

ORDINANCE

EXEMPTING KITTY HAWK SUBDIVISION UNIT III, A SUBDIVISION LOCATED SOUTH OF SOUTH STAPLES STREET (FM 2444) AND EAST OF COUNTY ROAD 41, FROM THE PAYMENT OF WASTEWATER LOT/ACREAGE FEES UNDER SECTION 8.5.2.G.1 OF THE UNIFIED DEVELOPMENT CODE; REQUIRING THE OWNER/DEVELOPER TO COMPLY WITH THE SPECIFIED CONDITIONS.

WHEREAS, Kitty Hawk Subdivision Unit III ("Subdivision") is located south of South Staples Street (FM 2444), east of County Road 41 and is not currently served by the City wastewater system;

WHEREAS, the owner/developer has submitted a written request that the Subdivision be exempt from the payment of wastewater lot/acreage fees based on the determination that it is not likely that the area will be served by the City wastewater system within the next fifteen (15) years;

WHEREAS, based on Section 8.5.2.G.1 of the Unified Development Code of the City of Corpus Christi, City Staff and the Planning Commission recommend that City Council find that it is not likely that the area will be served by the City wastewater system within the next fifteen (15) years and that the Subdivision be exempt from the payment of wastewater lot/acreage fees at this time.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. It is determined that the Kitty Hawk Subdivision Unit III ("Subdivision") is located south of South Staples Street (FM 2444), east of County Road 41, is not likely to be served by city wastewater service within the next fifteen (15) years and is exempt from the payment of wastewater lot/acreage fees at this time, pursuant to Section 8.5.2.G.1 of the Unified Development Code of the City of Corpus Christi.

SECTION 2. The exemption from the payment of wastewater lot/acreage fees, pursuant to Section 8.5.2.G.1 of the Unified Development Code of the City of Corpus Christi, is conditioned upon owner/developer compliance with the following:

- a. That the owner/developer of the Subdivision enter into a Sanitary Sewer Connection Agreement with conditions (copy of Agreement attached as Exhibit "A").
- b. That the Sanitary Sewer Connection Agreement requires payment of the wastewater lot/acreage, pro-rata, and tap fees at the rate in effect at the time of connection to City wastewater.
- c. That the Sanitary Sewer Connection Agreement be recorded in the Office of the Nueces County Clerk's Office prior to the recordation of the plat.

d. That the Sanitary Sewer Connection Agreement and covenants contained in the agreement are covenants running with the land.

SECTION 3. Publication shall be made in the City's official publication as required by the City's Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

| | | | |
|----------------|-------|------------------|-------|
| Nelda Martinez | _____ | Chad Magill | _____ |
| Kelley Allen | _____ | Colleen McIntyre | _____ |
| Rudy Garza | _____ | Lillian Riojas | _____ |
| Priscilla Leal | _____ | Mark Scott | _____ |
| David Loeb | _____ | | |

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

| | | | |
|----------------|-------|------------------|-------|
| Nelda Martinez | _____ | Chad Magill | _____ |
| Kelley Allen | _____ | Colleen McIntyre | _____ |
| Rudy Garza | _____ | Lillian Riojas | _____ |
| Priscilla Leal | _____ | Mark Scott | _____ |
| David Loeb | _____ | | |

PASSED AND APPROVED this the _____ day of _____, 20____

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor