



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of April 29, 2014  
Second Reading for the City Council Meeting of May 13, 2014

**DATE:** April 4, 2014  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Barney Williams, Interim Director, Development Services  
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Approval of a Developer Participation Agreement with Developer and Reimbursement of \$215,861.52 for the City's cost of South Oso Parkway

### **CAPTION:**

Ordinance authorizing the City Manager or designee to execute a developer participation agreement with MPM Development, LP., ("Developer"), to reimburse the Developer up to \$215,861.52 for the City's share of the cost to extend South Oso Parkway, in accordance with the Unified Development Code.

### **PURPOSE:**

MPM Development, L.P., is eligible for reimbursement for the required extra pavement dimension of South Oso Parkway and its realignment.

### **BACKGROUND AND FINDINGS:**

The developer, MPM Development, LP., is developing the final phase of a multi-phased single-family residential subdivision named King Estates Unit 4. The subdivision is located on the south end of South Staples Street (FM 2444) and east of King Trail. King Estates Unit 4 will contain 35 single-family residential lots. The Planning Commission approved the plat for King Estates Unit 4 on January 29, 2014. The participation agreement is for the required extra pavement dimension of South Oso Parkway and its realignment. The developer is required to construct up to a residential collector. South Oso Parkway is required 2 inches in extra thickness in the base, sub-base and asphalt which is comparable to a non-residential collector and as such is eligible for reimbursement.

The realignment of South Oso Parkway is the result of existing right-of-way on the north side of South Staples Street (FM 2444). In 2009, the City replatted the Botanical Gardens property and moved South Oso Parkway west to abut the residential lots in Botanical Gardens Park Unit 4. With the development of the subject property, the developer is required to align South Oso Parkway with the existing right-of-way across

South Staples Street (FM 2444). The required alignment made for an unusually shaped lot. Therefore, staff is recommending half-street participation for the frontage of Lot 1.

**ALTERNATIVES:**

Disapproval of the Participation Agreement.

**OTHER CONSIDERATIONS:**

Not applicable

**CONFORMITY TO CITY POLICY:**

The developer will be extending and expanding South Oso Parkway for new subdivision as provided in the Unified Development Code.

**EMERGENCY / NON-EMERGENCY:**

Non-emergency

**DEPARTMENTAL CLEARANCES:**

Legal  
Finance

**FINANCIAL IMPACT:**

Operating       Revenue       Capital      X Bond 2012

| <b>Fiscal Year: 2013-2014</b> | <b>Project to Date Expenditures (CIP only)</b> | <b>Current Year</b> | <b>Future Years</b> | <b>TOTALS</b>  |
|-------------------------------|--|---------------------|---------------------|----------------|
| Line Item Budget              | \$750,000.00                                   | \$1,500,000.00      | \$750,000.00        | \$3,000,000.00 |
| Encumbered / Expended Amount  | \$143,296.73                                   | \$239,404.87        | 0                   | \$382,701.60   |
| This item                     |  | \$215,861.52        |                     | \$215,861.52   |
| BALANCE                       | \$606,703.27                                   | \$1,044,733.61      | \$750,000.00        | \$2,401,436.88 |

Fund(s):

**Comments:**

Balance reflects amount for Coves at Lago Vista Unit 3B and Rancho Vista Unit 9 participation agreements.

**RECOMMENDATION:**

Staff recommends approval of the motion as presented.

**LIST OF SUPPORTING DOCUMENTS:**

Participation agreement  
Ordinance