



AGENDA MEMORANDUM

Future Item for the City Council Meeting of August 9, 2016
Action Item for the City Council Meeting of August 16, 2016

DATE: June 28, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
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Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in The Promenade Subdivision.

CAPTION:

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts, with the property owners in The Promenade Subdivision to provide public water to their respective properties pursuant to Chapter 55, Article VIII, Code of Ordinances.

PURPOSE:

The City Council is required to approve the outside city limits water contract before the contract for such service can become effective. The City Manager or designee is authorized to execute water service contracts.

RECOMMENDATION:

Approval of the resolution authorizing the City Manager or designee to enter into outside city limits water contracts with property owners of up to 100 lots in The Promenade Subdivision to provide public water to their respective properties located outside the city limits pursuant to Section 55-113 of the City Code of Ordinances. Several of the water contracts will be with Rick's Homes, LLC., a developer of the subdivision.

BACKGROUND AND FINDINGS:

Section 55-111 of the Code of Ordinances requires a written service contract between the City and all owners and record mortgagees and lienholders of such property. The property owner, Rick's Homes, LLC, is currently building homes on several tracts of land outside the city limits. Rick's Homes, LLC own properties known as The Promenade, Block 1, Lots 1-60; Block 2, Lots 1-20, Block 3, Lots 1-17, Block 4, Lots 1-2, and Block 5, Lot 1. When The Promenade Subdivision was constructed, public waterline was extended to the area and made available to the properties within The Promenade. In order to obtain public water, the property owners must comply with the following requirements:

- a. Enter into a written service contract with the City;
- b. Submit plans that are in compliance with all city codes and obtain all city permits as if the property were within the City limits; and
- c. Allow inspections of all such construction.

Rick's Homes, LLC has submitted construction plans to the City for review. Water connection will not be approved until after the water service contract has been approved and recorded in the Nueces County records. Pursuant to the requirements of the water service contract, construction may only occur in compliance with City regulations, including construction permit requirements, as though the property were inside the City.

The Promenade was approved by the Planning Commission on March 25, 2015 and recorded in the Nueces County map records on April 29, 2016. The Promenade is located north of County Road 2444 between County Road 41 and State Highway 286.

As part of the development of the subdivision, a waterline was extended from County Road 2444 to the subdivision in order to provide public water to the proposed lots.

The Promenade subdivision contains 100 lots. In accordance with Section 55-113 of the Code of Ordinances, the Council would be required to approve each contract for all of the properties. In order to expedite the contracts and not bog down the City Council, the City Manager or designee will execute the remaining water service contracts. The future contracts for the properties within The Promenade would not differ much from the contract with Rick's Homes, LLC.

Staff recommends the City Council approve authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners to provide public water to their property located outside the city limits.

ALTERNATIVES: Annexation of the property

OTHER CONSIDERATIONS: Not Applicable

CONFORMITY TO CITY POLICY: Section 55-111 of the City Code requires City Council approval of outside-City-limits water contracts.

EMERGENCY / NON-EMERGENCY: Non-Emergency

DEPARTMENTAL CLEARANCES: Legal

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

LIST OF SUPPORTING DOCUMENTS:

Resolution & OCL Water Contract with Exhibit

Location Map