



AGENDA MEMORANDUM

Future Item for the City Council Meeting of November 17, 2015
Action Item for the City Council Meeting of December 8, 2015

DATE: October 21, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
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Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in the Nottingham Acres Subdivision.

CAPTION:

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners in the Nottingham Acres Subdivision to provide public water to their respective properties pursuant to Section 55-113, City Code of Ordinances.

PURPOSE:

The service can only become effective if City Council approves the outside city limits water contract. The City Manager or designee is authorized to execute water service contracts.

RECOMMENDATION:

Approval of the resolution authorizing the City Manager or his designee to enter into outside city limits water contracts with property owners of up to 31 lots in the Nottingham Acres Subdivision to provide public water to their respective properties located outside the city limits pursuant to Section 55-113 of the City Code of Ordinances. Several of the water contracts will be with B & A Terra Firma LLC, the developer of the subdivision.

BACKGROUND AND FINDINGS:

Section 55-111 of the Code of Ordinances requires a written service contract between the City and all owners and record mortgagees and lienholders of such property. The property owner, B & A Terra Firma LLC, is currently building homes on several tracts of land outside the city limits. B & A Terra Firma LLC own properties known as Nottingham Acres Unit 1, Block 1, Lots 1-7; Block 2, Lots 1-5, Block 3, Lots 1-15; and Block 4, Lots

1-4. When Nottingham Acres Subdivision was constructed, public waterline was extended to the area and made available to the properties within Nottingham Acres. In order to obtain public water, the property owners must comply with the following requirements:

- a. Enter into a written service contract with the City;
- b. Submit plans that are in compliance with all city codes and obtain all city permits as if the property were within the City limits; and
- c. Allow inspections of all such construction.

B & A Terra Firma LLC has been submitted construction plans to the City for review. Water connection will not be approved until after the water service contract has been approved and recorded in the Nueces County records. Pursuant to the requirements of the water service contract, construction may only occur in compliance with City regulations, including construction permit requirements, as though the property were inside the City

Nottingham Acres Unit 1 was approved by the Planning Commission on December 3, 2014 and recorded in the Nueces County map records on September 2, 2015. Nottingham Acres Unit 1 is located south of FM 43 between County Road 33 and County Road 22. **(See Exhibit A- Location Map)**

As part of the development of the subdivision, a waterline was extended from FM 43 to the subdivision in order to provide public water to the proposed lots. Nottingham Acres subdivision contains 31 lots. In accordance with Section 55-113 of the Code of Ordinances, the Council would be required to approve each contract for all of the properties. In order to expedite the contracts and not bog down the City Council, the City Manager or his designee will execute the remaining water service contracts. The future contracts for the properties within Nottingham Acres would not differ much from the contract with B & A Terra Firma LLC.

Staff recommends the City Council approve authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners to provide public water to their property located outside the city limits.

ALTERNATIVES:

Annexation of the property

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

Section 55-111 of the City Code requires City Council approval of outside-City-limits water contracts.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal

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

LIST OF SUPPORTING DOCUMENTS:

Resolution

OCL Water Contract

Exhibit A – Location Map