

ORDINANCE

EXEMPTING PUERTO LOS CABALLEROS TRACT, BLOCK 1, LOT 1, LOCATED SOUTH OF NORTHWEST BOULEVARD AND EAST OF COUNTY ROAD 73, FROM THE PAYMENT OF THE WASTEWATER LOT OR ACREAGE FEE UNDER SECTION 8.5.2.G.1 OF THE UNIFIED DEVELOPMENT CODE; REQUIRING THE OWNER/DEVELOPER TO COMPLY WITH THE SPECIFIED CONDITIONS.

WHEREAS, Puerto Los Caballeros Tract, Located South of Northwest Boulevard and East of County Road 73 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 Puerto Los Caballeros Tract, Block 1, Lot 1, Puerto Los Caballeros, LLC ("owner"), the Planning Commission has recommended 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 or acreage fee in 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.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2018.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
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 Puerto Los Caballeros, LLC, Ryan Lawhon, Vice President, P.O. Box 9605, Corpus Christi, Texas 78469 hereinafter called "Developer/Owner".

WHEREAS, Developer/Owner in compliance with the City's Unified Development Code, has submitted the plat for Puerto Los Caballeros Tract, Block 1, Lot 1, Located South of Northwest Boulevard, and east of County Road 73, hereinafter called "Development," (**Exhibit 1 and 2**); 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 PUERTO LOS CABALLEROS TRACT, BLOCK 1, LOT 1, 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 6th day of November, 2018.

DEVELOPER/OWNERS:



Puerto Los Caballeros, LLC
Ryan Lawhon (Vice President)

STATE OF TEXAS §
 §
COUNTY OF NUECES §

This instrument was acknowledged before me on this 6th, day of NOVEMBER, 2018, by RYAN LAWTON


Notary Public, State of Texas

CITY OF CORPUS CHRISTI:

Nina Nixon-Méndez, FAICP
Director of Development Services

THE STATE OF TEXAS §
 §
COUNTY OF NUECES §

This instrument was acknowledged before me on _____, 2018, by
_____, Director of Development Services for the City
of Corpus Christi, Texas.

Notary Public's Signature

APPROVED as to form:

Buck Brice
Assistant City Attorney
For City Attorney

Notes:

- 1.) Total plotted area contains 39.75 Acres of Land. (Includes Street Dedication)
- 2.) The receiving water for the storm water runoff from this property is the Nueces River, upstream of the upstream Salt Water intrusion. The TCEQ also categorized the Nueces River as "contact recreation" use. Additional water quality protection measures must be observed for this receiving water due to the TCEQ designation as a public water supply. The TCEQ also designated the Nueces River as a "public water supply" but it is recognized as an environmentally sensitive area. The Oso Creek flows directly into the Oso Bay. The TCEQ has classified the aquatic life use for the Oso Bay as "exceptional" and "oyster waters" and categorized the receiving water as "contact recreation" use.
- 3.) Grid Bearings and Distances shown herein are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983 (NAD83) Epoch 2010.00.
- 4.) By graphic plotting only, this property is in Zone "C" on Flood Insurance Rate Map, Community Panel No. 485494, 0256 C, City of Corpus Christi, Texas, which bears an effective date of March 10, 1985 and is not in a Special Flood Hazard Area.
- 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.) If any lot is developed with residential uses, compliance with open space regulation will be required during the building permit phase.



This the _____ day of _____, 20____

By: Daniel J. Murphy, member

State of Texas
County of Nueces

This instrument was acknowledged before me by Daniel J. Murphy, member of Puerto Los Caballeros, LLC, a Texas limited liability company, on behalf of said entity in said capacity.

Notary Public in and for the State of Texas

**Puerto Los Caballeros Tract
Block 1, Lot 1**

39,750 Acres, situated in the Mariano Lopez de Herrero Grant, Abstract No. 606, Nueces County, Texas, being the same 39,750 Acre Tract described in Warranty Deed from 624 Property, LLC, a Texas limited liability company to Puerto Los Caballeros, LLC, as recorded in Document No. 2017042655, Official Public Records of Nueces County, Texas.

State of Texas
County of Nueces

This find plat approved by the Corpus Christi - Nueces County Health Department - 2018. Any private sewage system shall be approved by the Corpus Christi - Nueces County Health Department prior to installation.

Lauren Riba, MPA
Nueces County, Health Department



State of Texas
County of Nueces

This find plat of the herein described property was approved by the Department of Development Services of the City of Corpus Christi, Texas.

This the _____ day of _____, 20____

William J. Pagan, P.E.
Development Services Engineer

State of Texas
County of Nueces

This find plat of the herein described property was approved on behalf of the City of Corpus Christi, Texas, by the Planning Commission.

This the _____ day of _____, 20____

Isaac Noron-Andres, FACP
Secretary

Eric Warren, P.E.
Commissioner

State of Texas
County of Nueces

I, Kara Smith, Clerk of the County Court in and for said County do hereby certify that the foregoing instrument dated the _____ day of _____, 20____ with its certificate of authentication was filed for record in my office the _____ day of _____, 20____ at _____ o'clock _____ M., and Volume _____ Page _____ of _____ Map Records.

Witness my hand and seal of the County Court, in and for said County at office in Corpus Christi, Texas, this day and year last written.

No. _____ Filed for Record _____

at _____ O'clock _____ M.

By: Kara Smith, County Clerk
Nueces County, Texas

Deputy _____

State of Texas
County of Nueces

I, James D. Carr, a Registered Professional Land Surveyor for Urban Engineering, have prepared the foregoing map from a survey made on the ground under my direction and is true and correct to the best of my knowledge and belief, and I am not aware of any facts or circumstances which would render the Block corners as shown herein and to complete such operations with due and reasonable diligence consistent with sound professional practice.

This the _____ day of _____, 20____

James D. Carr, P.L.S.
Texas License No. 6458



Preliminary; this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

EXHIBIT 1

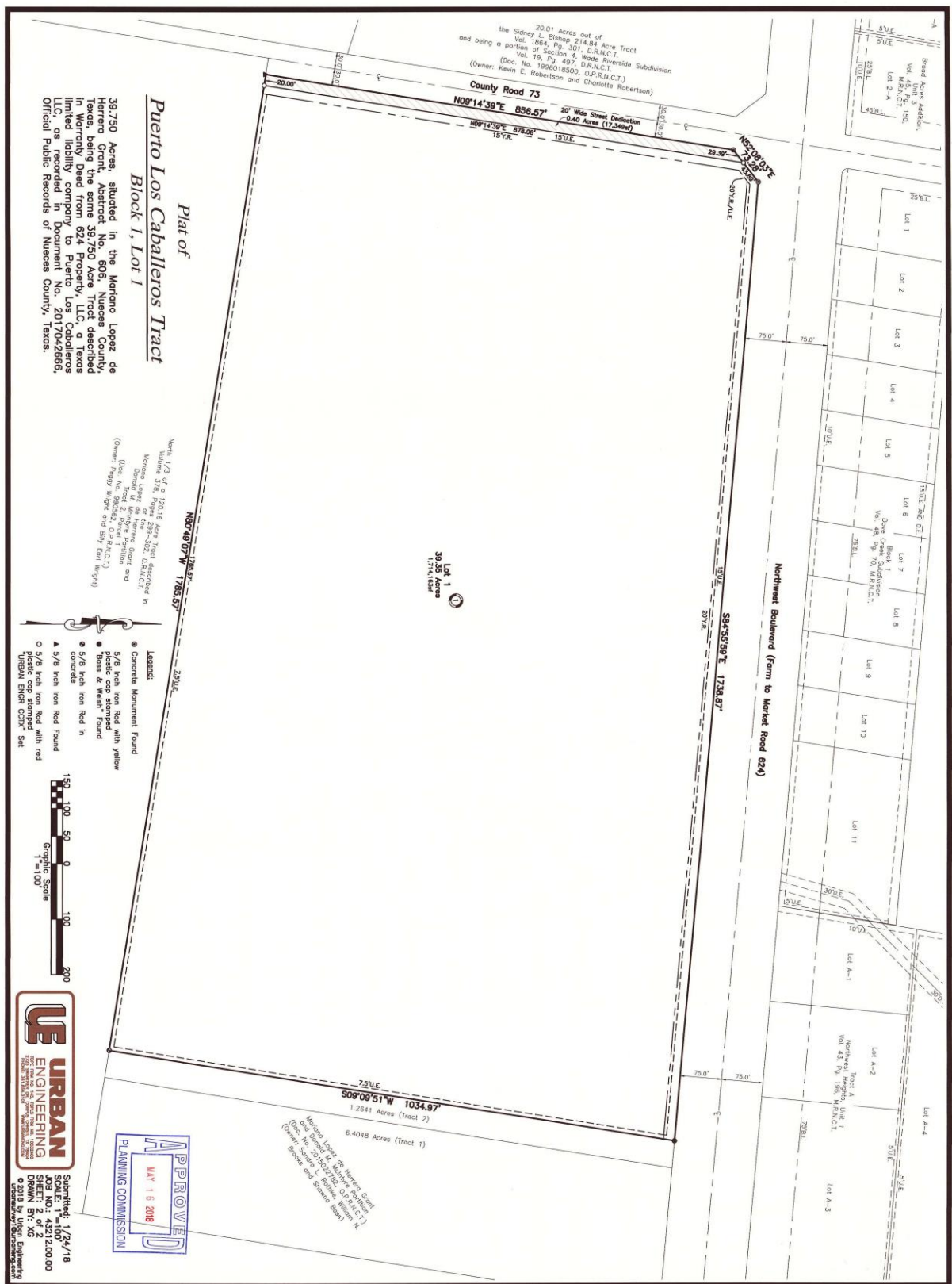


EXHIBIT 2