

Ordinance abandoning and vacating a portion of an existing blanket easement, approximately 871,200-square feet, located at Mt. Vernon Shopping Center, Block 1, Lot 1, and Sherwin Place Unit 3, Block 1, Lot 1; Requiring the owner of the lots, the Smith-Johnson Partnership and Smith Mt. Vernon Holdings, Ltd., to comply with the specified conditions; and declaring an emergency.

Whereas, the Clower Company, on behalf of the owners, Smith-Joslin Partnership and Smith Mt. Vernon Holdings, Ltd., is requesting the abandonment and vacation of a portion of an existing blanket easement, approximately 871,200-square feet (20 acres), located at Mt. Vernon Shopping Center, Block 1, Lot 1, and Sherwin Place Unit 3, Block 1, Lot 1, (The South Staples Center, 4938 South Staples Street and the Mt. Vernon Shopping Center, 5521 South Staples Street, respectively), located north of South Padre Island Drive state right-of-way (State Highway 358), and east of the South Staples Street public right-of-way, in order to provide for redevelopment over the existing easement area. The easement to be abandoned and vacated is located in a "CG-2" General Commercial District.

Whereas, with proper notice to the public, public hearing was held on Tuesday, April 10, 2012, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard; and

Whereas, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate said portion of the pipeline easement, subject to the provisions below. (Exhibit A & B- Mt. Vernon Site Maps, Exhibit C- Sherwin Place Site Map, Exhibit D- Blanket Easement Area Map)

Now, therefore, be it ordained by the City Council of the City of Corpus Christi, Texas, that:

Section 1. That a 871,200-square foot portion (20 Acre) of an existing blanket easement, located at the Mt. Vernon Shopping Center, Block 1, Lot 1, as recorded in Volume 49, pages 187-188 of the Map Records of Nueces County, Texas, and Sherwin Place Unit 3, Block 1, Lot 1, as recorded in Volume 49, page 189 of the Map Records of Nueces County, Texas (The South Staples Center, 4938 South Staples Street and the Mt. Vernon Shopping Center, 5521 South Staples Street respectively), located north of South Padre Island Drive (State Highway 358) state right-of-way, and east of the South Staples Street public right-of-way, is abandoned and vacated, subject to compliance with the conditions specified in Section 2. below.

Section 2. The abandonment and vacation of the above described portion of the pipeline easement is conditioned upon Owner's compliance with the following:

- 1.) Since Owner has dedicated utility easements of equal or greater value than the property released by the City in this easement closure action, in accordance with City of Corpus Christi, Code of Ordinances Section 49-12, the requirement of paying fair market value for the property is waived.
- 2.) Owner must comply with all the specified conditions of the ordinance within 180 days of Council approval.
- 3.) Upon approval by Council and issuance of the ordinance, all grants of easement closure must be recorded at Owner's expense in the real property Map Records of Nueces County, Texas, in which the property is located. Prior to the permitting of any construction on the land, an up-to-date survey, abstracted for all easements and items of record, must be submitted to the Director of Development Services, or his designee, as per City of Corpus Christi, Code of Ordinances Sec. 49-13, as amended and approved on July 13, 2004, by Ordinance No. 025816.

Section 3. That upon written request of the Mayor or five council members, copy attached, the City Council finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and suspends the Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and shall take effect upon first reading as an emergency this the ____ day of _____, 2012.

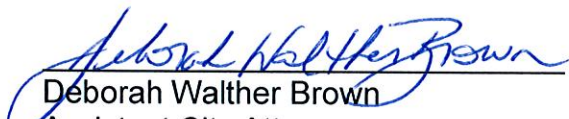
ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Joe Adame
Mayor, City of Corpus Christi

APPROVED as to FORM this 29th day of March, 2012.


Deborah Walther Brown
Assistant City Attorney
For City Attorney
Corpus Christi, Texas

_____ Day of _____, 2012

TO THE MEMBERS OF THE CITY COUNCIL
Corpus Christi, Texas

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

Respectfully,

Respectfully,

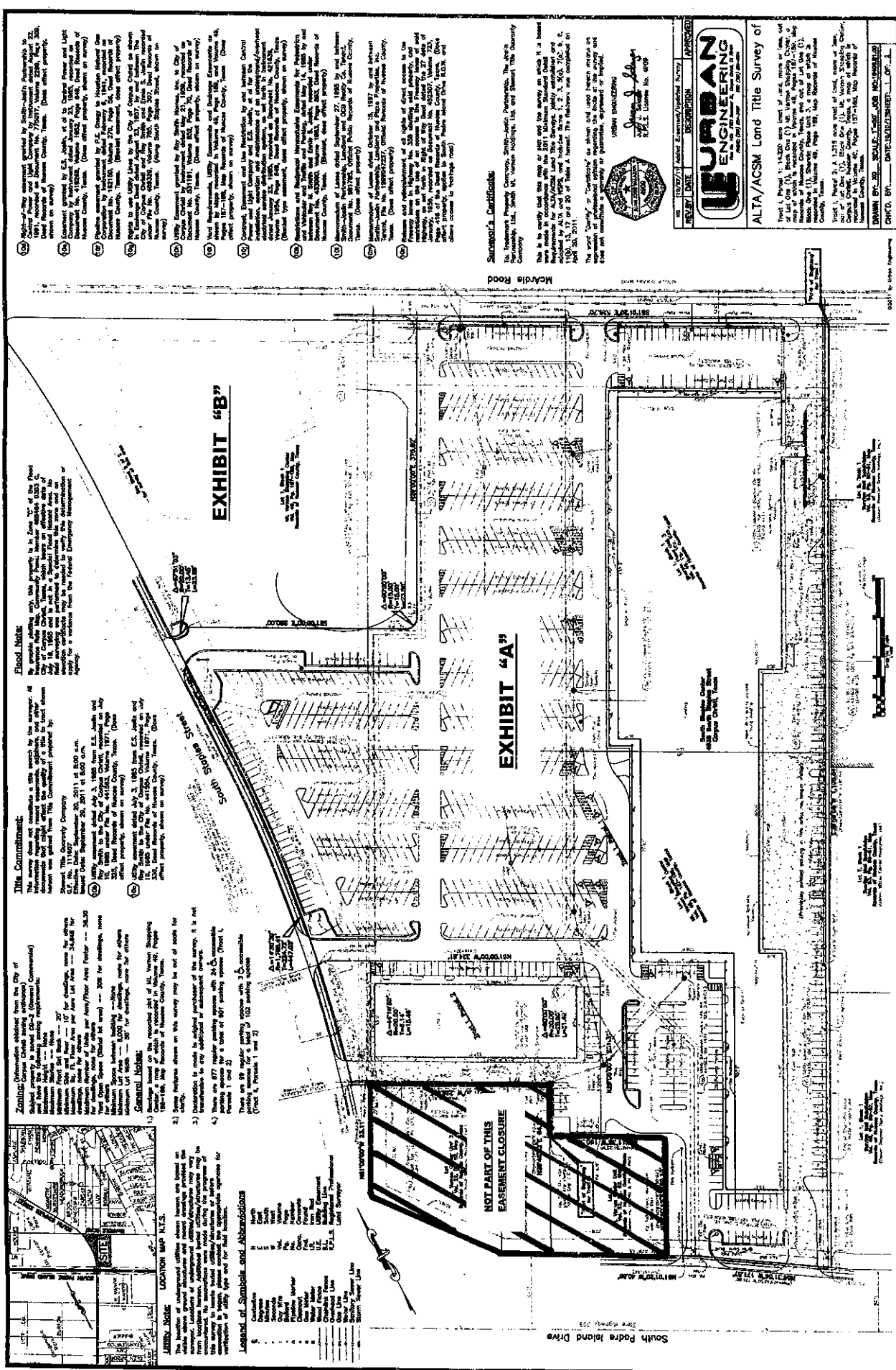
Joe Adame
Mayor

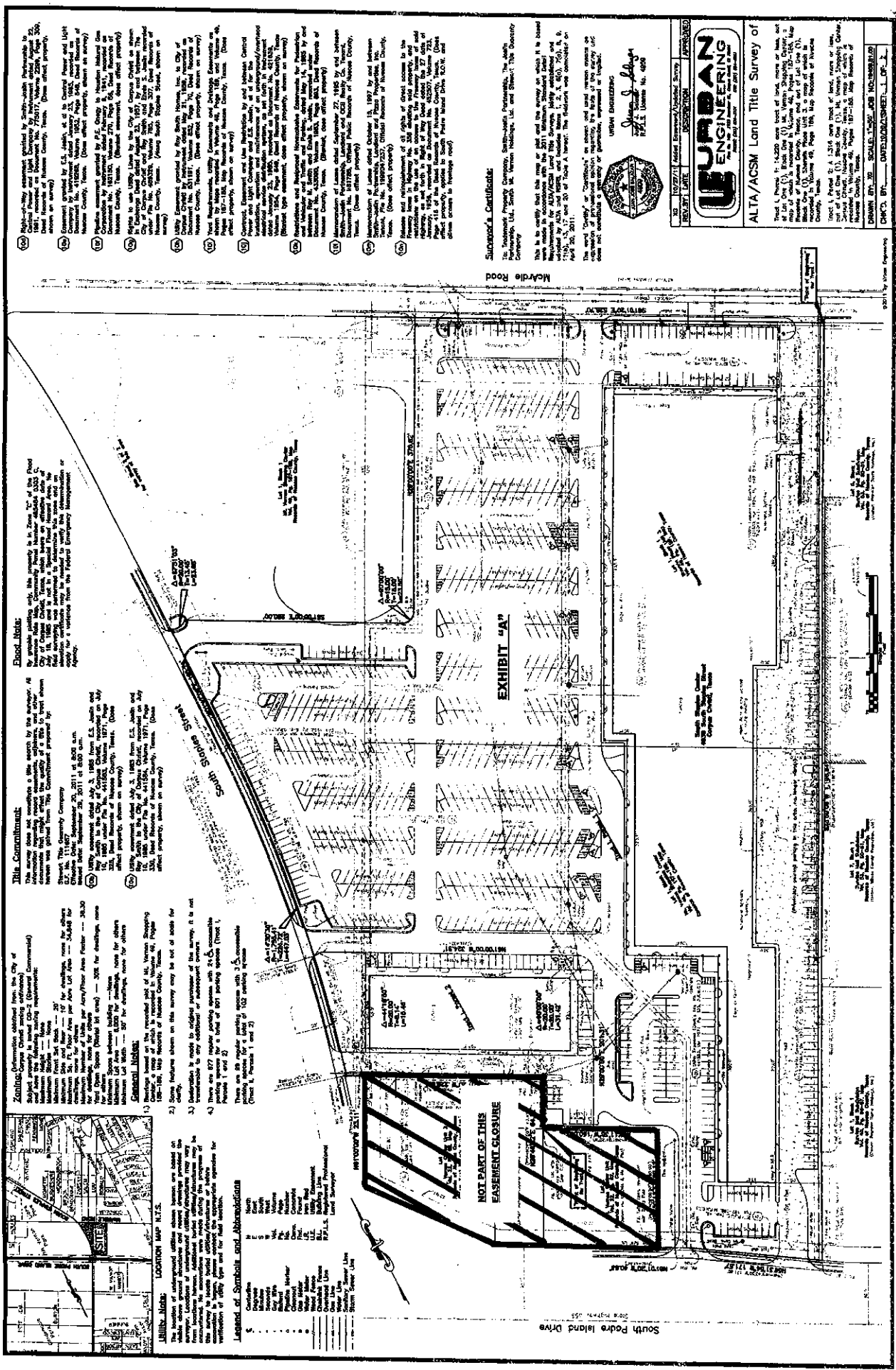
Council Members

The above ordinance was passed by the following vote:

Joe Adame	_____
Chris N. Adler	_____
Kelley Allen	_____
Larry Elizondo, Sr.	_____
Priscilla G. Leal	_____
David Loeb	_____
John E. Marez	_____
Nelda Martinez	_____
Mark Scott	_____

LOCATION MAP





Surveyor's Certificate

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as the same appears in the records of the County of ... State of ...

Subscribed and sworn to before me this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

Witness my hand and seal this ... day of ... A.D. 19...

Notary Public for the State of ...

My Commission Expires ...

[illegible][illegible]

female, snout 46.7 (2.35) West, a distance of 413.53 feet to the north, corner of the 35° West, a distance of 83.77 feet to a 5/8" non-brown red line from red line for the point of departure of a non-brown red line to the right, above red line point, snout 30.54 (2.77) West, 23.00 feet, and having a central angle of 87.81°, a tangent length of 11.43 feet, and a arc length of 23.46 feet.

section, North $0^{\circ}7'36''$ East, along the east boundary of well 18-19-10-10, which crosses the south boundary of the section at South Dakota Street, a distance of 205.20 feet to a 3/8 inch iron rod with a red plastic cap attempted JANS ENGR C.C. TX #1111 for the point of curvature of a circular curve. The same nodular point bears North $86^{\circ}12'54''$ West, 1318.11 feet from the stationing point. The bearing of the tangent line from the nodal is azimuth angle of $070^{\circ}3'06''$, a radius of 1318.11 feet, a tangent length of 113.66 feet, and a arc length of 177.41 feet.

7.75 ft; 10 ft to a 5/8 inch red rod with a red plastic cap.
The distance between "MOUNT DUNE C.C." and the point of capture of
the reverse curve to the right whose radius point bears North
is 17.5 ft. East 17.5 ft. and having a central angle of
 $90^\circ - 60' = 30'$, a radius of 17.5 ft., a tangent length of 33.13
ft., and a arc length of 30.85 feet;

8751.00
12.40
4.4

SOUTH STATE RD
STATE RD

66-0286
The
101

Field Notes: Tract II, Parcel 2

beginning at a point on the south boundary of Molokai Road, or
suitable roadway, for the North corner of said Lot 1, Block 1, M.
Warner Shopping Center, from which point a 5/8 inch rod with
an plastic cap was stamped "URBAN ENGR C.C. TX" and bears North
31°10'20" West, 439.99 feet

Thames, South 29°00'17" West, a distance of 375.62 feet to a radiating mass found for the point of curvature of a circular curve to the right, nearest radiating point bears North 80°33'42" West, a distance of 153.00 feet, and having a vertex angle of 170°40'00", a radius of 153.00 feet, a tangent length of 153.00 feet, and a arc length of 22.68 feet.

Thence North 41°00'00" West, a distance of 908.10 feet to the West corner of the tract.

Thence North 48°12'25" East, a distance of 413.53 feet to the West of beginning and containing 1.28 Acres (23,405 square feet) of land.

[illegible]

Title: Carson
 Date Shipped: 1 of 1

[illegible]

6

[illegible]

Use
a line
to start
a new line
in a new line

[illegible]

the Concomitant:
Sheet 1 of 2 for notes on this commitment.

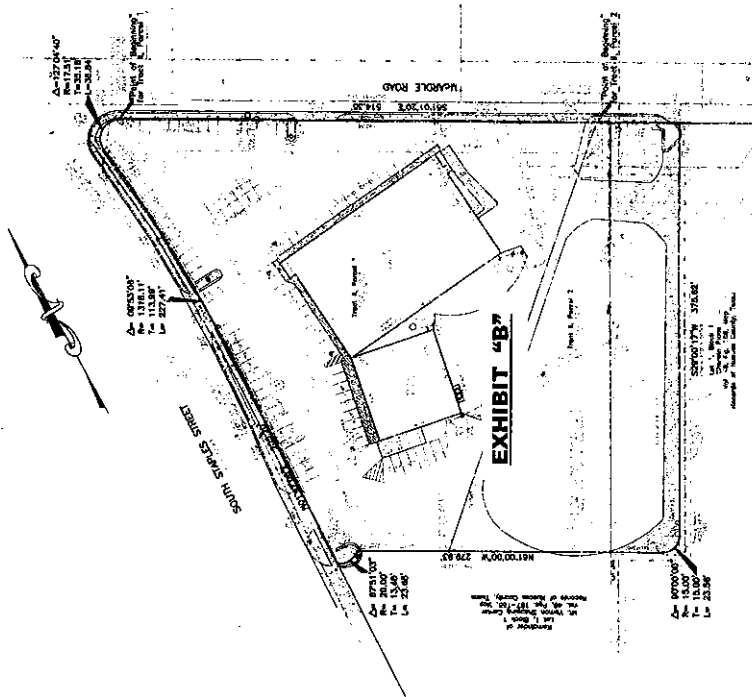
QC	10/25/11	Address	Element(s) Added/Removed	Signature

LEUBMAN
ENGINEERING
P.O. BOX 2708, BIRMINGHAM 5, SOUTH CAROLINA 29505
PHONE (803) 884-1401 FAX (803) 884-4005

[illegible]

DRAWN BY: XG SCALE: 1"=50' JOB NO.: 19429-81.00
CHK'D BY: DATE: 7/10/81 SHEET: 2 OF 2

EXHIBIT "B"



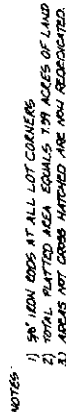
Symbol	Definition	Symbol	Definition
\$	Centimetre	N	North
°	Degree	E	East
'	Minute	S	South
''	Second	W	West
1	One	Vol	Volume
2	Two	Pg	Page
3	Three	Fig	Figure
4	Four	Cont	Continent
5	Five	Cont	Continent
6	Six	Cont	Continent
7	Seven	Cont	Continent
8	Eight	Cont	Continent
9	Nine	Cont	Continent
10	Ten	Cont	Continent
11	Eleven	Cont	Continent
12	Twelve	Cont	Continent
13	Thirteen	Cont	Continent
14	Fourteen	Cont	Continent
15	Fifteen	Cont	Continent
16	Sixteen	Cont	Continent
17	Seventeen	Cont	Continent
18	Eighteen	Cont	Continent
19	Nineteen	Cont	Continent
20	Twenty	Cont	Continent
21	Twenty-one	Cont	Continent
22	Twenty-two	Cont	Continent
23	Twenty-three	Cont	Continent
24	Twenty-four	Cont	Continent
25	Twenty-five	Cont	Continent
26	Twenty-six	Cont	Continent
27	Twenty-seven	Cont	Continent
28	Twenty-eight	Cont	Continent
29	Twenty-nine	Cont	Continent
30	Thirty	Cont	Continent
31	Thirty-one	Cont	Continent
32	Thirty-two	Cont	Continent
33	Thirty-three	Cont	Continent
34	Thirty-four	Cont	Continent
35	Thirty-five	Cont	Continent
36	Thirty-six	Cont	Continent
37	Thirty-seven	Cont	Continent
38	Thirty-eight	Cont	Continent
39	Thirty-nine	Cont	Continent
40	Forty	Cont	Continent
41	Forty-one	Cont	Continent
42	Forty-two	Cont	Continent
43	Forty-three	Cont	Continent
44	Forty-four	Cont	Continent
45	Forty-five	Cont	Continent
46	Forty-six	Cont	Continent
47	Forty-seven	Cont	Continent
48	Forty-eight	Cont	Continent
49	Forty-nine	Cont	Continent
50	Fifty	Cont	Continent
51	Fifty-one	Cont	Continent
52	Fifty-two	Cont	Continent
53	Fifty-three	Cont	Continent
54	Fifty-four	Cont	Continent
55	Fifty-five	Cont	Continent
56	Fifty-six	Cont	Continent
57	Fifty-seven	Cont	Continent
58	Fifty-eight	Cont	Continent
59	Fifty-nine	Cont	Continent
60	Sixty	Cont	Continent
61	Sixty-one	Cont	Continent
62	Sixty-two	Cont	Continent
63	Sixty-three	Cont	Continent
64	Sixty-four	Cont	Continent
65	Sixty-five	Cont	Continent
66	Sixty-six	Cont	Continent
67	Sixty-seven	Cont	Continent
68	Sixty-eight	Cont	Continent
69	Sixty-nine	Cont	Continent
70	Seventy	Cont	Continent
71	Seventy-one	Cont	Continent
72	Seventy-two	Cont	Continent
73	Seventy-three	Cont	Continent
74	Seventy-four	Cont	Continent
75	Seventy-five	Cont	Continent
76	Seventy-six	Cont	Continent
77	Seventy-seven	Cont	Continent
78	Seventy-eight	Cont	Continent
79	Seventy-nine	Cont	Continent
80	Eighty	Cont	Continent
81	Eighty-one	Cont	Continent
82	Eighty-two	Cont	Continent
83	Eighty-three	Cont	Continent
84	Eighty-four	Cont	Continent
85	Eighty-five	Cont	Continent
86	Eighty-six	Cont	Continent
87	Eighty-seven	Cont	Continent
88	Eighty-eight	Cont	Continent
89	Eighty-nine	Cont	Continent
90	Ninety	Cont	Continent
91	Ninety-one	Cont	Continent
92	Ninety-two	Cont	Continent
93	Ninety-three	Cont	Continent
94	Ninety-four	Cont	Continent
95	Ninety-five	Cont	Continent
96	Ninety-six	Cont	Continent
97	Ninety-seven	Cont	Continent
98	Ninety-eight	Cont	Continent
99	Ninety-nine	Cont	Continent
100	Hundred	Cont	Continent

[illegible]

EXHIBIT "B"

...

BEING A REPLAT OF SHERWIN PLACE, A MAP OF WHICH IS RECORDED IN VOL. 16, PG. 50, AND SHERWIN PLACE - UNIT No. 2, A MAP OF WHICH IS RECORDED IN VOL. 18, PG. 32, BOTH MAPS RECORDED IN MAP RECORDS OF NUECES COUNTY, TEXAS.



NOTES:

STATE OF TEXAS
COUNTY OF MUECES

E.S. JOSLIN AND ROY SMITH

_____ hereby certify that we are the owners of the lands embraced within the boundaries of the foregoing map; that we have had said land surveyed and subdivided as shown; that all sections shown are dedicated to the public for the purpose of the transportation, operation and use of public utilities, and that the foregoing map was made for the purpose of ascertaining the location and extent of said public utilities and dedicating the same.

This the 5th day of MAY 1984.

NAME S N
E. J. O'Brien
127 Smith
ROY SMITH

STATE OF TEXAS
COUNTY OF WICKES

BYRON M., the undersigned authority, on this day personally appeared F.S. JOSEPH and ROY SMITH known to me to be the persons whose names are subscribed to the foregoing instrument of writing and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity stated.

GIVEN under my hand and seal of office, this the
9th day of MAY 1964.

Kay P. Simpson
Notary Public in and for
Brewster County, Texas
Kay P. Simpson

[illegible]

STATE OF TEXAS
COUNTY OF MURCESS

ENTER the 15 day of July, 1983.

Ernest C. Urban
Eugene, O. Urban
Texas License No. 1230

STATE OF TEXAS
COUNTY OF WICKES

This final plat of the herein described property was approved by the City Engineer of the City of Corpus Christi, Texas.

FILE the 22nd of MAY, 1988.
Gerald Smith
 Gerald Smith, City Engineer

STATE OF TEXAS

This final plat of the herein described property was approved by the Planning Commission of the City of Corpus Christi, Texas; however, this approval shall be invalid and null unless this plat be filed with the County Clerk within six (6) months hereafter.

FILE THE 10th day of April 1984.
Lucy H. Lange Secretary
Jim / Tony Chairman
 STATE OF TEXAS 84-076

STATE OF TEXAS
COUNTY OF MURKES

I, Marion Whillipert, Clerk of the County Court in and for said County, do hereby certify that the foregoing instrument filed the 9 day of MAY 1944, with its certificate of authentication was filed for record in my office the 23 day of MAY 1944 at 5:58 o'clock P., and duly recorded the 23 day of MAY 1944 at 4:30 o'clock P., in said County of Washita State of Oklahoma. Map Records.

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

no. 37247
 filed for record
 at 3:45 o'clock p. m.
 may 23, 1984

Jameson Publishing
 Arlon Whlinger, County Clerk,
 Boone County, Texas
 J. L. R. M. Co.
 Deputy

Marion DeHillinger
Clerk County Court
Pecos County, Texas
By: DeHillinger
Deputy



JOB NO. - 19409.02
SCALE - 1" = 100'
DATE - 7-15-83



EXHIBIT "D"

PIPELINE BLANKET EASEMENT AREA MAP