

**Resolution authorizing the City Manager or designee to execute a Four Party Agreement with the Texas Department of Transportation (TxDOT), the Port of Corpus Christi Authority (Port), and the Corpus Christi Housing Authority, to provide duties effectively required by the Federal Highway Administration related to TxDOT's construction of the Harbor Bridge; issuing consent for the Port's acquisition of property pursuant to Texas Water Code § 62.106(d); and making further authorizations and declarations related to said Four Party Agreement**

**WHEREAS**, on March 13, 2015, the Federal Highway Administration ("FHWA") Coordination and Compliance Division received a complaint filed by the Texas Rio Grande Legal Aid, Inc. on behalf of some residents of the Hillcrest Neighborhood ("Neighborhood") in Corpus Christi, Texas (the "Complaint") alleging, in part, that the Texas Department of Transportation ("TxDOT") violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d and 49 C.F.R. Part 21, when it selected the Red Alternative for the Harbor Bridge Replacement Project ("Project");

**WHEREAS**, in response to the Complaint, to allow federal funding for the construction of the Harbor Bridge, the FHWA is requiring TxDOT to make commitments that TxDOT is meeting with the attached **Four Party Agreement** ("Four Party Agreement") between the City of Corpus Christi ("City"), the Port of Corpus Christi Authority ("Port"), and the Corpus Christi Housing Authority ("Housing Authority"), which commitments and Four Party Agreement will provide for specific Title VI mitigation actions to resolve the Complaint;

**WHEREAS**, the Four Party Agreement provides the Port will spend \$20 million to purchase property rights in the Hillcrest Area Neighborhood ("Neighborhood"), which encompasses some of the area traditionally known as "Hillcrest" and other areas in the vicinity thereof and is depicted in the attached **Map of Hillcrest Area Neighborhood**;

**WHEREAS**, under Texas Water Code § 62.107, the Port cannot acquire land unless it can be used for certain purposes necessary for the continued development of the Port of Corpus Christi and its waterways and will aid in the development of navigation-related industries and businesses on the property ("Port Purposes"), and the City declares that the Port may use the land it acquires in the Neighborhood for Port Purposes;

**WHEREAS**, in order for some sellers of property who have non-resident partial interests to be able to provide good and complete title to the Port under the Neighborhood Acquisition Plan described in the Four Party Agreement, the Port may choose to use eminent domain in a manner that is beneficial to residents of the Neighborhood, for example, when requested by the owner of a property interest in property being sold to the Port;

**WHEREAS**, Texas law assists residents by providing increased eligibility for relocation assistance if their properties are purchased by an entity with eminent domain authority;

**WHEREAS**, therefore, the City desires to assist residents in participating in the Neighborhood Acquisition Plan and to assist participants in their desire to receive relocation benefits by providing the consent required under Texas Water Code § 62.106 to the Port's use of eminent domain;

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

**SECTION 1.** The City Manager or designee is authorized to execute the attached **Four Party Agreement** with the Texas Department of Transportation ("TxDOT"), the City of Corpus Christi ("City"), the Port of Corpus Christi Authority ("Port"), and the Corpus Christi Housing Authority ("Housing Authority") to provide for the actions required by the Federal Highway Administration ("FHWA") for TxDOT's construction of the Harbor Bridge under the US 181 Harbor Bridge Replacement Project. The City Manager is further authorized to execute amendments and changes to the **Four Party Agreement** that do not increase the duties or required expenditures by the City.

**SECTION 2.** In accordance with Texas Water Code § 62.106, the City of Corpus Christi consents to the Port's use of eminent domain in the acquisition of property interests in the Neighborhood. The City recognizes limitations to the exercise of that authority that are incorporated into the attached Four Party Agreement. The City also recognizes the intent of the Four Party Agreement to limit, during its term, the use of eminent domain to acquisitions that benefit the purported owners of interests in property being acquired.

**SECTION 3.** The City hereby declares its support for the Neighborhood Acquisition Plan described in the attached Four Party Agreement. The City further commits to make such changes to its regulatory structure over property in the Neighborhood, if any such changes are necessary, that will enable the property in the Neighborhood to be used for Port purposes.

**SECTION 4.** City staff are authorized to execute all other documents necessary to effectuate the terms of the Four Party Agreement, in a form to be approved by the City Attorney.

**ATTEST**

**THE CITY OF CORPUS CHRISTI**

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Rebecca Huerta  
City Secretary

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Nelda Martinez  
Mayor

Corpus Christi, Texas

\_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_

The above resolution was passed by the following vote:

Nelda Martinez \_\_\_\_\_

Rudy Garza \_\_\_\_\_

Chad Magill \_\_\_\_\_

Colleen McIntyre \_\_\_\_\_

Lillian Riojas \_\_\_\_\_

Brian Rosas \_\_\_\_\_

Lucy Rubio \_\_\_\_\_

Mark Scott \_\_\_\_\_

Carolyn Vaughn \_\_\_\_\_

## Map of Hillcrest Area Neighborhood

