

Ordinance authorizing the City Manager to execute a use privilege agreement with the Corpus Christi Independent School District (“Permittee”) to install, operate, maintain, and remove a private two-inch wastewater force main within the Lipan Street public right-of-way, subject to the Permittee’s compliance with specified conditions.

WHEREAS, the Corpus Christi Independent School District (“Permittee”) desires to install, operate, maintain, repair, and remove a private two-inch PVC wastewater force main within the north side of the Lipan Street public right-of-way between the Permittee’s property located at 2602 Lipan Street and the wastewater connection at Palm Drive;

WHEREAS, the Permittee has requested, and the City of Corpus Christi (“City”) desires to extend, a one-year use privilege agreement (“Agreement”), renewable for four additional one-year terms, in order to accomplish the purpose and use intended by the Permittee within the public right-of-way;

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, May 14, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, in accordance with Article IX, Section 1, of the City Charter, the City Council authorizes the City Manager to enter into the Agreement for the benefit of the City and the Permittee, subject to the Permittee’s compliance with the specified provisions of the Agreement.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The City Manager, or his designee (“City Manager”), is authorized to execute a one-year use privilege agreement (“Agreement”), renewable for four additional one-year terms, with the Corpus Christi Independent School District (“Permittee”) to allow the Permittee to install, operate, maintain, repair, and remove a private two-inch PVC wastewater force main within the north side of the Lipan Street public right-of-way between the Permittee’s property and the wastewater connection at Palm Drive, such Agreement at all times subject to the Permittee’s compliance with the conditions specified in the Agreement. A copy of the Agreement is attached to this ordinance as Exhibit “A,” the terms and content of such exhibit being incorporated by reference into this ordinance as if fully set out herein in its entirety.

SECTION 2. The Agreement authorized in Section 1 of this ordinance is subject to the Permittee’s compliance with the conditions of the Agreement including, but not limited to, the provisions specified below:

1. In exchange for the City’s authorization for use of the public right-of-way by the Permittee for the stated purpose, the Permittee agrees to provide the City with an annual payment of \$742.00.

2. The Permittee's use of the two-inch PVC wastewater force main is strictly limited to serving the Permittee's Roy Miller High School Softball Field restroom/storage facilities on Lipan Street. Permittee may not provide wastewater service through the force main to any facilities other than the facilities specified in this section nor may Permittee permit or allow anyone else to provide wastewater service or any other service through the force main to any facility whether owned by the Permittee or by another person or entity.

3. All costs incurred to install, operate, maintain, repair, and remove the two-inch PVC wastewater force main are the sole responsibility of the Permittee.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 20____

ATTEST:

 Armando Chapa
 City Secretary

 Nelda Martinez
 Mayor