

Ordinance annexing London Pirate Road (formerly County Road 33), from FM 43 (Weber Road) to the North approximately 1.027 miles, being approximately 3.733 acres of land, into the territorial limits of the City of Corpus Christi; and approving a service plan.

WHEREAS, Texas Local Government Code §43.003 and City Charter of the City of Corpus Christi, Texas, Article 1, Sec. 1 authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, Nueces County has petitioned the City requesting annexation London Pirate Road (formerly County Road 33) pursuant to Texas Local Government Code §43.1055 and an Interlocal Agreement for reconstruction and annexation of County Road 33;

WHEREAS, the City Council directed its planning department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed;

WHEREAS, on April 13th and 20th, 2021 after proper notice, public hearings were held by the City Council, during City Council meetings held in the Council Chambers, at City Hall, in the City of Corpus Christi, following publication of notice of the hearings in a newspaper of general circulation in the City of Corpus Christi, for the consideration of annexation proceedings and the service plan for the defined lands and territory, during which all persons interested in the annexations were allowed to appear and be heard;

WHEREAS, a service plan for the area proposed to be annexed was made available for public inspection, including on the City's website on March 31st and made available for public discussion at a public hearing on April 13th and 20th, 2021;

WHEREAS, it has been determined by the City Council that the territory now proposed to be annexed lies wholly within the extraterritorial jurisdiction of the City of Corpus Christi;

WHEREAS, it has been determined by the City Council that the territory now proposed to be annexed abuts and is contiguous and adjacent to the City of Corpus Christi;

WHEREAS, it has been determined by the City Council that the territory now proposed to be annexed constitutes lands and territories subject to annexation as provided by the City Charter of the City of Corpus Christi and the laws of the State of Texas; and

WHEREAS, it has been determined that it would be advantageous to the City and to its citizens and in the public interest to annex the lands and territory hereinafter described.

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

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. London Pirate Road (formerly known as County Road 33) from FM 43 to the North approximately 5,420 feet, being approximately 3.733-acres, as described by metes and bounds and map in Exhibit B and C is annexed to, brought within the corporate limits, and made an integral part of the City of Corpus Christi. Exhibit B and C is incorporated into and made a part of this ordinance

SECTION 3. The Municipal Service Plan attached to this ordinance as Exhibit A is approved. Exhibit A is incorporated into and made a part of this ordinance. The service plan provides for the same number of services and levels of service for the annexed area and to the same extent that such services are in existence in the area annexed immediately preceding the date of annexation or that are otherwise available in other parts of the city with land uses and population densities similar to those contemplated or projected in the area annexed.

SECTION 4. The owners and inhabitants of the tracts or parcels of land annexed by this ordinance are entitled to all the rights, privileges, and burdens of other citizens and property owners of the City of Corpus Christi, and are subject to and bound by the City Charter of the City of Corpus Christi, and the ordinances, resolutions, motions, laws, rules and regulations of the City of Corpus Christi and to all intents and purposes as the present owners and inhabitants of the City of Corpus Christi are subject.

SECTION 5. The official map and boundaries of the City and its extraterritorial jurisdiction, previously adopted and amended, are amended to include the territories described in this ordinance as part of the City of Corpus Christi, Texas and as required by the City's Unified Development Code section 4.1.5 Newly Annexed Territory, the area shall be designated with an initial "FR" Farm-Rural District.

SECTION 6. The City Manager or his designee is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City and its extra territorial jurisdiction to add the territory annexed as required by law.

SECTION 7. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of the ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall 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 hereof be given full force and effect for its purpose.

SECTION 8. The City Secretary is hereby directed to file with the County Clerk of Nueces County, Texas, a certified copy of this ordinance.

SECTION 9. This ordinance is effective upon passage on second reading.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor

Exhibit A
MUNICIPAL SERVICE PLAN
FOR THE LONDON PIRATE ROAD ROW
(formerly County Road 33)

Introduction

This Service Plan (“Plan”) is made by the City of Corpus Christi, Texas pursuant to Section 43.056 of the Texas Local Government Code. This Plan relates to the annexation of London Pirate Road ROW as depicted in the attached Metes and Bounds (EXHIBIT A) and annexation area map (EXHIBIT B).

a. Service to be provided pursuant to Texas Local Government Code 43.056(b)

(1) Police Protection:

Services to be Provided: The Corpus Christi Police Department (CCPD) will provide police protection within the City Limits.

(2) Fire Protection:

Services to be Provided: The Corpus Christi Fire Department will provide fire protection and suppression within the City Limits through its existing fire stations.

(3) Emergency Medical Service:

Services to be Provided: The Corpus Christi Fire Department will provide emergency medical services within the City Limits.

(4) Solid Waste Collection:

Services to be Provided: After the effective date of annexation, the City of Corpus Christi will provide solid waste services to single family residential customers within the City Limits, directly or indirectly through a third-party contract.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from private service providers. The City of Corpus Christi will allow commercial refuse collectors to continue providing this service to condominium complexes, multi-family apartments and commercial and industrial establishments.

(5) Operation and Maintenance of Water and Wastewater Facilities that are not Within the Service Area of Another Water or Wastewater Utility:

Water and wastewater service will be provided within the City Limits in accordance with the Corpus Christi Unified Development Code, Utility Department Policies and engineering standards and provided the service is not within the certificated service area of another utility through existing facilities

located within or adjacent to the area. Any and all water or wastewater facilities owned or maintained by the City of Corpus Christi, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Corpus Christi, Texas. Any and all water or wastewater facilities that may be the property of another municipality or other entity shall not be maintained by the City of Corpus Christi unless the facilities are dedicated to and accepted by the City of Corpus Christi. The current water line mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing or as may be amended.

On-site sewage facilities may be allowed contingent upon the property owner meeting all city, county, state and federal requirements.

(6) Operation and Maintenance of Roads and Streets, including Street Lighting:

The City will maintain public streets over which the City has jurisdiction. Roads, streets or alleyways which are dedicated to and accepted by the City of Corpus Christi, Texas, or which are owned by the City of Corpus Christi, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in the City. Lighting of public roads, streets and alleyways shall be maintained by the applicable utility company servicing the City unless the lighting facility has been dedicated to the public, in which case the City will be the operator.

(7) Operation and Maintenance of Parks, Playgrounds and Swimming Pools:

Currently there are no public recreational facilities in the annexation area including parks, playgrounds, or swimming pools. Any park that may be under the responsibility of the County will be maintained by the City only upon dedication of the park by the County to the City and acceptance of the park by the City Council.

(8) Operation and Maintenance of any other Publicly-Owned Facility, Building, or Service:

Currently there are no such other publicly owned facilities, buildings, or services identified. If the City acquires any publicly owned facilities, buildings, or services within the annexation area, an appropriate City department will provide maintenance services.

b. Services to be provided pursuant to Texas Local Government Code 43.056(C)

(1) Water Service:

Existing Services: Currently, the City of Corpus Christi holds a water certificate of convenience and necessity (“CCN”) for the annexation area.

Services to be Provided: The City of Corpus Christi will continue to provide water service to the annexed area. In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water CCN for the subject property or portions thereof (the “CCN holder”) and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, the extension of water service will be provided in accordance with all the ordinances, regulations, and policies of the City.

(2) Wastewater Service:

Existing Services: Currently, the annexation area lies outside a wastewater certificate of convenience and necessity (“CCN”).

Services to be Provided: Absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, the extension of wastewater service will be provided in accordance with all the ordinances, regulations, and policies of the City. When areas are not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards, individual aerobic system or individual wastewater treatment plant will be utilized in accordance with all the ordinances, regulations, and policies of the City.

(3) Planning and Zoning Services:

Existing Services: Subdivision planning services currently provided when plats are submitted for City review.

Services to be Provided: Planning and zoning services will be provided by the City. The use of land in a legal manner may continue in accordance with Texas Local Government Code §43.002.

(4) Other Municipal Services:

Excluding gas and electric services, all other City Departments with jurisdiction in the area will provide services within the City Limits according to City policy and procedure.

c. Capital improvement program pursuant to Texas Local Government Code 43.056(e)

The City paid \$99,000 to Nueces County for shared construction costs associated with the reconstruction and widening of County Road 33, starting at

FM 43 northly 2,200 linear feet to the width of 20 feet base material where right-of way permitted. Nueces County completed reconstruction of 2,200 linear feet of County Road 33 north of FM 43. County Road 33 renamed London Pirate Road.

(1) Police Protection: No capital improvements are necessary at this time to provide police services.

(2) Fire Protection: No capital improvements are necessary at this time to provide fire services.

(3) Emergency Medical Service: No capital improvements are necessary at this time to provide emergency medical services.

(4) Solid Waste Collection: No capital improvements are necessary at this time to provide solid waste collection services.

(5) Water and Wastewater Facilities: No additional capital improvements are necessary at this time to provide water or wastewater services.

(6) Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.

(7) Other Publicly Owned Facilities, Buildings or Services: In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide other City services.

(8) Capital Improvements Planning: The annexation area will be included with other territory in connection with the planning for new or expanded facilities, functions, and services as part of the City's Capital Improvement Plan and Three-Year Capital Budget program.

d. Effective Term pursuant to Texas Local Government Code 43.056(l)

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. A renewal of this Plan may be exercised by the City Council provided the renewal is adopted by ordinance and specifically renews this Plan for a stated period of time.

e. Special Findings

The City Council of the City of Corpus Christi, Texas, finds and determines that this Plan will not provide any fewer services or a lower level of services in the annexation area than were in existence in the annexation area at the time immediately preceding the annexation process. The service plan will provide the annexed area with a level of

service, infrastructure, and infrastructure maintenance that is comparable to the level of service, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code or other Texas laws to make this Plan unworkable or obsolete or unlawful.

f. Amendment: Governing Law

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

g. Force Majeure

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

h. Level of Service

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

The City of Corpus Christi will provide services to the newly annexed area in a manner that is similar in type, kind, quantity, and quality of service presently enjoyed by the

citizens of the City of Corpus Christi, Texas, who reside in areas of similar topography, land utilization and population density.

**EXHIBIT B
METES AND BOUNDS**

NOTES for a 3.733 Acres, comprising a portion of the ROW associated with the London Pirate Road (formerly known as County Road 33) Right of Way. This area was defined through the ground survey of the centerline for the paved roadway. The Right of Way for London Pirate Road was then assumed through the identification and description of a 30' wide Right of Way associated with the initially built road constructed by Nueces County. The Annexation Tract being more fully described by metes and bounds as follows;

BEGINNING at the Northeast corner of the 102.95 acre tract owned by Bill J. Brown and described in Deed No. C#36676-4 Map of Records Nueces County, Texas; also being the Southeast corner of the 15.01 Acre Tract owned by Betty Jo Camp and described in Doc. No. 2010006571 Official Public Records of Nueces County, Texas; also being a shared corner of the Corpus Christi City Limits;

THENCE North 89° 31' 58" East, for a distance of 7.107 feet to the surveyed Centerline of the existing London Pirate Road paved surface;

THENCE North 89° 31' 58" East, for a distance of 16.04 feet to the Northeast corner of the tract and the assumed Eastern edge of the Right of Way;

THENCE South 20° 16' 42" West, for a distance of 1,690.48 feet with the assumed eastern edge of the Right of Way; also being the Southwest corner of the 8.00 acre tract owned by Agape Ranch and described in Doc. No. 2016053230 Official Public Records of Nueces County, Texas; also being a shared corner of the Corpus Christi City limits;

THENCE South 20° 16' 42" West, for a distance of 511.762 feet with the assumed eastern edge of the Right of way; also being the Northwest corner of the 2.00 acre tract owned by Jeremy and Paige Scott and described in Doc. No. 2016034176 Official Public Records of Nueces County, Texas;

THENCE South 20° 16' 42" West, for a distance of 3,218.011 feet with the assumed eastern edge of the Right of way for the Southeast corner of the tract;

THENCE South 89° 14' 50" West, for a distance of 16.071 feet to the surveyed Centerline of the existing London Pirate Road paved surface;

THENCE South 89° 14' 50" West, for a distance of 16.07 feet to the assumed Western edge of the Right of way;

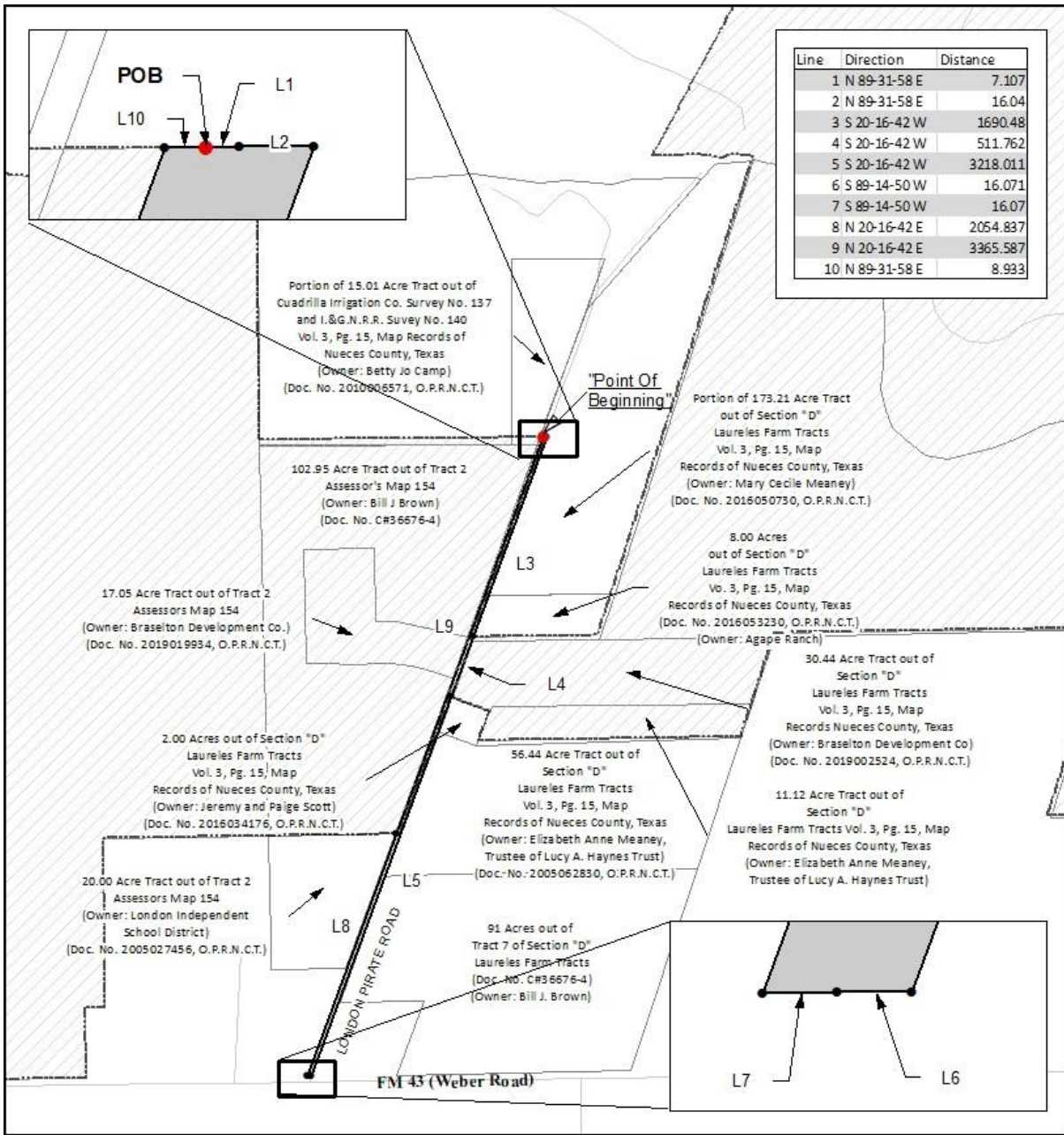
THENCE North 20° 16' 42" East, for a distance of 2,054.837 feet with the assumed western edge of the Right of Way; also being the Southeast corner of the 102.95 acre tract previously described; also being a shared corner of the Corpus Christi City Limits;

THENCE North 20° 16' 42" East, for a distance of 3,365.587 feet with the assumed western edge of the Right of Way; to a point along the Northern boundary of the aforementioned 102.95-acre tract; also to a point along the City of Corpus Christi City Limits;

THENCE North 89° 31' 58" East, for a distance of 8.933 feet with the common boundary line of said 102.95-acre tract to the **Point of Beginning**, containing 3.733 Acres (162,609.48 Sq. Ft.) of land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

EXHIBIT C ANNEXATION AREA MAP



**City of
Corpus Christi**

Print Date: 03/23/2021

*Exhibit B: Annexation Area
= 3.733 acres*



1 inch = 1,000 feet Feet