

Ordinance authorizing a Wastewater Trunk Line Construction and Reimbursement Agreement up to \$1,978,937.16 with MPM Development to construct a wastewater trunk line for the proposed residential development located off the northwest side of Haven Dr. and Warrior Rd. intersection, also known as Haven Subdivision; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$1,978,937.16 to reimburse the developer in accordance with 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 January 24, 2024, to develop a tract of land, approximately 157 acres known as Haven Road Subdivision;

WHEREAS, under the UDC, the Developer/Owner is responsible for the construction of the Wastewater Trunk 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 interest of the City to have the Wastewater Improvements constructed to its ultimate capacity under the City's applicable Master Plan;

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 Trunk System 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;

WHEREAS, reimbursement shall only be made when monies are available in and appropriated from the Wastewater Trunk System Trust Fund;

WHEREAS, the Agreement approved herein will be ninth-in-line in the order for reimbursement from the Wastewater Trunk System 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 Trunk System 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, THAT:

SECTION 1. The City Manager or designee is authorized to execute a Wastewater Trunk Line System Construction and Reimbursement Agreement (“Agreement”), with MPM Development, LP (“Developer”), for the wastewater trunk system improvements, including all related appurtenances, for the development of Haven Road 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 12 months.

SECTION 3. The City Manager or designee is authorized to transfer future revenue of the Water Arterial Transmission and Grid Main Trust Fund, Water Distribution Main Trust Fund, and Wastewater Collection Line Trust Fund to the No.4220-21800-777 Wastewater Trunk System Trust Fund in accordance with the priority established by UDC 8.5.1.C.1.d, 8.5.1.C.2.d, 8.5.2.E.1.d, and 8.5.2.E.2.d, until **\$1,978,937.16** is appropriated in accordance with this ordinance.

SECTION 4. The City Manager or designee is authorized to appropriate **\$1,978,937.16** from the No.4220-21800-777 Wastewater Trunk System Trust Fund as funds become available to reimburse the Developer for the wastewater trunk system construction and improvements in accordance with the Agreement, this ordinance, and the UDC.

SECTION 5. 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