

Ordinance closing the public hearing on proposed assessments for improvements to the following highway in Corpus Christi, Nueces County, Texas: Flour Bluff Street Improvements: construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive; imposing assessments totaling \$23,509.68 against property abutting the improvements; fixing corresponding liens on property and charges against property owners; providing for subsequent adjustment of assessment amounts and the corresponding liens and charges based on as-built conditions; specifying assessment payment terms and lien enforcement measures.

In its Resolution No. _____, passed on _____, 2012, the City Council determined that it was necessary to improve and ordered the improvement of the following highway in Corpus Christi, Nueces County, Texas:

Construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive in connection with the Flour Bluff Street Improvements.

In that resolution, the City Council also noted that the improvement was to be paid for partly by the City and partly by assessment to the abutting property owners.

On _____, 2012, the City Council passed Resolution No. _____, which specified rules which apply to the city street improvement assessment process (*the "Assessment Process Rules Resolution"*). These rules concerned assessment hearing notice and the assessment hearing itself.

In Resolution No. _____, passed on _____, 2012, the City Council scheduled a public hearing on the proposed assessments for the construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive in connection with the Flour Bluff Street Improvements. The City Council directed that hearing notice be published and mailed. Thereafter, notice was published on the following dates: _____, 2012, _____, 2012, and _____, 2012. Written notice was sent via certified mail to owners of property abutting the proposed improvements on _____, 2012.

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

SECTION 1. During the _____, 2012 City Council meeting, a public hearing was held concerning proposed assessments for the Construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive in connection with the Flour Bluff Street Improvements. The City Council considered:

- A. written testimony by the City's Director of Engineering Services and a City-employed Texas Certified Real Estate Appraiser. A copy of the City Appraiser's written testimony is attached as Exhibit A;
- B. testimony, if any, by owners of property abutting the proposed

improvements and their representatives;

- C. additional testimony, if any, by the Director of Engineering Services, other members of city staff, and a City-employed Texas Certified Real Estate Appraiser; and
- D. other testimony and evidence, if any.

After consideration of all testimony and other evidence, the assessment hearing is closed.

SECTION 2. Proposed assessments for the property abutting the proposed improvement are listed in Exhibit **B**. These assessments have been calculated according to the requirements of the Code of Ordinances, City of Corpus Christi (the "Corpus Christi Code") Section 49-21, and Chapter 313, Texas Transportation Code.

The front-foot rule was applied unless that would have resulted in injustice or inequality. In those cases, however, the City Council has applied special rates or made other equitable adjustments to the assessments, all considering the:

- A. special benefit the property and the owner receive in enhanced value to the property;
- B. equities of the owners; and
- C. adjustment of the apportionment to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. The City Council determines that the assessment on each property listed in Exhibit **B** is just and equitable and does not exceed the special benefit in enhanced value which that property and its owner will receive by construction of the proposed improvement.

SECTION 4. The assessments listed in Exhibit **B** are adopted and fixed as a lien on the property and a personal liability and charge against the property owner.

SECTION 5. The Director of Engineering Services or his designee is authorized to adjust these assessments and the corresponding liens and charges without further City Council action if it is determined after completion of the proposed improvements that the amount of property actually improved is either greater or less than the amount utilized for purposes of calculating the assessment. Under those circumstances, an adjustment may be made to ensure that the assessment for each property corresponds to as-built conditions. The adjustment will be made using the same assessment method (front-foot rule, special rate, other equitable adjustment) which was used to calculate the assessment listed in Exhibit **B**.

It is intended that these adjustments will not be substantial in nature. Thus, they will not trigger any statutory requirement for the City Council to hold a new assessment hearing to impose revised assessments.

SECTION 6. These assessments have been imposed after due consideration of all testimony and other evidence. They include any appropriate equitable adjustments. They also reflect the correction of any errors, inaccuracies, or irregularities noted at the public hearing. All protests against or objections to the assessments or to the contract for the improvements, other than as reflected in Exhibit B, are denied.

SECTION 7. In accordance with Corpus Christi Code Section 49-21, a property owner may pay an assessment as follows:

- A. Any property owner against whom and against whose property an assessment has been imposed may pay the whole assessment, without interest, within thirty (30) days after completion and acceptance of the improvements by the City.
- B. Alternatively, an assessment may be paid in 120 or fewer monthly installments. The first installment will be payable within thirty (30) days after completion and acceptance of the improvements by the City. Installments and accrued interest will be due each month thereafter until the assessment is paid.
- C. Alternatively, an assessment may be paid in 10 or fewer annual installments. The first installment will be payable within thirty (30) days after completion and acceptance of the improvements by the City. One installment and accrued interest will be due each year thereafter until the assessment is paid.

SECTION 8. The interest rate on assessments will be the greater of

- A. eight (8) percent per annum; or
- B. the interest rate paid by the City on its most recently issued general obligation bonds.

Assessment installments may be paid at any time before maturity by paying the principal and accrued interest. If a property owner does not timely pay an assessment indebtedness or any part thereof, then the whole indebtedness remaining unpaid will, at the option of the City, immediately mature and become payable without notice, demand, or presentment for payment.

SECTION 9. These assessment liens are first and prior liens on the property affected. They are superior to any other lien or claim other than one for county, school district, or municipal ad valorem taxes. The liens date from _____, 2012, the date when the Corpus Christi City Council ordered the improvement: construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive in connection with the Flour Bluff Street Improvements Project.

SECTION 10. A lien against property or the personal liability of a property owner that arises from an assessment under this ordinance may be enforced by suit

or sale of the property assessed in the manner provided by law for sale of property for municipal ad valorem taxes. Further, the assessments may be collected along with interest, expenses of collection, and reasonable attorneys' fees.

ATTEST:

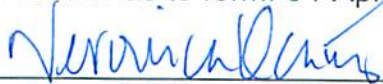
CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Joe Adame
Mayor

APPROVED as to form: 04-Apr-12

By: _____



Veronica Ocanas
Assistant City Attorney
for City Attorney

The foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2012, by the following vote:

Joe Adame	_____	John E. Marez	_____
Chris N. Adler	_____	Nelda Martinez	_____
Kelley Allen	_____	Mark Scott	_____
Larry Elizondo, Sr.	_____	David Loeb	_____
Priscilla G. Leal	_____		

The foregoing ordinance was read for the first time and passed to its second reading on this the ____ day of _____, 2012, by the following vote:

Joe Adame	_____	John E. Marez	_____
Chris N. Adler	_____	Nelda Martinez	_____
Kelley Allen	_____	Mark Scott	_____
Larry Elizondo, Sr.	_____	David Loeb	_____
Priscilla G. Leal	_____		

PASSED AND APPROVED on this the ____ day of _____, 2012.

ATTEST:

Armando Chapa
City Secretary

Joe Adame
Mayor

APPROVED as to legal form: 04-Apr-12

By: _____
Veronica Ocanas
Assistant City Attorney
for City Attorney


NOTICE OF PROPOSED ASSESSMENTS
Sound Wall at Flour Bluff Drive and Cornerstone Drive
Flour Bluff Drive Phase 1 and 2, S.P.I.D. to Don Patricio PR 6498/6499

Construction of Sound Wall – approximately 275 linear feet (FENCECRETE) at the corner of Flour Bluff Drive and Cornerstone Drive.

The assessment rate for this improvement is 100% and has been calculated in accordance with the City's current assessment policy and the estimate submitted by Haas Anderson Construction, Inc.

The assessment rates are as follows:

Item	Price Plus Engineering Cost (if any)	Assessment Rates
275 LINEAR FEET (FENCECRETE) <i>Sound Wall</i>	\$30,209.68	\$85.49 per L.F.
Actual Cost <i>to abutting property owner</i>		\$85.49 per L. F.
Total Price <i>Change Order No. 11</i>	\$30,209.68	
Preliminary Assessment <i>Amount to be charged to the abutting property owner</i>	\$23,509	\$85.49 per L. F.
City Share <i>Cost for minimal attenuation</i>		\$6,700.00


Daniel Biles, P. E.,
Interim Director,
Department of Engineering Services
City of Corpus Christi

CITY ENGINEER'S STATEMENT

RE: **PRELIMINARY ASSESSMENT ROLL,**
Sound Wall at Flour Bluff Drive and Cornerstone Drive
Flour Bluff Drive Phase 1 and 2, S.P.I.D. to Don Patricio PR 6498/6499

My name is Daniel Biles. I am the Interim Director of Engineering Services and City Engineer for the City of Corpus Christi and have served in this capacity for the last 2 months and as Assistant City Engineer for the last 20 months.

I am a Professional Engineer, licensed by the State of Texas since 2008. I have over 20 years of experience in design of construction and estimating the costs thereof.

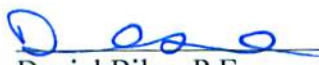
I am familiar with this project which encompasses:

Sound Wall at Flour Bluff Drive and Cornerstone Drive
Flour Bluff Drive Phase 1 and 2, S.P.I.D. to Don Patricio PR 6498/6499

The project consists of construction of 275 linear feet of FENCECRETE as shown on the plans and called for in the specifications.

Funds to finance the project are available in the FY 2011 - 2012 Street Improvement Program.

Prior to this hearing, I had an estimate of project costs prepared, and the costs are true and accurate. This project is estimated to start in April of 2012 with completion in May, 2012.


Daniel Biles, P.E.
Interim Director
Department of Engineering Services
City of Corpus Christi

4/4/12
Date



Re: PRELIMINARY ASSESSMENT ROLL,
Sound Wall at Flour Bluff Drive and Cornerstone Drive
Flour Bluff Drive Phase 1 and 2, S.P.I.D. to Don Patricio PR 6498/6499

My name is Eusebio Garza, III and I am a State Certified Residential Real Estate Appraiser and have been evaluating property and real estate for the City of Corpus Christi since 1998. I have experience in appraising both commercial and residential properties, and I am familiar with the real estate market in Corpus Christi.

I am familiar with the sound wall to be constructed at Flour Bluff Drive and Cornerstone Drive, and I am familiar with the improvements to be made by the City of Corpus Christi.

I have reviewed the project assessment roll; and personally reviewed the parcel of land to be assessed. In my opinion this parcel will be specifically benefited by the improvement to be assessed against it; without regard to the community benefit.

In addition, it is my opinion that the parcel will be specially enhanced by the improvement at least to the extent of the assessment stated.

Thank you,

 4-4-12
Eusebio Garza, III Date

Manager, Property & Land Acquisition
Department of Engineering Services
City of Corpus Christi