

Ordinance authorizing a Wastewater Collection Line Construction Reimbursement Agreement (“Agreement”) up to \$14,476.00 with Devonshire Custom Homes, Inc (“Developer”) to construct off-site wastewater improvements for a planned residential development, Westwood Heights Unit 4, located on Sunny St, south of Leopard Street, and appropriating \$14,476.00 from the Wastewater Collection Line Trust Fund to reimburse the developer per the agreement (District 1).

WHEREAS, the Developer/Owner, in compliance with the City’s Unified Development Code (“UDC”), has a plat, approved by the Planning Commission on November 13, 2019, to develop a tract of land, approximately 9.059 acres known as Westwood Heights Unit 4;

WHEREAS, under the UDC, the Developer/Owner is responsible for construction of the 8-inch Wastewater Collection Line (“Wastewater Improvements”);

WHEREAS, under the UDC, the Developer/Owner is eligible for reimbursement of the Developer/Owner’s costs for the construction of Wastewater Improvements;

WHEREAS, it is in the best interests of the City to have the Wastewater Improvements be constructed to its ultimate capacity under the City’s applicable Master Plan; and

WHEREAS, the City’s participation as Trustee does not create a loan of its credit because Texas Constitution Article 1.1, Section 3 prohibits the City from becoming a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit;

WHEREAS, execution of the Agreement constitutes a promise to pay only to the extent that the assets and future assets of the trust are sufficient for such purpose and that any judgement will only be satisfied out of the assets of the trust and not out of the City’s assets and the City is excluded from personal liability;

WHEREAS, the Wastewater Collection Line Trust Fund does not currently have sufficient funds to fully reimburse Developer/Owner for Wastewater Improvements under the Agreement;

WHEREAS, a construction and reimbursement agreement must be approved by the City Council before the developer starts construction. Reimbursement only shall be made when monies are available in and appropriated from the Wastewater Collection Line Trust Fund. The order of the reimbursement will be determined according to the date construction and reimbursement agreement is approved by the City Council;

WHEREAS, the Agreement approved herein will be first in line in the order for reimbursement from the Wastewater Collection Line Trust Fund based on the date the agreement is approved by the City Council per UDC 8.5.3.E; and

WHEREAS, If the developer is owed funds from the Wastewater Collection Line Trust Fund reimbursement shall be made as funds are deposited into the trust fund from other development and/or, the developer will be given credit for lot or acreage fees that are due on subsequent final plats filed with the County Clerk per UDC 8.5.3.E.

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

SECTION 1. The City Manager, or designee, is authorized to execute a Sanitary Sewer Collection Line Construction and Reimbursement Agreement (“Agreement”), attached hereto, with Devonshire Custom Homes, Inc. (“Developer”), for the extension of an **8-inch wastewater line**, including all related appurtenances, for the development of Westwood Heights Unit 4 Subdivision, Corpus Christi, Nueces County, Texas.

SECTION 2. In the event of a project delay, the City Manager or designee is authorized to execute an extension of the agreement for a period not to exceed a period of 24 months.

SECTION 3. Funding in the amount of **\$14,476.00** is appropriated from the No.4220-21801-777 Wastewater Collection Line Trust Fund to reimburse the Developer for the construction of a wastewater collection line, and improvements in accordance with the Agreement.

SECTION 4. The future revenue of the Water Arterial Transmission and Grid Main Trust Fund, Water Distribution Main Trust Fund, and Wastewater Trunk System Trust Fund are transferred by way of water and wastewater lot and acreage fees and pro-rata fees to the No.4220-21801-777 Wastewater Collection Line Trust Fund until **\$14,476.00** is appropriated in accordance with Section 3 of this ordinance.

SECTION 5. The City Manager or designee is authorized to appropriate **\$14,476.00** from the No.4220-21801-777 Wastewater Collection Line Trust Fund as funds become available to reimburse the Developer for the wastewater collection line construction and improvements in accordance with the Agreement.

SECTION 6. This ordinance takes effect upon passage.

Introduced and voted on the _____ day of _____, 2024.

PASSED and APPROVED on the _____ day of _____, 2024.

ATTEST:

Paulette Guajardo, Mayor

Rebecca Huerta, City Secretary