

ORDINANCE

EXEMPTING NUECES GARDEN NO.2, LOT 49A LOCATED SOUTH OF LEOPARD STREET AND WEST OF STARLITE LANE, FROM THE PAYMENT OF THE 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, Nueces Garden No.2, Lot 49A located south of Leopard Street and west of Starlite Lane 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 or 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, the Planning Commission recommend the City Council 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 or acreage fees at this time.

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

SECTION 1. Pursuant to the request of the Nueces Garden No.2, Lot 49A, Ms. Daisy M. Vasquez ("owner") the Planning Commission has recommend City Council approving the applicant 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 Unified Development Code of the City of Corpus Christi.

SECTION 2. The exemption from the payment of wastewater lot or 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 hereto and incorporated herein to this Ordinance for all purposes).
- b. That the Sanitary Sewer Connection Agreement requires payment of the wastewater lot or 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.

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	_____
Carolyn Vaughn	_____	Colleen McIntyre	_____
Rudy Garza	_____	Michael Hunter	_____
Brian Rosas	_____	Mark Scott	_____
Lucy Rubio	_____		

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	_____
Carolyn Vaughn	_____	Colleen McIntyre	_____
Rudy Garza	_____	Michael Hunter	_____
Brian Rosas	_____	Mark Scott	_____
Lucy Rubio	_____		

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

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

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 Daisy M. Vasquez, 4024 Violet Road TRLR 27, Corpus Christi, Teaxs 78410-3137 hereinafter called "Developer/Owner."

WHEREAS, Developer/Owner in compliance with the City's Unified Development Code, has submitted the plat Nueces Gardens No. 2, lots 49A & 49B, 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 THE GRAND RESERVE UNIT 2, 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 original, this 17th day of June, 2016.

DEVELOPER/OWNER:

Daisy M. Vasquez
Daisy M. Vasquez

STATE OF TEXAS §

COUNTY OF NUECES §

This instrument was acknowledged before me on this 17th day of June, 2016, by Jolene Potter



Jolene E Potter
Notary Public, State of Texas

APPROVED:

This _____ day of _____, 2016

By: _____
Daniel McGinn, AICP CFM., Interim Director
Development Services Director

APPROVED as to form:

By: _____
Julian Grant
Senior Assistant City Attorney
For City Attorney

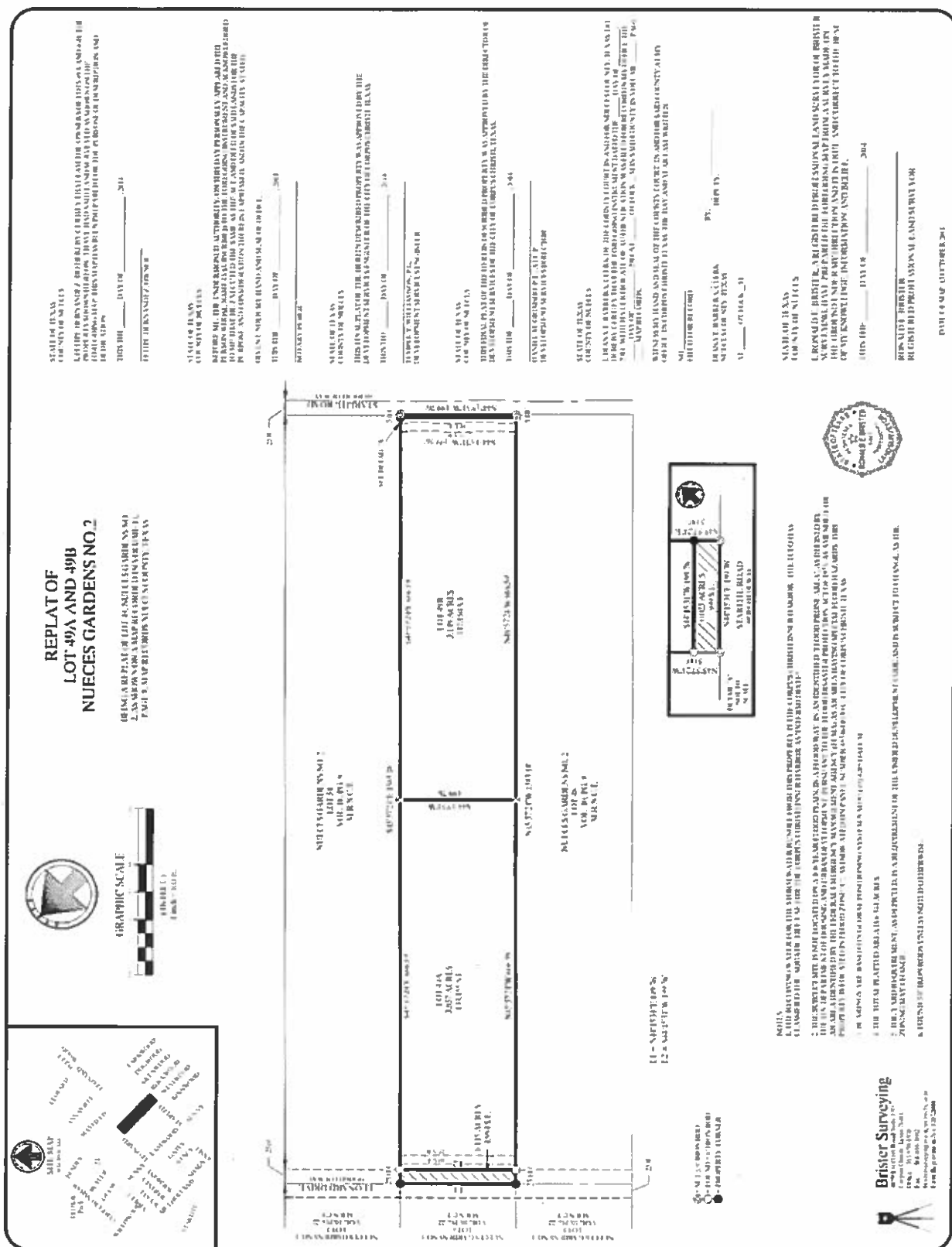
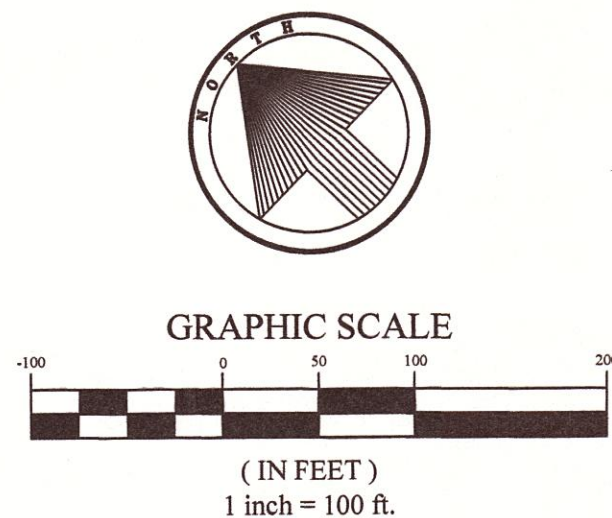
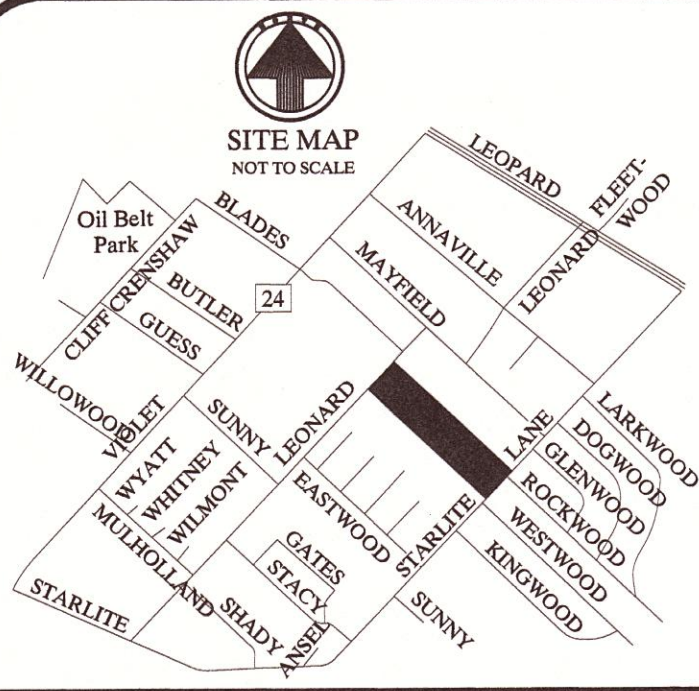
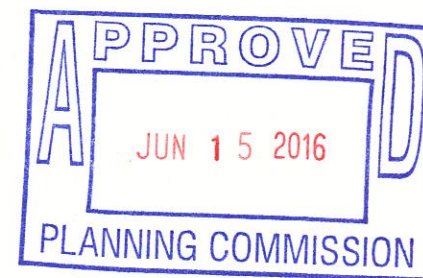


EXHIBIT 1



PLAT OF LOT 49A AND 49B NUECES GARDENS NO.2

BEING A REPLAT OF LOT 49, NUECES GARDENS NO. 2, AS SHOWN ON A MAP RECORDED IN VOLUME 10, PAGE 8, MAP RECORDS NUECES COUNTY, TEXAS.



STATE OF TEXAS
COUNTY OF NUECES

I, FELIPE HERNANDEZ, DO HEREBY CERTIFY THAT I AM THE OWNER OF LOTS 49A AND 49B, THE PROPERTY SHOWN HEREON, I HAVE HAD SAID LAND SURVEYED AS SHOWN ON THE FOREGOING MAP. THIS MAP HAS BEEN PREPARED FOR THE PURPOSE OF DESCRIPTION AND DEDICATION. ALL STREET DEDICATION SHALL BE IN FEE SIMPLE.

THIS THE _____ DAY OF _____, 2016

FELIPE HERNANDEZ, OWNER

STATE OF TEXAS
COUNTY OF NUECES

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE ACT AND DEED OF SAID LANDS FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE.

THIS THE _____ DAY OF _____, 2016

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF NUECES

THIS FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE DEVELOPMENT SERVICES ENGINEER OF THE CITY OF CORPUS CHRISTI, TEXAS.

THIS THE _____ DAY OF _____, 2016

RATNA POTTUMUTHU, P.E., LEED AP
DEVELOPMENT SERVICES ENGINEER

STATE OF TEXAS
COUNTY OF NUECES

THIS FINAL PLAT OF HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE PLANNING COMMISSION ON BEHALF OF THE CITY OF CORPUS CHRISTI.

THIS THE _____ DAY OF _____, 2016

DANIEL M. GRIMSBO, P.E., A.I.C.P.
SECRETARY

STATE OF TEXAS
COUNTY OF NUECES

I, KARA SANDS, CLERK OF THE COUNTY COURT IN AND FOR NUECES COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE _____ DAY OF _____, 2016, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE THE _____ DAY OF _____, 2016 AT _____ O'CLOCK _____ M IN SAID COUNTY IN VOLUME _____, PAGE _____ MAP RECORDS.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT, IN AND FOR SAID COUNTY AT MY OFFICE, IN CORPUS CHRISTI, TEXAS, THE DAY AND YEAR LAST WRITTEN.

NO. _____
FILED FOR RECORD

KARA SANDS, CLERK
NUECES COUNTY, TEXAS

BY: _____
DEPUTY:

AT _____ O'CLOCK _____ M

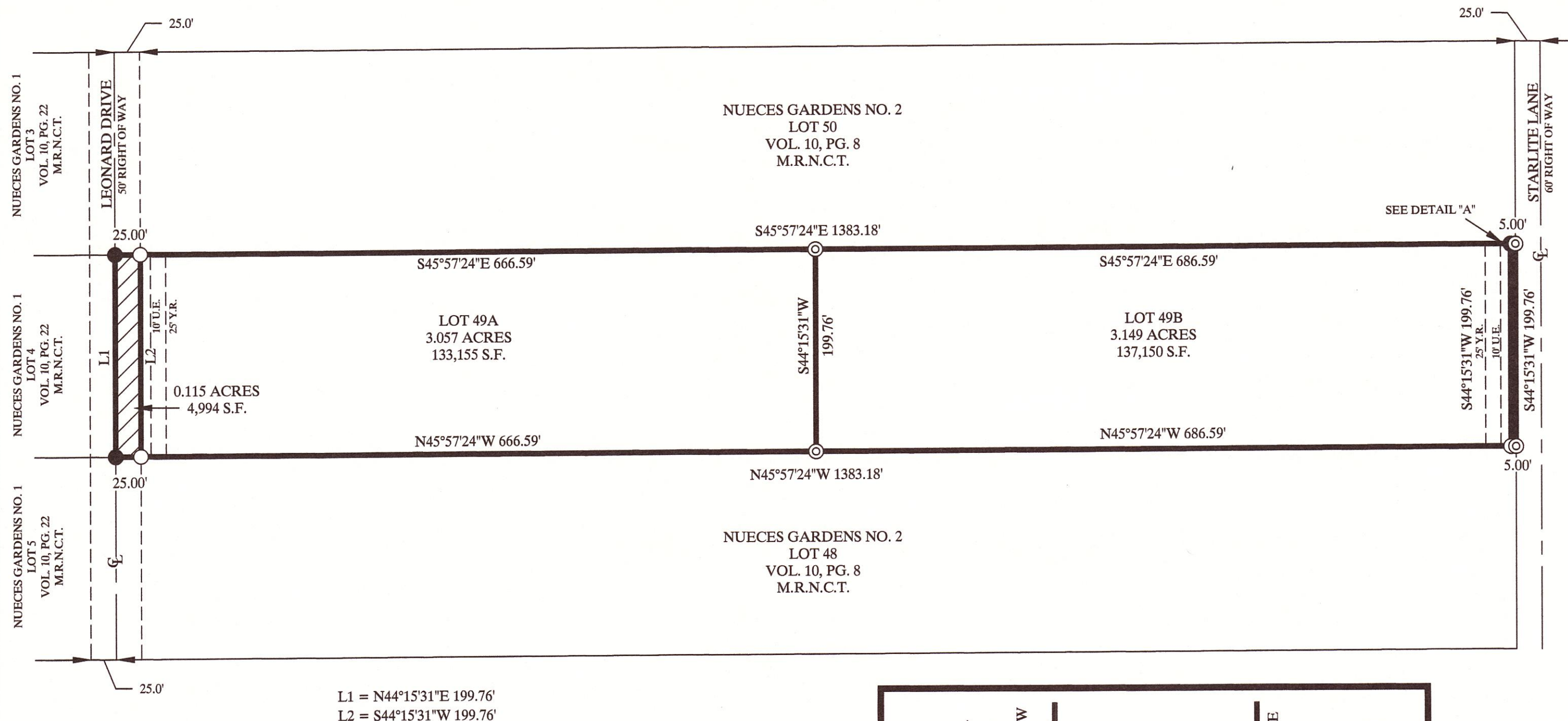
STATE OF TEXAS
COUNTY OF NUECES

I, RONALD E. BRISTER, A REGISTERED PROFESSIONAL LAND SURVEYOR OF BRISTER SURVEYING, HAVE PREPARED THE FOREGOING MAP FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

THIS THE _____ DAY OF _____, 2016

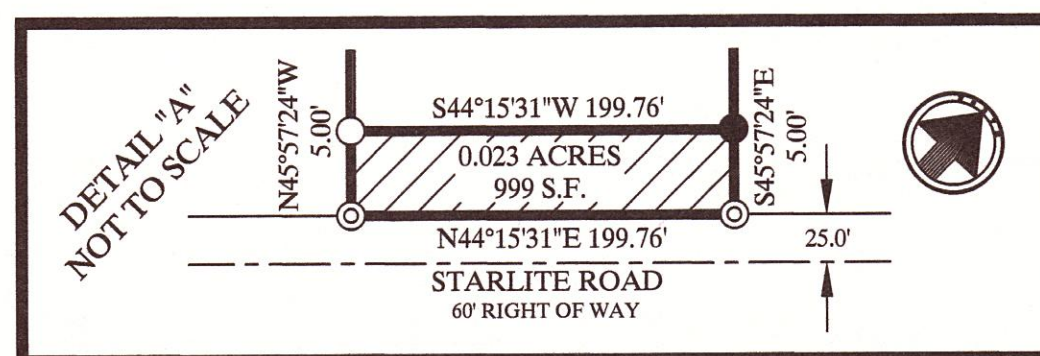
RONALD E. BRISTER
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE OF MAP: 15 MAY 2016



L1 = N44°15'31\"/>

- ⊙ = SET 5/8\"/>
- = FOUND 5/8\"/>
- = PROPERTY CORNER



NOTES:

1. THE RECEIVING WATER FOR THE STORM WATER RUNOFF FROM THIS PROPERTY IS THE CORPUS CHRISTI INNER HARBOR. THE TCEQ HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE CORPUS CHRISTI INNER HARBOR AS "INTERMEDIATE".
2. THE SUBJECT SITE IS NOT LOCATED ON A 100-YEAR FLOOD PLAIN, IN A FLOOD WAY, IN AN IDENTIFIED "FLOOD PRONE AREA", AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PURSUANT TO THE FLOOD DISASTER PROTECTION ACT OF 1973, AS AMENDED, OR AN AREA IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS AN AREA HAVING SPECIAL FLOOD HAZARDS. THIS PROPERTY IS LOCATED IN FLOOD ZONE "C", AS INDICATED ON PANEL NUMBER 485464 0130 C, CITY OF CORPUS CHRISTI, TEXAS.
3. BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM
4. THE TOTAL PLATTED AREA IS 6.344 ACRES, INCLUDING STREET DEDICATIONS.
5. THE YARD REQUIREMENT, AS DEPICTED, IS A REQUIREMENT OF THE UNIFIED DEVELOPMENT CODE AND IS SUBJECT TO CHANGE AS THE ZONING MAY CHANGE.
6. FOUND 5/8\"/>

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Fax 361-850-1802
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Firm Registration No. 10072800

