

Ordinance amending Chapter 49, Article VIII, Management of Right of Way of the Corpus Christi Code to adopt a consolidated fee schedule for Right of Way management and providing an effective date.

WHEREAS, substantial City staff time is required to review plans, conduct site inspections, issue permits and approve work in the area of City right-of-way management; and

WHEREAS, it is the intent of the City to consolidate all right-of-way management fees in one new section of the City Code to make it more efficient for customers and city right-of-way management personnel.

Now therefore, be it ordained by the City Council of the City of Corpus Christi, Texas:

SECTION 1. The Corpus Christi Code of Ordinance, Chapter 49 is amended to add Section 49-112 to read as follows:

“Sec.49-112 Right of Way Management Fees.

This section sets the amounts of the fees required by the Corpus Christi Code for Right of Way Management.

- A. Right of Way (ROW) Operator Registration Fee. There is a fee of \$45.00 per right-of-way user per year for processing registration information, which fee will be collected upon registration.
- B. Permit Application Fee. There is a permit application fee of \$95.00 for each right-of-way application. Permits shall be issued or denied within thirty (30) business days of complete application submittal. The fee is paid by an applicant upon application. The fee includes one inspection.
- C. Emergency Permit Application Fee. There is a permit application fee of \$145.00 for emergency or expedited permits. The fee is paid by an applicant upon application. The fee includes one inspection.
- D. Planned Right of Way (ROW) Fee. Excavations in City right-of-way are subject to the ROW Operator Fee, Permit Application Fee, and daily fee planned right-of-way fee per day per project permit. The planned right-of-way fee shall be subject to a tier rate that is based on the number of days estimated by the applicant in the application. In the event the excavation takes longer than the days estimated, the applicable tier rate shall be applied to the total number of days required to complete the project. The fee is paid by an applicant prior to permit issuance.
 - 1. Tier 1: \$60.00 per day- anticipated number of days to complete work 0-60 days.
 - 2. Tier 2: \$90.00 per day- anticipated number of days to complete work 61-120 days.

3. Tier 3: \$120.00 per day- anticipated number of days to complete work 121-180 days.
 4. Tier 4: \$150.00 per day- anticipated number of days to complete work >180 days.
- E. Barricade fees. Closure of city streets (including sidewalks and alleys) shall be assessed on a per square foot of closure per day \$0.0629. The fee is paid by an applicant prior to permit issuance.
- F. Parking Meter Removal or Bagging Fee. There is a one-time fee for each parking meter removed or temporarily bagged of \$28.50. The fee is paid by an applicant prior to permit issuance.
- G. Pavement cost recovery (PCR) fee. This reimbursement to the city is due prior to permit issuance and is collected to account for the decrease in the useful life of a street caused by excavations and is based on the Mid-American Regional Council Degradation Cost Recovery Method.

1. *Pavement cost recovery fee calculation*. Is calculated by multiplying unit cost (per square yard) for street construction/reconstruction, overlays and seal coats by depreciation rate for each maintenance type and the area of influence of the cut. The area of influence adjacent to the trench is equal to the area of the cut plus three (3) feet on each side (in square yards). All damage(s) caused directly or indirectly to the street surface or subsurface outside the pavement excavated area shall be regarded as a part of the excavation repair area. This includes any holes drilled into the pavement and not properly plugged, as well as damages caused by work equipment. These areas, as established by the director, will be included in the total area to be repaired.

2. The PCR fee is calculated by multiplying:

Each street maintenance unit cost (\$/SY) X Area of influence (SY - actual cut dimensions plus three feet on each side) X Depreciation factor (account for the age of the maintenance).

Example Calculation: Collector Street constructed 10 years ago (unit cost \$90.12/SY); sealed 3 years ago (unit cost \$6.06/SY); actual size of cut - 5' x 5' square; area of influence - 11' x 11' (13.44 SY). Depreciation value of 10-year-old street construction = 0.79. Depreciation value of 3-year-old seal = 0.4

Cost Recovery Fee for Construction = \$90.12 X 13.44 X 0.79 = \$956.86

Cost Recovery Fee for Seal = \$6.06 X 13.44 X 0.4 = \$32.58

Total Cost Recovery Fee = \$956.86 + \$32.58 = \$989.44

Unit costs for each street maintenance type (construction/reconstruction, overlay, and seal) shall be updated annually by the Public Works Department and shall be based on the current market costs of construction/reconstruction, overlay, and seal work.

- H. Re-Inspection fee. A re-inspection fee of \$75 per hour shall be assessed if repairs to the ROW do not pass initial inspection. Overtime inspection fees are incurred at a rate of \$100.00 per hour after business hours, on weekends, and holidays. The fee is paid by an applicant prior to inspection.
- I. Non-Compliance Fee. A fee of \$1500 per day shall be assessed to the violator for any work performed without a permit, for any permit that has not been extended before its expiration date, and for any permit wherein work has not been completed by the expiration date provided for in the permit. The fee shall be paid within timeframe provided on notice from the city.
- J. Traffic Plan Review Fee. Review of construction plans as part of a private development shall be assessed and paid by an applicant upon application based on the following tier system:
 - 1. *Level 1*: Two-hundred and four (\$204) dollars for developments < 1 acre.
 - 2. *Level 2*: Two-hundred and fifty-six (\$256) dollars for developments between 1- 5 acres.
 - 3. *Level 3*: Four-hundred and fifty-nine (\$459) dollars for developments > 5 acres.
- K. Traffic Study Fee. Review of traffic studies for private developments including traffic impact analyses, urban transportation plan amendments, and access management shall be assessed and paid by an applicant upon application based on the following tier system:
 - 1. *Level 1*: \$400 for developments < 1 acre.
 - 2. *Level 2*: \$700 for developments between 1- 5 acres.
 - 3. *Level 3*: \$900 for developments > 5 acres.

SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for this purpose.

SECTION 3. All provisions of the ordinances of the City of Corpus Christi in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Corpus Christi not in conflict with the provisions of this Ordinance shall remain in full force and effect. To the extent the fees identified in this ordinance conflict with another section of the Corpus Christi Code, the fees in this section prevail and control.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 5. This ordinance takes effect upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2022, by the following vote:

Paulette Guajardo	_____	John Martinez	_____
Roland Barrera	_____	Ben Molina	_____
Gil Hernandez	_____	Mike Pusley	_____
Michael Hunter	_____	Greg Smith	_____
Billy Lerma	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2022, by the following vote:

Paulette Guajardo	_____	John Martinez	_____
Roland Barrera	_____	Ben Molina	_____
Gil Hernandez	_____	Mike Pusley	_____
Michael Hunter	_____	Greg Smith	_____
Billy Lerma	_____		

PASSED AND APPROVED on this the _____ day of _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor