



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of May 9, 2017
Second Reading Ordinance for the City Council Meeting of May 16, 2017

DATE: April 10, 2017

TO: Margie C. Rose, City Manager

FROM: Julio Dimas, Interim Director, Development Services Department
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Closing a portion of a utility easement located at 3733 South Port Ave

CAPTION:

Ordinance abandoning and vacating a 268-square foot portion of an existing utility easement out of a part of Great Gulf Corporation, Block 1, Lot 3, located at 3733 South Port Ave. and requiring the owner, Nueces County Health and Retardation Community Center, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate a portion of a utility easement and allow for Nueces County Health and Retardation Community Center to construct an expansion of the existing building.

BACKGROUND AND FINDINGS:

Nueces County Health and Retardation Community Center (Owner) is requesting the abandonment and vacation of a 268-square foot portion of an existing utility easement out of a part of Great Gulf Corporation, Block 1, Lot 3, located at **3733 South Port Ave.** The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the expansion of the existing building.

Staff recommends the Owner pay a one-time fair market value fee in accordance with City Code of Ordinance Section 49-13. The Owner will not be dedicating a utility easement to off-set the requested abandonment. The Owner has been advised of and concurs with the specified conditions of the Ordinance in regards to the easement dedication and the recording and filing of the ordinance. 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 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 49-12 and 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 stated objections regarding the proposed utility easement abandonment.

FINANCIAL IMPACT:

☐ Operating ☒ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2016-2017	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item		One-time fee \$804.00		\$804.00
BALANCE				\$804.00

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. 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.

- b. In exchange for the City's grant of the easement closure the Owner agrees to provide the City with a one-time payment of \$804.00
- c. Failure to comply with all the conditions outlined in this Ordinance within 180 days will hereby make the Ordinance null and void.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Location Maps