

RESOLUTION

RESOLUTION DETERMINING THE NECESSITY FOR AND ORDERING IMPROVEMENTS TO VAKY STREET FROM SWANTNER DRIVE TO REID DRIVE, IVY LANE FROM GOLLIHAR ROAD TO HORNE ROAD, AND CLARE DRIVE FROM SOUTH PADRE ISLAND DRIVE TO MCARDLE ROAD (THE “IMPROVEMENTS”); SPECIFYING PAYMENT OF THE IMPROVEMENTS PARTLY BY THE CITY AND PARTLY BY ASSESSMENTS; DIRECTING THE FILING OF A NOTICE OF PROPOSED ASSESSMENTS WITH THE NUECES COUNTY CLERK; APPROVING PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS; APPROVING THE CONSTRUCTION COST ESTIMATE; SETTING A PUBLIC HEARING ON THESE PROPOSED ASSESSMENTS FOR THE FEBRUARY 26, 2013 CITY COUNCIL MEETING; DIRECTING PUBLICATION OF NOTICE OF THE HEARING; AND ORDERING NOTICE OF THE HEARING BE PROVIDED TO PROPERTY OWNERS.

The City’s Department of Engineering Services has prepared detailed project plans and specifications. The City then received bids to construct the project accordingly.

After evaluating the apparent lowest responsible bid to construct the Project, the Director of Engineering Services prepared a Project Construction Cost Estimate. This estimate specifies anticipated total Project construction cost and the City portion of this cost, the preliminary total of assessments, and various assessment rates. The estimate also includes a bid tabulation and a preliminary assessment roll listing proposed assessments against each abutting or affected property.

NOW, THEREFOR, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Under Corpus Christi City Charter Article X, Section 1(a)(12) and Texas Transportation Code Chapter 313, the City Council determines that it is necessary to improve and orders the improvement of Vaky Street from Swantner Drive to Reid Drive, Ivy Lane from Gollihar Road to Horne Road, and Clare Drive from South Padre Island Drive to McArdle Road.

As specified in more detail in Project plans and specifications, the project will include:

1. Filing, grading, lowering, paving, or repairing the streets in a permanent manner;
2. Constructing and realigning curbs, gutters, and sidewalks;
3. Constructing driveways; and
4. Reconstructing, at the City’s expense, an upgrade to the existing utilities where required.

SECTION 2. The Project consists of three (3) categories or improvements: (1) Street, curb, gutter, and sidewalk improvements to be paid for partly by the City and partly by assessments; (2) driveways to be paid for entirely by assessments; and (3) other improvements, to be paid for by the City because either the assessment statute does not apply to these improvements or the City is not making assessments to pay for them. An assessment against abutting property will create a lien on the property and a personal liability and charge against the property owner.

If the property is exempt from a street improvement assessment lien when the improvements are ordered, then no assessment lien will be created. The owner of the exempt property, however, will be personally liable for an assessment in connection with the property. An owner of exempt property may voluntarily execute a Builder's and Mechanic's Lien Contract and Note to place a lien on the property.

SECTION 3. To ensure that assessment liens take effect as soon as possible, and to ensure that the liens will apply to the fullest extent even if the assessed property is subdivided or sold, the Director of Engineering Services will file a notice of the proposed assessments with the Clerk of Nueces County, Texas. This notice will describe, or describe by reference, each parcel of property abutting the proposed improvements as listed in the Preliminary Assessment Roll.

SECTION 4. The Project plans and specifications are approved.

SECTION 5. In accordance with the Texas Transportation Code Section 313.024, the Project construction cost estimate is approved; however, the assessments listed in the preliminary assessment roll cannot be imposed until after a public hearing is conducted in accordance with state law and the City Council's Assessment Process Rules Resolution.

SECTION 6. A Public Hearing on proposed assessments of Vaky Street from Swantner Drive to Reid Drive, Ivy Lane from Gollihar Road to Horne Road, and Clare Drive from South Padre Island Drive to McArdle Road will be held during the City Council's February 26, 2013 meeting. This meeting will begin at 11:30 p.m. in the City Council Chambers, 1202 Leopard, Corpus Christi, Texas

SECTION 7. The City Secretary will arrange to publish notice of this Public Hearing in accordance with the Assessment Process Rules Resolution.

SECTION 8. The Director of Engineering Services will provide written notice of the public hearing to property owners in accordance with the Assessment Process Rules Resolution.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

Approved this the ____ day of _____, 2013

Veronica Ocanas
Sr. Assistant City Attorney

The above resolution was passed by the following vote:

Nelda Martinez	_____
Kelley Allen	_____
Rudy Garza	_____
Priscilla Leal	_____
David Loeb	_____
Chad Magill	_____
Colleen McIntyre	_____
Lillian Riojas	_____
Mark Scott	_____