interior streets except as provided in A above.
- C. Perimeter Streets:

- 1. Where streets are to be required on the perimeter of the subdivision, and existing streets are less than the standard 37' width and/or not treated with curb and gutter, subdivider shall pay for one half of the 37' pavement required, and 100% of cost of curb and gutter on the subdivision side of the street. The amount paid shall be approved by the City Engineer and shall be placed in a special escrow fund to remain earmarked for improvements to the road deposited for a minimum time period of ten years.

Cash in the amount of the subdivider's participation under this policy shall be paid to the city and placed in a separate account for future paving of the street for which it was collected. The amount of participation by the subdivider shall be determined on the basis of the unit prices received through bids taken on the City's most recently awarded paving contracts.

If the proposed subdivision is located within the City's extraterritorial jurisdiction and the developer has money deposited in escrow for paving, curb and guttering, and the county paves the existing road, then the developer can request his escrow money and such funds shall be refunded.

- 2. (a) As an alternative to option one above, in all future subdivision developments where the owner or developer is required by the city to pay for one-half of the expense to pave, curb and gutter any or all of the perimeter streets of such subdivision, said developer can choose to develop the full perimeter street at his cost and therefore realize the benefit of such street immediately. Upon accomplishing the pavement of said street, such developer will be issued a certificate from the City Engineer or his designee for the value of one-half of the street cost incurred. Such certificate shall be valid for a period not to exceed ten years from the date of its issue. After such time period has expired, no reimbursement shall be made to the original developer.

Since said street, which will now or may in the future improve, enhance, serve or be beneficial to adjacent property, the owner of such adjacent property, upon development of such adjacent property, will pay to the city, one-half of the original developer's cost of such perimeter street improvements, including the cost of any land dedicated for such street which is in addition to the land normally required to be dedicated for the subject subdivision, based on the front footage of the property along the street. A condition of the approval by the city of a subdivision of such adjacent property and the issuance of building, water or sewer permits thereon, will be the payment under the applicable reimbursement certificate amount that the city will in turn pay to the original developer upon payment. This procedure is necessary in order to eliminate half streets in subdivisions.

(b) At the time of the development of an original subdivision as set forth in subsection (a) of this section, the city will issue a reimbursement certificate to the subdivision developer or owner describing the land in the subdivision as well as the adjacent land which will benefit from the dedication, paving, curbing, and guttering of the perimeter street, setting forth the amount of one-half of the cost of the perimeter street improvements paid by such developer, and the costs per front foot to be reimbursed by adjacent property owners, providing that such amounts will be paid to the original developer who advanced such improvement costs, or to his heirs, successors or assigns, if and when collected by the city pursuant to subsection (a) above.

(c) Should a fact situation develop in the application of this section to any property adjacent and contiguous to any such perimeter street, which is unique and not contemplated by this section and which would be manifestly unusual and inequitable in the opinion of the Planning & Zoning Commission and/or City Commission, such board reserves the right, after notice to all interested parties, to grant a variance to the terms of this section.

(d) At any time where the city constructs, at its expense, paving, curbing or guttering and such work is on a perimeter or interior street of a future subdivision, the owner of any property thereafter subdivided who would otherwise be required to construct such perimeter or interior street shall pay one-half of the costs incurred by the city therefor according to the front footage of such subdivided property. The city engineer shall prepare a reimbursement certificate in favor of the city setting out the applicable information relating to the city paving project.

(e) The adoption of this procedure relating to the subdivision of property shall not preclude the city from adopting paving assessment programs from time to time within the city as authorized by law. In the event the city adopts an assessment plan for property otherwise covered by this section, this shall not apply to such property assessed.

**D. Special Fund, Right to Refund**

1. There is hereby established a special escrow account for the deposit of each sum paid for future street improvements under C. 1 of this Section of this Ordinance which shall be known as the Street Escrow Account.
2. The City shall account for all sums paid under this section with reference to individual plats involved and the perimeter street on which it has frontage. The City must expend any funds paid for such purposes within ten (10) years from the date received by the City for overlay, additional r-o-w acquisition or construction of improved road and/or curb and gutter. Such funds shall be considered to be spent on a first in, first out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro-rata refund of such sum computed on the same basis as is called for in Section 6.1(C) above. No interest shall be paid on such sums. The owners of such property must request such refund within one year of entitlement, in writing to the Finance Director of the City of Harlingen, or such right shall be forfeited.

**6.2 Drainage**

- A. Oversizing of drainage facilities: When the City determines it is necessary to oversize facilities for the orderly development of the area drainage system, the City will participate in the cost of such oversized pipe or facilities provided funds are available for this purpose. The subdivider whose pipes or facilities will be oversized will be referred to as the initial subdivider. Should the City participate in oversizing, the City shall recover its cost from future connections made on to the storm drainage system and the initial subdivider shall recover from future connections that portion of their expense that will equalize the cost of drainage to the initial subdivider equivalent to all others who will be connecting to the oversized systems.
- B. Cost Recovery: Should the City on its own initiative install a drainage system to serve a particular area of the City, City shall recover its cost from future connections made on to the storm drainage system. Subdivider shall bear all costs including but not limited to labor and materials required to make connections to the storm drainage system. Reimbursement to City, and when applicable to the initial subdivider, shall be the pro rata cost per acre of that portion of the oversized system necessary to accommodate the number of acres in the subdivision making connection to the oversized system, plus eight percent (8%) per annum interest from the date of installation of the oversized drainage system. The pro rata cost per acre of the subdivision shall be calculated by the City Engineer or the Director of Public Works of the City of Harlingen, Texas.

C. Special Drainage Districts Established:

In the following area(s) of the City, drainage improvements have been made and subdividers dividing land in such areas will be responsible for payment of their pro rata share of the cost prior to recordation of the final plat.

V-Line Ditch:

Drainage Fees for the “V-Line” Relief Drain ditch shall be as follows:

Section	Single Family C = 0.40	Multi-family c = 0.65	General Retail c = 0.90
A	\$320.89/acre	\$521.44/acre	\$721.99/acre
B	\$320.89/acre	\$521.44/acre	\$721.99/acre
C	\$803.29/acre	\$1,305.34/acre	\$1,807.39/acre
D	\$779.09/acre	\$1,302.64/acre	\$1,803.66/acre
E	\$779.09/acre	\$1,302.64/acre	\$1,803.66/acre

\*Note all payments are payable on gross acreage of property to be developed.

Sections indicated on the table refer to the map below.

**V-Line Drainage Assessment Area Map**

