

## **Ordinance**

**Exempting The Coves at Lago Vista Unit 3C, located south of South Oso Parkway and east of King Ranch Drive, from the payment of the wastewater lot/acreage fees under section 8.5.2.G.1 of the Unified Development Code; and declaring an emergency for a one-reading action.**

**WHEREAS**, The Coves at Lago Vista Unit 3C, Located South end of South Oso Parkway and East end of King Ranch Drive, 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 Coves at Lago Vista, Ronald A. Voss, VOJO Ventures LLC., 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/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.

**SECTION 3.** Upon the written request of the Mayor or five Council members, copy attached, the City Council finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and suspends the City Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure this 25th day of June, 2019.

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

THE CITY OF CORPUS CHRISTI

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

\_\_\_\_\_  
Joe McComb

Mayor

TO THE MEMBERS OF THE CITY COUNCIL  
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Joe McComb  
Mayor

Council Members

The above ordinance was passed by the following vote:

Joe McComb	_____
Roland Barrera	_____
Rudy Garza	_____
Paulette M. Guajardo	_____
Gil Hernandez	_____
Michael Hunter	_____
Ben Molina	_____
Everett Roy	_____
Greg Smith	_____

## 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 Ronald Voss, Vojo Ventures, 6838 Greenwood Dr., Corpus Christi, Texas 78415 and, Lago 3C. LLC, 6838 Greenwood Dr., Corpus Christi, Texas 78415 hereinafter called "Developer/Owner".

**WHEREAS**, Developer/Owner in compliance with the City's Unified Development Code, has submitted the plat for The Coves at Lago Vista Unit 3C, 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 COVES AT LAGO VISTA UNIT 3C 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 30<sup>th</sup> day of May, 2019.

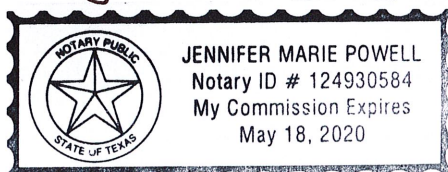
DEVELOPER/OWNERS:

*Ron*  
Ronald A Voss  
Owner, Member - Vojo Ventures, LLC  
President - Lago 3C. LLC

*Michael E. Johnson*  
Michael Johnson  
Member – Vojo Ventures, LLC

STATE OF TEXAS       §  
                                     §  
COUNTY OF NUECES   §

This instrument was acknowledged before me on this 30<sup>th</sup>, day of May, 2019, by Ronald A Voss & Michael Johnson



*Jennifer Marie Powell*  
Notary Public, State of Texas



**CITY OF CORPUS CHRISTI:**

ATTEST:

By: \_\_\_\_\_  
Rebecca Huerta  
City Secretary

By: \_\_\_\_\_  
Nina Nixon Mendez, FAICP  
Development Services Director

THE STATE OF TEXAS   §  
                                     §  
COUNTY OF NUECES   §

This instrument was signed by Nina Nixon Mendez, FAICP, Development Services Director, for the City of Corpus Christi, Texas, and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED as to form:

By: \_\_\_\_\_  
Buck Brice  
Assistant City Attorney  
For City Attorney







