SECTION 6: Cost Participation

6.1 Developer.

A. All streets, utilities, and improvements within the City Limits shall become the property of the City of Harlingen and/or Harlingen Water Works upon completion and acceptance.

B. The developer shall, at developer's expense, construct all improvements – both on site and off site – required by this ordinance and water pumping stations, sewage lift stations, bridges, major drainage structures, and other improvements required to service the development proposed.

C. The developer, at developer's expense, shall extend all water mains, sewer lines, other utilities and streets to the outer boundaries of the subdivision for future use beyond the subdivision.

6.2 Street Paving

A. Interior Streets: Subdivider shall pay 100% of the costs of installing interior streets, including curb and gutter, for a street width not to exceed 37 feet (local street standard). Right of way shall be dedicated in accordance with the Comprehensive Plan. 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 interior streets, 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, where applicable.

B. Perimeter Streets:

To provide for safe and orderly two-way vehicular travel on streets accessing new subdivisions, perimeter streets that do not meet the current City standard (i.e. deficient) shall be subject to one of the following options, at the discretion of the developer:

1. Improve the subject perimeter street(s) to a minimum of 22 feet of pavement width; this width has been determined by the City to be the minimum width that will allow for safe and orderly two-way vehicular travel regardless of the level of traffic impact the proposed subdivision has on the perimeter street(s).

   For subdivisions in the City limits or within an approved 3-year annexation plan, the perimeter street improvements described above shall be constructed to the City's standards and situated and designed in a manner that will permit the remaining pavement to be added at a future date. Streets constructed pursuant to this paragraph "1" may be constructed without curb and gutter if, and only if, and alternative method of street drainage (e.g.

culverts and/or drainage channels) approved by the City Engineer is constructed as part of the street improvements.

2. In lieu of option "1." above, the "rough proportionality" provision described in Section 6.4, below, shall be applied to the deficient perimeter street(s). Said "rough proportionality" standard shall be applied as if the deficient perimeter street were to be improved/reconstructed to the standard as outlined in the City's Long Range Thoroughfare Plan.

This section does not require subdividers to construct and/or improve perimeter streets maintained by the State of Texas (TxDOT); however, right-of-way for such streets shall be dedicated in accordance with Section 4.

D. Special Fund

There is hereby established a special escrow account for the deposit of each sum paid for future street improvements under Chapter 6 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.

6.3 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:

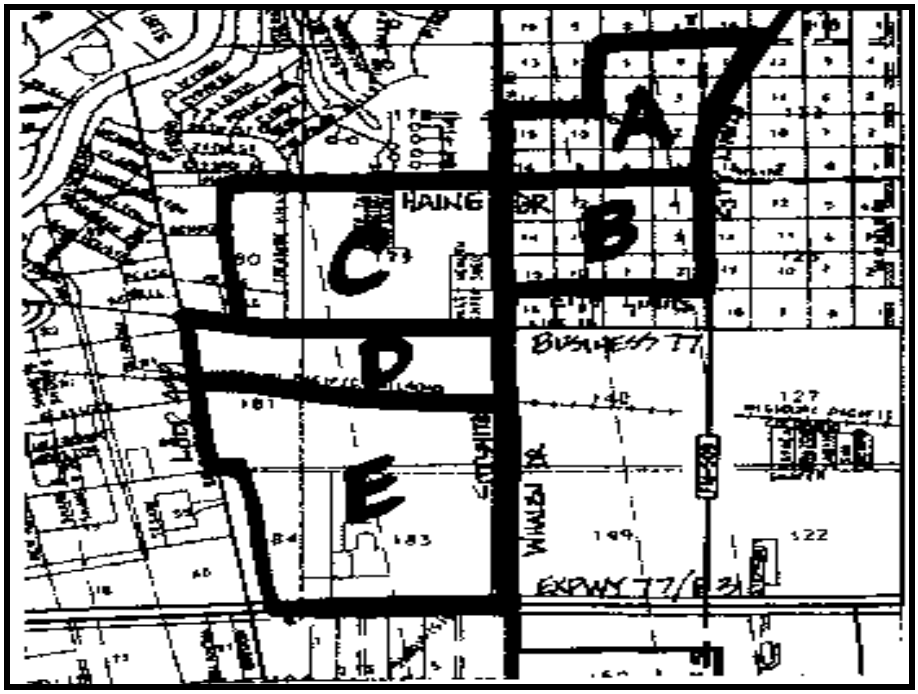
In the following area(s) of the City, drainage improvements have been made and subdividers dividing land in such areas will be responsible for payment of their pro rata share of the cost prior to recordation of the final plat.

V-Line Ditch:
Drainage Fees for the "V-Line" Relief Drain ditch shall be as follows:

Section	Single Family	Multi-family	General Retail
	C = 0.40	c = 0.65	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.

V-Line Drainage Assessment Area Map



6.4 Rough Proportionality.

A. In accordance with Section 212.904 (Apportionment of Municipal Infrastructure Costs) of the Texas Local Government Code, no development improvements required by this Subdivision Ordinance may be imposed on a developer as a condition for approval of a proposed development project unless the improvements:

1. are related to the needs created by the proposed development project; and
2. are roughly proportionate to the impact of the proposed development project, as approved by a professional engineer licensed to practice in Texas and retained by the City (City's engineer).

B. Developer's Report: The developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the City's engineer. The report must include the following information:

1. An analysis of existing infrastructure capacity and condition in the area including, as applicable, streets (width of right-of-way and pavement), alleys, street lighting, street signals, fire hydrants, and storm water drainage system; and

2. An analysis of the need for infrastructure additions or improvements created by the proposed development project; and

3. A determination of the improvements that are related to the needs created by the proposed development project and roughly proportionate to the impact of the proposed development project; and

4. Any other information that may be required by the City's engineer in determining the accuracy of the developer's report.

C. City Study: The City's engineer shall prepare a report that evaluates the accuracy of the developer's report.

D. Illustrative example of rough proportionality for a deficient perimeter street: A proposed subdivision has an adjacent perimeter street with an existing pavement width of 18 feet, and is shown on the City's Thoroughfare Plan as a Collector Street. Collector Streets require a pavement width of at least 48 feet, and (pursuant to the Comprehensive Plan, as amended) have a capacity of 15,000 vehicle trips per day. A study produced by the developer and approved by the City's engineer shows that the proposed subdivision development will generate 1,500 vehicle trips per day, or roughly ten percent (10%) of the capacity, on to the perimeter collector street. Hence, the developer shall pay an amount into escrow that equals ten percent (10%) of the cost of constructing/reconstructing the perimeter street to the City's standard and a width of 48 feet.

E. Rough Proportionality Appeal: A property owner or the applicant for the subject plat in which a requirement for a development improvement has been applied or attached as a condition of approval, or as grounds for denying the plat application may file an appeal to the City Commission under this section. The applicant must file a written appeal with the City and submit copies of a study prepared by a registered professional engineer demonstrating that the additional development improvements are (1) not in accordance with this subdivision ordinance, and/or (2) not proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed.

After holding a hearing and considering evidence from both the applicant and the City's engineer, the City Commission may:

1. deny the appeal, effectively imposing the development improvement; or
2. grant the appeal and waive in whole or in part the development improvement as necessary to achieve proportionality; or
3. grant the appeal and direct that the City shall participate in the costs of the development improvement.

An applicant may appeal the decision of the City Commission under this section to the appropriate county or district court within thirty (30) days of the final determination by the City Commission.