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ORDINANCE NO. 988

**AN ORDINANCE ESTABLISHING AN EXCESS CAPACITY FEE
BEFORE THE BIXBY CREEK SANITARY SEWER INTERCEPTOR SYSTEM AND
DECLARING AN EMERGENCY.**

WHEREAS, the City of Bixby, Oklahoma, in anticipation of future development, is in need of expansion of the Bixby Creek Drainage Basin Sanitary Sewer System and providing for additional sanitary sewer capacity; and,

WHEREAS, developers doing business within the City of Bixby, Oklahoma, as well as certain property owners, will greatly benefit from the adoption of an excess capacity agreement establishing and recognizing public sector-private sector agreements for the sharing of fees for the expansion of the Bixby Creek Sanitary Interceptor Drainage System; and,

WHEREAS, it is necessary to adjust the fee structure as well as establish a fee structure for cost and future construction projects;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

There is hereby established an excess capacity fee for development within the Bixby Creek Interceptor and White Hawk Lift Station Drainage Basins.

The Bixby Creek Interceptor system as well as the White Hawk Drainage Basin has been considered a part of the Spring Tree Lift Station service area. However, with the construction and expansion of the Bixby Creek Sanitary Sewer Interceptor, they will be served by the Bixby Creek Interceptor system. It is thereby necessary to establish a reimbursement cost for present as well as future construction projects.

BE IT FURTHER ORDAINED that the necessary reimbursement for costs in future construction projects shall be as follow:

- Bixby Creek Interceptor Basin, \$2,600/acre*
- South Bixby Creek Interceptor Basin, \$3,340/acre*
- White Hawk Lift Station and Basis, \$3,680/acre*

BE IT FURTHER ORDAINED that the excess capacity agreement as set forth herein shall be subject to the public/private partnership agreements wherein the cost will be shared with the City of Bixby and private developers and/or property owners.

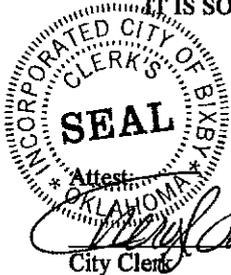
BE IT FURTHER ORDAINED that the area to be served under the excess capacity shall consist of sewer lines beginning generally at the north line of the northeast quarter, northwest quarter of Section 23, Township 17 North, Range 13 East, and extending diagonally across the west half of the northeast quarter of Section 23, Township 17 North, Range 13 East to the center of the southwest corner of the east half

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of the northeast quarter of Section 23, Township 17 North, Range 13 East, along Bixby Creek and it's tributaries with the final location being determined when the as-builts are finalized. Such location is generally known as that area from east 171st Street northerly to 141st Street, lying west of south Memorial and east of Yale Ave.

BE IT FUTHER ORDAINED that because much of the system will be completed in future construction projects, staff of the City of Bixby, Oklahoma, is authorized to negotiate excess capacity fee waivers or reductions in exchange for system expansion until the entire system has been completed. Such waivers or reductions are to be approved by City Council.

IT IS SO ORDAINED on this 11th day of June 2007.



Attest:
[Signature]
City Clerk

CITY OF BIXBY

BY: *[Signature]*
MAYOR

EMERGENCY IS FOUND TO EXIST AND EMERGENCY CLAUSE CONSIDERED AND VOTED UPON SEPARATELY ON THIS 11 DAY OF JUNE, 2007.



Attest:
[Signature]
City Clerk

CITY OF BIXBY

BY: *[Signature]*
MAYOR

Approved:

[Signature]
City Attorney



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