AGENDA MEMORANDUM
First Reading for the City Council Meeting of November 17, 2015
Second Reading for the City Council Meeting of December 8, 2015

DATE: October 26, 2015

TO: Ronald L. Olson, City Manager

FROM: Daniel M. Grimsbo, P.E., Director, Development Services Department
DanG@cctexas.com
(361) 826-3595

Exemption from the Wastewater Acreage/Lot Fees for Layton Manor, Block 1, Lot 4 located east of Flour Bluff Drive within the Laguna Madre Area (Wastewater Collection System Master Plan).

CAPTION:

Ordinance exempting Layton Manor, Block 1, Lot 4 from the payment of wastewater lot and acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

PURPOSE:

Exempt the property owner of Layton Manor, Block 1, Lot 4 from paying $7,902.13 in wastewater lot and acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

BACKGROUND AND FINDINGS:

Mr. Jack L. Tucker, Trustee, Jack L. Tucker, Protection Trust, is requesting the City to waive the Sanitary Sewer (Wastewater) Lot and Acreage Fees for Layton Manor, Block 1, Lot 4 by providing an exemption for this area. The subject property is located east of Flour Bluff Drive and north of Ramfield Road, in the Flour Bluff area of the City. Currently, this section of the Laguna Madre Service Area does not have any wastewater services available for the property. It is Staff's opinion that wastewater facilities will not be available within the next 15 years unless these improvements are included in a bond project.

Section 8.5.2.G.1. of the Unified Development Code (UDC) outlines the exemption of payment of wastewater lot or acreage fees if the land for which the fees are required lies within an area exempted by City Council for the payment of such fees. Exempted areas are determined by City Council and generally are those areas not likely to be served by City wastewater services within the next fifteen (15) years.

This section also provides that owners of property for which an acreage fee has been paid may receive a refund if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50 percent of the property petition City Council for a hearing to determine whether the fees should be refunded. A refund may be made if City Council finds that, among other things, the property is not likely to receive services within another 5 years.

ALTERNATIVES:

Require the developer to pay the applicable wastewater lot and acreage fees in the amount of $7,902.13 prior to the recording of the plat. If wastewater services are not available within 15 years from the date of the filing of the plat, the property owners may request a refund which will include a 5 ½ percent interest per annum from the date of filing of the final plat.

OTHER CONSIDERATIONS:

None

CONFORMITY TO CITY POLICY:

N/A

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

On October 21, 2015, the Planning Commission recommended City Council approve the wastewater exemption subject to a Sanitary Sewer Connection Agreement.

FINANCIAL IMPACT:

☐ Operating   ☐ Revenue   ☐ Capital   ☒ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):
Comments: None

RECOMMENDATION:

On October 21, 2015, the Planning Commission and Staff recommended that City Council approve the exemption of the wastewater lot and acreage fees subject to a Sanitary Sewer Connection Agreement. The agreement will require payment of the pro-rata fee in effect when public wastewater service becomes available. The agreement will also require payment of the wastewater lot and acreage fees in effect if public wastewater becomes available within 15 years of the plat being filed for record.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Sanitary Sewer Connection Agreement
Exemption Request Letter with Exhibit
Location Map