

Ordinance amending the Unified Development Code (“UDC”) by revising subsections 8.1.10. and 8.1.11. relating to the designation of authority under Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security and Technical Compliance; providing for severance, penalties, and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations regarding this amendment of the Unified Development Code (“UDC”);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, February 13, 2013, during a meeting of the Planning Commission, and on Tuesday, February 26, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public’s health, necessity, and convenience and the general welfare of the City and its citizens.

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

SECTION 1. Article 8, Section 8.1, subsection 8.1.10. of the Unified Development Code (“UDC”), entitled “Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security” and subsection 8.1.11. of the UDC, entitled “Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Technical Compliance,” are amended by revising the text of both sections to read as follows:

“Article 8. Subdivision Design and Improvements

“8.1. General Provisions

“8.1.1. Authority

* * *

“8.1.10. Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Financial Security

The Assistant City Manager of ~~Development Services~~ shall have discretionary authority to approve subdivision plats for recordation prior to completion of improvements required by this Article under the following conditions:

“8.1.10.A. * * *

“8.1.10.B. Upon written application by the developer, ~~and recommendation from the Planning Commission, the City Council~~ Assistant City Manager may determine reasonable cause exists to delay the required improvements for plat recordation provided that the following conditions are met:

1. The developer has posted a developer guarantee as described in **Section 3.30** for the construction of the improvements to ensure completion of the project. The financial security shall be in the amount of 110% of the cost of the delayed public improvements as estimated by developer’s engineer and accepted by the Assistant City Manager ~~of Development Services~~; shall be in a form and pursuant to an agreement approved by the City Attorney and the Finance Director; and shall be posted prior to the recording of the plat.

2. Water and sewer service are available to serve the subdivision.

3. The developer has executed ~~an~~ a standard form agreement with the City that provides at a minimum the following:

a. The developer shall construct the improvements in accordance with the engineering standards in effect at the time of construction;

b. All other subdivision requirements, park dedications, park deferment agreements, maintenance agreements, or special covenants have been completed;

c. The financial security shall be applied to construction of the required improvements and that any remaining funds shall be returned to the developer upon completion of the improvements

d. If the financial security proves inadequate to complete the improvements, the developer shall reimburse the City for the additional cost of the improvements;

- e. The improvements must be fully completed within a maximum of five years or a lesser time as determined by the ~~City Council~~ Assistant City Manager;
- f. An increase in security may be required on an annual basis if the developer's engineer/or the City determines that the financial security does not provide for 110% of the estimated constructions costs;
- g. The City may accelerate payment or performance or require additional financial security when the City deems itself insecure as to the prospect of payment or performance on a demonstrated reasonable basis;
- h. The developer shall construct the required improvements and such covenant shall be included in the agreement as a covenant running with the land; and
- i. The City, at developer's expense, shall file for record such agreement in the records of the county in which the property is located

4. Any deviations from the approved standard form agreement will require a recommendation from the Planning Commission and approval by the City Council.

“8.1.10.C. Upon application by a governmental entity or political subdivision to the Assistant City Manager—~~of Development Services~~ verifying that a construction contract has been awarded which provides for construction of the required public improvements for water, sewer, streets and drainage as set forth on plans previously approved by the City, ~~an~~ a standard form agreement may be approved by the ~~City Council~~ Assistant City Manager for such governmental entity or political subdivision on the same basis as provided above without requiring a cash bond or financial security.

“8.1.11. Requirements for Plat Recordation Prior to Final Acceptance of Infrastructure Improvements Based on Technical Compliance

A plat may be recorded prior to completion of all required infrastructure if the following improvements are completed as determined by the Assistant City Manager of ~~Development Services~~:

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SECTION 2. If, for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

SECTION 3. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following votes:

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 _____, 2013, by the following votes:

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 _____, 2013.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor