

## SANITARY SEWER CONNECTION AGREEMENT

STATE OF TEXAS           §

COUNTY OF NUECES       §

THIS AGREEMENT is entered into between the City of Corpus Christi, a Texas Home-Rule Municipal Corporation, P.O. Box 9277, Corpus Christi, Texas 78469-9277, hereinafter called "City" and Kitty Hawk Development Ltd., 8230 S. Staples Street, Corpus Christi, TX 78413 hereinafter called "Developer/Owner".

**WHEREAS**, Developer/Owner in compliance with the City's Platting Ordinance, has submitted the plat for Water's Edge at Kitty Hawk Subdivision Unit 1, hereinafter called "Development", (**Exhibit 1**); and,

**WHEREAS**, wastewater construction plans and construction are a requirement of the plat, and

**WHEREAS**, the Development Services Engineer has determined that sanitary sewer is not reasonably available or of sufficient capacity; and

**WHEREAS**, City agrees to allow Developers/Owner to record the plat of the Development Property without initial construction of wastewater laterals and collection lines; and

**NOW THEREFORE**, for the consideration set forth hereinafter, the City and Developer agree as follows:

Developer/Owner agrees for itself, its successors, transferees, and assigns, as follows:

1. to connect to City sewer at such time as a wastewater manhole is located at the frontage of the property or a wastewater line extends along the frontage of the property;
2. to pay wastewater acreage fees at the rate in effect at the time of connection if wastewater services are available within fifteen (15) years from the recording date of the plat; and
3. to pay tap fees and pro rata fees at the time of connection to City wastewater.

City agrees:

1. to allow property to use on-site wastewater treatment in compliance with State and local regulations.

**INDEMNIFICATION:**


**DEVELOPER/OWNER, COVENANTS TO FULLY INDEMNIFY, SAVE AND HOLD HARMLESS THE CITY OF CORPUS CHRISTI, ITS OFFICERS, EMPLOYEES, AND AGENTS, ("INDEMNITEES") AGAINST ANY AND ALL LIABILITY, DAMAGE, LOSS, CLAIMS, DEMANDS AND ACTIONS OF ANY NATURE WHATSOEVER ON ACCOUNT OF PERSONAL INJURIES (INCLUDING, WITHOUT LIMITATION ON THE FOREGOING, WORKERS' COMPENSATION AND DEATH CLAIMS), OR PROPERTY LOSS OR DAMAGE OF ANY KIND WHATSOEVER, WHICH ARISE OUT OF OR ARE IN ANY MANNER CONNECTED WITH, OR ARE CLAIMED TO ARISE OUT OF OR BE IN ANY MANNER CONNECTED WITH THE CONSTRUCTION, INSTALLATION, EXISTENCE, OPERATION, USE, MAINTENANCE, REPAIR, RESTORATION, OR REMOVAL OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT OF WATER'S EDGE AT KITTY HAWK UNIT 1, INCLUDING THE INJURY, LOSS OR DAMAGE CAUSED BY THE SOLE OR CONTRIBUTORY NEGLIGENCE OF THE INDEMNITEES OR ANY OF THEM.**

This agreements and covenants set forth herein are covenants running with the land, to be filed in the Office of the Nueces County Clerk Office, and shall be binding on Developer/Owner, its successors and assigns, and shall inure to the benefit of the parties hereto and their respective heirs, successors, and assigns and to third party beneficiaries from and after the date of execution.

EXECUTED IN DUPLICATE originals, this 7 day of NOVEMBER, 2013.

DEVELOPER/OWNER:

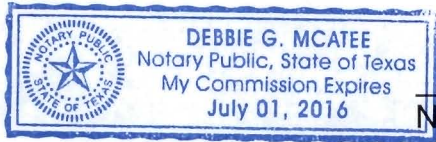
Kitty Hawk Development Ltd.  
8230 S. Staples Street  
Corpus Christi, TX 78413

  
\_\_\_\_\_  
John P. Bratton, General Manager

STATE OF TEXAS           §

COUNTY OF NUECES       §

This instrument was acknowledged before me on this 7<sup>th</sup> day of November, 2013, by John P. Bratton, General Manager, Kitty Hawk Development Ltd.



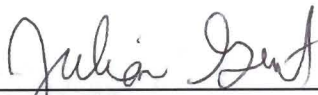
  
\_\_\_\_\_  
Notary Public, State of Texas

APPROVED:

This 13<sup>th</sup> day of NOVEMBER, 2013

By:   
\_\_\_\_\_  
Renee Couture, P.E.  
Development Services Engineer

APPROVED as to form:

By:   
\_\_\_\_\_  
Julian Grant  
Senior Assistant City Attorney  
For City Attorney

**STATE OF TEXAS**

County of Nueces, hereby certify that the foregoing map of WATER'S EDGE AT KITTY HAWK Unit 1, as shown on the plat hereto attached, was filed for record in the public office of said County on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, in accordance with the provisions of the Act to amend Chapter 205, State Code, in effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2013. Map Records of Nueces County, Texas. Witness my hand and seal of said court at office in Corpus Christi, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Document No. \_\_\_\_\_

Diana T. Barrera, County Clerk  
Nueces County, Texas

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

**STATE OF TEXAS**

I, Dale A. Wunderlich, a Registered Professional Land Surveyor, have prepared the foregoing map from survey made on the ground under my direction and is 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 the ground and to complete such operations with due and reasonable diligence consistent with sound professional practice.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Dale A. Wunderlich, R.P.L.S., #6181

**NOTES**

- TOTAL PLATTED AREA IS 30.033 ACRES (INCLUDES STREET DESIGNION).
- THE LOTS SHOWN ON THIS PLAT WAS INTENDED FROM THE FEDERAL GOVERNMENT, NARRAGANSETT MAP COMPANY-PANEL NUMBER 485494 050.0, DATED JUNE 4, 1987, AND IS SUBJECT TO CHANGE.
- EXISTING UTILITIES: THE EXISTING UTILITIES SHOWN ON THIS PLAT ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 28 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 27 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 26 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 25 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 24 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 23 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 22 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 21 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 20 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 19 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 18 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 17 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 16 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 15 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 14 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 13 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 12 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 11 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 10 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 9 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 8 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 7 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 6 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 5 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 4 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 3 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 2 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 1 (SEE NOTE 11). THE EXISTING UTILITIES IN THE ADJACENT AREAS ARE THE 30" O.D. GREEN PIPES WITH 12" CIRCULAR MANHOLE IN THE CORNER OF LOT 0 (SEE NOTE 11).
- THE EXISTING UTILITIES SHOWN ARE DEDICATED TO THE PUBLIC FOR THE INSTALLATION, OPERATION AND USE OF PUBLIC UTILITIES.
- THE ENTIRE PROPERTY LIES WITHIN THE CITY LIMITS OF THE CITY OF CORPUS CHRISTI.
- FLOOD ELEVATION OF RESIDENTIAL STRUCTURES BELOW THE BASE FLOOD ELEVATION AS SHOWN ON THE FLOOD HAZARD MAP OF THE CITY OF CORPUS CHRISTI, TEXAS, IS SUBJECT TO REGULATION CONTAINED IN THE CORPUS CHRISTI FLOOD HAZARD PREVENTION CODE.
- THE YARD REQUIREMENT AS DENOTED ON THE PLAT, IS A REQUIREMENT OF THE UNIFIED DEVELOPMENT CODE (UDC) AND IS SUBJECT TO CHANGE AS THE UDC MAY CHANGE.
- ALL PRIVATE DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION, AND THE CITY OF CORPUS CHRISTI SHALL BE HELD HARMLESS.
- REASONABLE BURDEN AS IMPOSED ON THE WEST LINE OF KITTY HAWK UNIT 1, AS RECORDED IN VOLUME 102, PAGE 14, BEING THE CENTERLINE OF THE ADJACENT ROADWAY FOR OVERFLOW PROTECTION.
- THE OWNER OF EACH LOT IS RESPONSIBLE FOR STORM WATER POLLUTION PREVENTION PLAN PER TDCO REQUIREMENTS.
- RESIDENTIAL DRIVEWAY ACCESS TO SOUTH STAVALS STREET (FM 2444) SHALL BE PROMOTED.

PLAT OF  
**Water's Edge**  
at  
**KITTY HAWK**  
Unit 1

Page 1 of 2

BEING 30.033 ACRES OUT OF A 280.491 ACRES TRACT OF LAND, BEING RECORDED DEED, US. 9511081650, IN VOLUME 102, PAGE 14, BEING A PART OF THE MAP OF WATER'S EDGE AT KITTY HAWK, AS SHOWN ON THE PLAT HERETO ATTACHED, WHICH IS RECORDED IN VOLUME 3, PAGE 15, MAP RECORDS OF NUECES COUNTY, TEXAS.

**APPROVED**

SEP 11 2013

PLANNING COMMISSION

**URS**

engineering/surveying  
1801 Bradley Street, Corpus Christi, Texas 78402  
Phone: 361.887.7683 Fax: 361.887.7685  
www.urscorp.com info@urscorp.com

**STATE OF TEXAS**

County of Nueces, hereby certify that we are the owner of the property referred to as WATER'S EDGE AT KITTY HAWK Unit 1, that all elements and right-of-ways as shown are dedicated to the public for the installation, operation, and maintenance of a sanitary sewerage system and are hereby dedicating the same to the public under the provisions of the Act to amend Chapter 205, State Code, in effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Kitty Hawk Development, Ltd.  
John Bratten, Owner

**STATE OF TEXAS**

I, John Bratten, in my individual capacity, as the undersigned authority, on this day, personally appeared before me and acknowledged to me that he executed the foregoing instrument of writing, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed. Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Notary Public

**STATE OF TEXAS**

I, \_\_\_\_\_, Chairman

David B. Highams, P.E., C.E.      Mark E. Van Vleet, P.E.  
Chairman                                  Secretary

**STATE OF TEXAS**

I, \_\_\_\_\_, Secretary

This plat approved by the Planning Commission of the City of Corpus Christi, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_

Renee T. Coulter, P.L.E.  
Development Services Engineer

**STATE OF TEXAS**

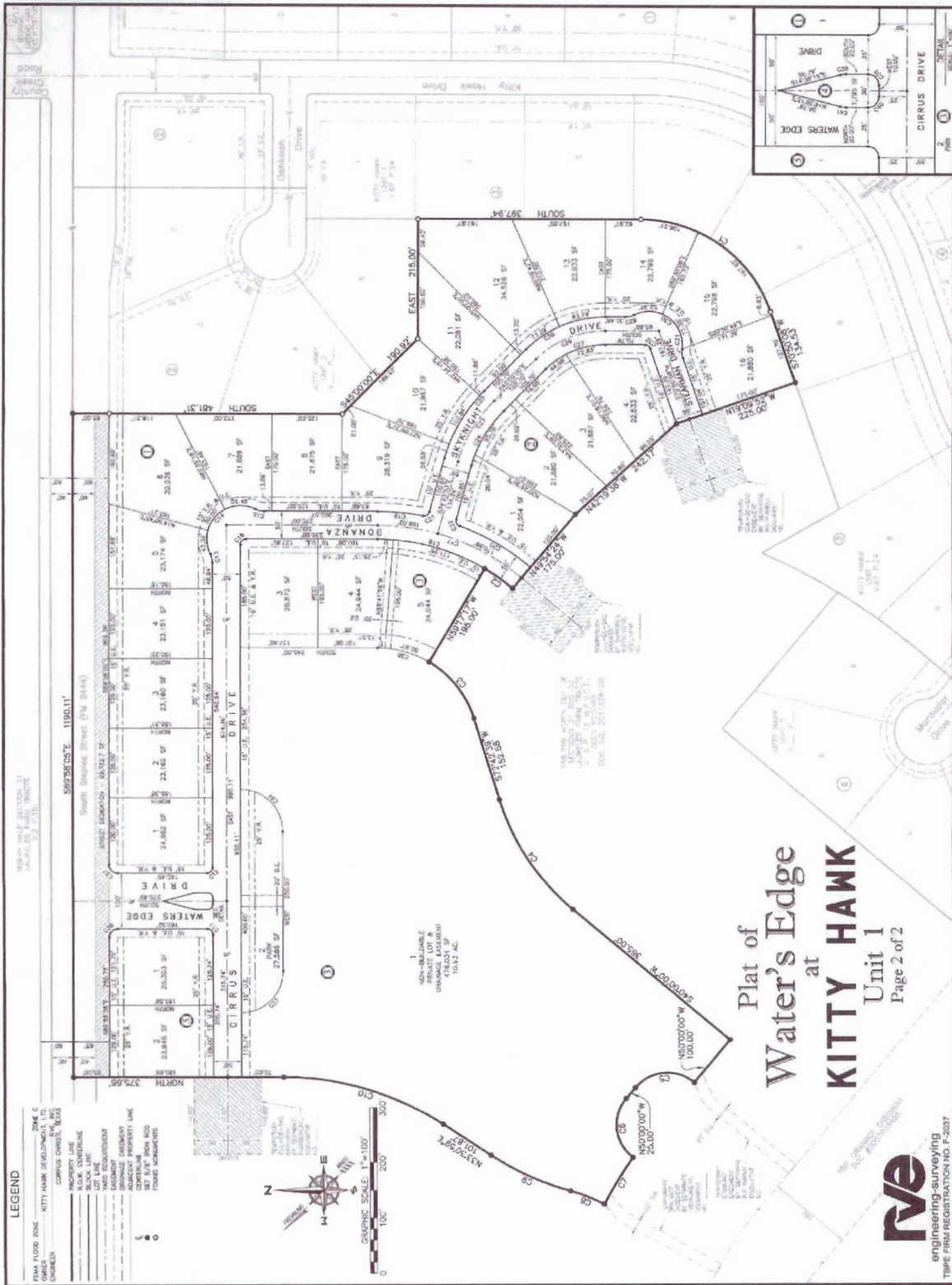
I, \_\_\_\_\_, Secretary

This plat approved by the Corpus Christi-Nueces County Health Department, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013. Any private water supply and/or sewerage system shall be approved by the Corpus Christi-Nueces County Health Department prior to installation.

\_\_\_\_\_

Designated Representative  
TDCO License No: \_\_\_\_\_

**EXHIBIT 1**



**EXHIBIT 1**