



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of January 8, 2013  
Second Reading for the City Council Meeting of January 15, 2013

**DATE:** December 20, 2012

**TO:** Ronald L. Olson, City Manager

**FROM:** Mark E. Van Vleck, P.E., Interim Director, Development Services  
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### UTILITY EASEMENT CLOSURE

Abandoning and vacating a 5-foot wide by 20-foot long utility easement out of Lots 17 and 18, Block 8, Lamar Park Subdivision Section 2.

### **CAPTION:**

Ordinance abandoning and vacating a 5-foot wide by 20-foot long utility easement out of Lots 17 and 18, Block 8, Lamar Park Subdivision Section 2; and requiring the owners, Gregory and Nancy Graves, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate a utility easement and allow for the future development of the subject property.

### **BACKGROUND AND FINDINGS:**

Gregory and Nancy Graves (Owners) are requesting the abandonment and vacation of a 5-foot wide by 20-foot long utility easement out of Lots 17 and 18, Block 8, Lamar Park Subdivision Section 2, located north of Catalina Place and west of Santa Fe Street. The abandonment and vacation of the utility easement is requested in order to accommodate the future development of the subject property. Staff recommends payment of the fair market value be waived because the Owners' dedicated 5-foot wide by 20-foot long utility easement is no longer needed by the City for any public utility purpose, the easement does not contain any public improvements, and an alternate dedicated public utility easement exists on the Owners' property. Staff has determined that this utility easement no longer serves a purpose. Also, the existing 5-foot wide utility easement is disproportionate to the existing 10-foot wide utility easement at the rear of Lots 17 and 18. The Owners have been advised of and concur with the conditions of the easement abandonment and vacation. The Owners must also comply with all the specified conditions of the abandon and vacate ordinance within 180 days of Council approval.

### **ALTERNATIVES:**

Denial of the utility easement closure. This will, however, adversely impact the Owners' ability to move forward with future development of the subject property.

**OTHER CONSIDERATIONS:** Not applicable

**CONFORMITY TO CITY POLICY:**

These requirements are in compliance with the City Code of Ordinances, Section 49-13.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies had any facilities within or objections to the proposed easement closure.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval of the easement closure. The Owners must comply with all the following specified conditions of the easement closure ordinance:

- a. Fair market value is waived because the Owners' dedicated 5-foot wide by 20-foot long utility easement is no longer needed by the City for any public utility purpose, the easement does not contain any public improvements, and an alternate dedicated public utility easement exists on the Owners' property.
- b. Upon approval by the City Council and issuance of the ordinance, all grants of easement closure and specified conditions must be recorded at the Owners' expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected property is located, with a copy of the recording provided to the City.
- c. Prior to the permitting of any construction on the affected property, the Owners must submit up-to-date surveys, abstracted for all easements and items of record, to the Director of Development Services, or his designee.
- d. Owners must comply with all specified conditions of the ordinance within 180 days of City Council approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits