

## BRIDGE CONSTRUCTION DEFERMENT AGREEMENT

STATE OF TEXAS           §  
                                          §  
COUNTY OF NUECES       §

This Agreement is entered into between the City of Corpus Christi, a Texas home rule municipality, 1201 Leopard Street, Corpus Christi, Texas 78401 (hereinafter "City") and The Lakes at King Estates, Inc., a Texas corporation, 3756 Bratton, Corpus Christi, Texas 78413 (hereinafter "Developer").

WHEREAS, the plat of The Coves at Lago Vista Unit 1 (**Exhibit 1**), approved by the Planning Commission on August 24, 2005 provides for the construction of a bridge structure over a drainage easement channel along the southern boundary of the subdivision;

WHEREAS, Developer in compliance with the City's Platting Ordinance, has filed a plat to develop a tract of land "The Coves at Lago Vista Unit 1" herein called "Development";

WHEREAS, Developer agrees to construct infrastructure and related site improvements in accordance with the City approved construction plans and specifications;

WHEREAS, a portion of the southern boundary of the above-described Development is situated adjacent to an existing drainage right-of-way and drainage outfall along the southern boundary of;

WHEREAS, the Platting Ordinance requires Developer to pay its proportionate share of future bridge construction (hereinafter "the required improvements") across said drainage right-of-way and drainage channel as shown on **Exhibit 2**; prior to the time that the above said plat of the Development is filed for record;

WHEREAS, due to the uncertainty of when the property south of the drainage right-of-way will be platted and the developer thereof be required to contribute to the construction of the bridge and the City providing funding for its share of the construction costs as stipulated in the City's Platting Ordinance Section IV A 16 (1) (2), it is the City's desire to have said bridge be constructed at a future date with Developer's share of the cost as shown on Exhibit 3;

WHEREAS, Developer will deliver a check payable to the City of Corpus Christi in the amount of Twenty-eight Thousand Seven Hundred and Eighty-three and 91/100 Dollars (\$28,783.91), which is 110% of Developer's proportionate share of the estimated cost of constructing the required improvements, as shown on the cost estimate, which is attached hereto and incorporated herein as **Exhibit 3**;

WHEREAS, the City Attorney and Director of Finance have approved this transaction; and

NOW, THEREFORE, the City and Developer agree as follows:

2006-027  
01/31/06  
M2006-026

1 of 5

1. Developer of The Coves at Lago Vista Unit 1 shall escrow funds equal to its proportionate share of the cost for future construction of a bridge across the drainage channel adjacent to The Coves at Lago Vista Unit 1 subdivision until the City causes said improvements to be constructed as a portion of an overall plan.
2. The Developer shall deposit Twenty-eight Thousand Seven Hundred Eighty-three and 91/100 Dollars (\$28,783.91) check with the City of Corpus Christi on or before the beginning of the City Council meeting to be held on January 31, 2006, which is 110% of Developer's share of the total cost of the bridge construction in compliance with the Platting Ordinance, as shown on **Exhibit 3**. Failure of Developer to deposit said funds as set forth herein shall make this Agreement null and void.
3. City shall deposit said Twenty-eight Thousand Seven Hundred Eighty-three and 91/100 Dollars (\$28,783.91) shall be placed by the City in an interest bearing account and the total sum, both principal and interest, shall be made available to the City of Corpus Christi solely for the construction of the required improvements hereunder. Such funds shall not be used for any other purpose whatsoever.
4. Developer is released from any further security adjustments if annual construction costs increase. As consideration for this release, Developer agrees to release the City from the obligation to refund any excess monies to the Developer if the deposited funds and accrued interest exceed the cost of construction. Any remaining balance of deposited funds and accrued interest will be deposited to the appropriate City fund for City's sole use.
5. The Developer is further relieved of requirements to construct the aforementioned bridge improvements, unless the property to the south of drainage right-of-way plats and provides its share of constructing said bridge and the City provides funding according to the Platting Ordinance.
6. The City's Director of Engineering Services, at Developer's expense, shall file this Deferment Agreement in the records of Nueces County.
7. Neither party may assign this Deferment Agreement or any rights hereunder without the prior written approval of the other party.
8. Any notice required or permitted to be given hereunder shall be in writing and may be given by personal delivery, by fax, or by certified mail, and if given personally, by fax or certified mail, shall be deemed sufficiently given if addressed to the appropriate party at the address noted opposite the signature of such party. Any party may, by notice to the other in accordance with the provisions of this paragraph, specify a different address or addressee for notice purposes

9. This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Nueces County, Texas. Lawsuits pursuant hereto shall be brought in Nueces County.
10. Developer further agrees, in compliance with the City of Corpus Christi Ordinance No. 17113, to complete, as part of this Agreement, the Disclosure of Ownership interests form attached to this Agreement as **Exhibit 4**.
11. This Agreement shall be executed in triplicate, all original copies of which shall be considered one instrument. When all original copies have been executed by the City, and at least two original copies have been executed by Developer, this Agreement shall become effective and binding upon and shall inure to the benefits of the parties and their respective heirs, successors and assigns.

EXECUTED in triplicate this 25<sup>th</sup> day of January, 2006.

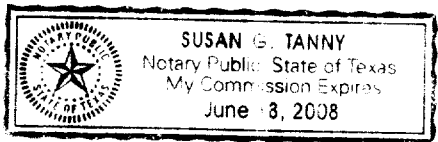
The Lakes at King Estates, Inc.

**3756 Bratton Road**  
Corpus Christi, Texas 78413

By: *[Signature]* PRES.  
Richard Voss, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF NUECES   §

This instrument was acknowledged before me on the 25<sup>th</sup> day of January, 2006, by Richard Voss, President of The Lakes at King Estates, Inc, owner and developer of The Coves at Lago Vista Unit 1



Susan G. Tanny  
NOTARY PUBLIC, STATE OF TEXAS

**CITY OF CORPUS CHRISTI ("City")**

P. O. Box 9277  
Corpus Christi, Texas 78469  
Telephone: (361) 880-3500  
Facsimile: (361) 880-3501

ATTEST

By: *Armando Chapa*  
ARMANDO CHAPA,  
City Secretary

By: *George K. Noe*  
GEORGE K. NOE  
City Manager

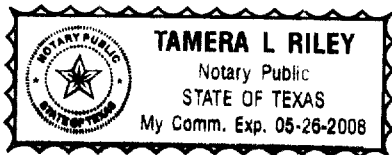
APPROVED AS TO FORM: This 26<sup>th</sup> day of February, 2006.

By: *Gary Smith*  
Gary Smith  
Assistant City Attorney  
  
For City Attorney

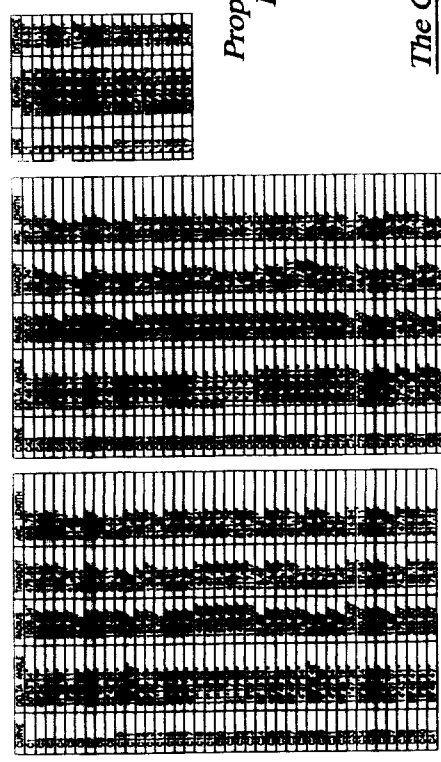
M2006-026 AUTHORIZED  
BY COUNCIL 1/31/06  
*AR*  
SECRETARY *CR*

THE STATE OF TEXAS §  
                                                          §  
COUNTY OF NUECES §

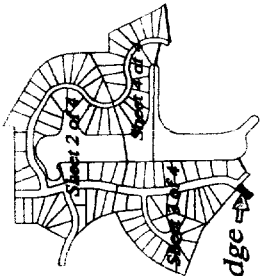
This instrument was acknowledged before me on the 26<sup>th</sup> day of February, 2006, by GEORGE K. NOE, City Manager for the CITY OF CORPUS CHRISTI, a Texas municipal corporation, on behalf of said corporation.



*Tamera L. Riley*  
NOTARY PUBLIC, STATE OF TEXAS



**Proposed Bridge Location**  
 Sheet Index: Not to scale



**Plat of  
 The Coves at Lago Vista  
 Unit 1**

84.192 acres of land out of the south one half of Section 31 and north one half of Section 32, Lawrence Farm Tracts, a map of which is recorded in Volume 3, Page 15, Map Records of Nueces County, Texas and being a portion of the property conveyed by C.E. Trullish III to Corpus Christi Land Ventures Associates by Special Warranty Deed, recorded in Volume 1889, Page 840 et seq., Deed Records of Nueces County, Texas.

**Notes:**

- 1.) Total plotted area contains 84.192 acres of land.
- 2.) Set 5/8 inch iron rods with red plastic cap stamped 'URBAN ENGR C.C. TX' at all lot corners, except where noted.
- 3.) The receiving water for storm water runoff is the Oso Creek Basin. The TCEQ has not classified the aquatic life use for the Oso Creek, but it is recognized as an environmentally sensitive area. The Oso Creek flows directly into the Oso Bay. The TCEQ has classified the aquatic life use for the Oso Bay as "exceptional" and "pristine waters" and also categorized the receiving water as "contact recreation" use.
- 4.) Boundaries are based on the recorded plat of King Estates Unit One, a map of which is recorded in Volume 56, Page 200, Map Records of Nueces County, Texas.
- 5.) By graphic platting only, this property is in Zones "A11 (B 1A)", "B1" and "C" on the Flood Hazard Map of the City of Corpus Christi, Texas, which bears an effective date of June 4, 1987 and it is in a Special Flood Hazard Area.
- 6.) Driveway separation along Oso Parkway South must average a separation of not less than 150 feet.
- 7.) The following properties shall be prohibited from having driveway access to Oso Parkway:  
 Block 5, Lots 2, 7 and 21  
 Block 4, Lot 5  
 Block 2, Lot 55  
 Block 1, Lot 1
- 8.) Development must, at a minimum, comply with the conditions set forth in the approved Special Permit (Zoning Case 0904-05).
- 9.) Lot 1, Block 5 and Lot 55, Block 2, are non-buildable lots.
- 10.) Lot 5, Block 1 is designated as a City Park. Park improvements including a parking area and possible park amenities may be provided in lieu of additional lands being dedicated as park.

State of Texas  
 County of Nueces

THE LAKES AT KING ESTATES, INC. do hereby certify that it is the owner of the lands embraced within the boundaries of the foregoing plat, that it has caused the same to be surveyed and subdivided into lots, and that it has caused the same to be recorded in the public records of this county for the purpose of identification, operation and use of public utilities; and that this map was made for the purpose of description and dedication.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: THE LAKES AT KING ESTATES, INC. doo THE COVES AT LAGO VISTA

Richard Voss, President

State of Texas  
 County of Nueces

This instrument was acknowledged before me by Richard Voss, as President of THE LAKES AT KING ESTATES, INC. doo THE COVES AT LAGO VISTA an behalf of said corporation.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

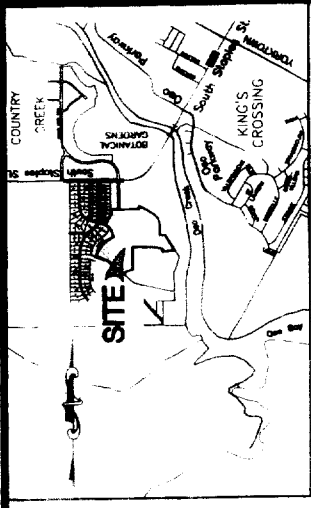
Notary Public in and for the State of Texas

State of Texas  
 County of Nueces

This plat was approved by the Corpus Christi Nueces County Health Unit, any private health department, or other health department shall be approved by the Corpus Christi-Nueces County Health Department prior to installation.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Louanna A. Jones, R.S. Manager  
 Public Health Engineer  
 Corpus Christi, Nueces County, Texas



**LOCATION MAP N.T.S.**

State of Texas  
 County of Nueces

I, Jun J. Solares, a Registered Professional Land Surveyor for Urban Engineering, have prepared the foregoing map from a survey made on the ground under my direction and in true and correct to the best of my knowledge, information and belief. I have been engaged under contract to set all Lot and Block corners on said terrain and to complete such operations with due and reasonable diligence consistent with some professional practice.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jun J. Solares, R.P.L.S.  
 Texas License No. 4609

State of Texas  
 County of Nueces

This final plat of the herein described property was approved by the Department of Engineering Services of the City of Corpus Christi, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Angel R. Escobar, P.E./R.P.L.S.  
 Director of Engineering Service

State of Texas  
 County of Nueces

This final plat of the herein described property was approved on behalf of the City of Corpus Christi, Texas by the Planning Commission.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Michael H. Gunning  
 Secretary

State of Texas  
 County of Nueces

I, Diane T. Barrera, Clerk of the County Court in and for said County, do hereby certify that the submission was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, and duly recorded the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, in said County in Volume \_\_\_\_\_ Page \_\_\_\_\_ Map Records.

Whereas my head and end of the County Court, in and for said County, at office in Corpus Christi, Texas, the day and year last written.

No. \_\_\_\_\_  
 Filed for Record \_\_\_\_\_  
 at \_\_\_\_\_ o'clock \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_  
 Diane T. Barrera, County Clerk  
 Nueces County, Texas

**Exhibit 1**



DATE: July 22, 2005  
 JOB NO.: 54035-44.00  
 SHEET: 1 of 4  
 DRAWN BY: JG

By: \_\_\_\_\_  
 Deputy

Plat of  
The Coves at Lago Vista

Unit 1

64.192 acres of land out of the south one half of Section 31, and north one half of Section 32, Laureles Farm Tracts, a map of which is recorded in Volume 1, Page 13, Map Records of Alameda County, and being a portion of the property conveyed by C.E. Trerichs to the Corpus Christi Land Venture Association by Special Warranty Deed, recorded in Volume 1588, Page 640 of said, Deed Records of Alameda County, Texas.

Undivided 1/3 interest in 21.83 Acres out of the South 1/2 of Section 31, Laureles Farm Tracts, recorded in Volume 1, Page 13, Map Records of Alameda County, Texas (Owner: Alberto R. Huerta)

89.72 Acres out of the South 1/2 of Section 31 and the North 1/2 of Section 32, Laureles Farm Tracts, recorded in Volume 1, Page 13, Map Records of Alameda County, Texas (Owner: City of Corpus Christi)

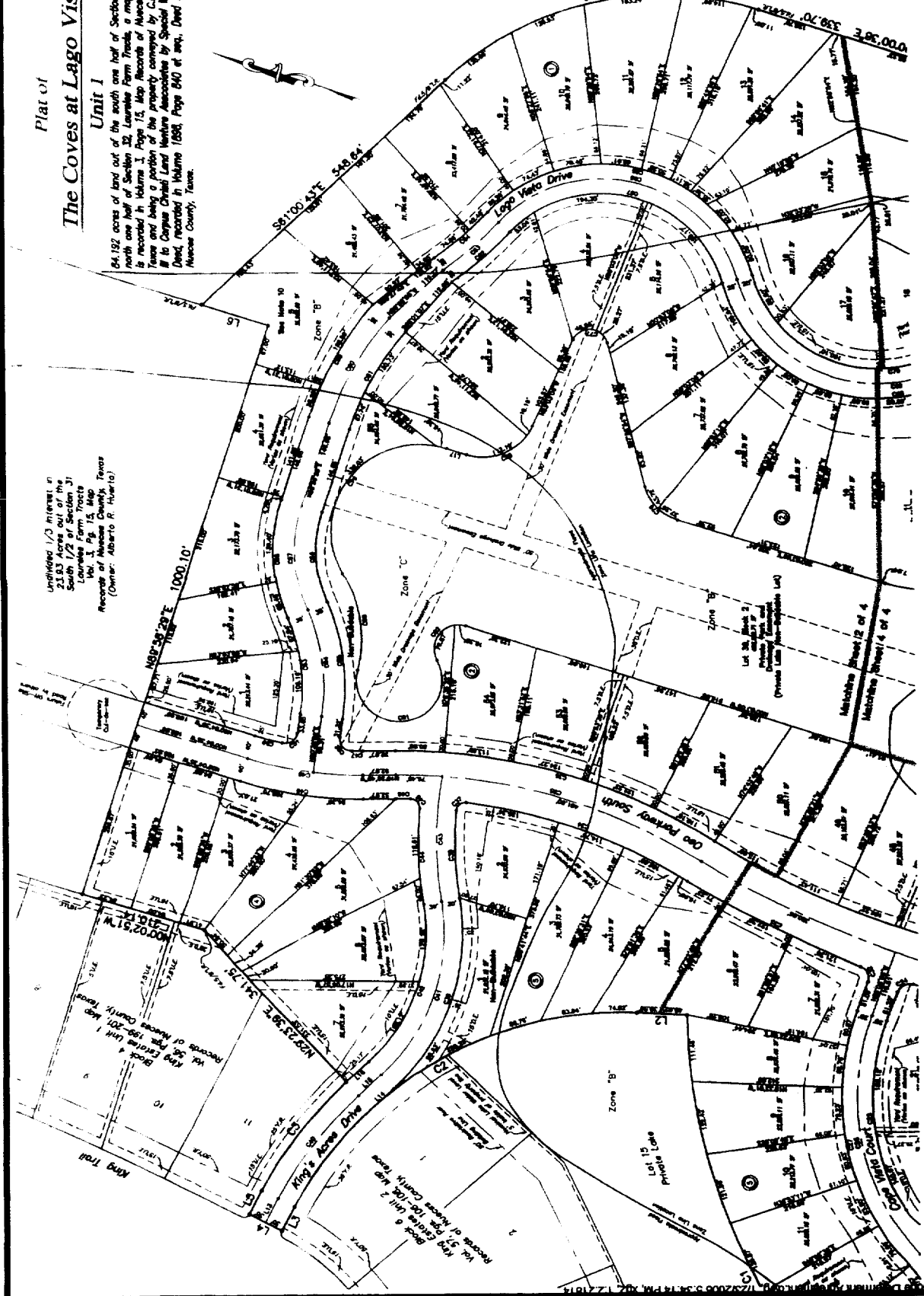
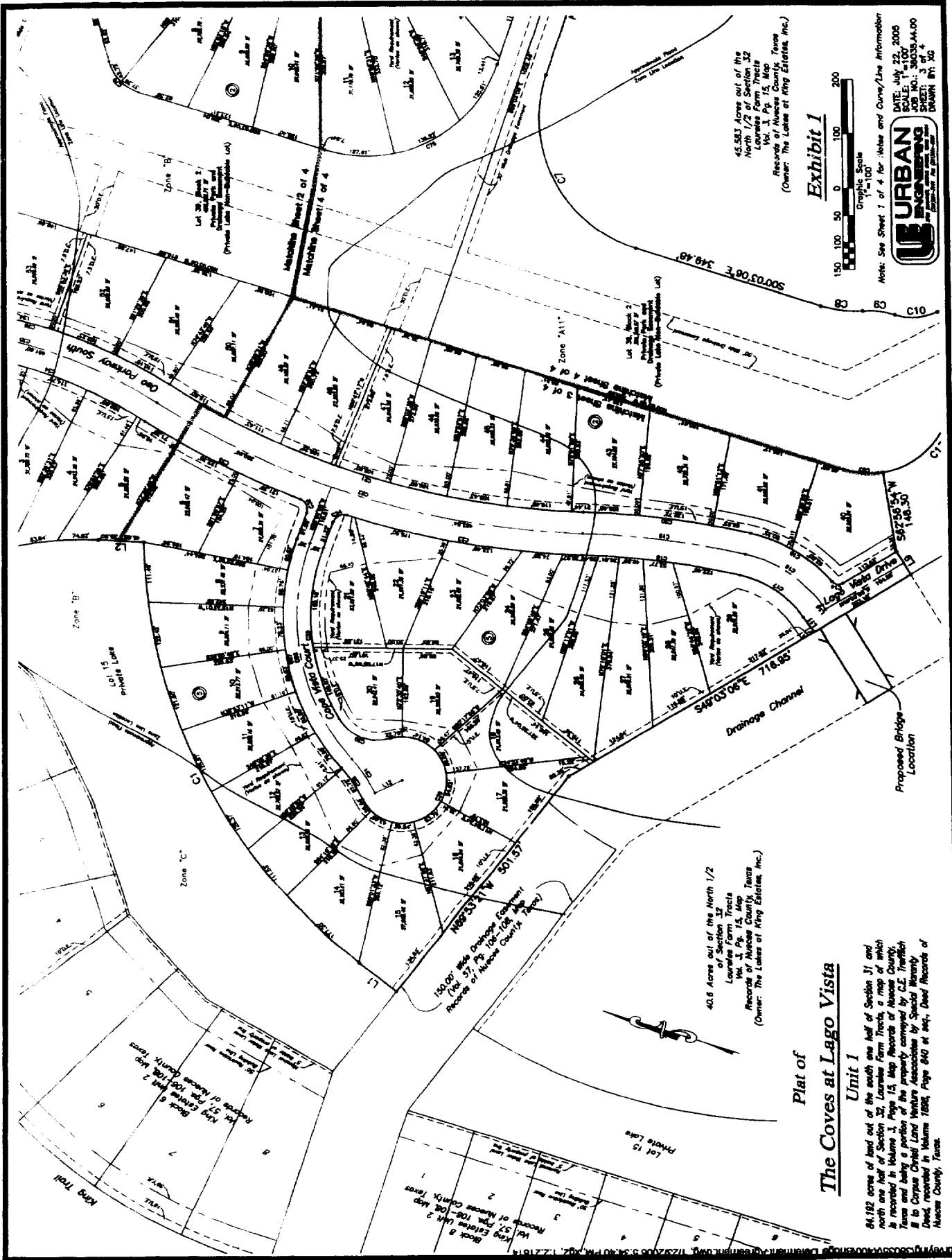


Exhibit 1

Note: See Sheet 1 of 4 for Notes and Curve/Line Information  
DATE: July 22, 2005  
SCALE: 1"=100'  
SHEET NO.: 2 of 4  
DRAWN BY: JG





45.581 Acres out of the North 1/2 of Section 32 Laureles Farm Tracts Vol. 3, Pg. 15, Map Records of Nueces County, Texas (Owner: The Ladies of King Estates, Inc.)

**Exhibit 1**



DATE: July 22, 2006  
 SCALE: 1" = 200.00'  
 SHEET: 3 of 4  
 DRAWN BY: SG

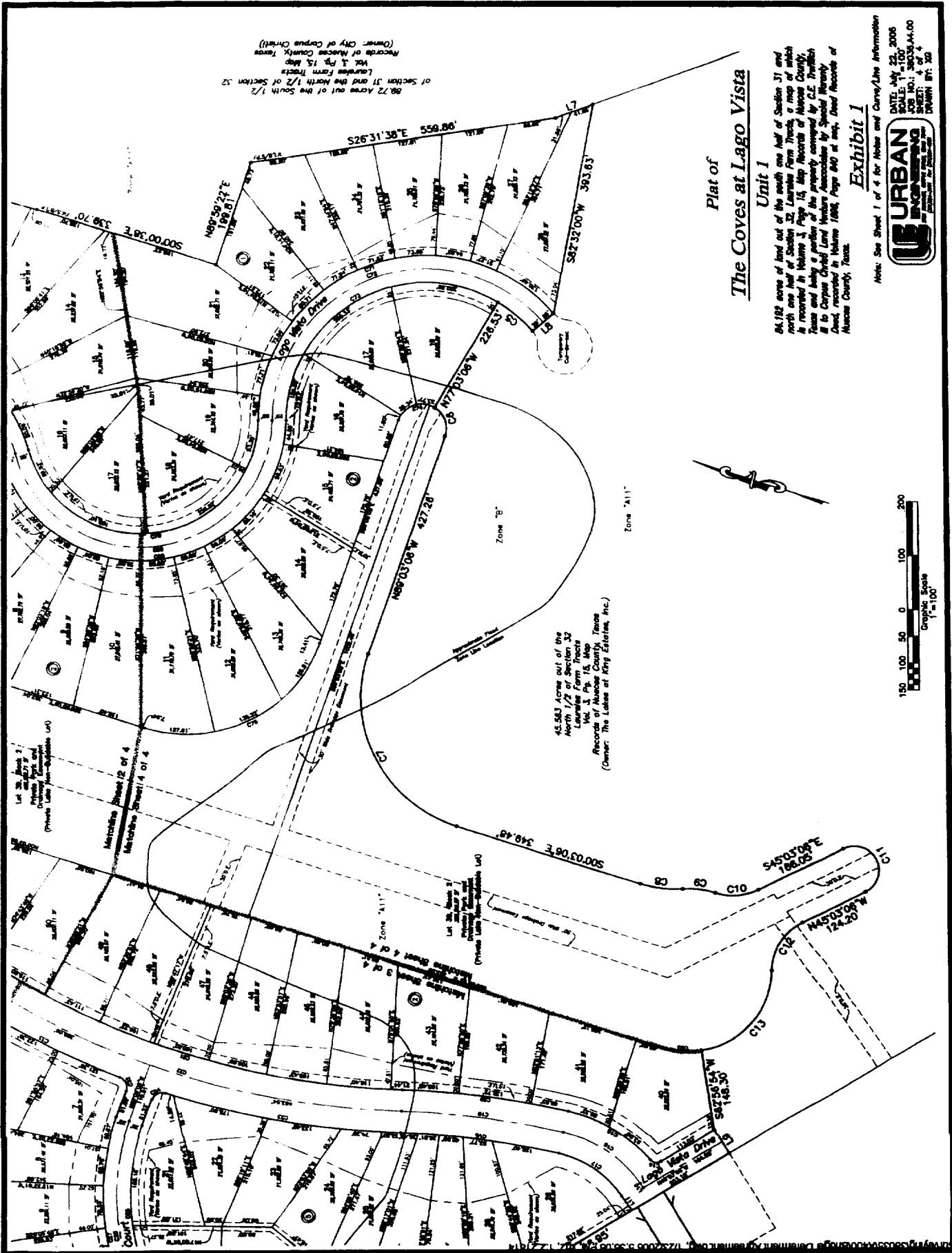


40.8 Acres out of the North 1/2 of Section 32 Laureles Farm Tracts Vol. 3, Pg. 15, Map Records of Nueces County, Texas (Owner: The Ladies of King Estates, Inc.)

**Plat of  
 The Coves at Lago Vista  
 Unit 1**

84.192 acres out of the south one half of Section 31 and north one half of Section 32, Laureles Farm Tracts, a map of which is recorded in Volume 3, Page 15, Map Records of Nueces County, Texas and being a portion of the property conveyed by G.E. Griffith to B. Conrad, et al. in deed, recorded in Volume 1838, Page 840 of said Deed Records of Nueces County, Texas.





89.72 acres out of the South 1/2  
of Section 31 and the North 1/2 of Section 32  
Laurie Farm Tracts  
Vol. 3, Pg. 15, Map  
Records of Maricopa County, Texas  
(Owner: City of Corpus Christi)

45.583 Acres out of the  
North 1/2 of Section 32  
Laurie Farm Tracts  
Vol. 3, Pg. 15, Map  
Records of Maricopa County, Texas  
(Owner: The Lakes at Katy Estates, Inc.)

**Plat of  
The Coves at Lago Vista  
Unit 1**

84.182 acres of land out of the south one half of Section 31 and  
north one half of Section 32, Laurie Farm Tracts, a map of which  
is recorded in Volume 3, Page 15, Map Records of Maricopa County,  
Texas and being a portion of the property conveyed by C.E. Traub  
to Corpus Christi Land Ventures Associates by Special Warranty  
Deed, recorded in Volume 1686, Page 840 of map, Deed Records of  
Maricopa County, Texas.

**Exhibit 1**

Note: See Sheet 1 of 4 for Notes and Curves/Line Information



DATE: July 22, 2008  
SCALE: 1"=100'  
JOB NO.: 86038-AA-00  
SHEET: 4 of 4  
DRAWN BY: SD



# EXHIBIT 2

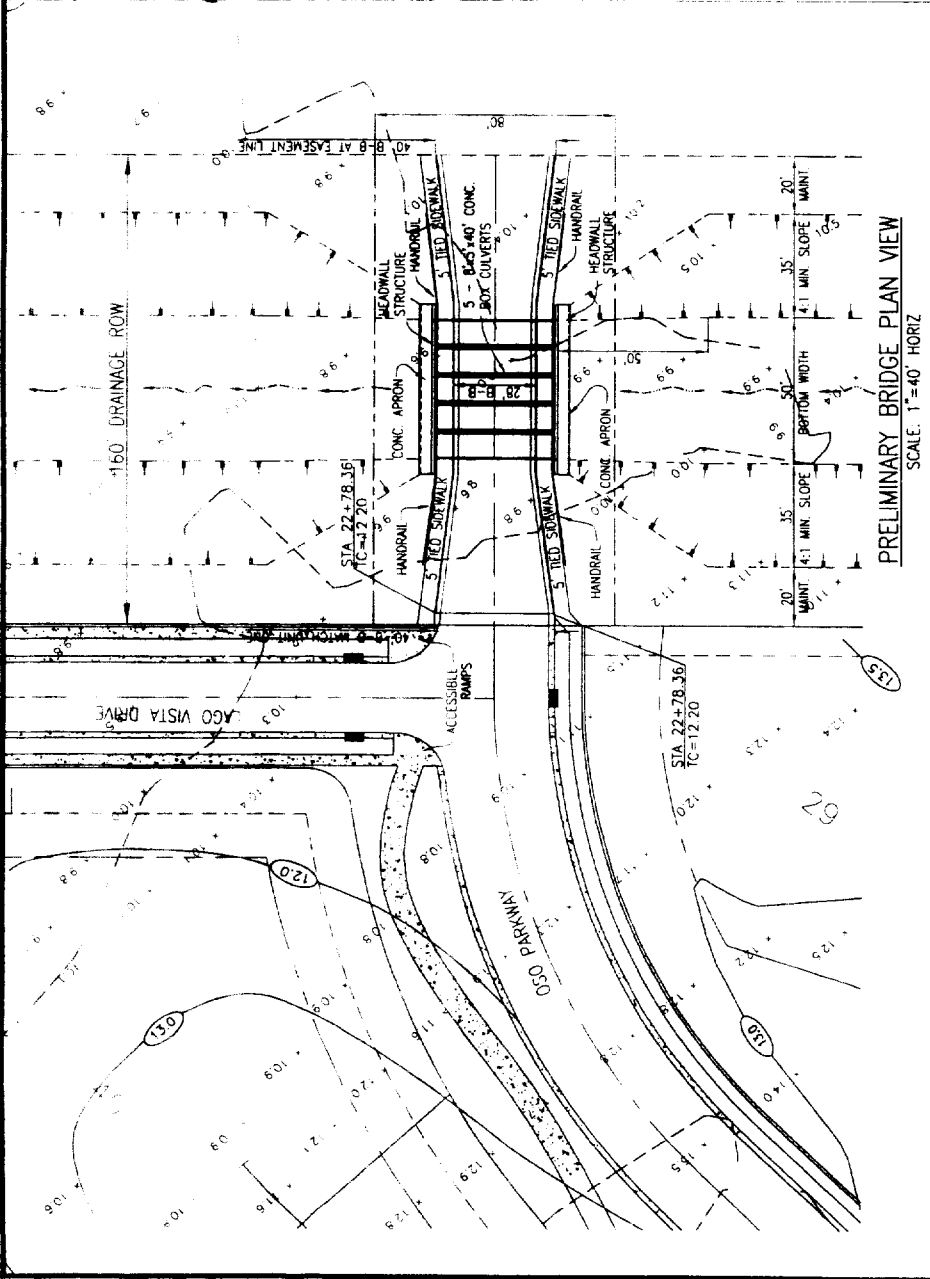
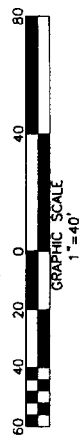
## PRELIMINARY BRIDGE EXHIBIT FOR THE COVES AT LAGO VISTA

Corpus Christi, Texas

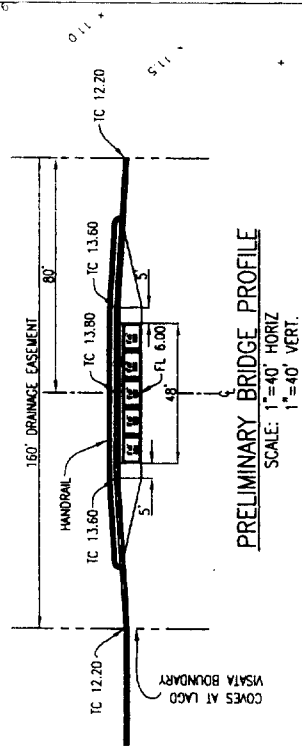


U R B A N  
E N G I N E E R I N G  
CORPUS CHRISTI, TEXAS  
P.O. BOX 8354, CORPUS CHRISTI, TEXAS 78408-8354  
PHONE: (361) 864-3101 Fax: (361) 864-8001  
mobileurbaneng.com www.urbaneng.com

JOB NO. 3803544.00 CIU/crr  
April 27, 2005



PRELIMINARY BRIDGE PLAN VIEW  
SCALE: 1"=40' HORIZ



PRELIMINARY BRIDGE PROFILE  
SCALE: 1"=40' HORIZ  
1"=40' VERT.

Eng: Chuck Urban  
 By: C.R.R.

PRELIMINARY COST ESTIMATE  
 FOR  
**BRIDGE IMPROVEMENTS  
 FUTURE OSO PARKWAY  
 COVES AT LAGO VISTA  
 UNIT 1**

July 1, 2005  
 Job No. 38035.A4.00

ITEM	DESCRIPTION	QUAN.	QUAN. + 5%	UNIT	UNIT PRICE	TOTAL COST
<b>A. BRIDGE IMPROVEMENTS:</b>						
1	2" HMAC Including Prime Coat	480	504	SY	\$8.25	\$4,158.00
2	8" Cement Stabilized Caliche Base	480	504	SY	\$8.75	\$4,410.00
3	8" Lime Stabilized Subgrade	660	693	SY	\$4.00	\$2,772.00
4	6" L' Curb	322	338	LF	\$10.00	\$3,380.00
5	5' Tied Sidewalk	1,680	1,764	SF	\$3.50	\$6,174.00
6	Handrail	240	252	LF	\$75.00	\$18,900.00
7	5 8'x5'x40' Concrete Box Culvert	1	1	LS	\$65,000.00	\$65,000.00
8	Headwalls	2	2	EA	\$18,000.00	\$36,000.00
9	Compacted Backfill	1	1	LS	\$19,250.00	\$19,250.00
<b>ESTIMATED BRIDGE IMPROVEMENTS TOTAL:</b>						<b>\$160,044.00</b>
per ordinance requirements add 10%:						\$16,004.40
<b>ESTIMATED TOTAL + 10%</b>						<b>\$176,048.40</b>
Add 9% for Engineering and Testing:						\$15,844.36
<b>ESTIMATED TOTAL COSTS:</b>						<b>\$191,892.76</b>
Developer Deferred Participation $7.5/50 \times \$191,892.76 =$						\$28,783.91
Adjacent Property to South Share $7.5/50 \times \$191,892.76 =$						\$28,783.91
City Participation $50 - 15 = 35/50 = 70\% \times \$191,892.76 =$						\$134,324.94
<b>Total required for Letter of Credit</b>						<b>\$28,783.91</b>

Urban Engineering  
 2725 Swantner  
 Corpus Christi, TX 78404  
 1-361-854-3101

**EXHIBIT 3**



CITY OF CORPUS CHRISTI
DISCLOSURE OF INTEREST

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA". See reverse side for definitions.

COMPANY NAME: The Lakes at King Estates, Inc.

P. O. BOX:

STREET: 3756 Bratton CITY: Corpus Christi ZIP: 78413

FIRM IS: 1. Corporation (X) 2. Partnership ( ) 3. Sole Owner ( )
4. Association ( ) 5. Other ( )

DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name Job Title and City Department (if known)

N/A

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name Title

N/A

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name Board, Commission, or Committee

N/A

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Consultant

N/A

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Richard Voss Title: President

Signature of Certifying Person: [Signature] Date: 1/25/20

The Lakes at King Estates, Inc.  
3756 Bratton Road  
Corpus Christi, TX 78413

TEXAS STATE BANK  
555 N. Carancahua, Ste. 100  
Corpus Christi, Texas 78478  
88-901/1149

1148

1/24/2006

PAY TO THE  
ORDER OF

City of Corpus Christi

\$ \*\*28,783.91

Twenty-Eight Thousand Seven Hundred Eighty-Three and 91/100 \*\*\*\*\* DOLLARS

City of Corpus Christi

MEMO Bridge Improvements Coves @ Lago Vista



⑈001148⑈ ⑆114909013⑆ ⑈51239957⑈

The Lakes at King Estates, Inc.

1148

City of Corpus Christi

1/24/2006

Bridge Improvements

28,783.91

Texas State Bank


Bridge Improvements Coves @ Lago Vista

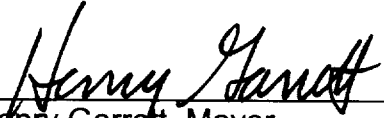
28,783.91

MOTIONS - 01/31/06

10. Motion authorizing the City Manager to execute a Bridge Construction Deferment Agreement with The Lakes at King Estates, Inc., (Developer), in the amount of \$28,783.91 for the Developer's share for future construction of a public bridge over a drainage channel to serve The Coves at Lago Vista subdivision located south of FM 2444 (South Staples Street) and west of Oso Creek, in accordance with the Platting Ordinance.

ATTEST:

  
\_\_\_\_\_  
Armando Chapa, City Secretary

  
\_\_\_\_\_  
Henry Garrett, Mayor  
City of Corpus Christi