



AGENDA MEMORANDUM

Future Item for the City Council Meeting of June 20, 2017

Action Item for the City Council Meeting of July 11, 2017

DATE: May 30, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green P.E., 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 Kensington Gardens subdivision.

CAPTION:

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts, which is attached to this resolution and incorporated herein for all purposes, with property owners of up to 40 lots in Kensington Gardens 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.

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 40 lots in Kensington Gardens 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 Azali Homes, LLC., the 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, Azali Homes, LLC, is proposing to build homes on several tracts of land outside the city limits. Azali Homes, LLC own properties known as Kensington Gardens, Block 1, Lots 1-10; Block 2, Lots 1-10, Block 3, Lots 1-10, and Block 4, Lots 1-10. When

Kensington Gardens subdivision was constructed, public waterline was extended to the area and made available to the properties within Kensington Gardens subdivision. 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 building 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 building construction.

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 of homes may only occur in compliance with City regulations, including building construction permit requirements, as though the property were inside the City.

Kensington Gardens subdivision was approved by the Planning Commission on April 22, 2015 and recorded in the Nueces County map records on February 15, 2017. Kensington Gardens is located west of County Road 47 between Farm to Market Road 43 and County Road 22.

As part of the development of the subdivision, a waterline was extended from County Road 43 to the subdivision in order to provide public water to the proposed lots.

Kensington Gardens subdivision contains 40 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 contract execution, the City Council authorizes the City Manager or designee to execute the remaining water service contracts within the subdivision. The future contracts for the properties within Kensington Gardens subdivision would not differ much from the contract with Azali 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: 2016-2017	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

Sample OCL Water Contract

Exhibit A – Location Map