

One-Reading Ordinance authorizing execution of all documents necessary to acquire approximately 12.4 acres of real property and 11.3 acres of easements from Flint Hills Resources Corpus Christi, LLC, and related entities across property owned by said company and related entities at or near Nueces Bay Boulevard and Broadway Street, extending into the Corpus Christi Industrial Canal, for public use as water supply projects, including approval of development agreements in a total amount of up to \$5,455,000 previously approved by City Council; declaring a public necessity; providing for the City of Corpus Christi to authorize the use of the power of eminent domain to acquire the aforementioned areas for water supply projects; the consideration of the use of eminent domain to condemn property by a single record vote for all units of property to be acquired herein; and delegating authority to initiate condemnation proceedings and execute related documents to the City Manager

WHEREAS, the City of Corpus Christi ("City") requires multiple tracts of real property interests consisting of approximately 12.4 acres of real property and 11.3 acres of easements from Flint Hills Resources Corpus Christi, LLC, and related entities across property owned by said LLC and related entities at or near Nueces Bay Boulevard and Broadway Street, extending into the Corpus Christi Industrial Canal, for public use as water supply projects described in Texas Government Code 2206.001(c)(3) to connect facilities connecting one location to another location;

WHEREAS, the value of the property rights for said water supply projects to be acquired from Flint Hills Resources Corpus Christi, LLC ("FHR") has been appraised at \$5,455,000;

WHEREAS, in accordance with Texas Government Code § 2206.053, the City Council of the City of Corpus Christi, Texas, has met after a duly noticed meeting in compliance with the Texas Open Meetings Act, and by a record vote of the City Council, (with not more than one Councilmember objecting to adoption by single ordinance for all units of property for which eminent domain proceedings are to be initiated), the City Council has determined to utilize its constitutional and statutory authority to exercise its authority for eminent domain in accordance with State law; and

WHEREAS, in accordance with Texas Government Code § 2206.053(f), the City Council finds that the multiple tracts or units of property to be acquired pursuant to this ordinance are for water supply facilities connecting one water supply location to another water supply location, and are necessary to advance the public uses recited herein;

WHEREAS, the motion to adopt this resolution has been made by the following motion: "I move that the City of Corpus Christi authorize the execution of all documents necessary, and alternatively, the use of the power of eminent domain, to acquire approximately 12.4 acres of real property and 11.3 acres of easements from Flint Hills Resources Corpus Christi, LLC, and related entities across property owned by said company and related entities at or near Nueces Bay Boulevard and Broadway Street, extending into the Corpus Christi Industrial Canal for public use for water supply projects".

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

Section 1. The aforementioned recitals are found to be true and correct legislative and factual findings of the City of Corpus Christi, Texas, and they are hereby approved and incorporated for all purposes as if they were fully recited herein.

Section 2. The City Council of the City of Corpus Christi, Texas, hereby finds and determines that a public use and necessity exists for the welfare of the City and its citizens to construct water supply projects consisting of approximately 12.4 acres of real property and 11.3 acres of easements from Flint Hills Resources Corpus Christi, LLC, and related entities across property owned by said company and related entities at or near Nueces Bay Boulevard and Broadway Street, extending into the Corpus Christi Industrial Canal as depicted in the attached **Exhibit A**, for the public use of water supply projects, and such acquisition is solely for the public use and necessity of acquiring this uniquely situated land for improving and connecting the City's municipal water system (herein known as the "water supply projects").

Section 3. The City Manager or designee is authorized to execute a Purchase and Sale Agreement, a Development Agreement, an Easement Agreement, amendments thereto, and other documents necessary for the purchase of approximately 12.4 acres of real property and 11.3 acres of easements from Flint Hills Resources Corpus Christi, LLC, and related entities at or near Nueces Bay Boulevard and Broadway Street, extending into the Corpus Christi Industrial Canal in the amount of up to **\$5,455,000**, in the form attached as the attached **Purchase and Sale Agreement with Exhibits**, with changes to the aforesaid documents as approved by the City Attorney, and such documents with changes thereto are hereby declared to be have been approved by the City Council in accordance with Texas Local Gov't Code § 212.172.

Section 4. The City Manager or designee is hereby authorized on behalf of the City to take all steps necessary to acquire the aforementioned fee simple property interests and easements from Flint Hills Resources Corpus Christi, LLC, and related property owners for the water supply projects depicted in green (for fee simple) and other colors (for easements) in the attached **Exhibit A**, including negotiations and acceptance and recording of legal documents, all subject to availability of funds appropriated for such purposes. If agreements with the owners of the real property cannot be reached after reasonable negotiations, then the City Manager is delegated the authority to direct the City Attorney or other designee to file or cause to be filed against Flint Hills Resources Corpus Christi, LLC and related owners of the aforementioned properties depicted in **Exhibit A** proceedings in eminent domain in accordance with State law to acquire the easements and fee simple interests in the properties. If it is later determined that there are necessary revisions due to errors in original property descriptions, later receipt of more accurate surveys, or other valid reasons, then the City Attorney or designee is authorized to have such errors corrected or revisions made without the necessity of obtaining the City Council approval authorizing the condemnation of the corrected or revised properties. The City Manager or designee is further authorized to issue payment(s) pursuant to an award by Special Commissioners or other officials in the eminent domain matter, to the extent appropriated funds are available for such payment(s).

Section 5. This ordinance authorizing eminent domain proceedings over the properties described and depicted in **Exhibit A** has been approved by single record vote of the City Council.

Section 6. This ordinance shall take effect immediately from and after its passage, and it is so ordained.

Section 7. Upon written request of the Mayor of five Council members, copy attached, the City Council (1) finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and (2) suspends the Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure on the _____ day of _____, 2022.

TO THE MEMBERS OF THE CITY COUNCIL

Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,

Paulette Guajardo
Mayor

Council Members

The above ordinance was passed by the following vote:

Paulette Guajardo	_____
Roland Barrera	_____
Gil Hernandez	_____
Michael Hunter	_____
Billy Lerma	_____
John Martinez	_____
Ben Molina	_____
Mike Pusley	_____
Greg Smith	_____

PASSED AND APPROVED on this the _____ day of _____, 2022.

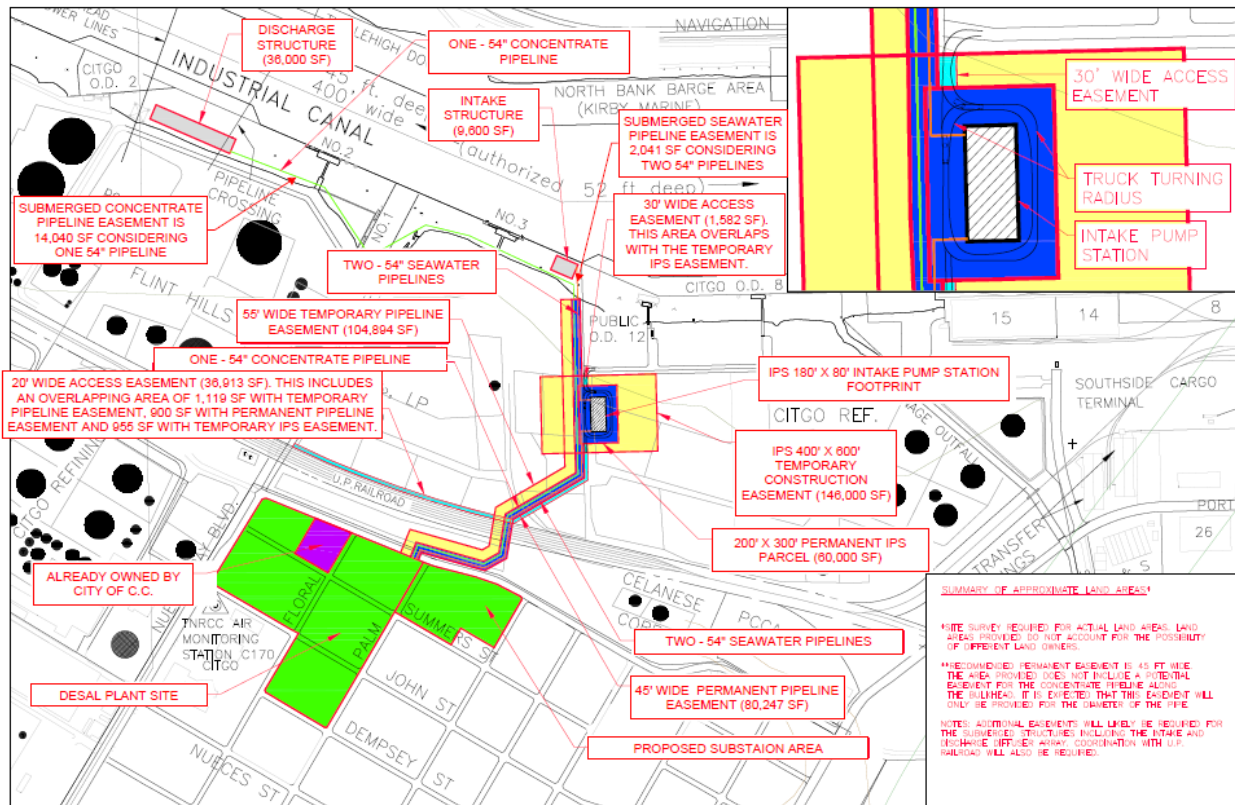
ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor

Exhibit A

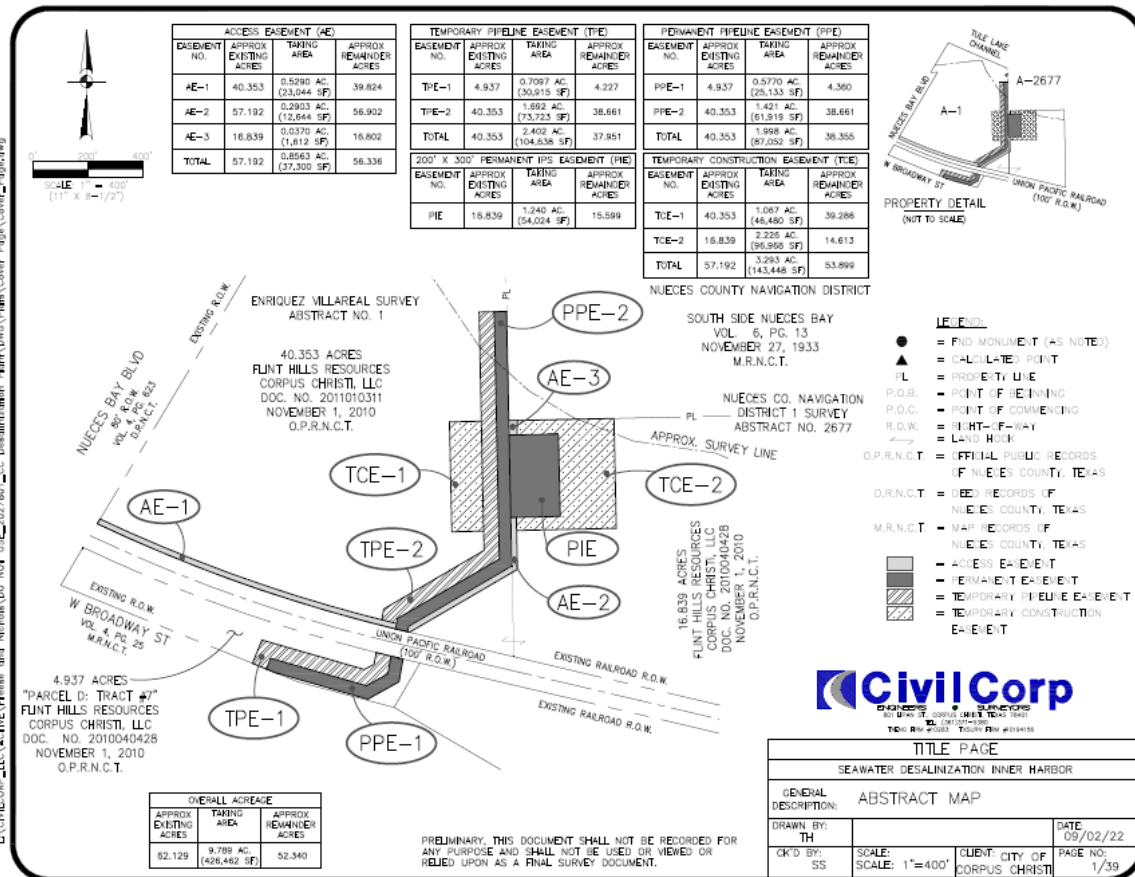
Depiction of Real Property Interests needed for Water Supply Projects



Depiction of Fee Simple Property to be obtained from Flint Hills Resources Corpus Christi, LLC



**Depiction of Easements to be obtained from Flint Hills Resources Corpus Christi, LLC
Other than Submerged Pipeline Easement, Submerged Seawater Pipeline Easement, Discharge
Structure Easement, and Intake Structure Easement**



Remainder of Exhibit A attached separately in Legistar