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## CITY COUNCIL AGENDA

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Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, September 27, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

### Opening Agenda

1. Call meeting to order.
2. Pledge of Allegiance.
3. Citizens to be heard.

At this time, comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda.

### Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

4. Deliberate and act on approval of Council Special Meeting Minutes of September 20, 2016.
5. Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 92 acres, more or less, along Market Street between Warbler Lane and Kelly Lane, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.
6. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 212 acres, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.
7. Deliberate and act on a Resolution of the City of Rockport, Texas, setting date, time, and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 990 acres, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18<sup>th</sup> Street, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.

### Regular Agenda

8. Deliberate and act on first reading of an Ordinance pursuant to Article 23 "Conditional Use Permit," Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey,

being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

9. Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to property located 121-R Lamar Dr.; also known as Part of Lots 1, 2 and 3, Burton and Danforth, Block 230, 8.15 acres, Rockport, Aransas County, Texas, for the purpose of building a recreational vehicle park; subject to compliance with conditions contained in this Ordinance, as well as those conditions stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
10. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as as Lot 44 (West 100’ x 49’), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.
11. Deliberate on request for stipend incentive to downtown businesses that elect to open their restrooms to the public.
12. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, authorizing a pro-rata reimbursement to Circle W RV Ranch for development of a water main utility line affecting property and property owners abutting and along Smokehouse Road, out of the C.S. Zenn Survey, A226; providing for pro-rata payments from benefited property owners who request to connect to the water utilities during the reimbursement period; providing for developer to be reimbursed from the pro-rata funds received; and providing an effective date and a termination date.
13. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, implementing a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property; providing a savings clause; providing a severability clause; finding and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date.
14. Reports from Council.  
At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage District Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

### **Executive Session**

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

15. Section 551.071(1)(A) and Section 551.071(2) Consultation with Attorney: Pending or contemplated litigation: (A) Bay Education Center, and (B) Texaz Construction and AZ Southwest Properties.
16. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

### **Open Session**

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

17. Adjournment.

### **Special Accommodations**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

### **Certification**

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, September 23, 2016, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.



Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 4**

Deliberate and act on approval of Council Special Meeting Minutes of September 20, 2106.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Please see the accompanying minutes of the special meeting of September 20, 2016.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends Council approve the Minutes, as presented.

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL SPECIAL MEETING 6:30 p.m., Tuesday, September 20, 2016 Rockport City Hall, 622 East Market Street

On the 20<sup>th</sup> day of September 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Special Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### **CITY COUNCIL MEMBERS PRESENT**

Mayor Charles J. Wax  
Mayor Pro-Tem Pat Rios, Ward 3  
Council Member Rusty Day, Ward 1  
Council Member J. D. Villa, Ward 2  
Council Member Barbara Gurtner, Ward 4

#### **CITY COUNCIL MEMBER(S) ABSENT**

#### **STAFF MEMBERS PRESENT**

City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Parks & Leisure Services Director Rick Martinez  
Finance Director Patty Howard

#### **ELECTED OFFICIALS PRESENT**

#### **Opening Agenda**

##### **1. Call to Order.**

With a quorum of the Council Members present, the Special Meeting of the Rockport City Council was called to order by Mayor Wax at 6:30 p.m. on Tuesday, September 20, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

##### **2. Pledge of Allegiance.**

Council Member Day led the Pledge of Allegiance to the U.S. flag.

##### **3. Citizens to be heard.**

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

### **Consent Agenda**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 4. Deliberate and act on approval of Council Regular Meeting Minutes of September 13, 2016.**
- 5. Deliberate and act on approval of City of Rockport holiday observance schedule for 2017.**
- 6. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Friends of the Fulton Mansion State Historical Site.**
- 7. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Texas Maritime Museum.**
- 8. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport Center for the Arts.**
- 9. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce.**
- 10. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2015 SeaFair Celebration.**
- 11. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2016 HummerBird Celebration.**
- 12. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2017 Veterans' Memorial Wall Traveling Exhibit.**
- 13. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Aransas County Council on Aging for the 2016 Bountiful Bowl Pottery Fair.**
- 14. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport Yacht Club for the 2016 Nautical Flea Market.**
- 15. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Rockport Rotary Club/Rockport Center for the Arts for the 2016 Film Fest.**
- 16. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Aransas County Education Foundation for the 2015 Shopping Tournament.**

- 17. Deliberate and act on Fiscal Year 2016-2017 Hotel Occupancy Tax Agreement with the Friends of the History Center for Aransas County for the 2017 Tour of Historic Homes.**
- 18. Deliberate and act on approval of 2016-2017 Property Tax Assessment/Collection Agreement with Aransas County.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

**MOTION:** Council Member Villa moved to adopt the Consent Agenda Items as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

### **Regular Agenda**

- 19. Deliberate and act to adopt, on first and only reading, an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2016-2017, beginning October 1, 2016, and ending September 30, 2017, in accordance with existing statutory requirements; repealing all conflicting ordinances, containing a severability clause; and providing for an effective date.**

**MOTION:** Council Member Villa moved to adopt on first and only reading an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2016-2017, beginning October 1, 2016, and ending September 30, 2017, in accordance with existing statutory requirements; repealing all conflicting ordinances, containing a severability clause; and providing for an effective date. Council Member Day seconded the motion.

Mayor Wax called for a roll call vote:

**FOR MOTION:** Council Member Day, Council Member Villa, Mayor Pro-Tem Rios, Council Member Gurtner, and Mayor Wax.

**AGAINST MOTION:** None.

- 20. Deliberate and act on second reading of an Ordinance of the City of Rockport, approving the assessment and renditions for the 2016 taxable property as submitted by the Appraisal District; levying a tax rate for \$100.00 valuation for the City of Rockport, Aransas County, Texas, for the Tax Year 2016 of \$0.233912 for the purposes of Maintenance and Operation, \$0.155371 for the payment of Principal and Interest on debt of the City for a total tax rate of \$0.389283; and providing an effective date.**

**MOTION:** Council Member Villa moved to approve the second reading of an Ordinance of the City of Rockport, approving the assessment and renditions for the 2016 taxable property as submitted by the Appraisal District; levying a tax rate for \$100.00 valuation for the City of Rockport, Aransas County, Texas, for the Tax Year 2016 of \$0.233912 for the purposes of Maintenance and Operation, \$0.155371 for the payment of Principal and Interest on debt of the City for a total tax rate of \$0.389283; and providing an effective date. Council Member Gurtner seconded the motion.

Mayor Wax called for a roll call vote:

**FOR MOTION:** Council Member Day, Council Member Villa, Mayor Pro-Tem Rios, Council Member Gurtner, and Mayor Wax.

**AGAINST MOTION:** None.

## **21. Deliberate and act to ratify the property tax increase reflected in the 2016-2017 Annual Budget and Capital Improvement Plan.**

**MOTION:** Mayor Pro-Tem Rios moved to ratify the property tax increase reflected in the 2016-2017 Annual Budget and Capital Improvement Plan. Council Member Villa seconded the motion. Motion carried unanimously.

## **22. Reports from Council.**

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax stated Nate Smith and several environmentalists were recently at Little Bay to check on the oyster reefs. Mayor Wax informed the Council that they found oysters at each reef. Mayor Wax said the oysters will clean the water coming into the bay.

Mayor Wax complimented the City Department Directors for preparation of the line item budgets; they did a great job. Mayor Wax thanked Finance Director Patty Howard and City Manager Kevin Carruth for preparing the budget for presentation.

Council Member Day stated that the budget was very well prepared and presented. Council Member Day said that everyone stretched the dollars where they could.

Council Member Villa stated he is not a numbers person, but the way Mr. Carruth prepares and presents the budget is very easy to understand.

Mayor Pro-Tem Rios stated the budget was another great job by City staff. Mayor Pro-Tem Rios added that he wished we had more money available, but he is sure that with the Department Directors the City has, there will not be a problem implementing the budget.

Council Member Gurtner stated she knows the City needs more staff but that requires additional funding.

Mayor Wax said that next year the budget is going to be challenging because of the additional personnel required due to annexation and the possibility of legislative action affecting cities.

Mayor Pro-Tem Rios stated that the Chamber of Commerce Board of Directors meeting had reported that the HummerBird event was successful. Mayor Pro-Tem Rios said that the hotels had 65%-85% occupancy.

Council Member Gurtner reminded everyone of the Keep Aransas County Beautiful clean-up this Saturday, September 24, 2016, from 8:30 a.m. to 11:30 a.m., beginning at the Bay Education Center.

### **Executive Session**

**City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

- 23. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: (A) Bay Education Center, (B) Texaz Construction and AZ Southwest Properties.**
- 24. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
- 25. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

Mayor Wax stated there was not any new information on the Executive Session items so the Council would not hold an Executive Session.

### **Open Session**

**City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

No Executive Session was conducted.

### **26. Adjournment**

At 6:43 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios. Motion carried unanimously.

**APPROVED:**

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Charles J. Wax, Mayor

**ATTEST:**

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Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 5**

Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 92 acres, more or less, along Market Street between Warbler Lane and Kelly Lane, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.

**SUBMITTED BY:** City Manager Kevin Carruth; City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 92 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

1. Annexation of the proposed area is estimated to be a net loss for the City in terms of provision of services and could overextend existing services and/or be a drain on City finances.
2. Residents and businesses may not desire the City's ordinances, regulations, and other requirements.
3. Property owners outside the City may argue that they chose to live and do business there in order to avoid taxes for services they do not want.
4. There may be distrust of the government and politics of the City.

Sec. 43.055 of the Texas Local Government Code prohibits the City from annexing a total area greater than 10 percent of its incorporated area; however, the City can carry over the unused allocation for use in subsequent years up to a total annexation limit of 30 percent in one year. The City has its full allocation of 30 percent available for use in calendar year 2016. The three proposed annexation areas total less than the statutory 30 percent cap.

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**FISCAL ANALYSIS:** The net fiscal impact, excluding any sales taxes that would be collected, is a cost of approximately \$146,212. See the accompanying Annexation Profile Summary for more information.

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**RECOMMENDATION:** Staff recommends Council approve the Resolution setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 92 acres, more or less, along Market Street between Warbler Lane and Kelly Lane, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan, as presented.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION**

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ROCKPORT, TEXAS, OF 92 ACRES, MORE OR LESS, OUT OF A PORTION OF THE JOHN SMITH SURVEY A-187, AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF 92 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE JOHN SMITH SURVEY A-187, WITH SAID 92 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point at the intersection of the East R.O.W. line of Steart Street and the North R.O.W. line of Elizabeth Street and being the Southwest corner of Block 29, Bellvue Addition, as shown by plat of record in Volume 1, Page 12, Map Records of Aransas County, Texas, with said point being the NORTHEAST corner and PLACE OF BEGINNING of this description;

THENCE, in a Southerly direction along and with the East R.O.W. line of Steart Street a distance of approximately 1350 feet to a point at the intersection of the North R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market

Street), and the East R.O.W. line of said Steart Street, with said point being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction and crossing said Texas State F.M. Road No. 1069 (also known as Market Street) a distance of approximately 135 feet to a point at the intersection of said Texas State F.M. Road No. 1069 (also known as Market Street) and the East R.O.W. line of Kelly Lane, with said point being an EXTERIOR corner of this description;

THENCE, in a Southerly direction along and with the Easterly R.O.W. line of Kelly Lane a distance of approximately 735 feet to a point at the terminus of said Kelly Lane and being on the North line of a 25.205 acre tract conveyed to Christopher Crowley, et ux, under Clerk's File No. 342937, Official Public Records, Aransas County, Texas, with said point being the SOUTHEAST corner of this description;

THENCE, in a Westerly direction along and with the Northerly line of said 25.205 acre tract a distance of approximately 755 feet to a point on the Easterly line of West Terrace Acres Subdivision as shown by plat of record in Volume 2 Page 102, Map Records of Aransas County, Texas, with said point being the most SOUTHERLY SOUTHWEST corner of this description;

THENCE, in a Northerly direction along and with the Easterly line of said West Terrace Acres Subdivision a distance of approximately 450 feet to a point at the Northeast corner of Lot 22, Block 17, West Terrace Acres Subdivision, with said point being an INTERIOR corner of this description;

THENCE, in a Westerly direction along and with the common line of Lots 21 and 22, Block 17, West Terrace Acres Subdivision, a distance of approximately 286 feet to a point at the intersection of the Westerly R.O.W. line of West Terrace Boulevard and the Southerly R.O.W. line of Red Bird Drive, with said point being an EXTERIOR corner of this description;

THENCE, in a Northerly direction along and with the Westerly R.O.W. line of West Terrace Boulevard a distance of approximately 344 feet to a point for the Northeast corner of Lot 16, Block 7, West Terrace Acres Subdivision, with said point being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of West Terrace Boulevard a distance of approximately 1664 feet to a point at the intersection of the Southerly R.O.W. line of West Terrace Boulevard and the Easterly R.O.W. line of Raven Drive and being the Northwest corner of Lot 1, Block 6, West Terrace Acres Subdivision, with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing West Terrace Boulevard a distance of approximately 60 feet to a point on the Southerly R.O.W. line of West Terrace Boulevard with said point being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Northerly R.O.W. line of West Terrace Boulevard a distance of approximately 236 feet to a point at the intersection of the Northerly R.O.W. line of West Terrace Boulevard and the Easterly R.O.W. line of Warbler Drive, with said point being the most NORTHERLY SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction along and with the Easterly R.O.W. line of Warbler Drive a distance of approximately 246 feet to a point at the intersection of the Easterly R.O.W. line of Warbler Drive and the Southerly R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market Street) with said point being an EXTERIOR corner of this description;

THENCE, in an Easterly direction along and with the Southerly R.O.W. line of Texas State F.M. Road No. 1069 (also known as Market Street) a distance of approximately 216 feet to a point for an INTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing Texas State F.M. Road NO. 1069 (also known as Market Street) and continuing along the Westerly line of a 3.926 acre tract out of Lot 22, Aransas Pass Colonization Company Subdivision, with said 3.926 acre tract conveyed to Ron C. Hoover under Clerk's File No. 209795, Official Public Records of Aransas County, Texas, and with said line following the existing Rockport City Limit Line, a distance of approximately 1515 feet to a point on the Westerly line of Oak Terrace Subdivision, as shown by plat of record in Volume 2, Page 130, Map Records of Aransas County, Texas, for the NORTHWEST corner of this description;

THENCE, in a Southerly direction along and with the Westerly line of said Oak Terrace Subdivision a distance of approximately 793 feet to a point on the common line of Lots 190 and 191 of said Oak Terrace Subdivision with said point being an INTERIOR corner of this description;

THENCE, in an Easterly direction along and with the common line of Lots 190 and 191 of said Oak Terrace Subdivision a distance of approximately 126 feet to a point on the Westerly R.O.W. line of Redwood Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing said Redwood Avenue a distance of approximately 61 feet to a point at the intersection of the Northerly R.O.W. line of Apple Street with the Easterly R.O.W. line of Redwood Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction along and with the Northerly R.O.W. line of Apple Street a distance of approximately 900 feet to a point at the intersection of the Northerly R.O.W. line of Apple Street and the Westerly R.O.W. line Hickory Avenue with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing Hickory Avenue a distance of approximately 78 feet to a point on the common line of Lots 17 and 18 of said Oak Terrace Subdivision, with said point being a corner of this description;

THENCE, continuing in an Easterly direction along and with the common line of Lots 17 and 18 of said Oak Terrace Subdivision a distance of approximately 161 feet to a point on the Westerly R.O.W. line of Mission Street (closed and abandoned by Aransas County) with said point being a corner of this description;

THENCE, continuing in an Easterly direction and crossing that portion of Elizabeth Street closed and abandoned by Aransas County a distance of approximately 50 feet to a point for the Southwest corner of Block 27 of said Bellvue Addition, with said point being a corner of this description,

THENCE, continuing in an Easterly direction along and with the Northerly R.O.W. line of Elizabeth Street a distance of approximately 664 feet to the PLACE OF BEGINNING and containing approximately 92 acres or 4,003,239 square feet of land, more or less. [As shown on Exhibit B attached hereto.]

SECTION 2. The Mayor and Council of the City of Rockport, hereby authorize and direct that notice of such public hearings to be published once in a newspaper having general circulation in the City and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

SECTION 3. The Council hereby directs the City Staff to prepare the necessary Service Plan for the above identified property, in accord with State law, and prior to the first public hearing date, provided herein.

PASSED AND APPROVED this the 27<sup>th</sup> day of September, 2016.

CITY OF ROCKPORT, TEXAS

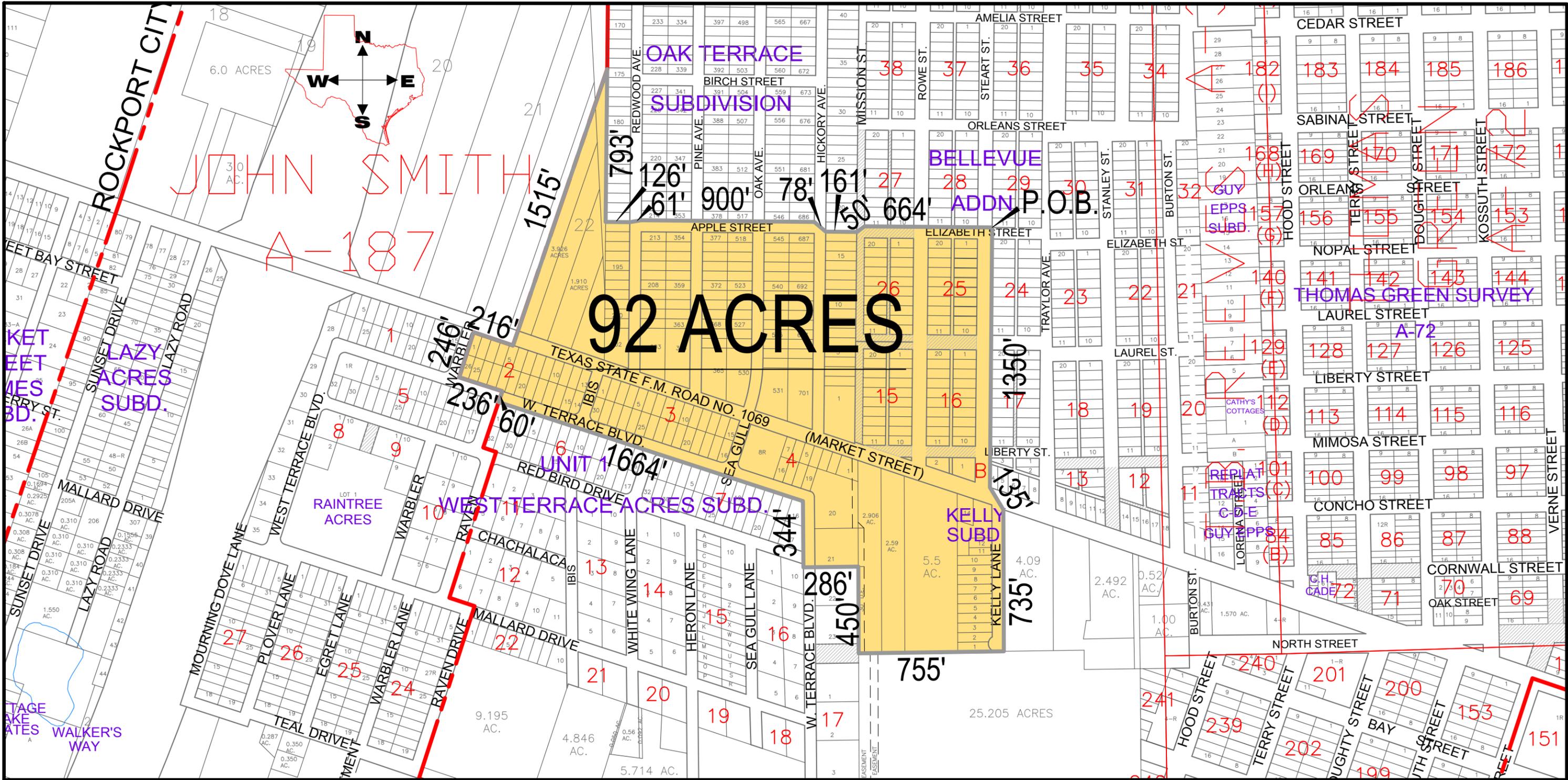
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Charles J. Wax, Mayor

ATTEST:

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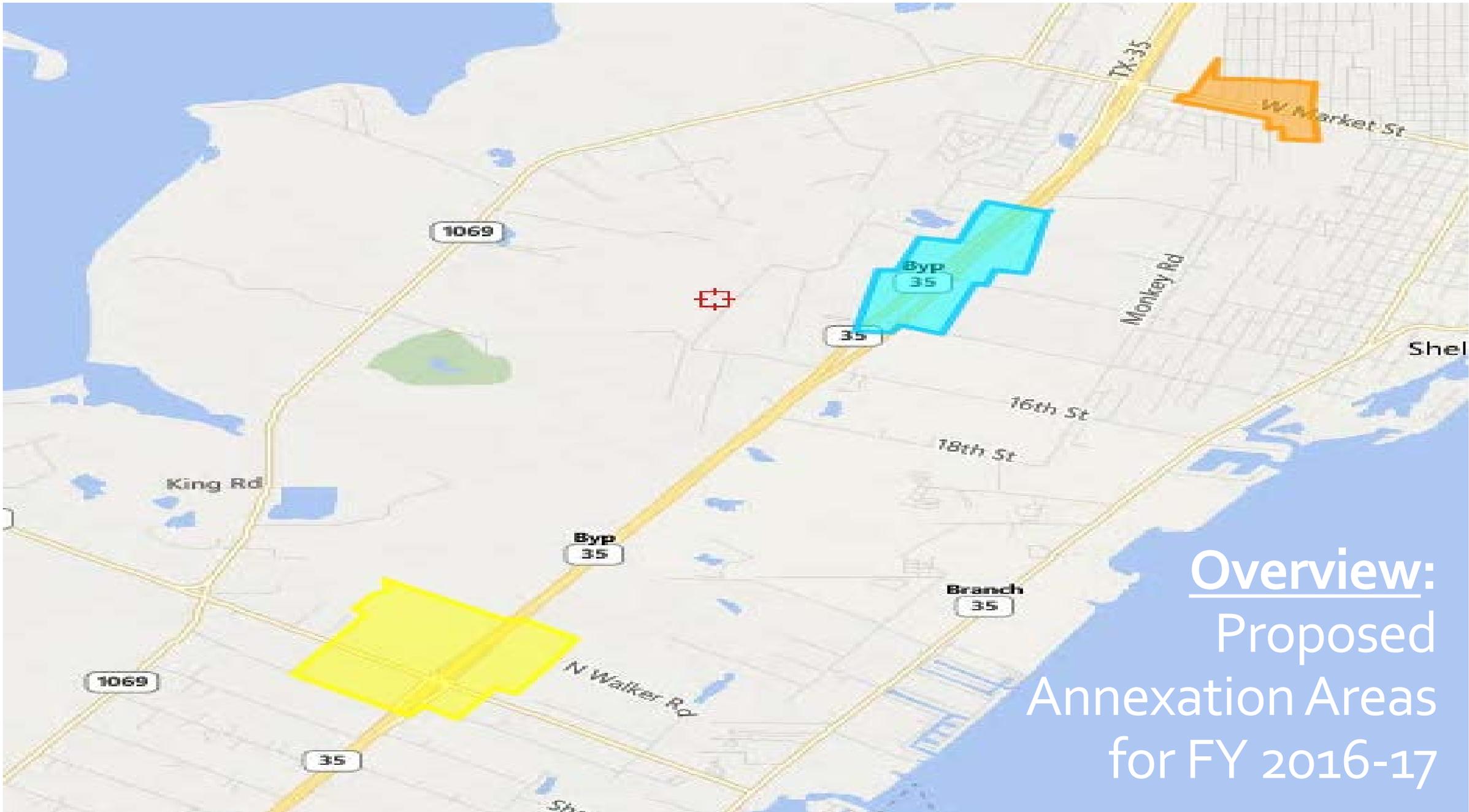
Teresa Valdez, City Secretary



**EXHIBIT "B"**  
**PLAT SHOWING A 92 ACRE TRACT OUT OF THE JOHN SMITH SURVEY A-187**  
**TO BE ANNEXED BY THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS**

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED  
 BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT,  
 SURVEYING & ENGINEERING, INC.

**Griffith & Brundrett**  
 Surveying & Engineering, Inc.  
 411 S. Pearl St., P.O. Box 2322  
 Rockport, Texas 78381  
 ☎ : 361-729-6479  
 📠 : 361-729-7933  
 ✉ : jerryb@gbsurveyor.com  
 🌐 : www.gbsurveyor.com



Overview:  
Proposed  
Annexation Areas  
for FY 2016-17

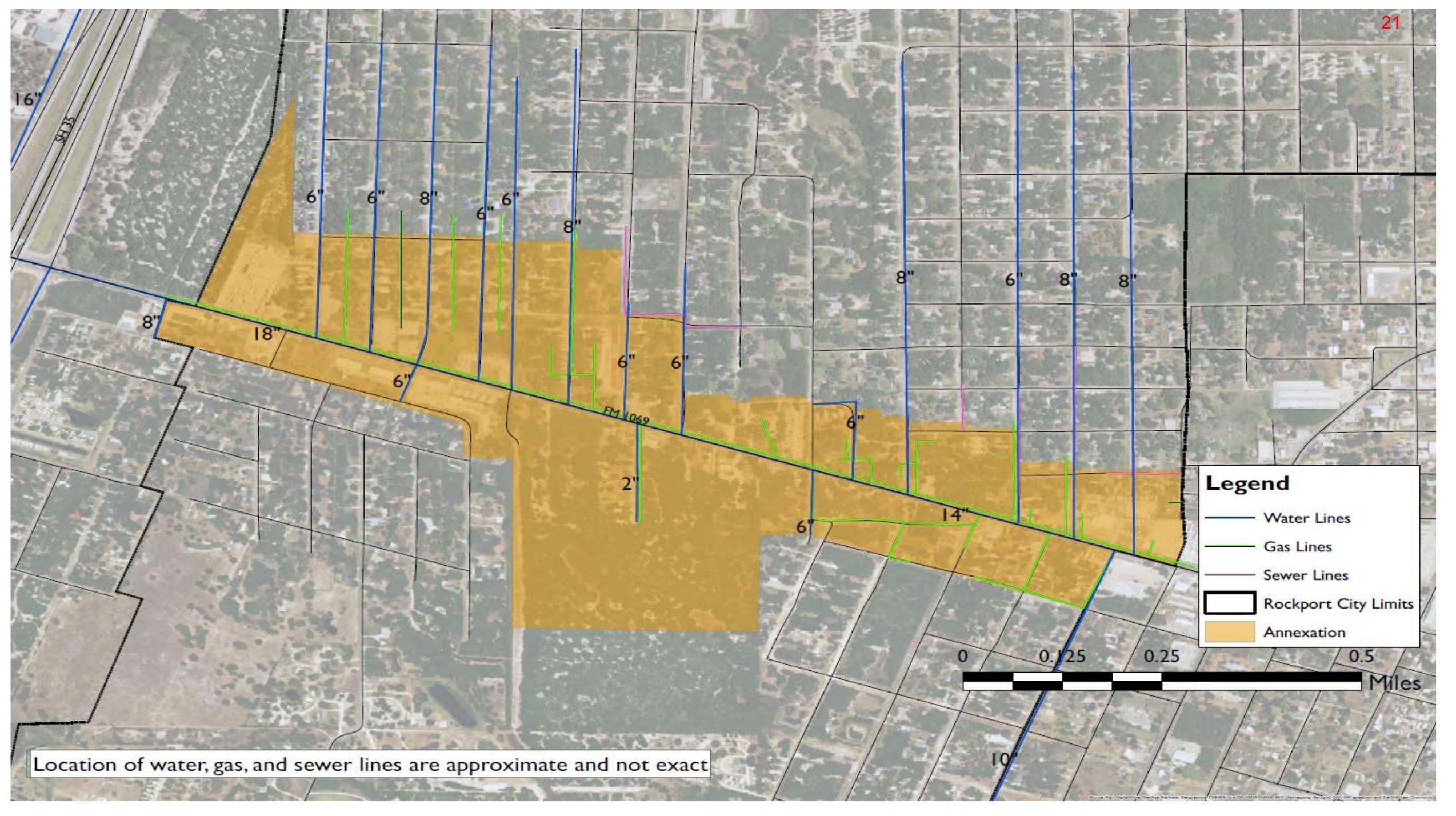


## Area 1a: Land Use and Market Valuation

- Estimated Population: 183
- Land Use and Associated Market Valuation: 70.5 acres total

Property Type:	Count:	VALUE:	Acres	\$
Total Single-Family Units:	65		23.5105	\$ 4,970,210.00
Total Multi-Family Units:	1		0.5077	\$ 229,580.00
Total Commercial Properties:	24		32.8865	\$ 5,855,440.00
Total Unimproved Properties:	21		13.6082	\$ 837,020.00

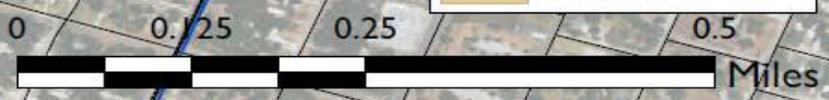
- Statistical Market Valuation:
  - Total Market Valuation: \$11,892,250.00
  - Average Value (including exempt property): \$107,137.39
  - Median Value (including): \$64,940.00
  - Average Value (excluding exempt property): \$148,485.48
  - Median Value (excluding): \$94,160.00
  - Average Homestead Value: \$113,444.00
    - 25 Properties are homesteaded
- # of Building Permits since 2003: 25



Location of water, gas, and sewer lines are approximate and not exact

**Legend**

- Water Lines
- Gas Lines
- Sewer Lines
- Rockport City Limits
- Annexation





## Area 1a: Existing Infrastructure

Street Condition(s): Good  
Chipseal  
No curb and gutter

### • Streets:

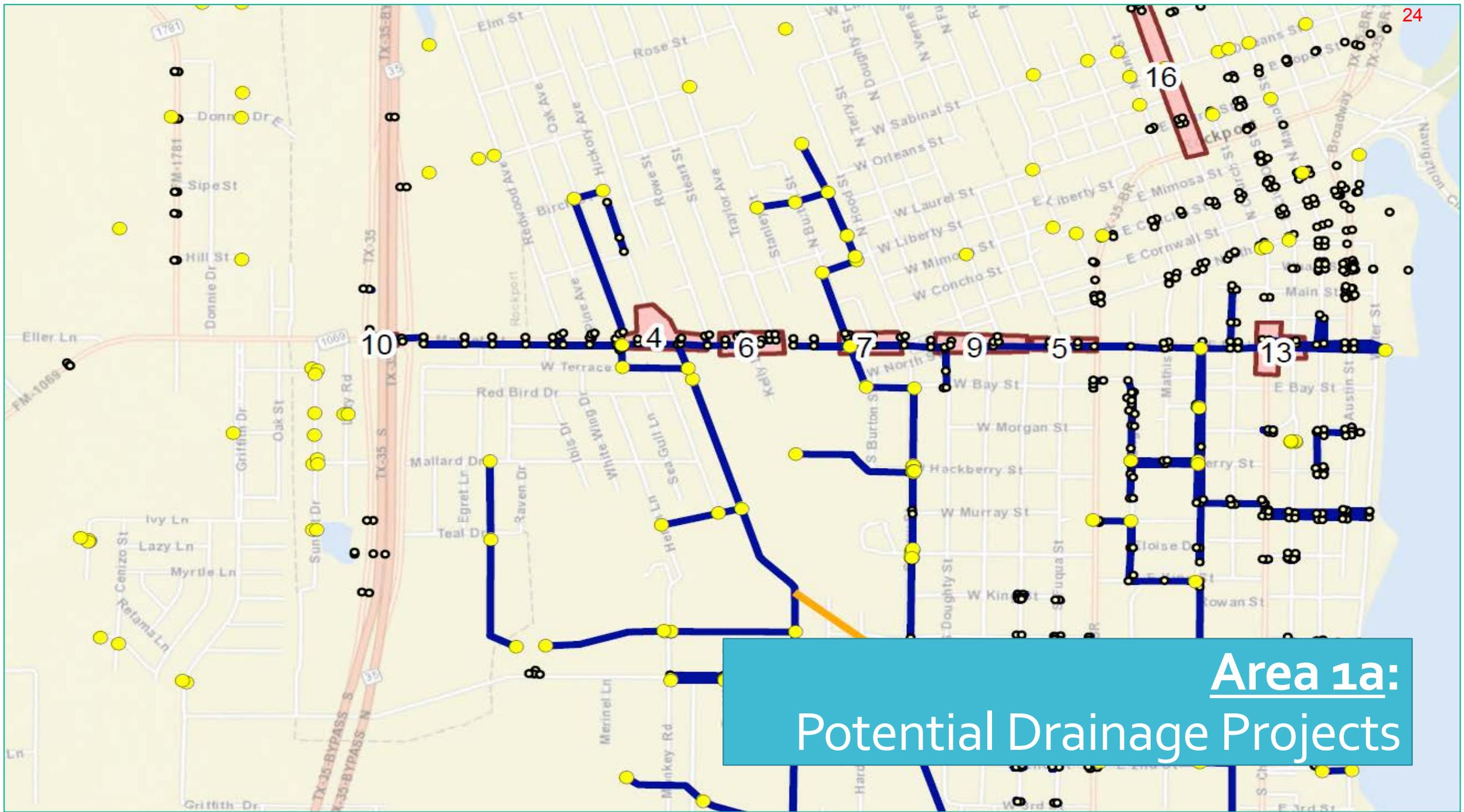
<u>Street</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>
West Terrace Blvd	Raven	Redbird	2057	20
Seagull	West Terrace Blvd	Market	225	19
Ibis	West Terrace Blvd	Market	225	19
Kelly Ln	Market	End	700	18
Stear	Laurel	Market	730	18
Rowe	Market	Orleans	1740	20
Hickory	Market	Apple	1040	18
Oak	Apple	Market	963	19
Pine	Market	Apple	838	20
Redwood	Apple	Market	749	20
Apple	Redwood	Hickory	955	18
		<b>Footage</b>	<b>7015</b>	
		<b>Miles</b>	<b>1.33</b>	



## Area 1a: Cost of Maintenance

- Capital Costs: Any capital costs are already incorporated into budgeted CIP projects. No current drainage projects.
- Maintenance and Operations:

Miles of Street			1.33
Cost per mile		X \$	10,562.77
Annual cost for street		\$	14,048.48
Annual cost for St Light Elec		\$	2,522.41
<b>Add to Operating Budget</b>		<b>\$</b>	<b>16,570.90</b>
Installation of street lights	15	\$	<b>15,000.00</b>



**Area 1a:**  
Potential Drainage Projects



## Area 1a: Potential Drainage Projects

### 4.3.3 Project 3 – Market Street (FM 1069) at SH 35 Bypass, Hickory, and Steart

This project requires improving the upper Ruby Allen ditch system to carry water that currently surcharges the storm sewer system in Market Street. Improvements include installing a 54" RCP from Market Street to the open ditch, then widening the ditch south to Corpus Christi Street, diverting drainage to combine flows with the downstream Traylor Avenue ditch. The Master Plan from 2000 recommended a concrete-lined ditch in this section; however, the ditch can be designed and constructed to carry the water without concrete lining, using those funds for additional system improvements. This project is the first step to reducing the flooding from Risk Areas 4, 6, and 10; however, the downstream improvements will be completed in Project 5 detailed below.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	54" RCP	1,100	1,155	LF	\$200.00	\$231,000.00
2	7'x4' Precast Concrete Box Culvert	150	158	LF	\$400.00	\$63,200.00
3	Two 7'x4' Precast Concrete Box Culverts	200	210	LF	\$775.00	\$162,750.00
4	Two 8'x4' Precast Concrete Box Culverts	100	105	LF	\$925.00	\$97,125.00
5	OSHA Trench Protection	1,550	1,628	LF	\$2.00	\$3,256.00
6	Dewatering (As Required)	1,550	1,628	LF	\$35.00	\$56,980.00
7	Junction Box / Inlets	4	4	EA	\$3,500.00	\$14,000.00
8	Ditch Improvements (B=5')	4,450	4,673	LF	\$30.00	\$140,190.00
9	Ditch Improvements (B=0')	900	945	LF	\$15.00	\$14,175.00
10	Concrete Headwalls	5	5	EA	\$10,000.00	\$50,000.00
11	Demolition and Haul Off	1	1	LS	\$5,000.00	\$5,000.00
12	Misc Utility Adjustments	1	1	LS	\$25,000.00	\$25,000.00
13	Driveway / Access Crossings	3	3	EA	\$50,000.00	\$150,000.00
14	Pavement and Driveway Repair	450	473	SY	\$65.00	\$30,745.00
15	TXDOT Pavement Repair	350	368	SY	\$85.00	\$31,280.00
16	Regrade Existing Road Swales	1	1	LS	\$10,000.00	\$10,000.00
17	Flexterra / Hydromulch	12,000	12,600	SY	\$2.50	\$31,500.00
18	Maintenance / Watering	1	1	LS	\$30,000.00	\$30,000.00
19	Pollution Prevention	1	1	LS	\$30,000.00	\$30,000.00
<b>PROJECT 3 SUBTOTAL:</b>						<b>\$1,176,201.00</b>
Engineering & Contingencies (20%)						\$235,240.20
<b>PROJECT 3 TOTAL:</b>						<b>\$1,411,441.20</b>



## Area 1a: Potential Drainage Projects

### 4.3.4 Project 4 – Market Street (FM 1069) at SH 35 Business

This project is proposed to alleviate the flooding on Market Street, just west of SH 35 Business. The recommended improvements include upgrading the storm sewer system down Ann Street from Market Street to the Murray Street outfall. This drainage upgrade will eliminate the flooding of Risk Area 5.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	24" RCP	1,471	1,545	LF	\$80.00	\$123,600.00
2	42" RCP	1,127	1,183	LF	\$160.00	\$189,280.00
3	OSHA Trench Protection	2,598	2,728	LF	\$2.00	\$5,456.00
4	Dewatering (As Required)	2,598	2,728	LF	\$25.00	\$68,200.00
5	Post Inlets / Grate Inlets	17	17	EA	\$3,000.00	\$51,000.00
6	6' Diameter Manhole over Ex. 48" RCP	1	1	EA	\$6,000.00	\$6,000.00
7	Junction Box	2	2	EA	\$10,000.00	\$20,000.00
8	Demolition and Haul Off	1	1	LS	\$5,000.00	\$5,000.00
9	Pavement and Driveway Repair	1,732	1,819	SY	\$65.00	\$118,235.00
10	Regrade Existing Road Swales	1	1	LS	\$3,000.00	\$3,000.00
11	Misc Utility Adjustments	1	1	LS	\$30,000.00	\$30,000.00
12	Pollution Prevention	1	1	LS	\$20,000.00	\$20,000.00
13	Sodding / Hydromulch	1	1	LS	\$20,000.00	\$20,000.00
PROJECT 4 SUBTOTAL:						\$659,771.00
Engineering & Contingencies (20%)						\$131,954.20
<b>PROJECT 4 SUBTOTAL:</b>						<b>\$791,725.20</b>



## Area 1a: Potential Drainage Projects

### 4.3.5 Project 5 – Market Street (FM 1069) at Burton and Kossuth

This project includes improving the upper Traylor ditch system (on Terry Street) from Market to Corpus Christi, then upgrading the Traylor ditch from Corpus Christi to handle the combined flow from this basin as well as the Ruby Allen water across SH 35 to the outfall. This ditch system is much shorter than the Ruby Allen ditch; therefore, the recommendation is to dedicate funds to upgrading this system rather than both major outfalls separately. The proposed improvements will eliminate flooding of Risk Areas 7 and 9.

Item	Description	Quan	Quan (+5%)	Unit	Unit Price	Total Cost
1	6'x4' Precast Concrete Box Culvert	1,100	1,155	LF	\$375.00	\$433,125.00
2	Two 7'x4' Precast Concrete Box Culvert:	450	473	LF	\$775.00	\$366,575.00
3	Three 8'x4' Precast Concrete Box Culver	300	315	LF	\$1,200.00	\$378,000.00
4	Four 7'x3' Precast Concrete Box Culvert:	170	179	LF	\$1,400.00	\$250,600.00
5	OSHA Trench Protection	2,020	2,121	LF	\$2.00	\$4,242.00
6	Dewatering (As Required)	2,020	2,121	LF	\$35.00	\$74,235.00
7	Concrete Headwalls	15	15	EA	\$10,000.00	\$150,000.00
8	Driveway Box Culvert Crossings	8	8	EA	\$50,000.00	\$400,000.00
9	Junction Box / Inlets	2	2	EA	\$3,500.00	\$7,000.00
10	Grate Inlets on top of box culvert	5	5	EA	\$3,000.00	\$15,000.00
11	Ditch Improvements (B=5')	1,800	1,890	LF	\$30.00	\$56,700.00
12	Ditch Improvements (B=7')	1,300	1,365	LF	\$40.00	\$54,600.00
13	Ditch Improvements (B=8')	4,100	4,305	LF	\$45.00	\$193,725.00
14	Demolition and Haul Off	1	1	LS	\$15,000.00	\$15,000.00
15	Pavement and Driveway Repair	300	315	SY	\$65.00	\$20,475.00
16	TXDOT Pavement Repair	178	187	SY	\$85.00	\$15,895.00
17	Misc Utility Adjustments	1	1	LS	\$40,000.00	\$40,000.00
18	Flexterra / Hydromulch	14,500	15,225	SY	\$2.50	\$38,062.50
19	Maintenance / Watering	1	1	LS	\$50,000.00	\$50,000.00
20	Pollution Prevention	1	1	LS	\$50,000.00	\$50,000.00
<b>PROJECT 5 SUBTOTAL:</b>						<b>\$2,613,234.50</b>
Engineering & Contingencies (20%)						\$522,646.90
<b>PROJECT 5 TOTAL:</b>						<b>\$3,135,881.40</b>



# Proposed Annexation Summary

<b>Annexation Profile Summary</b>				
	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	
<b>Category</b>	<b>Market Street Scenario 1a modified</b>	<b>Bypass 35/18th- FM 188</b>	<b>Bypass 35/Alexander- Griffith</b>	<b>Total</b>
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
Housing Units	80	12	16	108
Net Revenue/Expense	\$(146,212.22)	\$ 1,031.73	\$ (77,474.75)	\$(222,655.24)

## Annexation Profile Summary

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
<b>Expenses &amp; Data</b>				
<b>Miscellaneous</b>				
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
<b>Development Type</b>				
Single Family	65	12	16	93
Multi-Family	1	0	0	1
Commercial	24	70	5	99
Unimproved	21	18	27	66
<b>Property Valuation</b>				
Total Market Valuation	\$ 11,892,250	\$ 15,859,210	\$ 5,648,510	\$ 33,399,970
Average Value (excluding exempt)	\$ 148,485	\$ 119,867	\$ 117,677	
Median Value (excluding exempt)	\$ 94,160	\$ 23,500	\$ 62,930	
Average Homestead Value	\$ 113,444	\$ 131,100	\$ 200,626	
Building Permits Since 2003	25	0	7	32
<b>Infrastructure</b>				
Current Street Miles	1.33	0	1.8	3.13
Annual Street Maintenance Cost	\$ 14,048	\$ -	\$ 19,013	\$ 33,061
New Streetlights	15	0	10	25
Streetlight Installation Cost	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Streetlight Electrical Cost	\$ 2,522	\$ -	\$ 3,414	\$ 5,936
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
<b>Services</b>				
New Police Labor Hours - Patrol	2,080.00	1,040.00	1,040.00	4,160.00
New Police Labor Hours - CID	1,386.67	693.33	693.33	2,773.33
New Police Labor Hours - Admin	693.33	346.67	346.67	1,386.67
New Building Inspector Hours	520.00	-	-	520.00

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
New Code Enforcement Officer Hours	520.00	-	-	520.00
New Parks Labor Hours	-	-	-	-
New Street Labor Hours	832.00	-	416.00	1,248.00
New Water Labor Hours	-	-	-	-
New Wastewater Labor Hours	-	-	-	-
Total Water Customers	63.00	3.00	5.00	71.00
Total Sewer Customers	1.00	-	-	1.00
Total Gas Customers	15.00	-	3.00	18.00
Total Sanitation Customers	90.00	82.00	21.00	193.00
<b>Total New Labor Hours</b>	<b>5,200.00</b>	<b>2,080.00</b>	<b>2,080.00</b>	<b>9,360.00</b>
<b>Personnel Costs</b> (includes salary and benefits at step 11; equipment costs excluded)				
Police - Patrol (3)	\$ 58,390.85	\$ 29,195.42	\$ 29,195.42	\$ 116,781.70
Police - CID (2)	\$ 40,897.93	\$ 20,448.96	\$ 20,448.96	\$ 81,795.85
Police - Admin (1)	\$ 16,783.42	\$ 8,391.71	\$ 8,391.71	\$ 33,566.83
Building Inspector (0.5)	\$ 15,336.72	\$ -	\$ -	\$ 15,336.72
Code Enforcement Officer(0.5)	\$ 11,403.71	\$ -	\$ -	\$ 11,403.71
Parks Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Street Maintenance Techs (1)	\$ 15,733.41	\$ -	\$ 7,866.71	\$ 23,600.12
Water Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Wastewater Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
<b>Total Personnel Expense</b>	<b>\$ 158,546.03</b>	<b>\$ 58,036.10</b>	<b>\$ 65,902.80</b>	<b>\$ 282,484.93</b>

### Revenue

New Ad Valorem Revenue	\$ 43,389.83	\$ 57,863.60	\$ 20,609.04	\$ 121,862.47
New Sales Tax Revenue				\$ -
New Permit Fee Revenue				\$ -
Difference in Water Revenue	\$ (688.34)	\$ (153.52)	\$ (37.09)	\$ (878.95)
Difference in Sewer Revenue	\$ (9.74)	\$ -	\$ -	\$ (9.74)
Difference in Gas Revenue	\$ -	\$ -	\$ -	\$ -
Difference in Sanitation Revenue	\$ 1,212.95	\$ 1,357.75	\$ 282.88	\$ 2,853.58

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
<b>Net Revenue/Expense</b>				
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
Total Personnel Expense	\$ 158,546.03	\$ 58,036.10	\$ 65,902.80	\$ 282,484.93
Total Expense	\$ 190,117	\$ 58,036	\$ 98,330	\$ 346,483
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
Net Revenue/Expense	\$ (146,212)	\$ 1,032	\$ (77,475)	\$ (222,655)

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 6**

Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 212 acres, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.

**SUBMITTED BY:** City Manager Kevin Carruth; City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 212 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

1. Annexation of the proposed area is estimated to be a net loss for the City in terms of provision of services and could overextend existing services and/or be a drain on City finances.
2. Residents and businesses may not desire the City's ordinances, regulations, and other requirements.
3. Property owners outside the City may argue that they chose to live and do business there in order to avoid taxes for services they do not want.
4. There may be distrust of the government and politics of the City.

Sec. 43.055 of the Texas Local Government Code prohibits the City from annexing a total area greater than 10 percent of its incorporated area; however, the City can carry over the unused allocation for use in subsequent years up to a total annexation limit of 30 percent in one year. The City has its full allocation of 30 percent available for use in calendar year 2016. The three proposed annexation areas total less than the statutory 30 percent cap.

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**FISCAL ANALYSIS:** The net fiscal impact, excluding any sales taxes that would be collected, is a cost of approximately \$77,475. See the accompanying Annexation Profile Summary for more information.

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**RECOMMENDATION:** Staff recommends Council approve the Resolution, setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 212 acres, more or less, along Highway 35 Bypass between 12<sup>th</sup> Street and approximately 545 feet north of Griffith Drive, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan, as presented.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED  
ANNEXATION**

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ROCKPORT, TEXAS, OF 212 ACRES, MORE OR LESS, OUT OF PORTIONS OF THE JOSEPH F. SMITH SURVEY A-198, R. J. TOWNS SURVEY A-206, PAUL MCCOMBS SURVEY A-137, AND THE C.W. EGERY SURVEY A-62, AND AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF A 212 ACRES OF LAND, MORE OR LESS, OUT OF PORTIONS OF THE JOSEPH F. SMITH SURVEY A-198, R. J. TOWNS SURVEY A-206, PAUL MCCOMBS SURVEY A-317, AND THE C. W. EGERY SURVEY A-62, WITH SAID 212 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at the common Northeast corner Lot 14, Peninsula Oaks Subdivision, Unit 3, as shown by plat of record in Volume 3, Page 34, Map Records of Aransas County, Texas, and the Northwest corner of Lot 15A, Peninsula Oaks Subdivision, Unit 3, as shown by a replat in Volume 4, Page 137, Map Records of Aransas County, Texas, with said point being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, in a Southeasterly direction and following the Northerly boundary line of said Lot 15A, then Lot 16 of said Peninsula Oaks Subdivision, Unit 3, and crossing Texas State Highway No. 35 Relief Route a distance of approximately 1330 feet to a point for the Northeast corner of Lot 18, Peninsula Oaks Subdivision, Unit 3, with said point being the NORTHEAST corner of this description;

THENCE, in a Southwesterly direction a distance of approximately 2307 feet to a point for the Southeast corner of a 31.398 acre tract out the C. W. Egery Survey A-62 conveyed to Buffalo Park, Inc. under Clerk's File No. 245633, Official Public Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction a distance of approximately 632 feet to a point for the common Northwest corner of Lot 17 and Northeast corner of Lot 18, Block 253, Foor & Swickheimer Subdivision, as shown by plat of record in Volume 1, Page 28, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly line of said Lot 18 and crossing Kresta Lane a distance of approximately 627 feet to a point on the Southerly R.O.W. line of Kresta Lane, with said point being the an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Kresta Lane a distance of approximately 232 feet to a point for the common Northwest corner of Lot 28 and the Northeast corner of Lot 29, Block 252 of said Foor & Swickheimer Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly line of Lots 29 and 39, Block 252 of said Foor & Swickheimer Subdivision and crossing Twelfth Street for an approximate distance of 2010 feet to a point on the Southerly R.O.W. line of Twelfth Street and being the Northeast corner of Lot 49, Block 251 of the Foor & Swickheimer Subdivision with said point being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Twelfth Street a distance of approximately 780 feet to a point in the cut-back R.O.W. line of Texas State Highway No. 35 Relief Route with said point being Northwest corner of Lot 50, Block 251 of said Foor & Swickheimer Subdivision and an INTERIOR corner of this description;

THENCE, in a Southwesterly direction of said cut-back R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 52 feet to a point on the Easterly line of a portion of Lot 20, Sartain & Montgomery Subdivision of

the Paul McCombs Survey A-317 as shown by plat of record in Volume 1, Page 34, Map Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction of said cut-back R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 180 feet to a point on the Westerly line of a portion Lot 21 of said Sartain & Montgomery Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction along and with the Easterly R.O.W. line of Texas State Highway No. 35 Relief Route a distance of approximately 202 feet to a point for the Southwest corner of a portion of Lot 22 of said Sartain & Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Westerly direction and crossing Texas State Highway No. 35 Relief Route a distance of approximately 621 feet to a point at the intersection of the Easterly R.O.W. line of Holly Road with the Westerly R.O.W. line of Texas State Highway No. 35 Relief Route with said point being the SOUTHWEST corner of this description;

THENCE, in a Northwesterly direction and crossing Holly Road a distance of approximately 42 feet to a point for the Southeast corner of Lot 41 of said Sartain and Montgomery Subdivision and being on the Westerly R.O.W. line of Holly Road with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Holly Road a distance of approximately 2032 feet to a point for the Northeast corner of Lot 23 of said Sartain and Montgomery Subdivision with said point being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction along and with the Southerly R.O.W. line of Holly Road a distance of approximately 30 feet to a point for the Southeast corner of Lot 2-A of said Sartain and Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Holly Road a distance of approximately 273 feet to a point for the Northeast corner of said Lot 2-A of said Sartain and Montgomery Subdivision with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Northerly R.O.W. line of Holly Road a distance of approximately 410 feet to a point for the Southeast corner of Lot 13A, Peninsula Oaks Subdivision, Unit 5, as shown by a replat of record in Volume 5, Page 211, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of Alexander Drive a distance of approximately 1230 feet to a point at its intersection with the Southerly R.O.W. line of St. Francis Circle with said point being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing St. Francis Circle a distance of approximately 65 feet to a point for the Southwest corner of Lot 18, Club Lake Estates, as shown by plat of record in Volume 3, Page 79, Map Records of Aransas County, Texas, with said point being an EXTERIOR corner of this description;

THENCE, in a Southeasterly direction along and with the Northerly R.O.W. line of St. Francis Circle a distance of approximately 770 feet to a point with its intersection with the Westerly R.O.W. line of St. Francis Circle and with said point being the Southeast corner of Lot 15 of said Club Lake Estates and an INTERIOR corner of this description;

THENCE, in a Northeasterly direction along and with the Westerly R.O.W. line of St. Francis Circle a distance of approximately 1005 feet to a point at its intersection with the Southerly R.O.W. line of Griffith Drive and being the Northeast corner of Lot 7 of the said Club Lake Estates and being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction and crossing Griffith Drive a distance of approximately 63 feet to a point for the Southwest corner of Lot 14A, Peninsula Oaks Subdivision, Unit 3, as shown by a replat of record in Volume 4, Page 137, Map Records of Aransas County, Texas, with said point being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction a distance of approximately 508 feet to the PLACE OF BEGINNING and containing 212 acres or 9,241,648 square feet of land, more or less. [As shown on Exhibit B attached hereto.]

SECTION 2. The Mayor and Council of the City of Rockport, hereby authorize and direct that notice of such public hearings to be published once in a newspaper having general circulation in the City and in the above described territory, not more than twenty days nor less than ten days prior to the date of such public hearings, in accordance with the Municipal Annexation Act.

SECTION 3. The Council hereby directs the City Staff to prepare the necessary Service Plan for the above identified property, in accord with State law, and prior to the first public hearing date, provided herein.

PASSED AND APPROVED this the 27<sup>th</sup> day of September, 2016.

CITY OF ROCKPORT, TEXAS

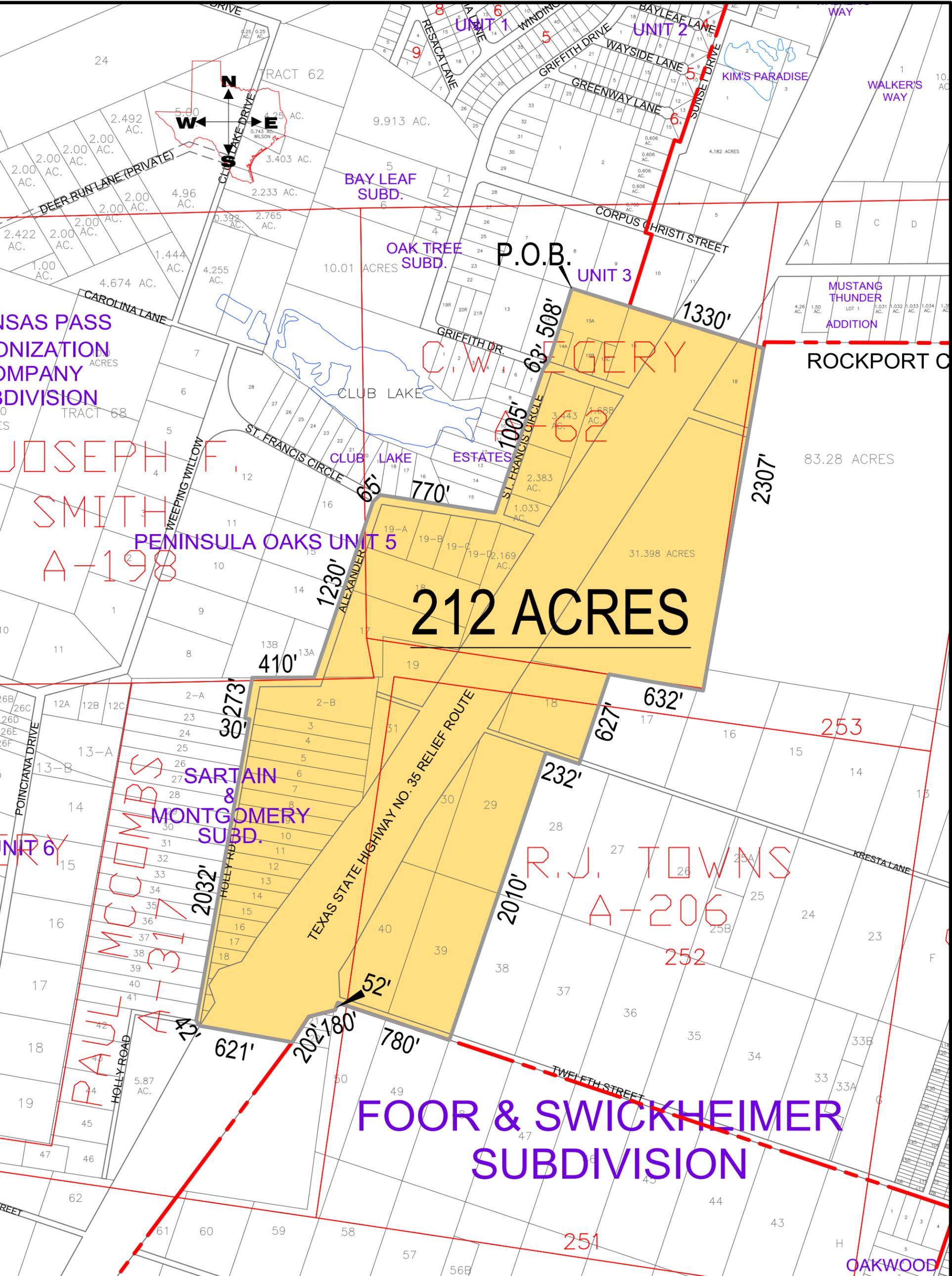
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Charles J. Wax, Mayor

ATTEST:

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Teresa Valdez, City Secretary



### EXHIBIT "B"

PLAT SHOWING A 212 ACRE TRACT OUT OF PORTIONS OF THE C.W. EGERY SURVEY A-62, PAUL MCCOMBS SURVEY A-317, R.J TOWNS SURVEY A-206, AND THE JOSEPH F. SMITH SURVEY A-198 TO BE ANNEXED BY THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.



411 S. Pearl St., P.O. Box 2322  
 Rockport, Texas 78381  
 :361-729-6479  
 :361-729-7933  
 :jerryb@gbsurveyor.com  
 :www.gbsurveyor.com



## Area 3: Land Use and Market Valuation

- Estimated Population: 40
- Land Use and Associated Market Valuation: 185.6192 acres total

Property Type:	Count:	VALUE:	Acres	\$
Total Single-Family Units:	16		33.4402	2,938,230.00
Total Multi-Family Units:	0		0	0
Total Commercial Properties:	5		39.161	1,599,300.00
Total Unimproved Properties:	27		113.018	1,110,980.00

- Statistical Market Valuation:
  - Total Market Valuation: \$5,648,510.00
  - Average Value: \$117,677.29
  - Median Value: \$62,930.00
  - No tax-exempt property in the area.
  - Average Homestead Value: \$200,626.15
    - 13 properties are homesteaded
- # of Building Permits since 2003: 7

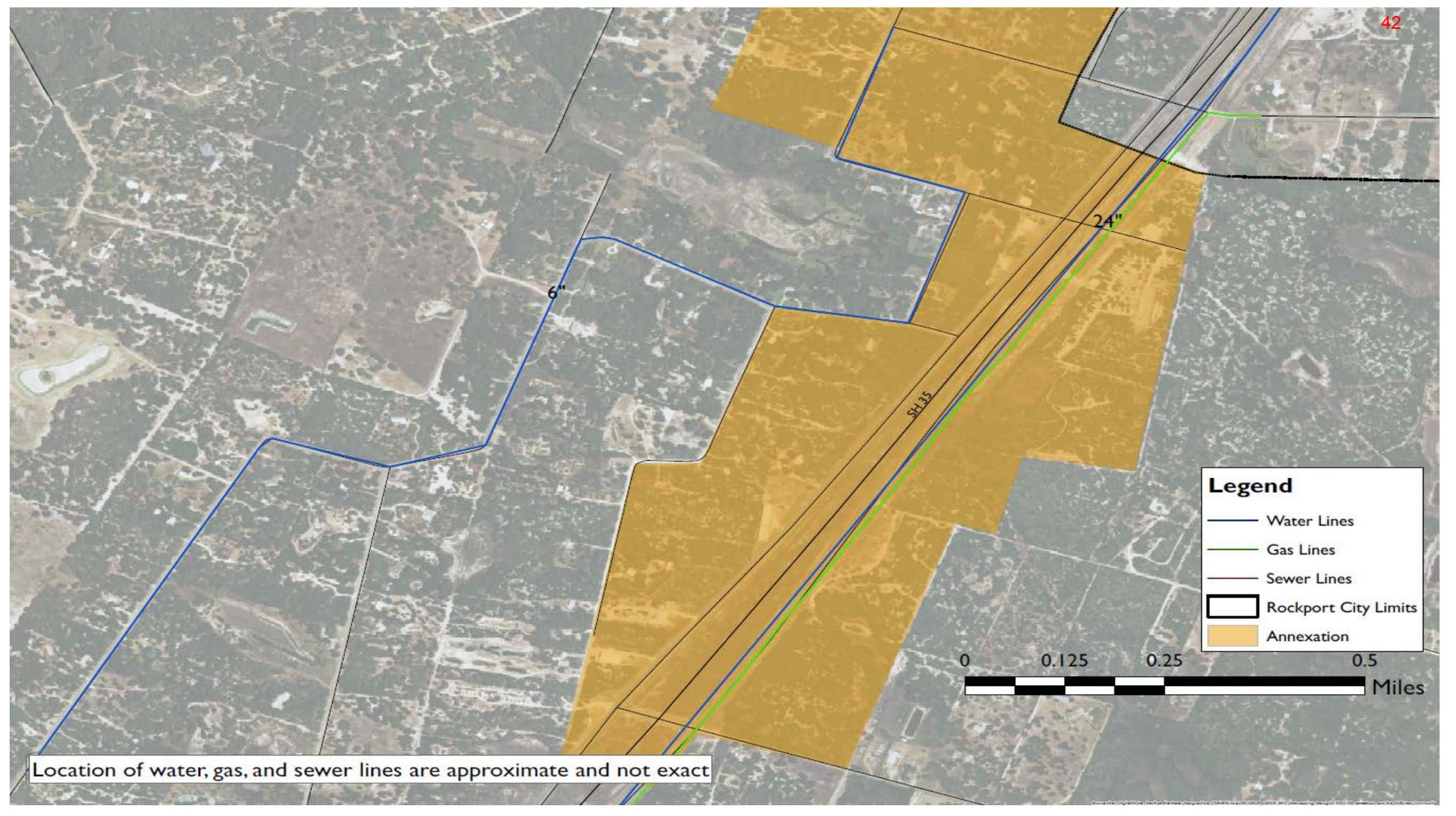


## Area 3: Existing Infrastructure

- Streets:

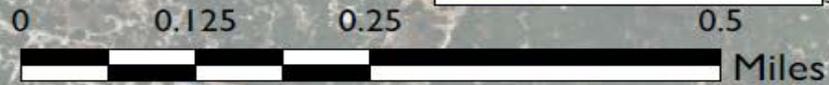
<u>Street</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>
Corpus Christi	Sunset	Griffith	1200	22
Griffith	Corpus Christi	Bypass	2490	24
St. Frances	Griffith	Alexander	2104	20
Alexander	St. Frances	Holly	1237	22
Holly	Alexander	Bypass	2495	22
		<b>Footage</b>	<b>9526</b>	
		<b>Miles</b>	<b>1.8</b>	

- Street Condition(s): Good
  - Chipseal
  - No curb and gutter



**Legend**

- Water Lines
- Gas Lines
- Sewer Lines
- Rockport City Limits
- Annexation



Location of water, gas, and sewer lines are approximate and not exact



## Area 3: Existing Infrastructure

- NO WASTEWATER IN THIS AREA



## Area 3: Cost of Maintenance

- Capital Costs: Any capital costs are already incorporated into budgeted CIP projects. No current drainage projects.
- Maintenance and Operations:

Miles of Street		1.8
Cost per mile		\$ 10,562.77
Annual cost for street		\$ 19,012.99
Annual cost for St Light Elec		\$ 3,413.79
<b>Add to Operating Budget</b>		<b>\$ 22,426.78</b>
<b>Installation of</b>	<b>10</b>	<b>\$ 10,000.00</b>
<b>street lights</b>		

- Human Resources: One full-time Maintenance Technician would be required at an annual base salary of \$27,352.00 plus benefits.



# Proposed Annexation Summary

<b>Annexation Profile Summary</b>				
	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	
<b>Category</b>	<b>Market Street Scenario 1a modified</b>	<b>Bypass 35/18th- FM 188</b>	<b>Bypass 35/Alexander- Griffith</b>	<b>Total</b>
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
Housing Units	80	12	16	108
Net Revenue/Expense	\$(146,212.22)	\$ 1,031.73	\$ (77,474.75)	\$(222,655.24)

## Annexation Profile Summary

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
<b>Expenses &amp; Data</b>				
<b>Miscellaneous</b>				
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
<b>Development Type</b>				
Single Family	65	12	16	93
Multi-Family	1	0	0	1
Commercial	24	70	5	99
Unimproved	21	18	27	66
<b>Property Valuation</b>				
Total Market Valuation	\$ 11,892,250	\$ 15,859,210	\$ 5,648,510	\$ 33,399,970
Average Value (excluding exempt)	\$ 148,485	\$ 119,867	\$ 117,677	
Median Value (excluding exempt)	\$ 94,160	\$ 23,500	\$ 62,930	
Average Homestead Value	\$ 113,444	\$ 131,100	\$ 200,626	
Building Permits Since 2003	25	0	7	32
<b>Infrastructure</b>				
Current Street Miles	1.33	0	1.8	3.13
Annual Street Maintenance Cost	\$ 14,048	\$ -	\$ 19,013	\$ 33,061
New Streetlights	15	0	10	25
Streetlight Installation Cost	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Streetlight Electrical Cost	\$ 2,522	\$ -	\$ 3,414	\$ 5,936
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
<b>Services</b>				
New Police Labor Hours - Patrol	2,080.00	1,040.00	1,040.00	4,160.00
New Police Labor Hours - CID	1,386.67	693.33	693.33	2,773.33
New Police Labor Hours - Admin	693.33	346.67	346.67	1,386.67
New Building Inspector Hours	520.00	-	-	520.00

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
New Code Enforcement Officer Hours	520.00	-	-	520.00
New Parks Labor Hours	-	-	-	-
New Street Labor Hours	832.00	-	416.00	1,248.00
New Water Labor Hours	-	-	-	-
New Wastewater Labor Hours	-	-	-	-
Total Water Customers	63.00	3.00	5.00	71.00
Total Sewer Customers	1.00	-	-	1.00
Total Gas Customers	15.00	-	3.00	18.00
Total Sanitation Customers	90.00	82.00	21.00	193.00
<b>Total New Labor Hours</b>	<b>5,200.00</b>	<b>2,080.00</b>	<b>2,080.00</b>	<b>9,360.00</b>
<b>Personnel Costs</b> (includes salary and benefits at step 11; equipment costs excluded)				
Police - Patrol (3)	\$ 58,390.85	\$ 29,195.42	\$ 29,195.42	\$ 116,781.70
Police - CID (2)	\$ 40,897.93	\$ 20,448.96	\$ 20,448.96	\$ 81,795.85
Police - Admin (1)	\$ 16,783.42	\$ 8,391.71	\$ 8,391.71	\$ 33,566.83
Building Inspector (0.5)	\$ 15,336.72	\$ -	\$ -	\$ 15,336.72
Code Enforcement Officer(0.5)	\$ 11,403.71	\$ -	\$ -	\$ 11,403.71
Parks Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Street Maintenance Techs (1)	\$ 15,733.41	\$ -	\$ 7,866.71	\$ 23,600.12
Water Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Wastewater Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
<b>Total Personnel Expense</b>	<b>\$ 158,546.03</b>	<b>\$ 58,036.10</b>	<b>\$ 65,902.80</b>	<b>\$ 282,484.93</b>

<b>Revenue</b>				
New Ad Valorem Revenue	\$ 43,389.83	\$ 57,863.60	\$ 20,609.04	\$ 121,862.47
New Sales Tax Revenue				\$ -
New Permit Fee Revenue				\$ -
Difference in Water Revenue	\$ (688.34)	\$ (153.52)	\$ (37.09)	\$ (878.95)
Difference in Sewer Revenue	\$ (9.74)	\$ -	\$ -	\$ (9.74)
Difference in Gas Revenue	\$ -	\$ -	\$ -	\$ -
Difference in Sanitation Revenue	\$ 1,212.95	\$ 1,357.75	\$ 282.88	\$ 2,853.58

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
<b>Net Revenue/Expense</b>				
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
Total Personnel Expense	\$ 158,546.03	\$ 58,036.10	\$ 65,902.80	\$ 282,484.93
Total Expense	\$ 190,117	\$ 58,036	\$ 98,330	\$ 346,483
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
Net Revenue/Expense	\$ (146,212)	\$ 1,032	\$ (77,475)	\$ (222,655)

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 7**

Deliberate and act on a Resolution of the City of Rockport, Texas, setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 990 acres, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18<sup>th</sup> Street, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan.

**SUBMITTED BY:** City Manager Kevin Carruth; City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Over the course of the last several months Council and staff have evaluated reasons for and against annexation of certain areas, including the proposed 990 acres along the Market Street corridor. Reasons for annexation include:

1. The Market Street corridor is a main entry point into the community and serves as the City's "front porch". As is, there is a strong need for unified code enforcement, planning, and zoning in order to transform the area and improve the quality of life for residents and enhance the climate for businesses.
2. Because of the strong interrelationship between the annexation area and the City and because the actions of Rockport substantially affect residents in the annexation area, annexation gives residents a voice in the government of the larger community in which they live.
3. Business, professional, and community leaders living in the annexation area can have a more direct role in community affairs by being elected or appointed to public office in the City.
4. Residents and businesses in the annexation area already consume city services but contribute little or nothing to paying the cost of those services.
5. Annexation leads to a unified community and helps to eliminate and prevent conflicts of authority, absence of cooperation, inadequate service levels, and the lack of effective area-wide planning and programming.
6. Political boundaries, after annexation, will more accurately reflect the true and existing sociological, economic, cultural, and physical boundaries of the city.
7. Blight, and its attendant issues, does not respect political boundaries and has a negative impact on residents already in the city limits. Annexation will protect or enhance property values for all.
8. Annexation will bring about for many residents lower utility rates, lower sanitation rates, lower fire insurance premiums, lower flood insurance rates, improved police protection, and improve property values. In many cases the reduction in these costs is greater than the expense of the additional City *ad valorem* tax.

Reasons against annexation are:

1. Annexation of the proposed area is estimated to be a net loss for the City in terms of provision of services and could overextend existing services and/or be a drain on City finances.
2. Residents and businesses may not desire the City's ordinances, regulations, and other requirements.
3. Property owners outside the City may argue that they chose to live and do business there in order to avoid taxes for services they do not want.
4. There may be distrust of the government and politics of the City.

Sec. 43.055 of the Texas Local Government Code prohibits the City from annexing a total area greater than 10 percent of its incorporated area; however, the City can carry over the unused allocation for use in subsequent years up to a total annexation limit of 30 percent in one year. The City has its full allocation of 30 percent available for use in calendar year 2016. The three proposed annexation areas total less than the statutory 30 percent cap.

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**FISCAL ANALYSIS:** The net fiscal impact, excluding any sales taxes that would be collected, is revenue of approximately \$1,032. See the accompanying Annexation Profile Summary for more information.

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**RECOMMENDATION:** Staff recommends Council approve the Resolution setting a date, time and place for public hearings on the proposed annexation by the City of Rockport, Texas, of 990 acres, more or less, along Highway 35 Bypass between Mundine Road and approximately 1,000 feet south of 18<sup>th</sup> Street, authorizing and directing publication of notice of such public hearings, and directing City staff to prepare Annexation Service Plan, as presented.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED  
ANNEXATION**

A RESOLUTION OF THE CITY OF ROCKPORT, TEXAS, SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ROCKPORT, TEXAS, OF 990 ACRES OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, AUTHORIZING AND DIRECTING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS AND DIRECTING CITY STAFF TO PREPARE ANNEXATION SERVICE PLAN.

WHEREAS, §43 of the Texas Local Government Code and Article I, Section 3 of the Charter of the City of Rockport, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state;

WHEREAS, the City has the desire to extend its boundaries to provide for the strategic management of growth of the City, and to better manage the provision of public services to residents of the area;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. On the 8th day of November, 2016, at 1:30 p.m. and 6:30 p.m. in the City Council Chambers of the City Hall of the City of Rockport, Texas, the City Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Rockport, Texas of the following described property, to-wit:

DESCRIPTION OF 990 ACRES OF LAND, MORE OR LESS, OUT OF A PORTION OF THE CHARLES ZENN SURVEY, A-226, AND THE JAMES MCKAY SURVEY, A-160, WITH SAID 990 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a point for the Northwest corner of the Charles Zenn Survey, A-226, and being the Northwest corner of a called 476 acre tract (437.175 acres) as described in a deed of record to D.W. & B. Grant Properties, Ltd., under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being in the East boundary line of the H. Ryals Survey, A-184, and the East boundary line of a called 105.50 acre tract as described in a deed of record to Hugh T. Chapman under Clerks File Number 268808, Official Public Records of Aransas County, Texas, and being in the West boundary line of a called 7.134

acre tract out of a 72.104 acre tract as described in a deed of record to John Cooling under Clerks File Numbers 292381 and 292388, Official Public Records of Aransas County, Texas, with said point being the NORTHWEST corner and PLACE OF BEGINNING of this description;

THENCE, in an Easterly direction along and with the North boundary line of the Charles Zenn Survey, A-226 and the North boundary line of called 476 acre tract, a distance of approximately 3511 feet to a point for the Northeast corner of said called 476 acre tract, and being the Northwest corner of Tract 31, of the Abernathy Tracts, according to the plat recorded in Volume 1, Page 27, Plat Records of Aransas County, Texas, and being an angle point and EXTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of the Charles Zenn Survey, A-226, and the North boundary line of Lots 31 and 32, of said Abernathy Tracts, crossing Texas State Highway No. 35 Relief Route, an approximate distance of 1090 feet to a point in the East R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the existing Northwest corner of Fractional Tract 33, of said Abernathy Tract, and being the NORTHEAST corner of this description;

THENCE, in a Southwesterly direction, along and with the East R.O.W. line of said Texas State Highway No. 35 Relief Route, an approximate distance of 4680 feet to a point for the Lower Northwest corner of a called 28.877 acre tract as described in a deed of record to RS Barns LLC, under Clerks File Number 279992, Official Public Records of Aransas County, Texas, and being also called the West One-Half of a 73.02 acre tract out of said Charles Zenn Survey, A-226, and being an INTERIOR corner of this description;

THENCE, in a Southerly direction, along and with the West boundary line of said called 28.877 acre tract, an approximate distance of 1378 feet to a point in the projection of the South R.O.W. line of Lamar Drive, and being in the Northerly boundary line of Landblock 228, Burton and Danforth Subdivision, according to the plat recorded in Volume 1, Pages 62-63, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Westerly direction, along and with the South R.O.W. line of Lamar Drive, as platted, and the North boundary line of Farm Lot 8, of said Landblock 228, a distance of approximately 23 feet to a point for the common corner of Farm Lots 8 and 9, of said Landblock 228, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 8 and 9, of said Landblock 228, a distance of approximately 1457 feet to a point in the North boundary line of a called 20 acre tract out of the Northwest corner of Landblock 227, of said Burton and Danforth Subdivision, and

described in a deed of record under Clerks File Number 176546, Real Property Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the North boundary line of said 20.0 acre tract, a distance of approximately 490 feet to a point in the Upper Northwesterly boundary line of Farm Lot 12, of said Landblock 227, Burton and Danforth Subdivision, and being an INTERIOR corner of this description;

THENCE, in a Northeasterly direction, along and with the Upper Northwesterly boundary line of said Farm Lot 12, a distance of approximately 313 feet to a point at the Southerly R.O.W. terminus of Nell Road, and being the Northwest corner of said Farm Lot 12, and being an EXTERIOR corner of this description;

THENCE, in a Southeasterly direction, along and with the South R.O.W. line of Nell Road, and the North boundary line of said Farm Lot 12, a distance of approximately 85 feet to a point for the Northeast corner of said Farm Lot 12 and being an EXTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 11 and 12, an approximate distance of 2104 feet to a point in the South R.O.W. line of Walker Road, and being in the North boundary line of Farm Lot 10, of Land Block 226, of said Burton and Danforth Subdivision, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Walker Road, a distance of approximately 43 feet to a point for the common corner of Farm Lots 10 and 11, of said Landblock 226, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of Farm Lots 10 and 11, and 19 and 18, an approximate distance of 1326 feet to a point in the South R.O.W. line of Hailey Road and being in the North boundary line of Lot 10-B, of a replat of Farm Lot 10, Burton and Danforth Subdivision, lying North of Texas State F.M. 188, according to the plat recorded in Volume 3, Page 54, Plat Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Hailey Road, an approximate distance of 353 feet to a point for the common corner of Lot 11-A, of a replat of Farm Lot 11, Landblock 225, Burton and Danforth Subdivision, according to the plat recorded in Volume 3, Page 123, Plat Records of Aransas County, Texas, and Fractional Farm Lot 12, of said Landblock 225, Burton and Danforth Subdivision, an being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Westerly boundary line of Lots 11-A and 11-D, of said replat of Farm Lot 11, crossing Texas State F.M. 188, an approximate distance of 475 feet to a point in the South R.O.W. line of said Texas State F.M. 188, and being the Northwest corner of Lot 11-F, of said replat of Farm Lot 11, Landblock 225, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said Texas State F.M. 188, an approximate distance of 25 feet to a point for the Northeast corner of Lot 17-B, Kelsey Subdivision, Unit 2, according to the plat recorded in Volume 4, Page 176, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the common boundary line of said Farm Lot 18, Landblock 225, and Kelsey Subdivision, Unit 2, an approximate distance of 870 feet to a point in the South R.O.W. line of Mack Road and being the common corner of Farm Lots 9 and 10, of said Landblock 224, and being an EXTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of Mack Road, an approximate distance of 830 feet to a point in the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, and being the Northwest corner of Lot 12-B, of a replat of Farm Lot 12, Landblock 224, Burton and Danforth Subdivision, according to the plat recorded in Volume 6, Page 161, Plat Records of Aransas County, Texas, and being an INTERIOR corner of this description;

THENCE, in a Southwesterly direction, along and with the Easterly R.O.W. line of said Texas State Highway No. 35 Relief Route, a distance of approximately 460 feet to a point in the West boundary line of Lot 12-A, of said replat of Farm Lot 12, Landblock 224, and being at the projection of the South R.O.W. line of Mundine Road, and being the SOUTHEAST corner of this description;

THENCE, in a Northwesterly direction, along and with the projection of the South R.O.W. line of Mundine Road, crossing said Texas State Highway No. 35 Relief Route, a distance of approximately 2753 feet to a point for the common corner of Farm Lots 8 and 9, of Landblock 17, T.P. McCampbell Subdivision, according to the plat recorded in Volume 1, Pages 3 and 4, Plat Records of Aransas County, Texas, and being the SOUTHWEST corner of this description;

THENCE, in a Northeasterly direction, crossing said Mundine Road, and along and with the common boundary line of Lots 8A and 8B and Lots 8C and 9D, of Ken Mar No. 3, Unit 4, according to the plat recorded in Volume 3, Page 70, Plat Records of Aransas County, Texas, crossing said Texas State F.M. 188, and with the East boundary line of Little Ponds, according to the plat recorded in Volume 5, Page 119, Plat Records of Aransas County, Texas, and the West

boundary line of Farm Lot 8, Landblock 19, of said T.P. McCampbell Subdivision, an approximate distance of 2644 feet to a point in the South R.O.W. line of a 40.0 foot wide platted roadway, and being the Northeast corner of Lot 13, of said Little Ponds, and being an INTERIOR corner of this description;

THENCE, in a Northwesterly direction, along and with the South R.O.W. line of said 40.0 foot wide platted R.O.W. and the North boundary line of said Little Ponds, an approximate distance of 330 feet to a point for the Northwest corner of said Lot 13, and being an EXTERIOR corner of this description;

THENCE, in a Northeasterly direction, crossing said 40.0 foot wide platted R.O.W. and along and with the common boundary line of Farm Lots 9 and 10, Landblock 20, of said T.P. McCampbell Subdivision, an approximate distance of 763 feet to a point for the Northeast corner of said Farm Lot 10, Landblock 20, and being in the South boundary line of a called 127.75 acre tract out of the D.W. Grant Properties, according to the deed of record under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in an Easterly direction, along and with the South boundary line of said called 127.75 acre tract, a distance of approximately 220 feet to a point for the Southeast corner of said 127.75 acre tract, and being an INTERIOR corner of this description;

THENCE, in a Northerly direction, along and with the Easterly boundary line of said 127.75 acre tract, an approximate distance of 2942 feet to a point for the Southwest corner of a called 80 acre tract, referred to as the Leroy Young 80 acre tract, according to the deed of record under Volume "I-3", Page 255, Deed Records of Aransas County, Texas, and being the Southwest corner of a called 110.269 acre tract, including said 80 acres, called Tract 4, in a deed to Hugh T. Chapman and recorded under Clerks File Number 342683, Official Public Records of Aransas County, Texas, and being an EXTERIOR corner of this description;

THENCE, in an Easterly direction, along and with the common boundary line of said called 476 acre tract and said 110.269 acre tract, a distance of approximately 2700 feet to a point for the Southeast corner of said 110.269 acre tract and being an INTERIOR corner of this description;

THENCE, in a Northerly direction, along and with the East boundary line of said 110.269 acre tract, the East boundary line of Lots 1 and 2, of said J.A. Young Subdivision, according to the plat recorded in Volume 1, Page 57, Plat Records of Aransas County, Texas, and the East boundary line of said 105.50 acre tract, an approximate distance of 2845 feet to the PLACE OF BEGINNING and containing approximately 990 acres or 43, 144,568 square feet of land, more or less. [As shown on Exhibit B attached hereto.]

SECTION 2. The Mayor and Council of the City of Rockport, hereby authorize and direct that notice of such public hearings to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

SECTION 3. The Council hereby directs the City Staff to prepare the necessary Service Plan for the above identified property, in accord with State law, and prior to the first public hearing date, provided herein.

PASSED AND APPROVED this the 27<sup>th</sup> day of September, 2016.

CITY OF ROCKPORT, TEXAS

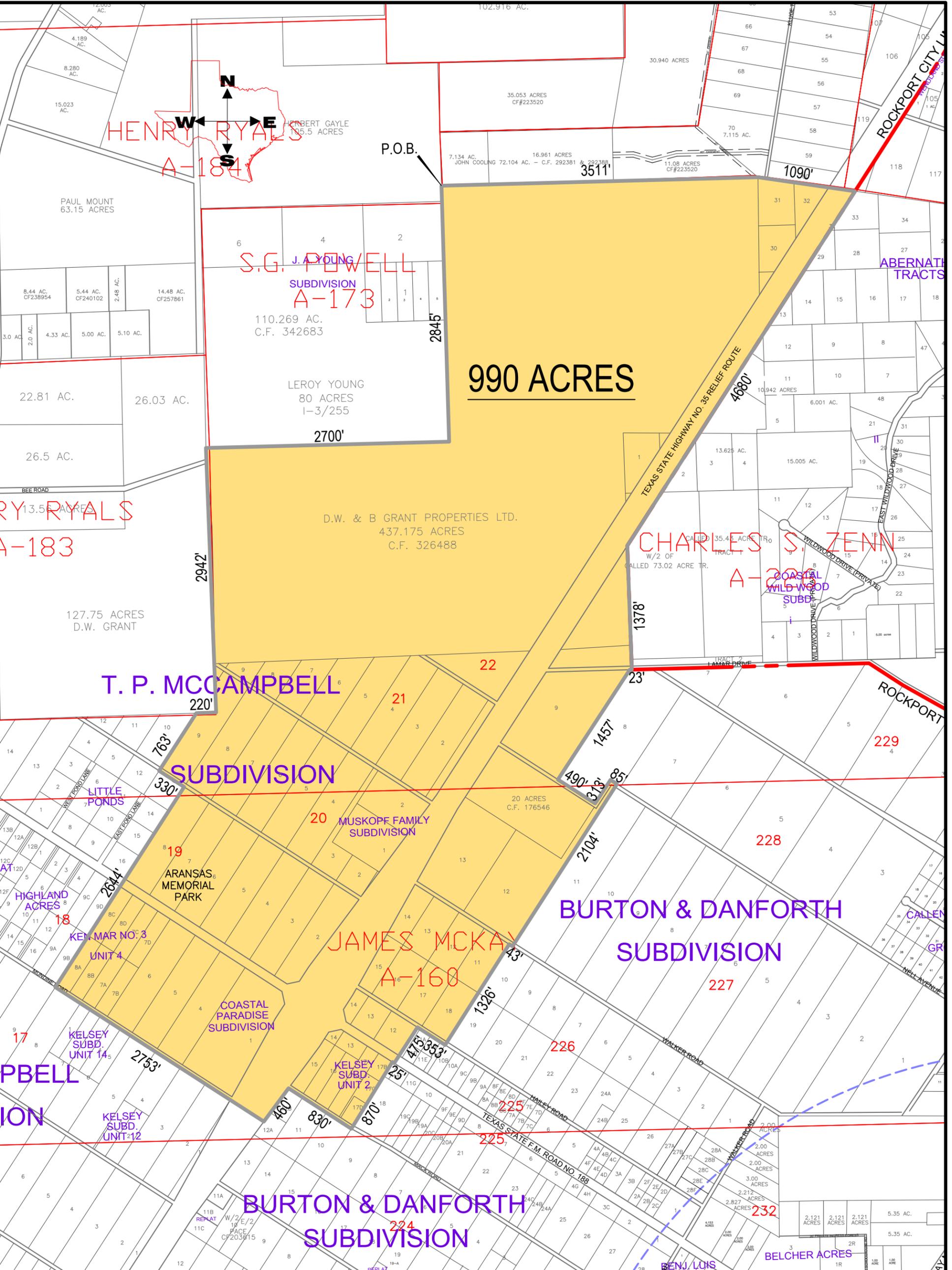
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Charles J. Wax, Mayor

ATTEST:

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Teresa Valdez, City Secretary



### EXHIBIT "B"

PLAT SHOWING A 990 ACRE TRACT OUT OF PORTIONS OF THE CHARLES S. ZENN SURVEY A-226 AND THE JAMES MCKAY SURVEY A-160, TO BE ANNEXED BY THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS

NOTE: THIS AREA HAS NOT BEEN SURVEYED ON THE GROUND AND IS APPROXIMATE AS COMPUTED BY USING CAD ON THE CITY OF ROCKPORT MAP GENERATED BY GRIFFITH & BRUNDRETT, SURVEYING & ENGINEERING, INC.

**Griffith & Brundrett**  
 Surveying & Engineering, Inc.  
 411 S. Pearl St., P.O. Box 2322  
 Rockport, Texas 78381  
 ☎: 361-729-6479  
 ☎: 361-729-7933  
 ✉: jerryb@gbsurveyor.com  
 🌐: www.gbsurveyor.com



## Area 2: Land Use and Market Valuation

- Estimated Population: 30
- Land Use and Associated Market Valuation: 1,205.028 acres total

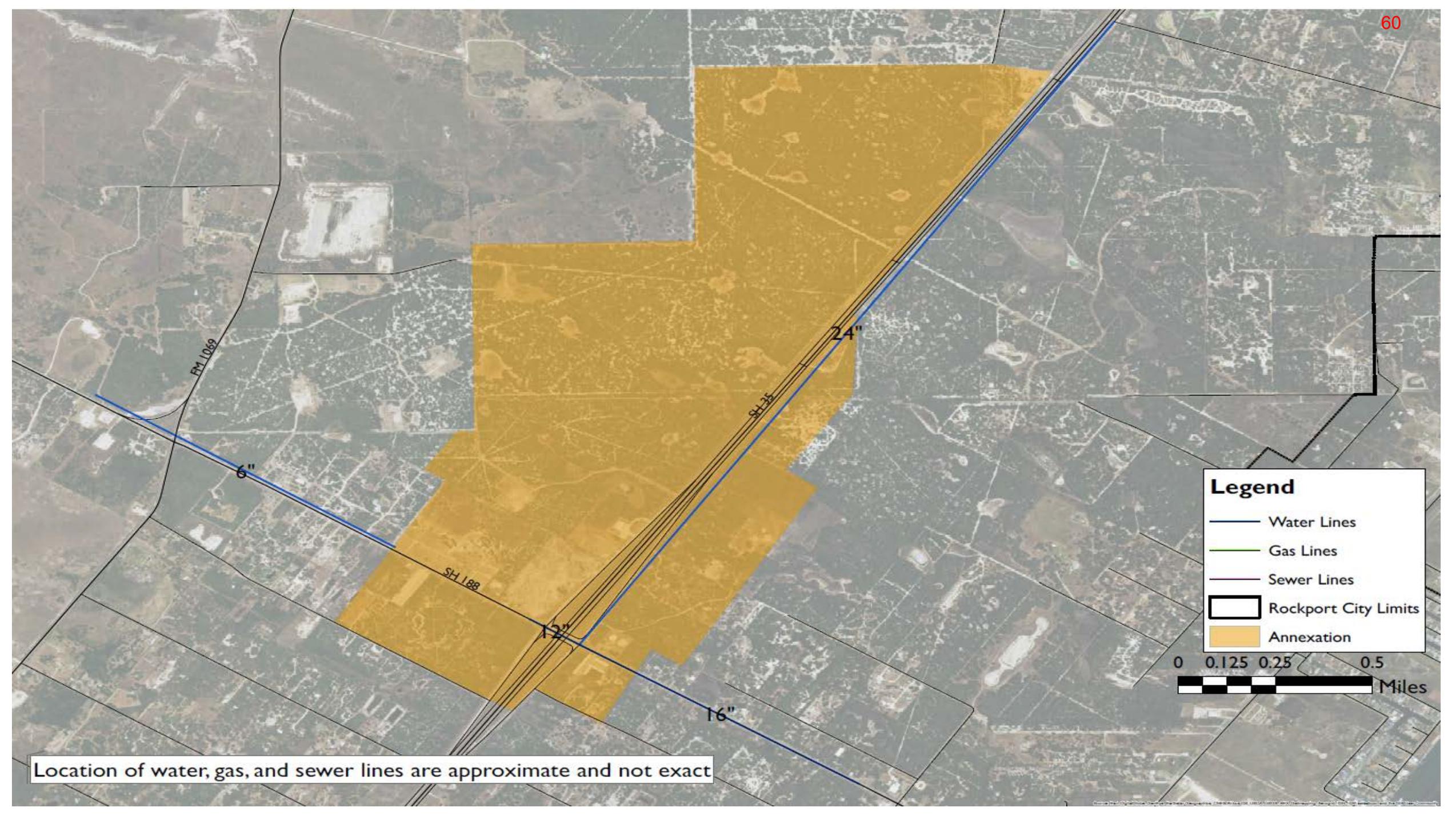
Property Type:	Count:	VALUE:	Acres	\$
Total Single-Family Units:	12		26.295	951,580.00
Total Multi-Family Units:	0		0	0
Total Commercial Properties:	70		160.511	7,236,510.00
Total Unimproved Properties:	18		226.615	1,734,310.00

- **Statistical Market Valuation:**
  - Total Market Valuation: \$15,859,210.00
  - Average Value (including exempt property): \$133,900.01
  - Median Value (including): \$29,120.00
  - Average Value (excluding exempt property): \$119,867.02
  - Median Value (excluding): \$23,500.00
  - Average Homestead Value: \$131,100.00
    - 6 properties are homesteaded
- # of Building Permits since 2003: 0



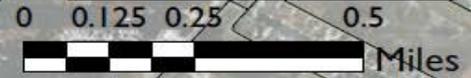
## Area 2: Existing Infrastructure

- Streets: Bypass 35 and FM 188 are TxDOT maintained and in good condition.
- Streetlights: Any streetlights in this area would be TxDOT-maintained.
- NO WASTEWATER OR NATURAL GAS IN THIS AREA



**Legend**

- Water Lines
- Gas Lines
- Sewer Lines
- Rockport City Limits
- Annexation



Location of water, gas, and sewer lines are approximate and not exact



# Proposed Annexation Summary

<b>Annexation Profile Summary</b>				
	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>	
<b>Category</b>	<b>Market Street Scenario 1a modified</b>	<b>Bypass 35/18th- FM 188</b>	<b>Bypass 35/Alexander- Griffith</b>	<b>Total</b>
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
Housing Units	80	12	16	108
Net Revenue/Expense	\$(146,212.22)	\$ 1,031.73	\$ (77,474.75)	\$(222,655.24)

## Annexation Profile Summary

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
<b>Expenses &amp; Data</b>				
<b>Miscellaneous</b>				
Population	183	30	40	253
Acres	70.50	1,205.03	185.62	1,461.15
<b>Development Type</b>				
Single Family	65	12	16	93
Multi-Family	1	0	0	1
Commercial	24	70	5	99
Unimproved	21	18	27	66
<b>Property Valuation</b>				
Total Market Valuation	\$ 11,892,250	\$ 15,859,210	\$ 5,648,510	\$ 33,399,970
Average Value (excluding exempt)	\$ 148,485	\$ 119,867	\$ 117,677	
Median Value (excluding exempt)	\$ 94,160	\$ 23,500	\$ 62,930	
Average Homestead Value	\$ 113,444	\$ 131,100	\$ 200,626	
Building Permits Since 2003	25	0	7	32
<b>Infrastructure</b>				
Current Street Miles	1.33	0	1.8	3.13
Annual Street Maintenance Cost	\$ 14,048	\$ -	\$ 19,013	\$ 33,061
New Streetlights	15	0	10	25
Streetlight Installation Cost	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Streetlight Electrical Cost	\$ 2,522	\$ -	\$ 3,414	\$ 5,936
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
<b>Services</b>				
New Police Labor Hours - Patrol	2,080.00	1,040.00	1,040.00	4,160.00
New Police Labor Hours - CID	1,386.67	693.33	693.33	2,773.33
New Police Labor Hours - Admin	693.33	346.67	346.67	1,386.67
New Building Inspector Hours	520.00	-	-	520.00

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
New Code Enforcement Officer Hours	520.00	-	-	520.00
New Parks Labor Hours	-	-	-	-
New Street Labor Hours	832.00	-	416.00	1,248.00
New Water Labor Hours	-	-	-	-
New Wastewater Labor Hours	-	-	-	-
Total Water Customers	63.00	3.00	5.00	71.00
Total Sewer Customers	1.00	-	-	1.00
Total Gas Customers	15.00	-	3.00	18.00
Total Sanitation Customers	90.00	82.00	21.00	193.00
<b>Total New Labor Hours</b>	<b>5,200.00</b>	<b>2,080.00</b>	<b>2,080.00</b>	<b>9,360.00</b>
<b>Personnel Costs</b> (includes salary and benefits at step 11; equipment costs excluded)				
Police - Patrol (3)	\$ 58,390.85	\$ 29,195.42	\$ 29,195.42	\$ 116,781.70
Police - CID (2)	\$ 40,897.93	\$ 20,448.96	\$ 20,448.96	\$ 81,795.85
Police - Admin (1)	\$ 16,783.42	\$ 8,391.71	\$ 8,391.71	\$ 33,566.83
Building Inspector (0.5)	\$ 15,336.72	\$ -	\$ -	\$ 15,336.72
Code Enforcement Officer(0.5)	\$ 11,403.71	\$ -	\$ -	\$ 11,403.71
Parks Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Street Maintenance Techs (1)	\$ 15,733.41	\$ -	\$ 7,866.71	\$ 23,600.12
Water Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
Wastewater Maintenance Techs (0)	\$ -	\$ -	\$ -	\$ -
<b>Total Personnel Expense</b>	<b>\$ 158,546.03</b>	<b>\$ 58,036.10</b>	<b>\$ 65,902.80</b>	<b>\$ 282,484.93</b>
<b>Revenue</b>				
New Ad Valorem Revenue	\$ 43,389.83	\$ 57,863.60	\$ 20,609.04	\$ 121,862.47
New Sales Tax Revenue				\$ -
New Permit Fee Revenue				\$ -
Difference in Water Revenue	\$ (688.34)	\$ (153.52)	\$ (37.09)	\$ (878.95)
Difference in Sewer Revenue	\$ (9.74)	\$ -	\$ -	\$ (9.74)
Difference in Gas Revenue	\$ -	\$ -	\$ -	\$ -
Difference in Sanitation Revenue	\$ 1,212.95	\$ 1,357.75	\$ 282.88	\$ 2,853.58

Category	Area 1	Area 2	Area 3	Total
	Market Street Scenario 1a modified	Bypass 35/18th-FM 188	Bypass 35/Alexander - Griffith	
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
<b>Net Revenue/Expense</b>				
Total Capital Expense	\$ 15,000	\$ -	\$ 10,000	\$ 25,000
Total Annual O&M Expense	\$ 16,571	\$ -	\$ 22,427	\$ 38,998
Total Personnel Expense	\$ 158,546.03	\$ 58,036.10	\$ 65,902.80	\$ 282,484.93
Total Expense	\$ 190,117	\$ 58,036	\$ 98,330	\$ 346,483
Total Revenue	\$ 43,905	\$ 59,068	\$ 20,855	\$ 123,827
Net Revenue/Expense	\$ (146,212)	\$ 1,032	\$ (77,475)	\$ (222,655)

**CITY COUNCIL AGENDA**  
**Called Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 8**

Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, for the purpose of building an RV Resort Park; with no conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

**SUBMITTED BY:** Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** J.R. Gimler/Triumph Builders is seeking approval for a Conditional Use Permit on 48 acres of property that is currently zoned B-1 (General Business District), located at 3021-3099 Loop 1781. Mr. Gimler’s intent is to construct an RV Resort Park consisting of 207 RV sites and 32 cottages. This item originally came before the Planning & Zoning Commission and the City Council in February 2016. There were multiple concerns about drainage/potential flooding, traffic impact, and environmental impact, including developing over existing wetlands on the property. The item was denied without prejudice at the February 23, 2016 council meeting.

The developers have obtained a wetlands delineation letter from the U.S. Army Corps of Engineers for the 1.8 acres of wetlands on the property. They do not intend to disturb the area but instead will incorporate it into their site plan. The developers have also agreed to include an additional emergency exit into their site plan. They are also aware that the development must meet the RV Park standards outlined in the Zoning Ordinance, and all development in the floodplain must meet requirements as outlined in Chapter 50, “Floods,” in the City Code of Ordinances.

The property meets the CUP Review Criteria as outlined in Article 23.4 of the Zoning Ordinance. The Future Land Use Map of the City’s Comprehensive Plan designates this area as low-density residential.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, July 27, 2016 edition and mailed out to twenty-five property owners within a 200-foot radius of the property. No letters in support or opposition were received. This item was also heard at a Joint Public Hearing with the City Council on August 23, 2016. Four people spoke on the issue, two in favor and two in opposition:

- Marcie Simmons, 414 Old Salt Lake (**Resident within 200 ft. of development**)
  - Ms. Simmons was concerned about the recent change in FEMA floodplain maps and how that affected drainage for the development in question and the surrounding properties. She also commented that the owners should keep the property mowed.
- James Shaw
  - Mr. Shaw commented that he was an investor in the project and that given its location of Loop 1781 and commercial zoning, it was the “kind of land you want to develop into an RV Park.”
- Sandy Swanson
  - Ms. Swanson commented that all eight of the concerns brought up in the last discussion of this RV park have been addressed. Any surface runoff from the park will drain into the pond, and excess runoff will be directed to the drainage easement on the property. The developers have agreed to an additional emergency exit on the property. A wetlands delineation letter from the U.S. Army Corps of Engineers has been obtained for the 1.8 acres of wetlands on the property, which the developers intend to not disturb.
- Sandra Montie, 149 Old Salt Lake (**Resident within 200 ft. of development**)
  - Ms. Montie commented that she would like to see an environmental study of the development’s potential impact on the property. She mentioned that her fellow neighbors were discouraged at the last public hearing. She was concerned about the eco-impact, traffic impact and drainage.

A second public hearing for Planning & Zoning Commission was held on Monday, September 19. Ms. Swanson also spoke at this hearing, commenting that the items of concerns had been addressed. The Planning and Zoning Commission voted unanimously to recommend to City Council that the request be approved.

Because less than twenty percent of the property owners have stated opposition to the project, this would not require a supermajority approval by City Council to pass. Supporting documentation follows this cover sheet.

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**FISCAL ANALYSIS:** N/A.

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**RECOMMENDATION:** Staff and the Planning & Zoning Commission recommend that Council approve the first reading of the Ordinance granting the “Conditional Use Permit” to property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, for the purpose of building an RV resort park; with no other conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027.

**CITY OF ROCKPORT  
OFFICE OF BUILDING  
& DEVELOPMENT**

## Memo

**To:** Mayor and City Council  
**From:** Planning & Zoning Commission  
**CC:** City Manager Kevin Carruth  
**Date:** 09/20/2016  
**Re:** Commission action on requested re-zone request at 3021-3099 Loop 1781

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At our meeting held September 19, 2016, the Planning & Zoning Commission discussed the request for a Conditional Use Permit on 48 acres of property that is currently zoned B-1 (General Business District), located at 3021-3099 Loop 1781. Mr. Gimler's intent is to construct an RV Resort Park consisting of 207 RV sites and 32 cottages.

The developers have obtained a wetlands delineation letter from the U.S. Army Corps of Engineers for the 1.8 acres of wetlands on the property. They do not intend to disturb the area but instead will incorporate it into their site plan. The developers have also agreed to include an additional emergency exit into their site plan. They are also aware that the development must meet the RV Park standards outlined in the Zoning Ordinance, and all development in the floodplain must meet requirements as outlined in Chapter 50, "Floods," in the City Code of Ordinances.

The property meets the CUP Review Criteria as outlined in Article 23.4 of the Zoning Ordinance. The Future Land Use Map of the City's Comprehensive Plan designates this area as low-density residential.

The Commission voted unanimously to recommend to the City Council that this request be approved.

Respectfully submitted,

Brian Olsen  
Chairman, Planning & Zoning Commission

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PURSUANT TO ARTICLE 23 “CONDITIONAL USE PERMIT” (CUP), ROCKPORT ZONING ORDINANCE NUMBER 1027, A CUP IS HEREBY GRANTED TO PROPERTY LOCATED AT 3021-3099 LOOP 1781; ALSO KNOWN AS A76 JOSEPH HOLLIS SURVEY, BEING 47.981 ACRES, ALSO INCLUDES LAGO VISTA VILLAGE, LOT B, ROCKPORT, ARANSAS COUNTY, TEXAS, FOR THE PURPOSE OF BUILDING AN RV RESORT PARK; WITH NO CONDITIONS OTHER THAN THOSE STIPULATED UNDER ARTICLE 23, ROCKPORT ZONING ORDINANCE NUMBER 1027; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** an application for a Conditional Use Permit was received in the office of the Building Department, Rockport, Texas; and

**WHEREAS,** On July 22, 2016 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City’s webpage [www.cityofrockport.com](http://www.cityofrockport.com); and

**WHEREAS,** on July 27, 2016 notice was mailed to affected property owners within 200’ of subject property; and

**WHEREAS,** on July 22, 2016 the City caused to be published “Notice of Joint Public Hearing” in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

**WHEREAS,** on August 23, 2016 at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

**WHEREAS,** on September 19, 2016 at 5:30 p.m., the Planning & Zoning Commission did hold a public hearing, meet and said Commission voted unanimously to recommend to the City Council to accept and approve this request for a Conditional Use Permit to property located at 3021-3099 Loop 1781.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT TEXAS:**

**SECTION 1 – CONDITIONAL USE PERMIT**

That, pursuant to Article 23 “Conditional Use Permit” (CUP), Rockport Zoning Ordinance Number 1027, a CUP is hereby granted to property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, for the purpose of building an RV resort park;

with no other conditions other than those stipulated under Article 23, Rockport Zoning Ordinance Number 1027.

## **SECTION 2 - REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed.

## **SECTION 3 - SEVERABILITY**

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

## **SECTION 4 - EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption by second and final reading.

**APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED** and **ADOPTED** on second and final reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary





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**JOINT PUBLIC HEARING**  
**Rockport City Council**  
**and**  
**Planning & Zoning Commission**

**NOTICE** is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, August 23, 2016, at 6:30 p.m., at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as 47.981 acres, A76 Joseph Hollis Survey, which includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay. Purpose of the request is to allow development of an RV resort park.

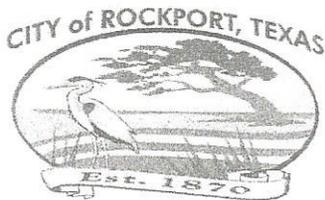
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

**POSTED:** the 22nd day of July, 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas and on the website [www.cityofrockport.com](http://www.cityofrockport.com).

**PUBLISHED** in *The Rockport Pilot* in the Wednesday, July 27, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

  
Teresa Valdez, City Secretary



**CITY OF ROCKPORT  
ZONING AND LAND DEVELOPMENT APPLICATION**

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning [ ] Conditional Permit [X]  
*Requesting a joint meeting between Pt 2 and City Council.*  
Planned Unit Development (P.U.D.) by Conditional Permit [ ]

B. ADDRESS AND LOCATION OF PROPERTY 3025 Loop 1781  
Rockport, Texas 78382

C. CURRENT ZONING OF PROPERTY: B-1

D. PRESENT USE OF PROPERTY: Vacant

E. ZONING DISTRICT REQUESTED: \_\_\_\_\_

F. CONDITIONAL USE REQUESTED: RV Park

G. LEGAL DESCRIPTION: (Fill in the one that applies)  
• Lot or Tract A To Joseph Hollis Survey Block \_\_\_\_\_  
• Tract \_\_\_\_\_ of the \_\_\_\_\_  
Survey as per metes and bounds (field notes attached)  
• If other, attach copy of survey or legal description from the Records of  
Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) \_\_\_\_\_

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 48 Acres

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:  
(Please be specific)  
Going to be developing an  
RV Resort park

K. OWNER'S NAME: (Please print) RV Park Holdings, LLC  
 ADDRESS: 411 W. Market St  
 CITY, STATE, ZIP CODE: Rockport, Texas 78382  
 PHONE NO 361-729-9155

L. REPRESENTATIVE: (If Other Than Owner) John Gimler or Anna Marbach  
 ADDRESS: 411 W. Market St.  
 CITY, STATE, ZIP CODE: Rockport, Texas 78382  
 PHONE NO 361-729-9155

**NOTE:** Do you have property owner's permission for this request?  
 YES  NO

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.R. 35 Bypass, Rockport, Texas 78382.

Signed:   
 (Owner or Representative)

(FOR CITY USE)

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fees Paid: \$ \_\_\_\_\_

Submitted Information ( \_\_\_\_\_ accepted) ( \_\_\_\_\_ rejected) by: \_\_\_\_\_

If rejected, reasons why: \_\_\_\_\_

Receipt No. \_\_\_\_\_













DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
CORPUS CHRISTI REGULATORY FIELD OFFICE  
5151 FLYNN PARKWAY, SUITE 306  
CORPUS CHRISTI, TX 78411-4318

July 1, 2016

REPLY TO  
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: File No. SWG-2016-00246; Approved Jurisdictional Determination

Mr. J.R. Gimler  
P.O. Box 2858  
Rockport, TX 78381-2858

Dear Mr. Gimler:

This is in regard to a request submitted on your behalf by Belaire Environmental, Inc., received on April 5, 2016, in which they requested that we verify the jurisdictional status of your property. The property is located adjacent to the southeast shoreline of Salt Lake on an approximately 47.24-acre, undeveloped site situated immediately west of Farm-to-Market Road 1781 and northwest of Texas Highway 35 in Rockport, Aransas County, Texas. A location map is attached in 1 sheet.

Based on the resources available at this time, we have determined that the 0.58-acre freshwater pond within the review area appears to be a stock pond that is not currently in use for livestock/agricultural purposes. According to 33 CFR 328.3(b)(4), artificial, constructed lakes and ponds created in dry land, such as farm and stock watering ponds, are not waters of the United States even where they otherwise meet the terms stated in 33 CFR 328.3(a). Therefore, this feature is not considered jurisdictional and would not require a Department of the Army permit.

We have determined that 1.81 acres of wetlands within the review area are waters of the United States (U.S.). The Corps of Engineers regulates the discharge of dredged and/or fill material into waters of the United States, including navigable waters, under Section 404 of the Clean Water Act. Therefore, the discharge of dredged or fill material into these waters of the U.S. requires a Department of the Army permit.

This determination is an approved jurisdictional determination for your specific site. This approved determination is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

-2-

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed are a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

Mr. Elliott Carman  
Regulatory Appeals Officer  
Southwest Division USACE (CESWD-PD-O)  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1317  
Telephone: 469-487-7061; FAX: 469-487-7199

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Please note, this is **not authorization to begin work in jurisdictional areas**. Please reference file number **SWG-2016-00246** in future correspondence pertaining to this subject. If you have any questions, please contact Ms. Kristie Brink, Regulatory Project Manager, at the letterhead address or by telephone at 361-814-5847, ext. 1005. To assist us in improving our service to you, please complete the survey found at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

Sincerely,

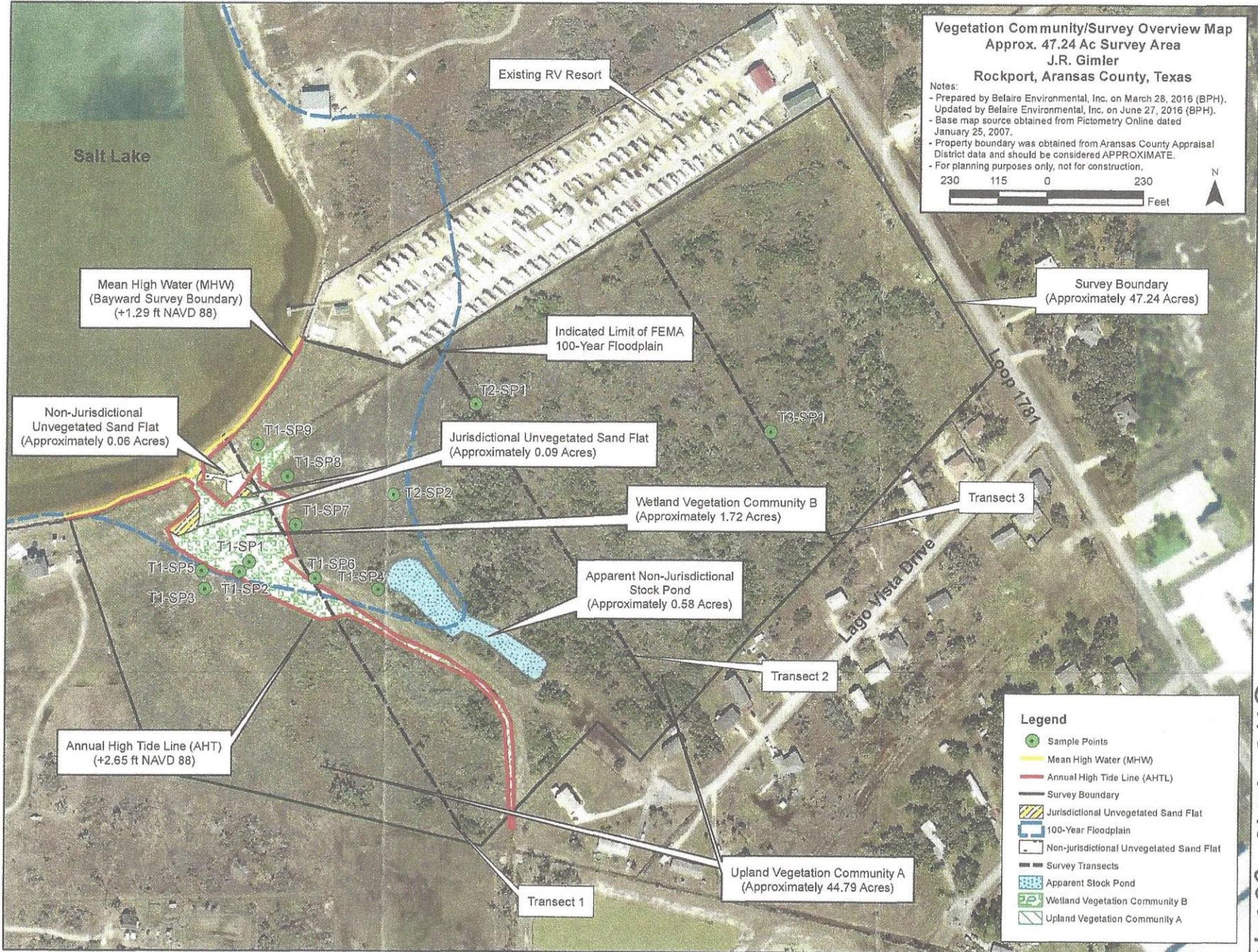


Matthew Kimmel  
Supervisor  
Corpus Christi Regulatory Field Office

Enclosures

Copy Furnished:

Belaire Environmental, Inc.  
Attn: Mr. B.J. Hill  
P.O. Box 741  
Rockport, TX 78381-0741



SWG-2016-00246

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: <b>Mr. J.R. Gimler</b>		File Number: <b>SWG-2016-00246</b>	Date: <b>July 1, 2016</b>
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)		B
	PERMIT DENIAL		C
<b>X</b>	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I – The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Ms. Kristie Brink  
Project Manager  
CESWG-RD-CC  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318  
361-814-5847 ext. 1005; FAX: 361-814-5912

If you only have questions regarding the appeal process you may also contact:

Mr. Elliott Carman  
Regulatory Appeal Review Officer  
Southwestern Division USACE (CESWD-PD-O)  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1731  
Telephone: 469-487-7061; FAX: 469-487-7199

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or authorized agent.

Date:

Telephone number:

*Mailed  
7-26-16*

LAUREN R BARNEBEY  
P O BOX 998  
ROCKPORT TX 78381-0998

JAMES & MAXINE SMITH  
3002 FM 1781  
ROCKPORT TX 78382-7713

WESTCOR LTD INC  
P O BOX 676  
CIBOLO TX 781080676

HAROLD COLLINS  
106 LAGO VISTA DR  
ROCKPORT TX 78382-7725

JAMES & MARY DALE  
112 LAGO VISTA DR  
ROCKPORT TX 78382-7725

JAVIER MARTINEZ  
1192 RIP JAY CIR  
CANYON LAKE TX 78133-4000

ADAM PHILIPPI  
P O BOX 236  
INGLESIDE TX 78362-0236

LIVE OAK ESTUARY LLC  
% HUGH DOBSON  
3701 DENVER AVE  
CORUS CHRISTI TX 78411-1313

DEREK HURST  
P O BOX 1951  
ROCKPORT TX 78381-1951

CODY & JUSTIN BELL  
P O BOX 1801  
CORPUS CHRISTI TX 78403-1801

FRANK & MARCELLA SIMMONS  
P O BOX 1994  
ROCKPORT TX 78381-1994

AURORA TRISTAN  
P O BOX 440  
ROCKPORT TX 78381-0440

DELBERT VON HEUVEL CONST INC  
3208 POE CV APT A  
LAGO VISTA TX 78645-6720

JAMES & RONNIE CARSON  
199 LAGO VISTA DR  
ROCKPORT TX 78382-7674

TERRI LONG  
P O BOX 924  
ROCKPORT TX 78381-0924

FERN QUINTERO  
8615 PENDRAGON ST  
SAN ANTONIO TX 78254-2055

TIMMIE & HELEN SMITH  
P O BOX 2316  
ROCKPORT TX 78381-2316

ANN EMERY  
P O BOX 2535  
ROCKPORT TX 78381-2535

JAMES & RONNIE CARSON  
199 LAGO VISTA DR  
ROCKPORT TX 78382-7674

TIMOTHY MURPHY  
178 LAGO VISTA DR  
ROCKPORT TX 78382-7725

ROBERT WOOD  
195 LAGO VISTA DR  
ROCKPORT TX 78382-7674

AARON & JAMIE MIKE  
189 LAGO VISTA DR  
ROCKPORT TX 78382-7674

TRIUMPH BUILDERS LLP  
411 W MARKET ST  
ROCKPORT TX 78382-4927

**CITY COUNCIL AGENDA**  
**Called Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 9**

Deliberate and act on first reading of an Ordinance pursuant to Article 23 “Conditional Use Permit,” Rockport Zoning Ordinance Number 1027, a Conditional Use Permit is hereby granted to property located 121-R Lamar Dr.; also known as Part of Lots 1, 2 and 3, Burton and Danforth, Block 230, 8.15 acres, Rockport, Aransas County, Texas, for the purpose of building a recreational vehicle park; subject to compliance with conditions contained in this Ordinance, as well as those conditions stipulated under Article 23, Rockport Zoning Ordinance Number 1027; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

**SUBMITTED BY:** Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Charles Hinson is seeking approval for a Conditional Use Permit on 8.15 acres of property that is currently zoned R-1 (1<sup>st</sup> Single-Family Residential District), located at 121-R Lamar Dr. Mr. Hinson’s intent is to construct an RV Resort Park. This property was formerly utilized as a Mobile Home Park prior to annexation by the City.

Upon preliminary review, the property meets the CUP Review Criteria as outlined in Article 23.4 of the Zoning Ordinance. However, the Planning & Zoning Commission raised several concerns about the development (see attached Conditional Use Preliminary Review sheet). The Future Land Use Map of the City’s Comprehensive Plan designates this area as low-density residential.

A public notice regarding this item was published in *The Rockport Pilot* in the Saturday, July 27, 2016, edition and mailed out to twenty-five property owners within a 200-foot radius of the property. A petition in opposition of the conditional use permit request was signed by thirteen of the surrounding property owners and received by the Building and Development Department on August 19, 2016. This item was also heard at a Joint Public Hearing with the City Council on August 23, 2016. Ten people spoke on the issue, all in opposition:

- April Clark, 142 Vercie Ln.
  - Ms. Clark was concerned about safety and limited road access. Roads in the area are 17 to 18 feet wide, and many people utilize space for outdoor activities.
- Candace Sargent, 214 Portia Ave. **(Property owner within 200 ft. of development)**
  - Ms. Sargent was concerned about flooding impacts to her home. The house was recently designated outside of the Special Flood Hazard Area, but the

property still floods. She is also concerned about safety, traffic impacts, emergency management, and the increase in crime.

- Nancy Norrell, 116 Spring Ln. **(Property owner within 200 ft. of development)**
  - Ms. Norrell gave a brief history of the neighborhood but was concerned about the devaluation of property in the area.
- Doug Norrell, 116 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mr. Norrell commented that according to City records, the last RV park approval within the city limits was in 2006.
- Kim Resendez, 218 Portia Ave. **(Property owner within 200 ft. of development)**
  - Ms. Resendez was concerned about flooding and drainage problems that already exist in the area, along with traffic concerns.
- K C Kimbrough, 122 Bishop Rd.
  - Mr. Kimbrough was concerned about the traffic capacity of the streets in the area. He was also concerned about flooding and stated that this site was being proposed in an area that was predominately residential.
- Doug Webb, 130 Lamar Dr. **(Property owner within 200 ft. of development)**
  - Mr. Webb was concerned about the nearby wetlands, drainage and flooding.
- Adrian Wilson, 130 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mr. Wilson wanted to know if they would be utilizing a mound septic system and if that was the case, how the development would impact groundwater. Most of the property owners in the area utilized water wells.
- Jeff Massengill, 134 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mr. Massengill was concerned about property valuations declining, groundwater contamination, drainage, and traffic impacts.
- Joe Wilson, 216 Portia Ave. **(Property owner within 200 ft. of development)**
  - Mr. Wilson was concerned about flooding and drainage issues in the area, traffic impact on the street, devaluation of property, and crime that could potentially be associated with the park.

A second public hearing for Planning & Zoning Commission was held on Monday, September 19. Sixteen people spoke at the hearing, all in opposition:

- April Clark, 132 Vercie Ln.
  - Ms. Clark was concerned about safety of citizens on streets and limited access to neighborhood from the highway.
- Leonard Russ, 146 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mr. Russ was concerned about flooding and narrow streets.
- Candace Sargent, 214 Portia Ave. **(Property owner within 200 ft. of development)**
  - Ms. Sargent was concerned about flooding in area despite being recently designated outside of the Special Flood Hazard Area. She was also concerned about groundwater contamination from septic systems, traffic safety, trash and crime.
- Adrian Wilson, 130 Spring Ln. **(Property owner within 200 ft. of development)**

- Mr. Wilson was concerned about groundwater contamination from the potential on-site septic system. He was also concerned that the park would turn into substandard housing.
- Sam Robertson, 215 Portia Ave.
  - Mr. Robertson was concerned about flooding, particularly because there had already been a problem with an individual blocking one of the natural drainage ways in the neighborhood.
- Nancy Norrell, 116 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mrs. Norrell was concerned that the quiet, tranquil atmosphere of the neighborhood would be changed.
- Lisa Kern, 207 Portia Ave.
  - Mrs. Kern was concerned with drainage, traffic safety, and vicinity to natural gas pipelines.
- Jeff Massengill, 134 Spring Ln. **(Property owner within 200 ft. of development)**
  - Mr. Massengill inquired about the City's master drainage plan in regards to the proposed development.
- K C Kimbrough, 122 Bishop Rd.
  - Mr. Kimbrough was concerned about traffic safety and drainage.
- Kim Resendez, 218 Portia Ave. **(Property owner within 200 ft. of development)**
  - Ms. Resendez shared photos of a flooding event in the neighborhood.
- David Watson, 42 West Wildwood Dr.
  - Mr. Watson explained that he had experienced a similar situation in his previous community where a higher-density development devalued his neighborhood. He expressed concerns about traffic and drainage.
- Georgette Harrison, 210 Portia Ave. **(Property owner within 200 ft. of development)**
  - Ms. Harrison was concerned about traffic safety and sanitary sewer at the property. She later also commented about the recent fire in the area and the lack of access to the neighborhood.
- Anna Robertson, 215 Portia Ave.
  - Ms. Robertson expressed concerns about traffic safety, impacts to the ecosystem, the lack of engineered plans with the proposed development, the natural gas pipeline that runs adjacent to the property, and potential crime to the area.
- Mark Williamson, 142 Freeze Ln.
  - Mr. Williamson asked the Commission to consider how they would feel if a similar property were proposed next to where they lived.
- Doug Webb, 130 Lamar Dr. **(Property owner within 200 ft. of development)**
  - Mr. Webb was concerned about drainage and the infrastructure necessary to make developing the proposed RV park feasible.
- Jennifer Ibrom, 146 Lamar Dr. **(Property owner within 200 ft. of development)**
  - Ms. Ibrom expressed concern about the road condition of Lamar Dr. and the lack of infrastructure at the proposed development.

Because more than twenty percent of the property owners have stated opposition to the project, this would require a supermajority approval by City Council to pass. If the item

were to be approved, the developers would be required to re-plat the property into one parcel prior to any site development of the property.

At the September 19, 2016, Planning and Zoning Commission meeting, the Commission voted unanimously to recommend that Council deny the rezoning request.

See the accompanying documentation for additional information.

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**FISCAL ANALYSIS:** N/A.

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**RECOMMENDATION:** Staff and the Planning & Zoning Commission send recommendation to deny the request for a Conditional Use Permit based on drainage concerns, access concerns, and the transference of the permit to any subsequent owner (Condition 3).

## STAFF PRELIMINARY PREVIEW

### Date:

TYPE OF REQUEST:	CUP
LOCATION:	121 Lamar Drive, Rockport, TX 78382
OWNER/AGENT:	Charles Hinson Representative: Spencer Fillmore
PROJECT DESCRIPTION:	12.606 acres for RV Park
APPLICATION DOCUMENTS NEEDED:	

### ARTICLE 23-CONDITIONAL USE PERMIT REVIEW CRITERIA:

- Areas of Concern:

	1. That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
X	2. That such use shall not adversely affect adjacent properties.
X	3. That such use is compatible with the existing or allowable uses of adjacent properties.
X	4. That such use can demonstrate that adequate public facilities, including roads, drainage, potable water and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
	5. That such use can demonstrate adequate provision for maintenance of the use in question along with any associated structures.
X	6. That such use has minimized, to the degree possible, adverse effects on the natural environment.
X	7. That such use will not create undue traffic congestion.
X	8. That such use will not adversely affect the public health, safety or welfare.
	9. That such use conforms to all applicable provisions of this Code.
	10. That such use is consistent with all applicable provisions of the comprehensive plan.

### NOTES:

### **Section 1. Conditional Use Permit**

That, pursuant to Article 23 “Conditional Use Permit” (CUP), Rockport Zoning Ordinance Number 1027, a CUP is hereby granted to property located; for the purpose of building a Recreational Vehicle park, on land located at 121 Lamar Drive, Rockport, Aransas County, Texas, subject to compliance with the following conditions as well as those conditions stipulated under Article 23, Rockport Zoning Ordinance Number 1027:

1. Upon approval of the Conditional Use Permit, a re-plat of the proposed site shall be required to be submitted and approved by the City of Rockport prior to any site development of the property.
2. The recreational vehicle park must meet standards as listed in Article 24.2.13, Regulation of Recreational Vehicle/Manufactured Housing Parks.
3. Any use other than that granted herein shall be treated as an amendment to the Conditional Use Permit and shall be required to re-submit a Conditional Use Permit request as outlined in the Zoning Ordinance.

The logo for the City of Rockport Office of Building & Development is a black rectangle with white text. The text is arranged in three lines: "CITY OF ROCKPORT" on the top line, "OFFICE OF BUILDING" on the middle line, and "& DEVELOPMENT" on the bottom line. All text is in a bold, sans-serif font.

**CITY OF ROCKPORT  
OFFICE OF BUILDING  
& DEVELOPMENT**

## Memo

**To:** Mayor and City Council  
**From:** Planning & Zoning Commission  
**CC:** City Manager Kevin Carruth  
**Date:** 09/20/2016  
**Re:** Commission action on requested re-zone request at 121 Lamar Dr.

---

At our meeting held September 19, 2016, the Planning & Zoning Commission discussed the request for a Conditional Use Permit (CUP) on property located at 121-R Lamar Dr; also known as Part of lot 1, 2, and 3, Burton and Danforth, Block 230, 8.15 acres, Rockport, Aransas County, Texas. The purpose of the request is to develop an RV Resort Park.

Over sixteen residents spoke out against the Conditional Use Permit request, citing reasons of traffic and pedestrian safety, drainage issues, potential groundwater contamination, trash, crime, and impacts to the native ecosystem.

The Commission voted unanimously to recommend to the City Council that this request be **denied** based on the following reasons:

- drainage problems and capacity in the neighborhood,
- traffic impacts, including access in an emergency event, and
- the transference of the permit to any subsequent owner, as shown in Condition 3.

Respectfully submitted,

Brian Olsen  
Chairman, Planning & Zoning Commission

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE PURSUANT TO ARTICLE 23 “CONDITIONAL USE PERMIT” (CUP), ROCKPORT ZONING ORDINANCE NUMBER 1027, A CUP IS HEREBY GRANTED TO PROPERTY LOCATED AT 121-R LAMAR DRIVE; ALSO KNOWN AS PART OF LOTS 1, 2 AND 3, BURTON AND DANFORTH, BLOCK 230, 8.15 ACRES, ROCKPORT, ARANSAS COUNTY, TEXAS; FOR THE PURPOSE OF BUILDING A RECREATIONAL VEHICLE PARK; SUBJECT TO COMPLIANCE WITH CONDITIONS LISTED IN THIS ORDINANCE, AS WELL AS THOSE CONDITIONS STIPULATED UNDER ARTICLE 23, ROCKPORT ZONING ORDINANCE NUMBER 1027; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an application for a Conditional Use Permit was received in the office of the Building Department, Rockport, Texas; and

**WHEREAS**, On July 27, 2016 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City’s webpage [www.cityofrockport.com](http://www.cityofrockport.com); and

**WHEREAS**, on July 27, 2016 notice was mailed to affected property owners within 200’ of subject property; and

**WHEREAS**, on July 30, 2016 the City caused to be published “Notice of Joint Public Hearing” in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

**WHEREAS**, on August 23, 2016 at 6:30 p.m., the Rockport City Council did hold a Public Hearing; and

**WHEREAS**, on September 19, 2016 at 5:30 p.m., the Planning & Zoning Commission did hold a public hearing, meet and said Commission voted unanimously to recommend to the City Council to accept and approve this request for a Conditional Use Permit to property located at 121-R Lamar Dr.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT TEXAS:**

**SECTION 1 – CONDITIONAL USE PERMIT**

That, pursuant to Article 23 “Conditional Use Permit” (CUP), Rockport Zoning Ordinance Number 1027, a CUP is hereby granted to property located; for the purpose of building a

Recreational Vehicle park, on land located at 121-R Lamar Drive, Rockport, Aransas County, Texas, subject to compliance with the following conditions as well as those conditions stipulated under Article 23, Rockport Zoning Ordinance Number 1027:

1. Upon approval of the Conditional Use Permit, a re-plat of the proposed site shall be required to be submitted and approved by the City of Rockport prior to any site development of the property.
2. The recreational vehicle park must meet standards as listed in Article 24.2.13, Regulation of Recreational Vehicle/Manufactured Housing Parks.
3. Any use other than that granted herein shall be treated as an amendment to the Conditional Use Permit and shall be required to re-submit a Conditional Use Permit request as outlined in the Zoning Ordinance.

## **SECTION 2 - REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed.

## **SECTION 3 - SEVERABILITY**

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

## **SECTION 4 - EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption by second and final reading.

**APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second and final reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary



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**JOINT PUBLIC HEARING**  
**Rockport City Council**  
**and**  
**Planning & Zoning Commission**

**NOTICE** is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, August 23, 2016, at 6:30 p.m., at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request for a Conditional Use Permit on property located at 121-R Lamar Drive; also known as part of Lots 1, 2 and 3 (8.15 acres), Block 230, Burton & Danforth Subdivision, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District) to Conditional Use Permit Overlay. Purpose of the request is to allow development of an RV park.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

**POSTED:** the 27<sup>th</sup> day of July, 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com).

**PUBLISHED** in *The Rockport Pilot* in the July 30, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

---

Diana R. Leonard, Administrative Assistant



RECEIVED  
JUL 12 2016  
BY: MB

**CITY OF ROCKPORT  
ZONING AND LAND DEVELOPMENT APPLICATION**

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning  Conditional Permit   
Planned Unit Development (P.U.D.) by Conditional Permit [ ]

B. ADDRESS AND LOCATION OF PROPERTY 121 Lamar Drive

C. CURRENT ZONING OF PROPERTY: Residential

D. PRESENT USE OF PROPERTY: Mobile Home Park / Vacant Land

E. ZONING DISTRICT REQUESTED: \_\_\_\_\_

F. CONDITIONAL USE REQUESTED: RV Park

G. LEGAL DESCRIPTION: (Fill in the one that applies)

• Lot or Tract 2, 3 Block 230

• Tract See Metes and Bounds of the \_\_\_\_\_  
Survey as per metes and bounds (field notes attached)

• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) \_\_\_\_\_

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 12.606

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:  
(Please be specific)

Mobile Home Park was annexed by city and owner desires to build upscale RV resort.

K. OWNER'S NAME: (Please print) Charles Hinson  
ADDRESS: 2176 Crane Hawk  
CITY, STATE, ZIP CODE: League City TX 77573  
PHONE NO 832 221 8015

L. REPRESENTATIVE: (If Other Than Owner) Spencer Fillmore  
ADDRESS: 269 Nec Perce Ave  
CITY, STATE, ZIP CODE: Rexburg, ID 83440  
PHONE NO 509 307 0706

**NOTE:** Do you have property owner's permission for this request?  
YES  NO

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

**(Make check payable to the City of Rockport)**

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed:   
(Owner or Representative)

**(FOR CITY USE)**

Received by: MB Date: 7-14-16 Fees Paid: \$ 276.06

Submitted Information (  accepted ) (  rejected ) by: \_\_\_\_\_

If rejected, reasons why: \_\_\_\_\_

Receipt No. \_\_\_\_\_

## Meets and Bounds

12.606 acres of land to be platted out of portions of tracts 2 and 3, Landblock 230, Burton and Danforth Subdivision as shown by plat of record in Volume 1, Pages 62 and 63, of the Plat Records of Aransas County Texas and being bound on the north by Lamar Drive, a public street.

Beginning at a 5/8 iron rod set for the point of intersection of the Division Line between Tracts 3 and 4 of said Landblock 230 with the south Right of Way line of Lamar Drive for the northwest corner of this Tract;

Thence, South 34 degrees, 42 minutes, 37 seconds West (34D, 42', 50") along and with the division line between Tracts 3 and 4 a distance of 306.86 feet to a 5/8 inch iron rod set for the North corner of lot 18 of Encinos Al Mar, Unit 2 Subdivision, and the southwesterly Right of Way line of a 30-foot (30') Florida Gas Pipeline Right of Way for the southwest corner of this Tract;

Thence, South 53 degrees, 52 minutes, and 00 seconds (53D, 52', 00") along and with the Northeasterly line of lots 12 through 18, Encinios Al Mar, Unit 2 Subdivision, and the southwesterly Right of Way line of said Florida Gas Pipeline Easement a distance of 1086.987 feet (1086.987') to a 5/8 inch iron rod set for the Southeast corner of this Tract;

Thence, South 35 Degrees, 20 Minutes, 00 Seconds West (35D, 20', 00"), a total distance of 479.584 feet (479.584');

Thence, South 53 Degrees, 50 Minutes, 11 Seconds East (53D, 50', 11") a total distance of 504.123 feet (504.123');

Thence, South 36 degrees, 9 Minutes, 49 seconds West (36D, 9', 49") a total distance of 120.62 feet (120.62');

Thence, North 89 Degrees, 21 minutes, 01 second West (89D, 21', 01" ) a total distance of 96.532 feet (96.532');

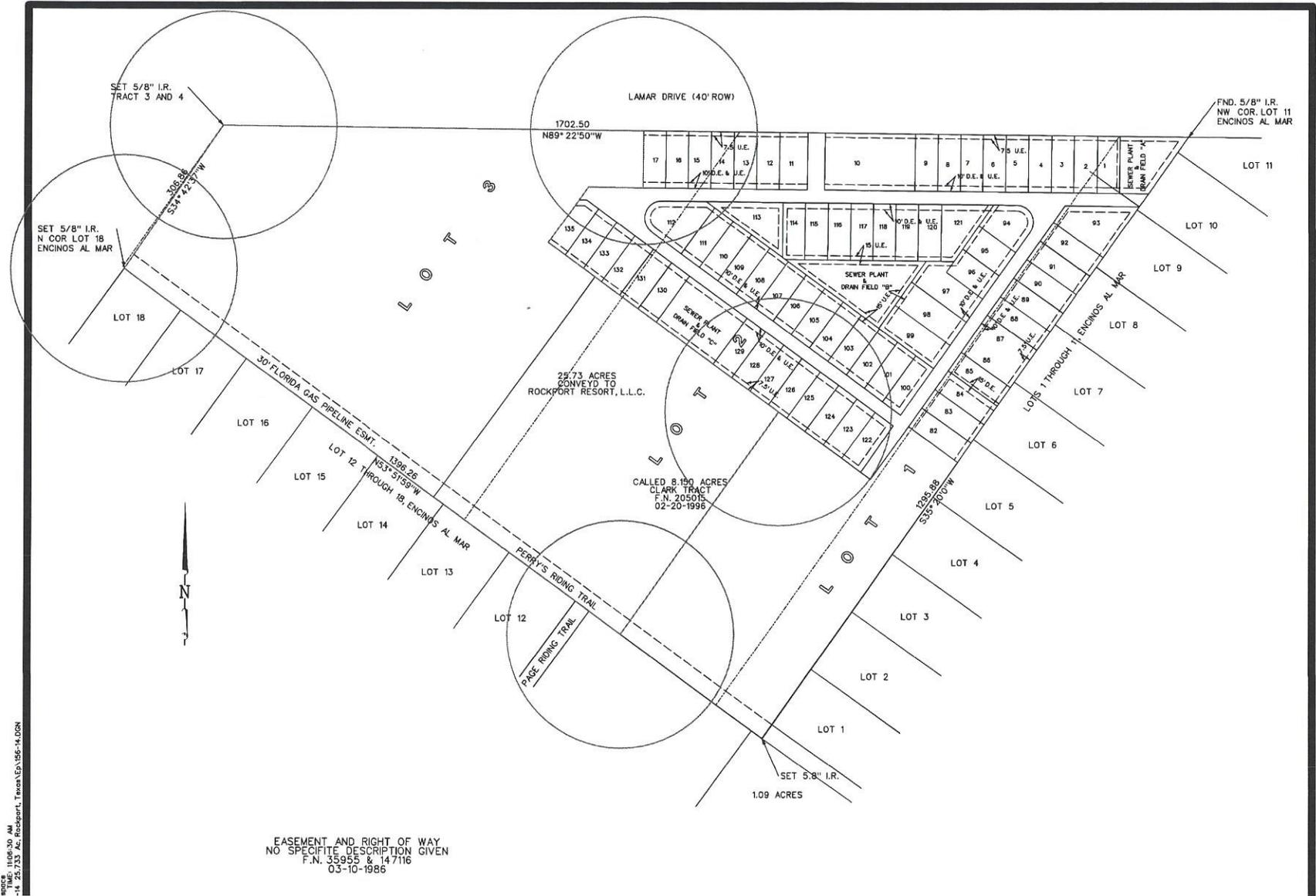
Thence, South 0 Degrees, 38 Minutes, 59 seconds West (0D, 38', 59") a total distance of 100 feet (100');

Thence, North 89, 21 minutes, 01 seconds west (89D, 21', 01") a total distance of 742.5 feet to the place of beginning and containing 12.606 acres of land, more or less.

CONNECTEXPLORER



map: Auto 01/16/2014 (2014) image 1 of 3



11:00:30 AM  
 2/14/2012 2:28:45 AM  
 C:\rockport\Terra\Exp\156-14.DGN

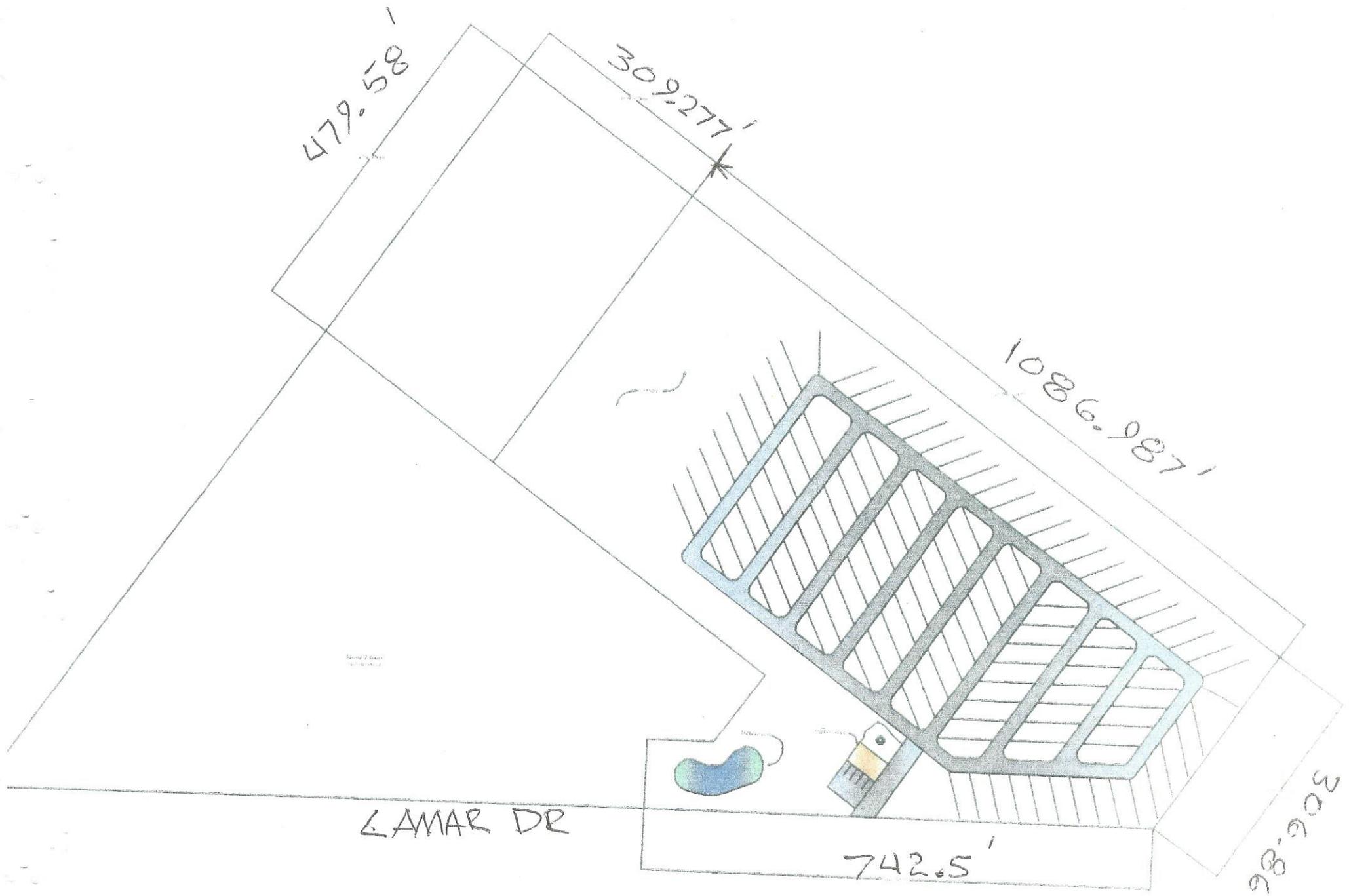
EASEMENT AND RIGHT OF WAY  
 NO SPECIFIC DESCRIPTION GIVEN  
 F.N. 35955 & 147116  
 05-10-1986

Property Identification #: 51318	Property Information: 2016	Owner Identification #: 74843
Geo ID: 0848-230-001-002 Situs: 121-R LAMAR DR Address: ROCKPORT, TX 78382 Property Type: Real State Code: C1	Legal Description: BURTON & DANFORTH, BLOCK 230, LOT PT OF 1, 2 & 3, ACRES 8.15 Abstract: S0848 Neighborhood: NULL Appraised Value: N/A Jurisdictions: CAD, CRO, GAR, NVD, SAR, XSP	Name: HINSON TILMON D Exemptions: DBA: NULL



Aransas CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Aransas County Appraisal District expressly disclaims any and all liability in connection herewith.



*Mailed  
7-29-16*

ROCKPORT RESORT LLC  
2176 CRANE HAWK LANE  
LEAGUE CITY, TX 77573

SPENCER FILLMORE  
269 NEC PERCE AVE  
REXBURG, ID 83440

PATRICIA D STROAD  
23452 DUNE MEAR RD  
LAKE FOREST, CA 92630-3814

VICTOR & ALMA GUERRERO  
3714 CAPRI DR  
CORPUS CHRISTI TX 78415-3315

LEON & DEBBIE SHIELDS  
P O BOX 2632  
ROCKPORT TX 78381-2623

MONTPIERRE HOLDINGS LLC  
1404 ARLINGTON ST  
HOUSTON TX 77008

STONE MOUNTAIN PERTOLEUM LLC  
1404 ARLINGTON  
HOUSTON TX 77008-4567

GEORGE D WEBB  
P O BOX 2593  
ROCKPORT X 78381-2593

GEO C GAINES JR ETAL  
UNKNOWN 99999-9999

KEITH & JENNIFER IBROM  
101 MARKHAM PL  
PORTLAND TX 78374-1417

GERALDINE BALDRREE  
P O BOX 2476  
ROCKPORT TX 78381-2476

ADAM NESLONEY ETUX KY A  
P O BOX 2699  
ROCKPORT TX 78381-2699

CARLOS & KIM RESENDEZ  
218 PORTIA AVE  
ROCKPORT TX 78382-9791

JUAN & KIM RESENDEZ  
218 PORITA AVE  
ROCKPORT TX 78382-9791

KATHRYN & JOSEPH WILSON  
216 PORTIA AVE  
ROCKPORT TX 78382-9791

CANDACE SARGENT  
P O BOX 2656  
ROCKPORT TX 78381-2656

DENNIS & GEORGETTE HARRISON  
P O BOX 48  
ROCKPORT TX 78381-0048

KEVIN KALMAR  
210 PARITA AVE  
ROCKPORT TX 78382-9791

RICHARD EARL SPARKS ETUX  
P O BOX 844  
ROCKPORT TX 78381-0844

D L NORRELL ETUX  
P O BOX 564  
ROCKPORT TX 78381-0564

CLAUDE & AMY WILSON  
130 SPRING LN  
ROCKPORT TX 78382

JEFFREY MASSENGILL &  
JONNA DAVIDSON  
134 SPRING LANE  
ROCKPORT TX 78382-5518

JOEY & DEANA DOMINIQUE  
138 SPRING LN  
ROCKPORT TX 78382-5018

STUART WILLIAMS &  
MARGARET VAUGHAN  
4715 THORNTON CIR  
HOUSTON TX 77018-3241

LEONARD J RUSS  
146 SPRING LANE  
ROCKPORT TX 78382-5018

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

---

**AGENDA ITEM: 10**

Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Volume 2, Page 116, Map Records of Aransas County, Texas; from R-1 (1<sup>st</sup> Single Family Dwelling District), to B-1 (General Business District); repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

**SUBMITTED BY:** Community Planner Amanda Torres

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** Travis and Elizabeth Kelley have submitted an application seeking approval for a rezoning request on 0.112 acres of property that is currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District), located at 2201 State Highway 35 Bypass. The property owners intend to use the land as the site of a utility trailer sales lot. Because this property was incorporated into the city as part of a previous annexation, this and surrounding properties were designated as R-1 (1<sup>st</sup> Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory). The Future Land Use Map of the City's Comprehensive Plan designates this area as commercial/business.

A public notice regarding this item was published in *The Rockport Pilot* in the Wednesday, August 24, 2016 edition and mailed out to eight property owners within a 200-foot radius of the property. No letters in support or opposition were received. This item was also heard at a Joint Public Hearing with the City Council on September 13, 2016. The property owner spoke about the project. At the September 19, 2016, Planning and Zoning Commission meeting, the Commission voted unanimously to recommend to Council that the requested rezoning be approved.

See the accompanying documentation for additional detail.

---

**FISCAL ANALYSIS:** N/A.

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**RECOMMENDATION:** Staff and the Planning & Zoning Commission recommend Council approve the first reading of an Ordinance granting the rezone request at 2201 State Highway 35 Bypass to change the zoning district from R-1 (1<sup>st</sup> Single Family Dwelling District), to B-1 (General Business District).

**CITY OF ROCKPORT  
OFFICE OF BUILDING  
& DEVELOPMENT**

## Memo

**To:** Mayor and City Council  
**From:** Planning & Zoning Commission  
**CC:** City Manager Kevin Carruth  
**Date:** 09/20/2016  
**Re:** Commission action on requested re-zone request at 2201 State Highway 35 Bypass

---

At our meeting held September 19, 2016, the Planning & Zoning Commission discussed the request to rezone property located at 2201 State Highway 35 Bypass; also known as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District), to B-1 (General Business District). The purpose of the request is to allow development of a utility trailer sales lot.

Because this property was incorporated into the city as part of a previous annexation, this and surrounding properties were designated as R-1 (1<sup>st</sup> Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory). The Future Land Use Map of the City's Comprehensive Plan designates this area as commercial/business.

The Commission voted unanimously to recommend to the City Council that this request be approved.

Respectfully submitted,

Brian Olsen  
Chairman, Planning & Zoning Commission

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ARTICLE 4 OF THE CITY OF ROCKPORT ZONING ORDINANCE NUMBER 1027 BY CHANGING THE ZONING OF LAND LOCATED AT 2201 STATE HIGHWAY 35 BYPASS; ALSO DESCRIBED AS LOT 44 (WEST 100' X 49'), BLOCK 1, WEST TERRACE UNIT 2, ROCKPORT, VOLUME 2, PAGE 116, MAP RECORDS OF ARANSAS COUNTY, TEXAS; FROM R-1 (1<sup>ST</sup> SINGLE FAMILY DWELLING DISTRICT), TO B-1 (GENERAL BUSINESS DISTRICT); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a request to re-zone property was received in the office of the Building Department, Rockport, Texas; and

**WHEREAS**, on August 19, 2016 notice was posted on the bulletin boards at Rockport City Hall, 622 E. Market Street and Rockport City Hall Annex, 621 E. Market Street and on the City's webpage [www.cityofrockport.com](http://www.cityofrockport.com); and

**WHEREAS**, on August 19, 2016 notice was mailed to affected property owners within 200' of subject property; and

**WHEREAS**, on August 24, 2016 the City caused to be published "Notice of Joint Public Hearing" in the official newspaper of the City notifying area residents and the public in general to participate and make their views known regarding this request; and

**WHEREAS**, on September 13, 2016 at 6:30 p.m., the Rockport City Council and the Planning & Zoning Commission did hold a Joint Public Hearing; and

**WHEREAS**, on September 19, 2016 the Planning & Zoning Commission did meet and said Commission voted unanimously to recommend to the City Council to accept and approve this request to re-zone property, located at 2201 State Highway 35 Bypass from R-1 (1st Single Family Dwelling District), to B-1 (General Business District).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT TEXAS:**

**SECTION 1 – AMENDMENT**

That, pursuant to Article 4 of the City of Rockport Zoning Ordinance Number 1027, the current zoning of land located at 2201 State Highway 35 Bypass; also described as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, volume 2, page 116, Map Records of Aransas County, Texas; be changed from R-1 (1st Single Family Dwelling District), to B-1 (General Business District).

**SECTION 2 - REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed.

**SECTION 3 - SEVERABILITY**

It is the intention of the City Council of the City of Rockport that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION 4 - EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption by second and final reading.

**APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF ROCKPORT, TEXAS

\_\_\_\_\_  
Charles J. Wax, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second and final reading, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF ROCKPORT, TEXAS

\_\_\_\_\_  
Charles J. Wax, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Valdez, City Secretary



---

**JOINT PUBLIC HEARING**  
**Rockport City Council**  
**and**  
**Planning & Zoning Commission**

**NOTICE** is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, September 13, 2016, at 6:30 p.m. at Rockport City Hall, 622 E. Market Street, Rockport, Texas, to consider a request to rezone property located at 2201 State Highway 35 Bypass; also known as Lot 44 (West 100' x 49'), Block 1, West Terrace Unit 2, Rockport, Aransas County, Texas, currently zoned R-1 (1<sup>st</sup> Single Family Dwelling District), to B-1 (General Business District). The purpose of the request is to allow development of a utility trailer sales lot.

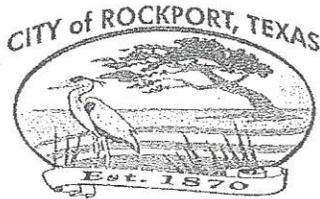
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail [citysec@cityofrockport.com](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

**POSTED** the 19<sup>th</sup> day of August 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com).

**PUBLISHED** in *The Rockport Pilot* in the Wednesday, August 24, 2016, Edition, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

  
\_\_\_\_\_  
Diana R. Leonard, Administrative Assistant



RECEIVED  
AUG 15 2016  
BY: KF

**CITY OF ROCKPORT  
ZONING AND LAND DEVELOPMENT APPLICATION**

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning  Conditional Permit [ ]  
Planned Unit Development (P.U.D.) by Conditional Permit [ ]

B. ADDRESS AND LOCATION OF PROPERTY 2201 S Hwy 35 Byp-SS

C. CURRENT ZONING OF PROPERTY: Residential

D. PRESENT USE OF PROPERTY: Vacant land

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: \_\_\_\_\_

G. LEGAL DESCRIPTION: (Fill in the one that applies)

• Lot or Tract Lot 44 Block 1

• Tract \_\_\_\_\_ of the \_\_\_\_\_  
Survey as per metes and bounds (field notes attached)

• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) \_\_\_\_\_

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 4,900 sq ft

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:  
(Please be specific)

Want to Rezone the Property to open Utility Trailer  
Sales lot.

K. OWNER'S NAME: (Please print) Trauers and Elizabeth Kelley  
 ADDRESS: 1703 W Corpus Christi St  
 CITY, STATE, ZIP CODE: Rockport, TX 78382  
 PHONE NO 361-633-8303

L. REPRESENTATIVE: (If Other Than Owner) \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY, STATE, ZIP CODE: \_\_\_\_\_  
 PHONE NO \_\_\_\_\_

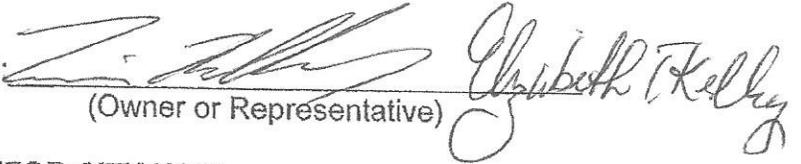
**NOTE:** Do you have property owner's permission for this request?  
 YES \_\_\_\_\_ NO \_\_\_\_\_

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed:   
 (Owner or Representative)

(FOR CITY USE)

Received by: Kerri Falkner Date: 8/15/14 Fees Paid: \$ 150.00

Submitted Information ( X accepted) ( \_\_\_\_\_ rejected) by: KF

If rejected, reasons why: \_\_\_\_\_

Receipt No. \_\_\_\_\_





1.223 Acres  
CF #144052

LOT 43

FND. 3/8" STEEL REBAR  
0.52' N. & 0.1' W OF  
FND. 5/8" STEEL REBAR

N70°48'38"W 50.65

FND. 5/8" STEEL REBAR

100.0

D = 00°30'36"  
R = 11,239.16  
CH = 100.04  
T = 50.02  
L = 100.04

Remainder of Out Lot 35  
Aransas Pass  
Colonization Subdivision  
John Smith Survey A-187

NORTH 100.0'  
LOT 44  
Save & Except  
Highway R.O.W.

Edge of Asphalt Pavement

TEXAS HIGHWAY 35 BYPASS  
440' R.O.W. (Not to Scale)

S19°00'00"W

FND. 5/8" STEEL REBAR

S70°48'38"E 47.57

FND. 5/8" STEEL REBAR

SOUTH 50.0'  
LOT 44  
Vol. 116, Pg. 105  
D.R.A.C.T.

Hand Drawings of property at 2201 St 35 Bypass intended use located at 2201 St 35 Bypass

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 3-4-85, AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS (OR) IS NOT X LOCATED IN A "SPECIAL FLOOD HAZARD AREA," ZONE C, BASE ELEVATION N/A, PANEL NO. 0149C, COMMUNITY NO. 485452. THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE ABOVE REFERENCED MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "B" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

**COPYRIGHT NOTICE**

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THIS ORIGINAL WORK IS PROTECTED UNDER COPYRIGHT LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

NORTH 100.0 FEET OF LOT NO. 44, BLOCK NO. 1  
WEST TERRACE ACRES SUBDIVISION UNIT 2  
VOLUME 2, PAGE 116, MAP RECORDS  
ARANSAS COUNTY, TEXAS, SAVE AND EXCEPT  
THAT PORTION CONVEYED FOR HIGHWAY 35, RELIEF ROUTE.

SCALE 1" = 20' JUNE 10, 2015

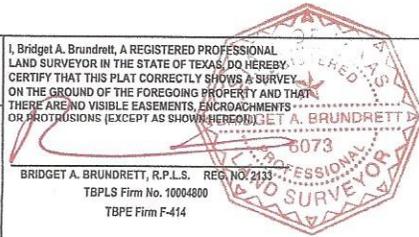
Filename: 150610d3

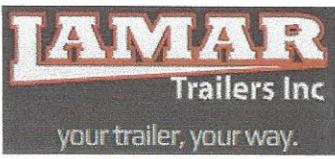
I, Bridget A. Brundrett, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON).

**Griffith & Brundrett**  
Surveying & Engineering, Inc.  
411 S. Pearl St., P.O. Box 2322  
Rockport, Texas 78381  
☎: 361-729-6479  
☎: 361-729-7933  
✉: jerryb@gsurveyor.com  
🌐: www.gssurveyor.com

Buyer: Travis Kelley  
and Elizabeth Kelley  
Title Co: Stewart Title/Rockport

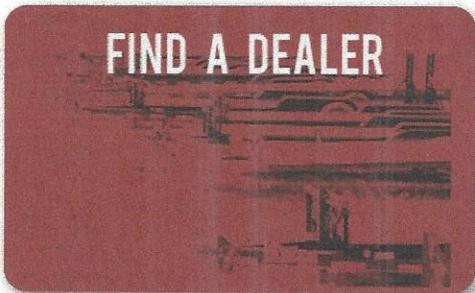
BRIDGET A. BRUNDRETT, R.P.L.S. REG. NO. 2133  
TBPLS Firm No. 10004800  
TBPE Firm F-414





Screenshot of Manufacturer's Website.

HOME



SIGNUP FOR OUR NEWS-LETTER

Sign Up



TRAVIS & ELIZABETH KELLEY  
1703 W CORPUS CHRISTI ST  
ROCKPORT TX 78382-6300

GERALD & JO PERCIVAL  
208 W WALNUT  
BLUE SPRINGS MO 64014-3061

WILLIAM D WALKER III  
P O BOX 2952  
CORPUS CHRISTI TX 78403-2952

AZ SOUTHWEST PROPERTIES LLC  
7000 N 16<sup>TH</sup> ST, STE 120 #508  
PHOENIX AZ 85020-5547

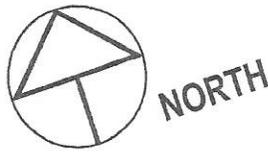
DAVID & JOCELYN PRIDDY  
333 LAZY RD  
ROCKPORT TX 78382-7015

JIMMY & CHERYL CLARK  
P O BOX 442  
ROCKPORT TX 78381-0442

KLUGE FAMILY PROPERTIES LTD  
P O BOX 2323  
ROCKPORT TX 78381-2323

BILL WRITMANN  
P O BOX 1367  
SINTON TX 78387

*mailed  
8.22.16*



1.223 Acres  
CF #144052

LOT 43

FND. 3/8"  
STEEL REBAR  
0.52' N. & 0.1' W OF  
FND. 5/8"  
STEEL REBAR

N70°48'38"W

50.65

FND. 5/8"  
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VOLUME 2, PAGE 116, MAP RECORDS  
ARANSAS COUNTY, TEXAS, SAVE AND EXCEPT  
THAT PORTION CONVEYED FOR HIGHWAY 35, RELIEF ROUTE.

SCALE 1" = 20'

JUNE 10, 2015

Filename: 150610d3

I, Bridget A. Brundrett, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON).

**Griffith & Brundrett**  
Surveying & Engineering, Inc.

411 S. Pearl St., P.O. Box 2322  
Rockport, Texas 78381

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Phone: 361-729-7933

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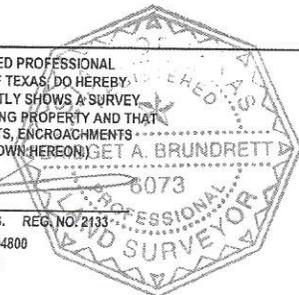
Website: www.gsurveyor.com

Buyer: Travis Kelley  
and Elizabeth Kelley  
Title Co: Stewart Title/Rockport

BRIDGET A. BRUNDRETT, R.P.L.S. REG. NO. 2133

TBPLS Firm No. 10004800

TBPE Firm F-414



**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 11**

Deliberate on request for stipend incentive to downtown businesses that elect to open their restrooms to the public.

**SUBMITTED BY:** Mayor Charles J. Wax

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Attached is the Rockport Cultural Arts District letter sent to the downtown merchants in July. This letter is in direct response to the Rockport Cultural Arts District (RCAD) survey conducted as a community outreach/communication requirement from the Texas Commission on the Arts when RCAD was seeking the State designation. RCAD received over 500 survey responses and the consistently rated and most requested feature was public restrooms.

RCAD has been successful in achieving the designation and further City approval of the downtown public bathrooms via monthly stipend will reflect tangible support of community input. RCAD had consistent feedback that lack of downtown public bathrooms has been a topic of concern for over a decade.

RCAD will include downtown public bathrooms on its Walkability/Transportation Map, which will be provided to the many thousands of tourists each year, and local residents/shoppers, in hard copy as well as electronically.

RCAD has proposed that the City of Rockport pay a monthly stipend to those businesses who elect to open their restrooms to the public. The stipend would not be allocated to any specific item, (paper products, cleaning, etc.), but rather is a flat amount for public access paid regardless of level of usage, with the funds being used at the discretion of the business owner. The City would provide Public Restroom signs for those participating as well as continue to add portable restrooms during major events as it has in the past.

The original goal was to have two public restrooms per block (one on each side of Austin Street) with availability seven days a week. RCAD Board Members canvassed all downtown business and the following three responded affirmatively:

1. Rockport-Fulton Chamber of Commerce – 319 Broadway (closed Sunday)
2. Coastal Bend Health Foods – 111 North Austin Street (closed Sunday and Monday)
3. Rockport Daily Grind – 302 South Austin Street (closed Sunday and Monday)

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**FISCAL ANALYSIS:** The proposed monthly stipend is \$100 per month, \$1,200 annually, for each participating business. Sign expense would be a onetime cost of approximately \$35-\$50 per sign, depending upon size and design.

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**RECOMMENDATION:** Not an action item.

## ***Rockport Cultural Arts District***

***902 E. Cornwall***

***Rockport, TX 78382***

July 11, 2016

Downtown Merchants

Rockport, Texas

Dear Merchants,

Almost all of you participated in the Rockport Cultural Arts District Survey and provided excellent feedback on what your vision of enhancements to the District would be. Thank you very much for participating and sharing your input!

The consistently rated and most requested feature was Public Restrooms. Additional top features were Shade Amenities, and Benches and Seating. Outdoor art, murals and performance space were also very highly rated. Live music, dining, and nightlife options were the most highly rated for types of entertainment and experiences.

The RCAD Board has been working to accomplish the most requested feature through various avenues. One avenue which appears to be an immediate and potential win-win resolution is for Public Restrooms to be available within the existing businesses in the District. This would be accomplished with an incentive for those businesses electing to participate by making their bathrooms available to the public.

RCAD is in discussion with The City of Rockport to pay a stipend to those businesses who elect to open their restrooms to the public. This monthly stipend would not be allocated to any specific item, (paper products, cleaning, etc.), rather a flat amount for public access would be paid monthly regardless of level of usage, and the funds would be used at the discretion of the business owner.

The City would provide Public Restroom signs for those participating, the Public Restroom would be recognized on the RCAD Map available to visitors, and additional directional signs may be placed to steer tourists to your place of business for use of the public restroom.

An obvious benefit for your business would be to bring in potential customers. The benefit to The City would be Public Restrooms that are provided without the costs of construction, operation and maintenance of a new facility that would not directly benefit existing businesses in the downtown area. The program, and your participation, would be completely voluntary and adjustable, as the ongoing need may be addressed through new amenities to the area.

The goal is to have 2 Public Restrooms per block with access available 7 days a week. Consideration of the dynamics of the business owners interested, their potential available facilities, and their strategic locations will be reviewed and incorporated into the RCAD recommendation to The City. The City will continue the practice of adding additional portable restrooms during major events as it has done in the past.

The RCAD has committed to championing this initiative and request your feedback. Please respond by July 31<sup>st</sup> to either Jennifer Day or Stan Armstrong, contact information noted below, if you are or are not interested in participating. If you are interested, please describe your Public Bathroom, i.e. Male/Female/Handicapped, number of stalls, and hours of accessibility. RCAD will review responses, compile data, make recommendations, and target communication to The City in August for their approval.

We all recognize the potential artist growth to the Rockport-Fulton area and the link to having the basic supporting amenities for those who visit the District. RCAD looks forward to steering the resolution of this specific initiative, and aiming to achieve the next.

Kind regards,

Jennifer Day

Chair, RCAD

Email: [jdayrose@gmail.com](mailto:jdayrose@gmail.com)

Cell: 214-395-7156

Stan Armstrong

Vice Chair, RCAD

Email: [sarm41@juno.com](mailto:sarm41@juno.com)

Cell: 214-796-1806

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 12**

Deliberate and act on first reading of an Ordinance of the City of Rockport authorizing a pro-rata reimbursement to Circle W RV Ranch for development of a water line affecting property and property owners along Smokehouse Road; providing for a pro-rata payment from benefited property owners who request to connect to the water utilities during the reimbursement period; providing for developer to be reimbursed from the pro-rata funds received; and providing an effective date and a termination date.

**SUBMITTED BY:** Public Works Director Mike Donoho

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The accompanying Section 102-14 of the Code of Ordinances details the procedure for developers to seek reimbursement for extension of water and sewer mains. Circle W RV Ranch paid 100 percent of the \$215,895.00 cost to extend a water line to their property. Fourteen parcels owned by others also benefit from this line extension and the proposed ordinance allows Circle W RV Ranch to be reimbursed by each of the other property owners based on the linear front footage of their respective parcels.

There have been several telephone calls and visits from property owners along Smokehouse Road who do not agree with how the pro-rata shares are calculated. A letter from one property owner is attached.

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**FISCAL ANALYSIS:**

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**RECOMMENDATION:** Staff recommends City Council approve the first reading of the Ordinance, as presented.

Dear Mrs. Valdez

I have been a winter tenant for 23 years and own property at 106 Stewart Lane, I am unable to attend the meeting on circle (W) water line into the park, because I am still in Ill.

It seems the ratio in exhibit "A" extremely favors circle (W) A. V. park.

The park has at least 250 sites, or as many as the new septic system will hold (see E. P. 12. for details) compare the 250 sites with app 2 persons per site = 500 people then compare the 12 land owners with app 3 persons per site = 36 people.

Paying for front footage is not fair compared to the usage and profits of circle (W).

Holding the 12 land owners hostage for 7 years is unreal (sect 5).

I was not given a notice on Sept 7th 2016.

The notice I received was mailed on Sept 8th 2016.

I received it in Illinois on Sept 12th 2016.

I hope the council can at least give the twelve land owners some relief on this problem.

would you please pass this letter on to the council members.

Please excuse my writing (computer is down.)

Sincerely yours

T. E. Williams

Box 244

Wendouson Ill 61439

**City of Rockport**  
**Code of Ordinances**

**Sec. 102-14. Developer participation agreement for extension of water and wastewater mains.**

(a) A developer shall make application for proposed water or wastewater line extension to the public works director and shall supply all necessary information (maps, diagrams, engineering reports, etc.) concerning the line extension, as may be required. Utility job estimate charges shall apply as per this article.

(b) Upon compiling all necessary and required information, the public works director shall prepare a cost estimate.

(c) A proposal for water or wastewater main extension shall be made subject to all city conditions, which may include but not be limited to the following:

(1) All necessary mains, line, fire hydrants, gate valves and other fittings shall be furnished and installed at the cost of the developer by a qualified utility contract. All work shall be under the director of the city engineer and the public works director, or as otherwise agreed;

(2) The pipe diameter of any main to be extended shall be determined by the city engineer and the director of utilities;

(3) No extension of any main or service line shall be laid except in a dedicated street, public road or approved easement;

(4) Such mains, lines, fire hydrants and gate valves and other fittings, upon completion of testing and acceptance by the city, shall become the property of the city and the city shall have full control, management and jurisdiction of such lines, mains, fire hydrants and gate valves; and

(5) The city shall receive all revenues for water or wastewater service provided through such mains or lines.

(d) The developer making such extension may be entitled to reimbursement not to exceed the costs of materials and installation of such extension main, for the length of the main extension, minus the developer's pro rata share. Any reimbursement shall be paid only out of funds received for such reimbursement as herein provided.

(1) Developer shall make written request for a pro rata agreement to the public works director, no later than 30 days after the completion of the line extension. The developer

shall furnish to the public works director satisfactory evidence as to the actual cost of such extension, as well as an administrative fee of \$500.00. The amount of such costs as finally determined by the public works director shall be conclusive for the purpose of reimbursement under this section. The costs may include engineering directly associated with the developer's application.

(2) Before any reimbursement is made, there shall be a written contract between the city and developer pursuant to and in accordance with this section.

(e) Within 30 days upon final determination of costs by the public works director, the city council will consider an ordinance that allows a pro rata reimbursement with a developer who has paid for installation of either a water or wastewater extension, pursuant to this section.

(f) Any ordinance approving a developer's agreement that allows a pro rata reimbursement provision with a developer who has paid for installation of either a water or wastewater main extension, pursuant to this section, shall set forth the legal property description of each lot or tract affected by such agreement and the amount of costs to be reimbursed upon connection to the line by each property owner affected, and shall be recorded in the Official Public Records of Aransas County, Texas. The ordinance shall, by its own terms, expire and be of no further effect upon the expiration of the seven-year contractual reimbursement period.

Not less than 15 days before first reading of a proposed ordinance adopting a developer's pro rata reimbursement contract, written notice of such ordinance and the anticipated pro rata costs attributed to each property shall be given to each such affected property owner.

(g) This section shall not prohibit the city council from assessing benefiting property owners a portion of the cost of any water or wastewater extension pursuant to state law or ordinance passed pursuant to the power granted to a home rule city, in lieu of a developer's agreement.

(h) Unless determined to be inequitable, all prorata costs shall be developed and administered on a linear foot basis. The calculation of the pro-rata cost for a particular lot is as follows:

(1) The total cost of the line extension divided by total front footage of all lots to which service is made available, times the front footage of the lot; and

(2) Lots with non-typical footage will be on a case-by-case basis. At a minimum it would be the average front footage of the lots within the project.

(i) Associated fees:

(1) For each service connection made to any such extension, during the reimbursement period, by a water or wastewater user, the user so connecting shall, upon application and in addition to all usual service connection charges, pay to the city the sum prescribed by the proposed ordinance.

(2) When any such taps are made during the reimbursement period, the payments therein provided for (exclusive of the regular service-connection charges) shall be refunded to the developer making such extension as a partial reimbursement of such party's costs as set out in this section. Such reimbursement shall be made within 90 days of collection and shall be limited to payments received by the city within seven years from the date of such main extension is completed (reimbursement period). The completion date shall be determined by the public works director, which date as so established shall be conclusive.

(Ord. No. 1260, § 1, 8-26-03; Ord. No. 1271, § 1, 3-23-04; Ord. No. 1430, § 4, 5-13-08; Ord. No. 1437, § 1, 9-9-08; Ord. No. 1587, § 1, 9-11-12)



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## NOTICE OF INTENTION TO ENTER INTO A PRO-RATA REIMBURSEMENT AGREEMENT

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Notice is hereby given that the Rockport City Council on Tuesday, September 27, 2016, at 6:30 p.m., at Rockport City Hall, 622 E. Market Street, Rockport, Texas, will consider an Ordinance to enter into a Pro-Rata Reimbursement Agreement with Circle W RV Ranch for development and utility extensions made along Smokehouse Road from the intersection of Business Highway 35 to Circle W RV Ranch.

As an affected property owner you will be required to pay, upon connection to the line, the applicable pro-rata share of costs associated with the construction of said line as determined by the number of front feet of your affected property. The reimbursement amounts for each lot or tract affected by this Ordinance and amount to be reimbursed upon connection to the line by each property owner affected shall be recorded in the Official Public Records of Aransas County, Texas.

All interested citizens and property owners are hereby notified of their right to appear and be heard on the matter. Inquiries should be directed to City Secretary Teresa Valdez, Rockport City Hall, 622 E. Market Street, Rockport, Texas at 361-729-2213.

### Certification

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I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on September 7, 2016, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com) and mailed to benefited property owners on Wednesday, September 7, 2016.

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Teresa Valdez, City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ROCKPORT AUTHORIZING A PRO-RATA REIMBURSEMENT TO CIRCLE W RV RANCH FOR DEVELOPMENT OF A WATER MAIN UTILITY LINE AFFECTING PROPERTY AND PROPERTY OWNERS ABUTTING AND ALONG SMOKEHOUSE ROAD, OUT OF THE C. S. ZENN SURVEY, A226; PROVIDING FOR PRO-RATA PAYMENTS FROM BENEFITED PROPERTY OWNERS WHO REQUEST TO CONNECT TO THE WATER UTILITIES DURING THE REIMBURSEMENT PERIOD; PROVIDING FOR DEVELOPER TO BE REIMBURSED FROM THE PRO-RATA FUNDS RECEIVED; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**WHEREAS**, the City Council finds that it is in the public interest to work together with developers for extension of water and wastewater mains, both within and outside the city limits; and

**WHEREAS**, Circle W RV Ranch (Developer) have previously paid 100% of the cost to extend water utilities of the City for the benefit of and service to certain property known as Circle W RV Ranch located along Smokehouse Road and property out of the C.S. Zenn Survey abutting and along Smokehouse Road, pursuant to Section 102-14 of the City of Rockport Code of Ordinances; and

**WHEREAS**, the City Council finds it to be in the best interest of public health, safety and welfare for the City to allow limited reimbursement to Developer for a pro-rata share of Developer's expenses paid to the City for said construction of the utility improvements, when the benefited property owners connect to these utilities during the reimbursement period:

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCKPORT, TEXAS:**

**SECTION 1.** Any benefited property owner shown in Exhibit A who connects to the new water main utility line shall pay to the City the applicable pro-rata share of costs associated with construction of said line as determined by the number of front feet of the benefited property. Exhibit A attached hereto, and incorporated herein, sets forth the legal property description of each lot or parcel benefited by such water main utility line, and the final actual total costs to be reimbursed to Developer upon connection to the water main utility line by each benefited property owner during the reimbursement period. Exhibit B attached hereto shows map of benefited properties.

**SECTION 2.** Developer, who owns Circle W RV Ranch shall be exempt from paying the pro-rata fees herein, having previously paid to the City their pro-rata share.

**SECTION 3.** While this Ordinance is in effect, the City shall collect the appropriate pro-rata fee from the benefited property owners when the utility service is made to such property, and pay to Developer the pro-rata fees it has actually received, within thirty (30) days from the receipt,

pursuant to the City of Rockport Code of Ordinances, and Exhibit A attached hereto, until: 1) All benefited property owners have either connected to the new water main utility line, or 2) This Ordinance terminates pursuant to Section 5 below, whichever occurs first.

**SECTION 4.** All benefited property owners were given notice on September 7, 2016, of the first reading of this Ordinance.

**SECTION 5.** This Ordinance shall not exceed seven (7) years and shall automatically terminate at 12:01 a.m. seven years from its effective date, said effective date being the date of adoption on second reading below.

**SECTION 6. REPEALER.**

Any previously adopted ordinances, and any subsequent amendments to them, that are in conflict with this Ordinance are all hereby repealed.

**SECTION 7. SEVERABILITY.**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**SECTION 8. EFFECTIVE DATE.**

This ordinance shall become effective upon adoption on second reading by the Rockport City Council and publication of the Ordinance caption in the official newspaper of the City of Rockport.

**APPROVED** on first reading this the \_\_\_\_\_ day of September 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second and final reading this \_\_\_\_\_ day of October 2016.

**CITY OF ROCKPORT, TEXAS**

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Charles J. Wax, Mayor

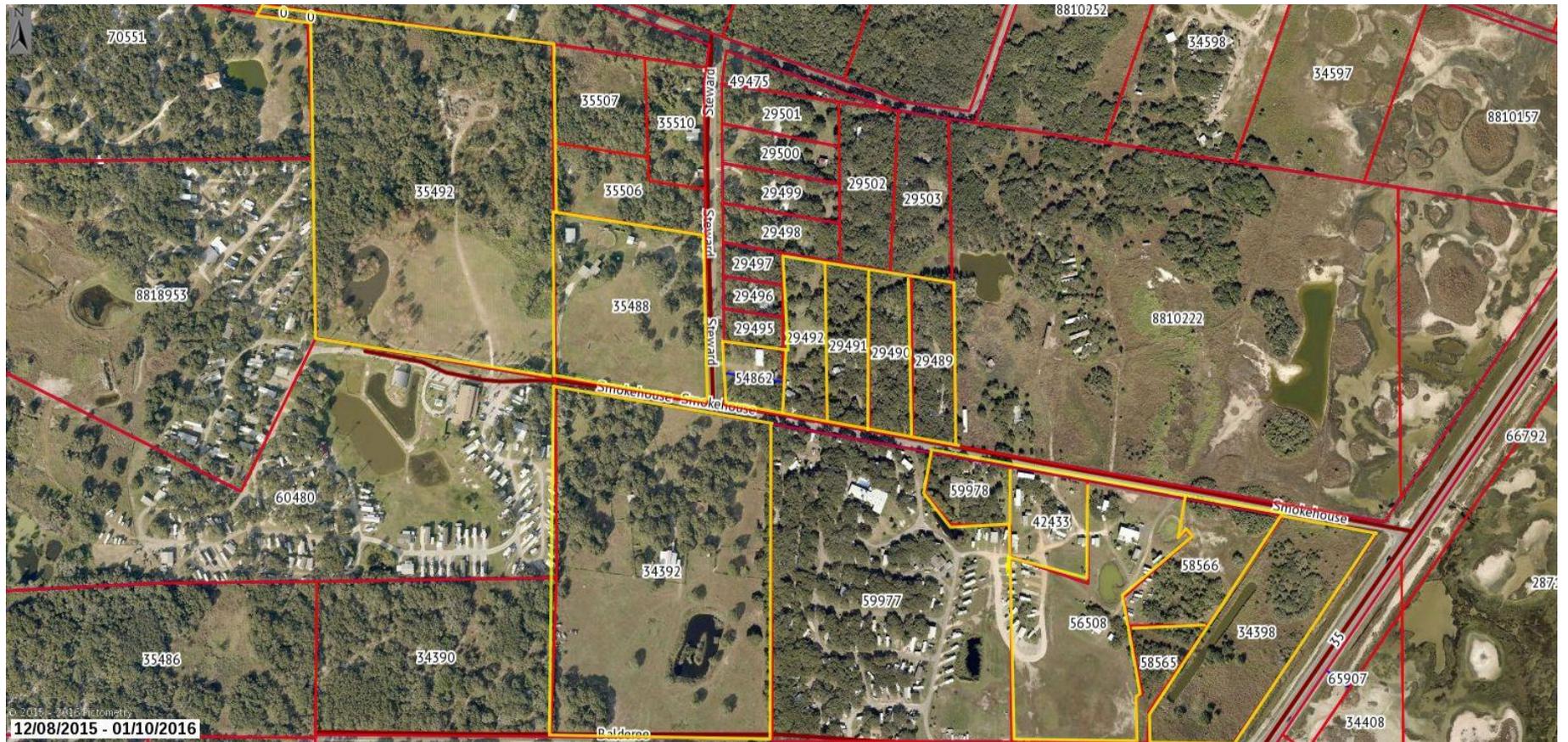
**ATTEST:**

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Teresa Valdez, City Secretary



EXHIBIT "B"



**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, September 27, 2016**

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**AGENDA ITEM: 13**

Deliberate and act on first reading of an Ordinance to implement a temporary moratorium on the submission, acceptance, processing, and approval of any application for any permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property.

**SUBMITTED BY:** Public Works / Building & Development Director, Mike Donoho

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The City has recently received an application from a distributed antenna system (DAS) infrastructure provider for the installation of wireless communications facilities, consisting of a permit for a 120 foot antennae pole to be installed in the public rights-of-way (ROW) within the City of Rockport. The City anticipates receiving additional requests by small cell and DAS infrastructure providers to install above-ground wireless communications facilities in the public rights-of-way and on public and private property within the City of Rockport.

The City does not currently allow the placement of above-ground wireless communications facilities, including but not limited to antennae, poles and other support structures within the City ROW. The existing provisions of the City Code are inadequate and time is needed to review, study, and revise the City Code to fully take into account the impacts related to the timing, location, and manner of construction of above-ground wireless communication facilities by multiple telecommunication, small cell, and DAS providers within the public ROW as well as other public and private property, including the public health, safety, and welfare concerns of pedestrian and vehicular traffic. More time is also needed to assess what is an appropriate level of compensation a DAS provider should pay for use of the public's ROW.

See the accompanying description of DAS for more details on the system.

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**FISCAL ANALYSIS:** N/A.

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**STAFF RECOMMENDATION:** Staff recommends that Council place a moratorium on the submission, acceptance, processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities, effective immediately upon passage of this Ordinance, for a period of one hundred twenty (120) days or as maybe extended by action of City council, until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

## Distributed Antenna Systems

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A **distributed antenna system**, or DAS, is a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna elevations are generally at or below the clutter level and node installations are compact. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS).

The idea is to split the transmitted power among several antenna elements, separated in space so as to provide coverage over the same area as a single antenna but with reduced total power and improved reliability. A single antenna radiating at high power is replaced by a group of low-

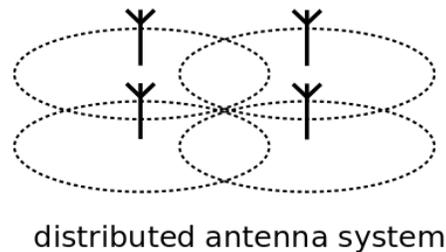
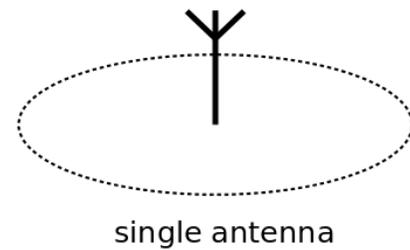
power antennas to cover the same area. These antennas have recently been employed by several service providers in many areas around the United States. DAS is often used in scenarios where alternate technologies are infeasible due to terrain or zoning challenges.

The idea works because less power is wasted in overcoming penetration and shadowing losses, and because a line-of-sight channel is present more frequently, leading to reduced fade depths and reduced delay spread.

A distributed antenna system can be implemented using passive splitters and feeders, or active-repeater amplifiers can be included to overcome the feeder losses. In systems where equalization is applied, it may be desirable to introduce delays between the antenna elements. This artificially increases delay spread in areas of overlapped coverage, permitting quality improvements via time diversity.

If a given area is covered by many distributed antenna elements rather than a single antenna, then the total radiated power is reduced and the power per antenna is reduced. As an alternative, the total area covered could be extended for a given limit of effective radiated power, which may be important to ensure compliance with safety limits on radiation into the human body.

Using a distributed antenna system to create an area of wireless coverage, it is possible to use this technique to propagate indoor WiFi for commercial uses. It is estimated that only about five percent of commercial WiFi use a distributed antenna system.



## Examples of Outdoor Distributed Antenna System Installations

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS IMPLEMENTING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR ANY PERMIT OR LICENSE FOR THE INSTALLATION OF ABOVE-GROUND WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC OR PRIVATE PROPERTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS PASSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, Section 332 of Title 47 of the United States Code, the City may regulate the placement, construction, and modification of wireless telecommunication facilities, subject to specified limitations.

WHEREAS, the Rockport City Code is silent with respect to the development, siting, installation, and operation of above-ground Wireless Communications Facilities, including but not limited to antennae, poles, and other support structures in City rights-of-way and on other public property.

WHEREAS, the City has recently received an application from a DAS infrastructure provider for the installation of wireless communications facilities, consisting of a permit for a 120 foot antennae pole to be installed in the public rights-of-way within the City of Rockport; and

WHEREAS, the City anticipates receiving additional requests by small cell and DAS infrastructure providers to install above-ground Wireless Communications Facilities in the public rights-of-way and on public and private property within the City of Rockport; and

WHEREAS, the City does not currently allow the placement of above-ground Wireless Communications Facilities, including but not limited to antennae, poles and other support structures within the City rights-of-way. The existing provisions of the City Code are inadequate and time is needed to review, study, and revise the City Code to fully take into account the impacts related to the timing, location, and manner of construction of above-ground Wireless Communication Facilities by multiple telecommunication, small cell and DAS providers within the public rights-of-way as well as other public and private property, including the public health, safety, and welfare concerns of pedestrian and vehicular traffic.

WHEREAS, The City wireless telecommunication facility regulations are administered through the zoning and site development review ordinances. Conditional use permits are required in certain zoning districts; and

WHEREAS, the Rockport City Code is in need of updating to protect the public against the potential health, safety, and welfare dangers caused by multiple telecommunication providers and small cell and DAS infrastructure providers constructing above-ground Wireless Communications Facilities throughout the City; and

WHEREAS, the City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the use of the public rights-of-way and other public and private property within the City for Wireless Communications Facilities; and

WHEREAS, the absence of this ordinance would impair the orderly and effective implementation of contemplated amendments to the Rockport City Code, and any further authorization to construct Wireless Facilities in the City's rights-of-way or on other public within the City during the period of this moratorium may be in conflict with or may frustrate the contemplated updates and revisions to the Rockport City Code; and

WHEREAS, without the enactment of this ordinance, multiple telecommunication, small cell and DAS infrastructure providers could quickly receive permits to install Wireless Communications Facilities that pose a threat to the public health, safety, and welfare. For example, without this ordinance, above-ground Wireless Communications Facilities could:

- i. Create land use conflicts and incompatibilities including excessive height of poles and towers;
- ii. Create visual and aesthetics blights and potential safety concerns arising from excessive size, heights, noise, or lack of camouflaging of above-ground Wireless Communications Facilities including the associated pedestals, meters, equipment boxes, and power generators;
- iii. Create unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalize on co-location opportunities;
- iv. Cause substantial disturbances to rights-of-way through the installation and maintenance of above-ground Wireless Communications Facilities;
- v. Create traffic and pedestrian safety hazards due to the unsafe location of above-ground Wireless Communications Facilities; and
- vi. Negatively impact the predominantly residential quality and character of the City.

WHEREAS, the City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any particular telecommunications provider or small cell or DAS infrastructure provider that currently seeks to establish an above-ground Wireless Communication Facility but is necessary to ensure that the provision of such services and facilities are addressed in a uniform and non-discriminatory manner; and

WHEREAS, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare based on the above findings, and upon that basis has determined that an urgency ordinance prohibiting the issuance of new permits or approvals for above-ground Wireless Communications Facilities in public rights-of-way or other public or private property within the City is warranted; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Rockport to implement a Temporary Moratorium on the submission, acceptance processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities within the City of Rockport.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1.

The findings and recitations set out in the recitals to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

The City Council of the City of Rockport hereby places a moratorium on the submission, acceptance, processing and approval of any new or pending applications for the installation of above-ground wireless communications facilities, effective immediately upon passage of this Ordinance, for a period of one hundred twenty (120) days or as maybe extended by action of City council, until the adoption and implementation of regulations as described in the above recitals, whichever may occur earlier.

SECTION 3.

This Temporary Moratorium applies to all public rights-of-way and other public and private property located within the City of Rockport;

SECTION 4.

Waivers for relief of hardship caused by this Temporary Moratorium may be made in writing to the City Council. Waivers may be granted by the City Council when the City Council in its discretion determines the applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship and that it is in the public interest to allow a limited exception to the moratorium.

SECTION 5.

In the case of any conflict between the provisions of this ordinance and any existing ordinances of the City the provision of this ordinance will control during the moratorium period.

SECTION 6.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

SECTION 8.

That this ordinance shall take effect immediately upon second and final reading.

**PRESENTED AND APPROVED** on first reading on the 27<sup>th</sup> day of September 2016, at a meeting of the City Council of the City of Rockport, Texas; and given second reading, **APPROVED, PASSED and ADOPTED** on the \_\_\_ day of October 2016, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of Rockport, Texas.

ATTEST:

CITY OF ROCKPORT, TEXAS

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Teresa Valdez, City Secretary

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Charles J. Wax, Mayor

APPROVED AS TO FORM:  
Terry E. Baiamonte, City Attorney