
CITY OF PORT LAVACA

WORKSHOP: SEPTEMBER 25, 2023

AGENDA ITEM __

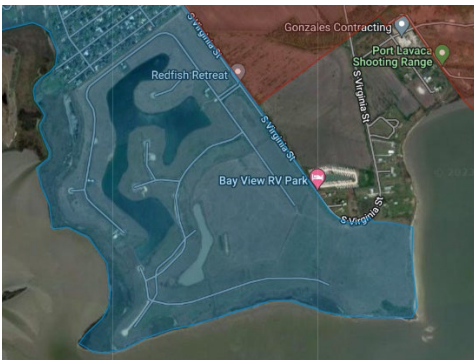
DATE: 09.24.2023

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: JODY WEAVER, INTERIM CITY MANAGER

SUBJECT: SERVICE AGREEMENT FOR REDFISH RETREAT PER ANNEXATIUN AGREEMENT (ORDINANCE NO. G-1-09)

BACKGROUND: Attached is the Annexation Agreement with Red Fish Retreat executed in 2009. It states IN Section 5. that the service plan is attached as Exhibit “B” and is approved as part of the Ordinance, however Exhibit “B” states that the required Service Plan will be developed “Once the property has been developed and dwellings constructed”. This Service Plan has not been developed that we can find in Council minutes.



City Limits is in Blue

Anne Marie has explained to me that this Service Plan, is not a comprehensive document, but can be as simple as a statement which says “City will provide police and fire protection and public water and wastewater collection and treatment service to the area.” The entirety of the annexed land, nor even all of the platted subdivision has been fully developed, as you can see in the map above, so perhaps we need to describe the limits of the current service plan, being the currently platted property.

To help understand the status of Redfish Retreat, I’ve attached a layout of the currently platted property (Phases 1, 2A, and 3) at Redfish Retreat. Phase 1 and Phase 2A are highlighted in yellow. The location of existing street lights, Fire hydrants and houses are indicated on the plan. In order to receive a building permit, the lot must have available water, sewer forcemain, electricity, a completed street and a nearby streetlight or at least AEP has a work order for a street light. So, all platted lots are not yet eligible for a building permit, as shown on the next map I’ve attached.

- All the water lines, firehydrants and sewer forcemains are installed per plans and accepted throughout Phase 1, 2A, and 3, except about 6 lots at the end of Aquarius in Phase 3.
- All lots located on the right side of the entrance (N. Redfish Retreat Dr. and Puppy Drum Dr.) have access to electricity and have all street lights up except at the very end cul-de-sac of Redfish Retreat Drive.
- The lots on the east side of S. Redfish Retreat Dr. have overhead electrical along FM 1090. The lots on the west side of S. Redfish Retreat Dr. do not have electricity and there are no street lights in this area.

- The lots on the north side of Channel Bass Drive up to Sebastes have electricity and those on the south side have overhead electricity in the rear, but there are no street lights in this area.
- The lots on Sebastes and Sand Swept Dr. have electricity and do have street lights.
- The street construction of Channel Bass Drive and the other streets of Phase 3 is not complete. There is limestone base in place that is being overgrown along the edges with vegetation.
- There is no electricity available beginning at PID #90089 and further on in Phase 3, except for the few lots that have overhead electrical available in the rear.

Regarding the sewer collection service, you recall that Redfish Retreat is a pressure sewer system. The forcemain was installed by the developer and the home builder or owner installs the pump station. The original design specified a pump station manufactured by E-One for a cost of \$4,000-\$5,000 installed by a sub of the builder. We began having maintenance issues and premature failure of these E-One pump systems and began requiring a more sturdy pump system manufactured by Flygt at an equipment cost of \$8,000- \$10,000. The cost to install these increased as well.

In order to keep the cost of the sewer service down, we have worked with the developers that we will again accept the E-One pump systems, but the homeowner- not the City – will be responsible for all maintenance. As such the homeowner will not be responsible for the \$15/month Pressure Sewer System maintenance fee.

UPSHOT: We will bring a Service Plan to Council for approval at the October or November Regular Meeting.

Attachments:

- Redfish Annexation Agreement
- Currently Platted Property at Red Fish Retreat, showing existing street lights, fire hydrants and houses
- Lots that are eligible for issuance of a Building Permit

ORDINANCE NO. G-1-09

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF PORT LAVACA, TEXAS, BY VOLUNTARY ANNEXATION OF CERTAIN TERRITORY, DESCRIBED AS REDFISH RETREAT, CALHOUN COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", DIRECTING THE CITY SECRETARY TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH CERTAIN AUTHORITIES; DIRECTING THAT THE MAP OF THE CITY BOUNDARIES AND EXTRATERRITORIAL JURISDICTION BE CORRECTED TO INCLUDE THE ANNEXED TERRITORY; DIRECTING THE CITY SECRETARY TO SEEK PRECLEARANCE OF THE ANNEXATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING FOR THE ATTACHMENT OF THE SERVICE PLAN; GRANTING TO SAID PROPERTY AND ALL FUTURE INHABITANTS ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING FOR SEVERABILITY; PROPER NOTICE AND MEETING; EFFECTIVE DATE.

WHEREAS, a petition for voluntary annexation has been duly signed by Danny Smith, property owner and petitioner, attached hereto as Exhibit "B", requesting that the property described in Exhibit "A", attached hereto, be annexed into the corporate city limits of the City of Port Lavaca, Texas; and

WHEREAS, the property owner's petition for annexation was presented to the City Council and was granted by Ordinance No. G-1-09; and

WHEREAS, the territory is exempt from the municipal annexation plan requirement under state law and the area to be annexed is one mile or less in width, is contiguous to the current corporate limits of the City, and contains fewer than a 100 separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, a service plan for the area to be annexed has been prepared as required by law, and a copy of that service plan is attached hereto as Exhibit "B"; and

WHEREAS, the two public hearings required by law have been held and proper notice of these public hearings was published in the official newspaper of the City and posted on the City's web site; and

WHEREAS, the City of Port Lavaca is a home rule city with a population in excess of 5,000 persons and is authorized by law to annex such areas; and

WHEREAS, the property to be annexed is within the City's extraterritorial jurisdiction and the property is not within the extraterritorial jurisdiction of any other city; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS, THAT:

SECTION 1. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Port Lavaca and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. ANNEXATION. That the property described as Redfish Retreat, which is more fully described in Exhibit "A" attached hereto, is hereby annexed into the City of Port Lavaca, Calhoun County, Texas and that the corporate limits of the City of Port Lavaca be and the same are hereby extended to include within the territorial limits of said city and said land and the present and future inhabitants thereof shall hereafter be entitled to all rights and privileges of the City of Port Lavaca, Texas and shall be bound by the provisions of all ordinances and codification of ordinances of said City.

SECTION 3. FILING OF ORDINANCE. That the City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Calhoun County, Texas, the Voting Registrar of Calhoun County, the Calhoun County Appraisal District, the Secretary of State of Texas, and the Comptroller of the State of Texas in the manner required by law.

That the City Secretary is hereby directed to submit a certified copy of this Ordinance together with other relevant information related to the annexation of the territory to the United States Department of Justice for preclearance.

SECTION 4. MAPS. That the map showing the boundaries of the City and its Extraterritorial Jurisdiction shall be immediately corrected to include the annexed territory and be annotated to show the date of the annexation, the number of the annexation ordinance, and the date of its adoption.

SECTION 5. SERVICE PLAN. That the service plan for the land hereby annexed, attached hereto as Exhibit "B", is hereby approved as part of this Ordinance.

SECTION 6. SEVERABILITY. That if any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. REPEALER CLAUSE. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 8. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect immediately after its date of approval.

FIRST READING this the 8th day of December, 2008.

Mayor

SECOND READING this the 12th day of January, 2009.

Mayor

PASSED AND APPROVED this the 12th day of January 2009.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

RECORD OF VOTE

| | First Reading | Second Reading | Passed and Approved |
|-------------------|------------------|-------------------|------------------------|
| Councilman Felder | Aye | Aye | Aye |
| Councilman Perez | Aye | Aye | Aye |
| Councilman Rivera | Aye | Aye | Aye |
| Councilman Falcon | Aye | Aye | Aye |
| Councilman Innes | Aye | Aye | Aye |
| Councilman Barr | Aye | Aye | Aye |

Record of approval by City Council: City Council Minute Records, Volume 3A, Page 152.

EXHIBIT "A"

Ordinance G-1-09

METES AND BOUNDS OF REDFISH RETREAT

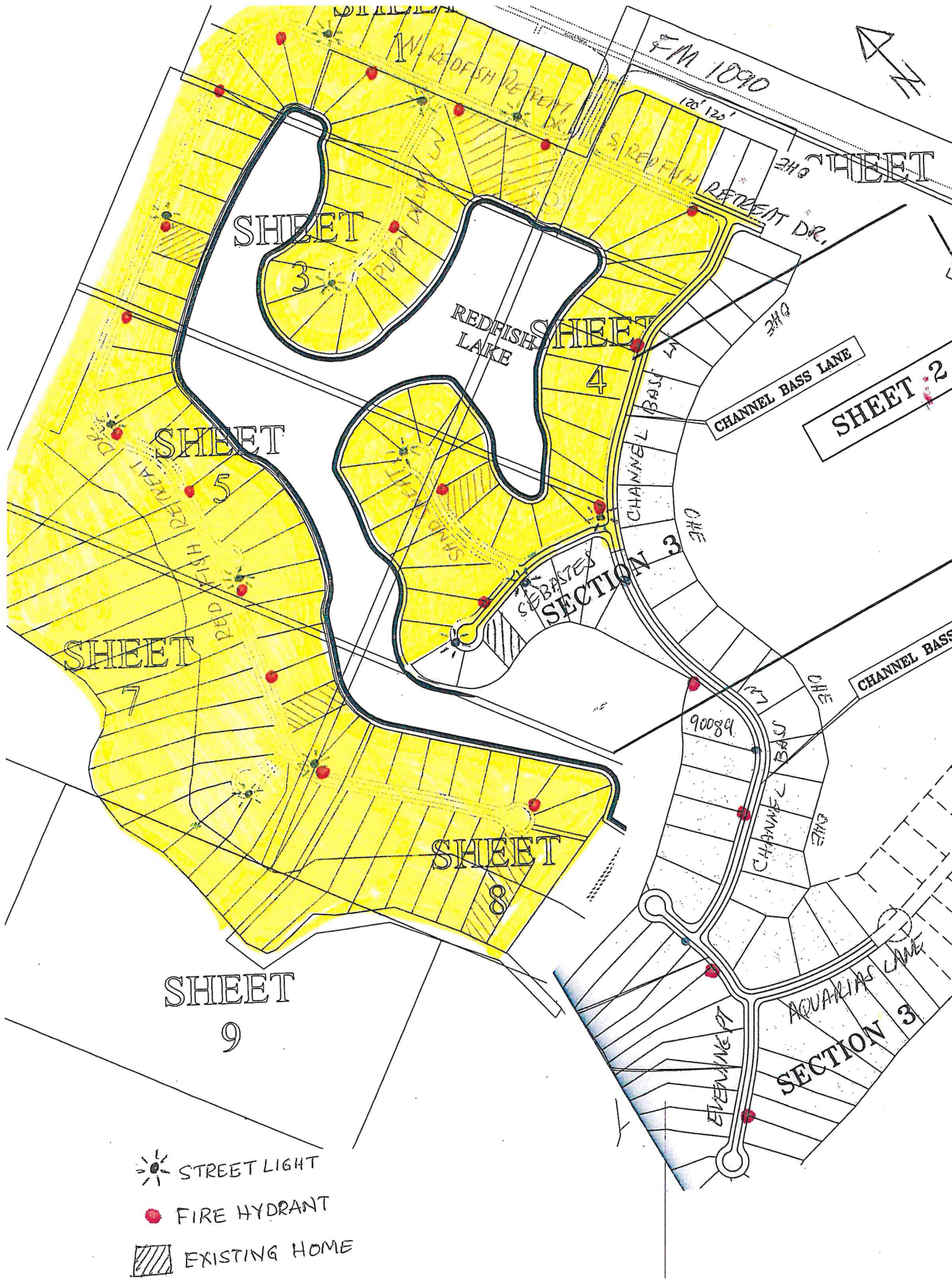
EXHIBIT “B”




Ordinance G-1-09

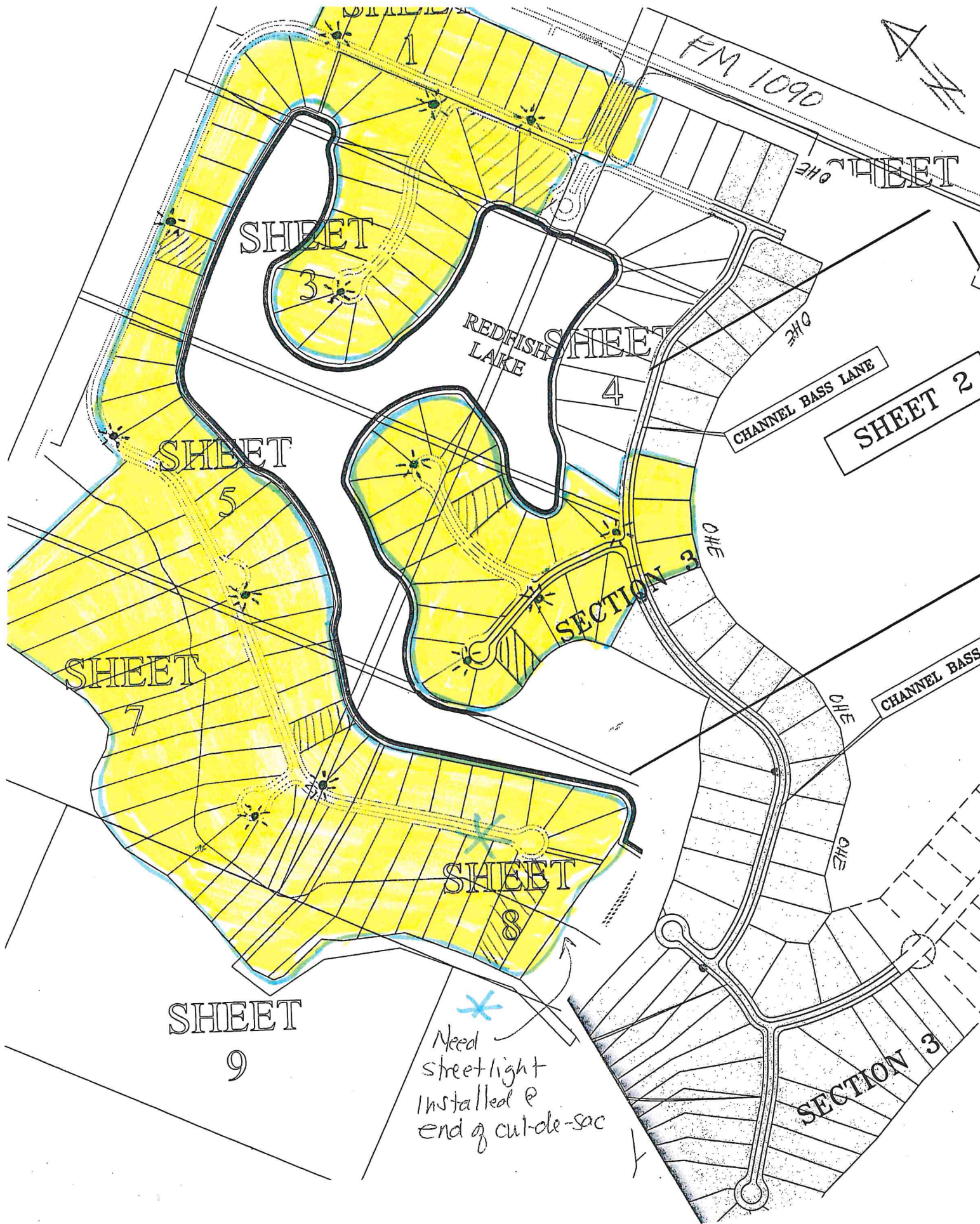
SERVICE PLAN FOR ANNEXATION OF REDFISH RETREAT

The property known as Redfish Retreat, described in Exhibit “A” attached to this Ordinance G-1-09 is undeveloped, unpopulated land and has no dwellings or improvements currently situated thereon.

Once the property has been developed and dwellings constructed, the required Service Plan will be developed, approved and adopted by the City Council of the City of Port Lavaca within the time prescribed by law.



-  STREET LIGHT
-  FIRE HYDRANT
-  EXISTING HOME



Look to issue building permit