



AGENDA MEMORANDUM

Future Item for the City Council Meeting of August 14, 2012
Action Item for the City Council Meeting of August 21, 2012

DATE: July 31, 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 3,357.08-square-foot portion of a 5-foot-wide utility easement out of Lot 1A, Block 6, Airport Industrial Subdivision, and a 6,721.94-square-foot portion of a 10-foot-wide utility easement out of Lot 3, Block 4, Airport Industrial Subdivision.

CAPTION:

Ordinance abandoning and vacating a 3,357.08-square-foot portion of a 5-foot-wide utility easement out of Lot 1A, Block 6, Airport Industrial Subdivision, and a 6,721.94-square-foot portion of a 10-foot-wide utility easement out of Lot 3, Block 4, Airport Industrial Subdivision; and requiring the owner, Weatherford U.S., L.P., to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate a utility easement from an industrial property to allow for construction of an industrial building in the area where the utility easement is located.

BACKGROUND AND FINDINGS:

Urban Engineering, on behalf of Weatherford U.S., L.P. (Owner), is requesting the abandonment and vacation of a 3,357.08-square-foot portion of a 5-foot-wide utility easement out of Airport Industrial Subdivision, Block 6, Lot 1A, and a 6,721.94-square-foot portion of a 10-foot-wide utility easement out of Airport Industrial Subdivision, Block 4, Lot 3. The abandonment and vacation of the utility easement is requested in order to accommodate the future development of the property. Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Sec. 49-12, because Owner will be replatting said property and upon replatting will be dedicating utility easements of equal or greater value to off-set the proposed abandonment and vacation of the easement. The Owner 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 Owner's ability to move forward with construction on the property.

OTHER CONSIDERATIONS: Not applicable

CONFORMITY TO CITY POLICY:

These requirements are in compliance with the City Code of Ordinances, Sec. 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 or objections regarding the proposed easement closure.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

| Fiscal Year: 2011-2012 | Project to Date Expenditures (CIP only) | Current Year | Future Years | TOTALS |
|-------------------------------|--|---------------------|---------------------|---------------|
| Line Item Budget | | | | |
| Encumbered / Expended Amount | | | | |
| This item | | | | |
| BALANCE | | | | |

Fund(s):

Comments: None

RECOMMENDATION:

Staff recommends approval of the easement closure subject to the Owner's compliance with all the following specified conditions of the easement closure ordinance:

- a. Owner must dedicate to the City new utility easements of equal or greater value than the utility easements being released by the City in this easement closure action, in accordance with the Corpus Christi Code of Ordinances, Section 49-12, within 180 days of City Council approval of this ordinance so that the requirement of paying fair market value for the properties can be waived.
- b. Upon approval by the City Council and issuance of the ordinance, all grants of easement closure and specified conditions must be recorded at Owner's expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected properties are located.
- c. Prior to the permitting of any construction on the affected properties, the Owner must submit up-to-date surveys, abstracted for all easements and items of record, to the Director of Development Services, or his designee.
- d. Owner must comply with all specified conditions of the ordinance within 180 days of City Council approval.

LIST OF SUPPORTING DOCUMENTS: Ordinance with Exhibits