

## ORDINANCE

**DISANNEXING FROM THE CITY OF CORPUS CHRISTI, TEXAS, AN APPROXIMATELY 54.35-ACRE TRACT OF LAND AND AN APPROXIMATELY 3.89-ACRE TRACT OF LAND, BOTH OWNED BY CITGO REFINING AND CHEMICALS COMPANY, L.P., AND LOCATED IN NUECES COUNTY; ADJUSTING THE CITY BOUNDARIES; AMENDING ORDINANCE NO. 029958 BY ADJUSTING THE BOUNDARY OF THE CITY'S INDUSTRIAL DISTRICT NO. 1 TO INCLUDE THE DISANNEXED TRACTS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH CITGO REFINING AND CHEMICALS COMPANY, L.P., REQUIRING THE PAYMENT IN LIEU OF TAXES IN AN AMOUNT EQUAL TO 100 PERCENT OF THE AD VALOREM TAXES THAT WOULD BE DUE IF THE TRACTS WERE IN CITY LIMITS, AND TO FILE THE INDUSTRIAL DISTRICT AGREEMENT IN THE OFFICIAL RECORDS OF NUECES COUNTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR SEVERANCE.**

WHEREAS, under Texas Local Government Code Chapter 42, Section 42.044, the Governing body of any city has the right, power and authority to designate any part of the area located in its extraterritorial jurisdiction as an Industrial District, and to treat such area from time to time as such governing body may deem to be in the best interest of the City; and

WHEREAS, included in such rights and powers of the governing body of any city is the permissive right and power to enter into written agreements with the owner or owners of land in the extraterritorial jurisdiction of a city to guarantee the continuation of the extraterritorial status of such land, and immunity from annexation by the city for a period of time, and other such terms and considerations as the parties might deem appropriate; and

WHEREAS, it is the established policy of the City Council of the City of Corpus Christi, Texas (the " City"), to adopt reasonable measures permitted by law that will tend to enhance the economic stability and growth of the City and its environs by attracting the location of new and the expansion of existing industries therein as being in the best interest of the City and its citizens; and

WHEREAS, under said policy and the provisions of Section 42.044, Texas Local Government Code, the City of Corpus Christi has enacted Ordinance No. 15898, approved November 26, 1980, as amended, indicating its willingness to enter into industrial district agreements with industries located within its extraterritorial jurisdiction and designating the specified land areas as Corpus Christi Industrial Development Area No. 1 and Corpus Christi Industrial Development Area No. 2; and

WHEREAS, in order to correct certain boundary issues and to authorize new industrial district agreements to replace those that were about to expire, the City of Corpus Christi has enacted Ordinance No. 029958, approved September 17, 2013, which reestablished the boundaries of the land areas known as Corpus Christi Industrial Development Area

No. 1 and Corpus Christi Industrial Development Area No. 2 and renamed such areas “Industrial District No. 1 and Industrial District No. 2”, herein collectively called “Industrial Districts,” and

WHEREAS, CITGO Refining and Chemicals Company, LP (“CITGO”) wishes to have certain parcels that it owns added to an Industrial District Agreement (“IDA”) with the City in order to have consistent regulations governing its adjacent property inside the current boundaries of Industrial District Number 1 (“ID1”); and

WHEREAS, in order to add the parcels owned by CITGO to ID1, the City must disannex these parcels from the City boundaries, as authorized by Texas Local Government Code Section 43.142 and Article 1, Section 2 of the City Charter, and adjust the boundaries of ID1 to include those parcels; and

WHEREAS, CITGO has agreed to enter into an IDA pertaining to the parcels that will commit to paying 100 percent of ad valorem taxes that would be due for the parcels were they inside city boundaries, and the City Council has determined that this arrangement would best serve the public’s health, necessity, and convenience and the general welfare of the City and its citizens.

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

**SECTION 1.** The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**SECTION 2.** An approximately 54.35-acre tract of land owned by CITGO and located in Nueces County is disannexed from the City of Corpus Christi, Texas city limits and boundaries depicted and described in the attached **Map and Metes and Bounds Describing Tract A.**

**SECTION 3.** An approximately 3.89-acre tract of land owned by CITGO and located in Nueces County is disannexed from the City of Corpus Christi, Texas city limits and boundaries depicted and described in the attached **Map and Metes and Bounds Describing Tract B.**

**SECTION 4.** The boundaries of the City of Corpus Christi, Texas are adjusted to exclude that property comprising the above referenced tracts of land.

**SECTION 5.** Ordinance 029958, is amended by replacing that portion of Exhibit A of Ordinance 029958, which lays out the boundaries of Industrial District No. 1, with the attached **Map and Metes and Bounds Showing the Boundary of Industrial District No. 1.** That portion of Exhibit A laying out the boundaries of Industrial District No. 2 shall remain the same. Ordinance 029958 as amended is re-authorized.

**SECTION 6.** The City Council approves and authorizes the City to enter into the attached **Industrial District Agreement No. 6B** with CITGO, which requires CITGO to pay as a

payment in lieu of taxes an amount equal to 100 percent of the ad valorem taxes that would be due for the two tracts were they inside the city boundaries, and to file such agreement in the official records of Nueces County. The City Manager, or designee, is hereby authorized to execute such documents and all related documents on behalf of the City of Corpus Christi. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

**SECTION 7.** If Section 5, Section 6, or the attached **Industrial District Agreement No. 6B** is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, then this ordinance shall be void and no longer in effect. If any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, that judgment shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance.

**SECTION 8.** Publication will be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Michael Hunter	_____	Mark Scott	_____
Chad Magill	_____	Carolyn Vaughn	_____
Colleen McIntyre	_____		

PASSED AND APPROVED, this the \_\_\_\_\_th day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor