



AGENDA MEMORANDUM

First Reading for the City Council Meeting of April 14, 2015
Second Reading for the City Council Meeting of April 21, 2015

DATE: March 25, 2015
TO: Ronald L. Olson, City Manager
FROM: Daniel M. Grimsbo, P.E., Director, Development Services Department
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Exemption from the Wastewater Acreage/Lot Fees for Wedgewood Terrace Unit 3 located north of Yorktown Drive and West of Flour Bluff Drive, in the southwest portion of Flour Bluff

CAPTION:

Ordinance exempting Wedgewood Terrace Unit 3 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 developer of Wedgewood Terrace Unit 3 from paying \$15,003.05 in wastewater lot and acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

BACKGROUND AND FINDINGS:

The developer, Mohammed Rezaei, Luxury Spec Homes, is requesting the City to waive the Sanitary Sewer (Wastewater) Lot and Acreage Fees for Wedgewood Terrace Unit 3 by providing an exemption for this area. The subject property is located north of Yorktown Drive and West of Flour Bluff Drive, in the southwest portion of Flour Bluff. Currently, this area does not have any wastewater services available. The adopted Master Plan for this area requires a lift station, its associated force main and several trunk mains to serve the subject 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 \$15,003.05 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.

Exempt the developer from payment of the wastewater lot and acreage fees subject to a Sanitary Sewer Connection Agreement. Conditions in the agreement are that when public wastewater services become available, the property owners would connect to the wastewater line and pay the applicable pro-rata fee, tap fee and surcharge fee. If public water services become available within the next 15 years, the property owners would also be required to pay the applicable wastewater lot and acreage fees.

OTHER CONSIDERATIONS:

None

CONFORMITY TO CITY POLICY:

N/A

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

On January 28, 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: 2014-2015	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 January 28, 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
Sanitary Sewer Connection Agreement