

RESOLUTION 2023- 25

**A RESOLUTION TO ESTABLISH A MORATORIUM FOR NEW CONSTRUCTION AND NEW DEVELOPMENT THAT WILL CONNECT TO THE MIDWEST CITY WASTEWATER COLLECTION SYSTEM THAT SERVES A PORTION OF THE EAST SIDE OF MIDWEST CITY.**

**WHEREAS**, in June of 2022, the City of Midwest City (City) issued an Request for Proposal (RFP) to solicit bids to conduct a study of a certain portion of the East side of the Midwest City Wastewater Collection System; and

**WHEREAS**, the City received proposals and found the proposal from Freese and Nichols, Inc. to be the best proposal; and

**WHEREAS**, on July 26, 2022, the City entered into a contract with Freese and Nichols, Inc. to conduct the study; and

**WHEREAS**, the study was to, among other things, to focus on the capacity of a portion of the City of Midwest City Wastewater Collection System, that serves the Eastside of Midwest City, and is further identified on the attached map, attached hereto as “Exhibit A”; and

**WHEREAS**, on July 25, 2023, Freese and Nichols, Inc. submitted to the City Council the Study. The City Council voted to accept the Study on July 25, 2023; and

**WHEREAS**, the Study found certain lift station and certain wastewater collection system lines that are identified in Exhibit “A” at or near capacity; and

**WHEREAS**, the final report of the Study, signed and sealed by Freese and Nichols, Inc. was submitted to the City on or about August 22, 2023; and

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, that:**

Based on the Freese and Nichols, Inc. Study, the City Council hereby declares that as of the 23rd day of August, 2023, there is established a moratorium within the City’s Wastewater Collection System in the area identified in “Exhibit A” as follows:

1. No approval of preliminary plats shall be issued;
2. No approval of minor plats shall be issued;
3. No construction permits for commercial construction shall be issued that either:
  - a. Establish a new connection to the wastewater collection system; or
  - b. Add volume to the wastewater collection system;
4. No construction permits shall be issued to locations that have received preliminary plats if the City has not already received and the City Council taken action on the sewer permit from the Oklahoma Department of Environmental Quality; and
5. No sewer tap shall be approved and installed for any residential site that is not included in either a city approved preliminary plat or minor plat.

The following exceptions are hereby established to the moratorium:

- A. New construction and new development may occur in location identified in “Exhibit A” that does not require connection to the City’s Wastewater Collection System and can meet all the requirements of the Oklahoma Department of Environmental Quality for the construction and installation as allowed in Title 252 of the Oklahoma Administrative Code, Chapter 641, entitled, Individual and Small Public On-Site Sewage Treatment Systems, provided, the deed and plat for any such lot specifies that the lot shall never be split, any attempt to split the lot identified in this document into smaller lots shall be denied by the City of Midwest City for further development.
- B. New construction and new development may occur in location identified in “Exhibit A” that pumps and/or flows the wastewater so that the wastewater does not flow into any of the lift stations identified in the Freese and Nichols, Inc. Report.

This moratorium may be amended or modified by the City Council. The City Council shall review this moratorium every six (6) months, at a minimum until lifted.

**PASSED AND APPROVED** BY the Mayor and City Council of the City of Midwest City on this 22 day of August, 2023.

CITY OF MIDWEST CITY, OKLAHOMA

  
Matthew D. Duker, II, Mayor



Attest:

  
Sara Hancock, City Clerk

APPROVED as to form and legality this 22nd day of August, 2023.

  
Donald D. Maisch, City Attorney