

Ordinance

Exempting Ybarra Terrace Lot 1 located North of Weber Road and East of Oso Creek, 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, Ybarra Terrace Lot 2 located North of Weber Road and East of Oso Creek 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 Ybarra Terrace, Lot 1, Esther Castillo Ybarra 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 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 Esther Castillo Ybarra, Owner, 5873 Hall Avenue, Corpus Christi, Texas, 78408, hereinafter called "Developer/Owner".

WHEREAS, Developer/Owner in compliance with the City's Unified Development Code, has submitted the plat for Ybarra Terrace Lot 1, 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 YBARRA TERRACE 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.

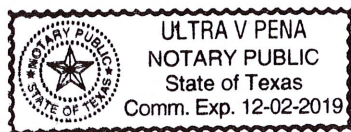
EXECUTED original, this 3rd day of June, 2019.

DEVELOPER/OWNERS:

Esther Castillo Ybarra
Esther Castillo Ybarra
Owner

STATE OF TEXAS §
 §
COUNTY OF NUECES §

This instrument was acknowledged before me on this 3rd day of June, 2019, by Ultra V. Pena.



Ultra V. Pena
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

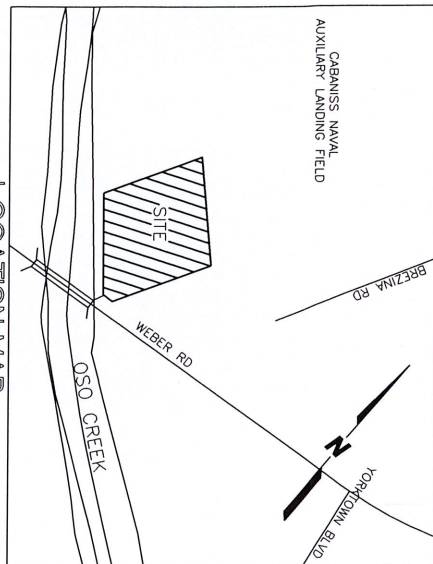
Exhibit 1

PLOTDATE: 04-12-19 10:46 AM

DRAWING NO: 180444

PLOTSCALE: 1:1

XREF: BASE, CONTOURS EDITED 2



LOCATION MAP
SCALE: 1" = 500'

STATE OF TEXAS §
COUNTY OF NUECES §
ESTHER CASTILLO YBARRA, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN HEREON, FREE OF ALL LIENS, THAT I HAVE HAD SAID PROPERTY SURVEYED AND SHOWN FOR THE PURPOSES OF DESCRIPTION AND DEDICATION. ALL UTILITIES, EASEMENTS AND RIGHTS OF WAY ARE DEDICATED TO THE PUBLIC FOR THE OPERATION & MAINTENANCE OF PUBLIC STREETS 2019.

ESTHER CASTILLO YBARRA

STATE OF TEXAS §
COUNTY OF NUECES §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY
ESTHER CASTILLO YBARRA

THIS THE ____ DAY OF ____ 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS §
COUNTY OF NUECES §

I, MURRAY BASS, JR., REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED FROM A SURVEY MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE & BELIEF.
THIS THE 12th DAY OF APRIL, 2019.

NOTES



MURRAY BASS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR

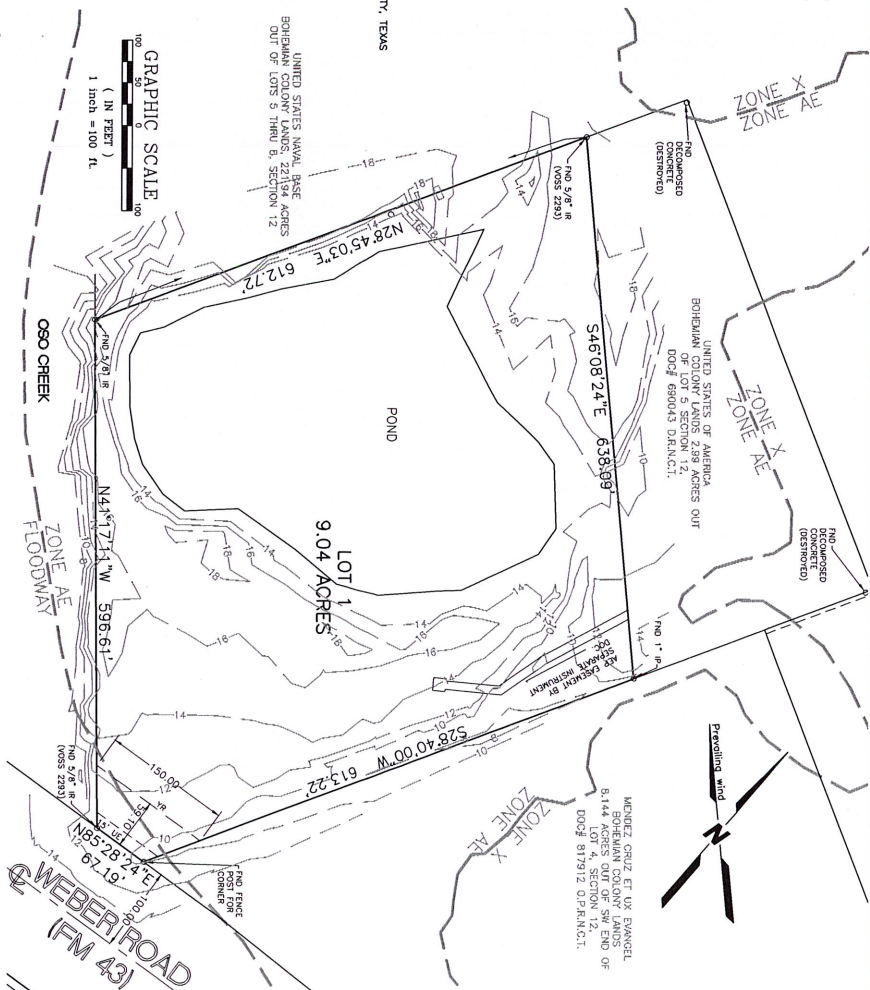
1. THE PROPERTY IS ZONED "R" FARM RURAL.
2. THE YARD REQUIREMENT, AS DEPICTED, IS A REQUIREMENT OF THE UNITED DEVELOPMENT CODE ORDINANCE AND IS SUBJECT TO CHANGE AS THE ZONING MAY CHANGE.
3. BASE OF BEARING IS STATE OF TEXAS, LAMBERT GRID, SOUTH ZONE, NAD 1983, ESTABLISHED BY STATE OBSERVATION AND GPS SOLUTION BY NGS. ELEVATIONS REFER TO NAD 1983.
4. THE SUBJECT PROPERTY LIES IN ZONE AE, FLOOD PLAIN BOUNDARIES HAVE BEEN SCALED FROM FEMA PANEL 48355 C 0510 G DATED OCTOBER 23, 2016 (DRAFT REVISED PRELIMINARY)
5. THE RECEIVING WATER FOR THE STORM WATER RUNOFF FROM THIS PROPERTY IS THE OSO CREEK. THE TCO HAS NOT CLASSIFIED THE AQUATIC LIFE FOR THE OSO CREEK FLOWS DIRECTLY INTO THE OSO BAY. THE TCO HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE OSO BAY AS "EXCEPTIONAL" AND "OYSTER WATERS" AND CATEGORIZED THE RECEIVING WATER AS "CONTACT RECREATION" USE.
6. IF THE PROPERTY WERE TO BE SUBDIVIDED, COMPLIANCE WITH THE PUBLIC OPEN SPACE REGULATIONS WILL BE REQUIRED AS APPLICABLE.

YBARRA TERRACE LOT 1

BEING A TRACT OF A LAND BEING OUT OF LOT 5, SECTION 12, AND LOT 1, SECTION 18 OF THE BOHEMIAN COLONY LANDS RECORDED IN VOLUME "A", PAGE 48, MAP RECORDS, NUECES COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED IN DOC# 396013 DEED RECORDS OF NUECES COUNTY, TEXAS; CONTAINING 9.04 ACRES.

LEGEND

- U.E. UTILITY EASEMENT
- Y.R. YARD REQUIREMENT
- I.P. IRON PIPE
- I.R. IRON ROD
- M.R.N.C.T. MAP RECORDS NUECES COUNTY, TEXAS
- D.R.N.C.T. DEED RECORDS NUECES COUNTY, TEXAS
- O.P.N.C.T. OFFICIAL PUBLIC RECORDS NUECES COUNTY, TEXAS



STATE OF TEXAS §
COUNTY OF NUECES §
THE FINAL 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 ____ 2019.

WILLIAM J. GREEN, P.E.
DEVELOPMENT SERVICES ENGINEER

DATE

ERIC VILLARREAL, P.E.
CHAIRMAN

NINA NIXON-MENDEZ, FAICP
SECRETARY

BASS & WELSH ENGINEERING

PREPARED BY

CONSULTING ENGINEERS AND SURVEYORS

3034 SOUTH ALAMEDA STREET 78404

P.O. BOX 6397 78466-6397

TELEPHONE: (361) 882-5521

FACSIMILE: (361) 882-1265

FIRM REGISTRATION NO. F-52 (ENGINEERING)
FIRM REGISTRATION NO. 100027-00 (SURVEYING)
CORPUS CHRISTI, TEXAS

STATE OF TEXAS §
COUNTY OF NUECES §
APPROVED BY THE CORPUS CHRISTI-NUECES COUNTY HEALTH DEPARTMENT.
THIS THE ____ DAY OF ____ 2019, ANY PRIVATE WATER SUPPLY AND/OR SEWAGE SYSTEM SHALL BE APPROVED BY THE CORPUS CHRISTI-NUECES COUNTY HEALTH DEPARTMENT PRIOR TO INSTALLATION.

PUBLIC HEALTH ENGINEER

STATE OF TEXAS §
COUNTY OF NUECES §

I, KARA SANDS, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE ____ DAY OF ____ 2019 WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE THE ____ DAY OF ____ 2019 AT ____ O'CLOCK ____ M. AND DULY RECORDED THE ____ DAY OF ____ 2019 AT ____ O'CLOCK ____ M. IN THE INSTRUMENT NUMBER ____ PAGE ____

WITNESS MY HAND AND SEAL OF THE COUNTY COURT IN AND FOR SAID COUNTY AT OFFICE IN CORPUS CHRISTI, NUECES COUNTY, TEXAS, THE DAY AND YEAR LAST WRITTEN.

BY: DEPUTY

KARA SANDS
COUNTY COURT
NUECES COUNTY, TEXAS

YBARRA TERRACE, LOT 1

SHEET 1 OF 1