



AGENDA MEMORANDUM

First Reading for the City Council Meeting of July 26, 2016
Second Reading for the City Council Meeting of August 9, 2016

DATE: July 13, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
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Exemption from the Wastewater Acreage/Lot Fees for Nueces Garden No.2, Lot 49A, located south of Leopard Street and west of Starlite Lane, within the Allison Service Area for the City of Corpus Christi, Texas.

CAPTION:

Ordinance exempting Nueces Garden No.2, Lot 49A located south of Leopard Street and West of Starlite Lane, 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.

PURPOSE:

Exempt the property owner of Nueces Garden No.2, Lot 49A from paying \$4,980.07 in wastewater lot and acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

BACKGROUND AND FINDINGS:

Ms. Daisy M. Vasquez, owner of Nueces Garden No.2, Lot 49 is requesting the City to waive the Sanitary Sewer (Wastewater) Lot and Acreage Fees for Nueces Garden No.2, Lot 49A by providing an exemption for this area. The subject property located south of Leopard Street and west of Starlite Lane, within the Allison Service Area (Wastewater Collection System Master Plan) for the City of Corpus Christi, Texas.

Planning Commission recommended that City Council approve the applicant's request to waive sanitary sewer infrastructure construction per Section 8.2.7.A of the Unified Development Code (UDC) and an exemption from the Wastewater Lot/Acreage Fees in the accordance with Section 8.5.2.G of the UDC.

Section 8.5.2.G.1. of the Unified Development Code (UDC) outlines the exemption of payment of wastewater lot or acreage fees if the land for which the fees are required lies within an area exempted by City Council for the payment of such fees. Exempted areas are determined by City Council and generally are those areas not likely to be served by City wastewater services within the next fifteen (15) years. This section also provides that owners of property for which an acreage fee has been paid may receive a refund if, after 10 years, but not more than 20 years from the date of the filing of the plat, the owners of 50 percent of the property petition City Council for a hearing to determine whether the fees should be refunded. A refund may be made

if City Council finds that, among other things, the property is not likely to receive services within another 5 years.

ALTERNATIVES:

Require the developer to pay the applicable wastewater lot and acreage fees in the amount of \$4,980.07 prior to the recording of the plat. If wastewater services are not available within 15 years from the date of the filing of the plat, the property owners may request a refund which will include a 5 ½ percent interest per annum from the date of filing of the final plat.

Exempt the developer from payment of the wastewater lot and acreage fees subject to a Sanitary Sewer Connection Agreement. This agreement would require that when public wastewater services become available, the property owners would connect to the wastewater line and pay the applicable pro-rata fee, tap fee and surcharge fee. If public wastewater services become available within the next 15 years, the property owners would also be required to pay the applicable wastewater lot and acreage fees.

OTHER CONSIDERATIONS:

None

CONFORMITY TO CITY POLICY:

N/A

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

N/A

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

COMMENTS:

None

RECOMMENDATION:

On June 15, 2016, the Planning Commission recommended that City Council approve the exemption of the wastewater lot and acreage fees.

Staff recommends that the wastewater lot and acreage fee be waived and the applicant enter into a Sanitary Sewer Connection Agreement. The agreement will also require payment of the wastewater lot and acreage fees in effect if public wastewater becomes available within 15 years of the plat being filed for record.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Sanitary Sewer Connection Agreement
Waiver of Fees Letter
Presentation