

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.

WHEREAS, 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, to accommodate the future development of the subject property;

WHEREAS, with proper notice to the public, public hearings were held on Tuesday, January 8, 2013, 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 the 5-foot wide by 20-foot long utility easement, subject to the provisions in this ordinance included below.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

Section 1. Pursuant to the request of Gregory and Nancy Graves (“Owners”), a 5-foot wide by 20-foot long utility easement, totaling 100 square feet, out of Lots 17 and 18, Block 8, Lamar Park Subdivision Section 2, located north of Catalina Place and west of Santa Fe Street, as recorded in Volume 11, Page 46, of the Official Deed and Map Records of Nueces County, Texas, is abandoned and vacated by the City of Corpus Christi (“City”), subject to the Owners’ compliance with the conditions specified in Section 2 of this ordinance. Exhibit “A,” which is a metes and bounds description, and Exhibit “B,” which is a field notes map, are attached to and incorporated in this ordinance by reference as if each were fully set out herein in their entirety.

Section 2. The abandonment and vacation of the utility easement described in Section 1 of this ordinance is expressly conditioned upon the Owners’ compliance with the following requirements:

- 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.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 20____.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor

STATE OF TEXAS
COUNTY OF NUECES

EXHIBIT A

Field Notes of a 5' x 20' existing easement to be closed out of lots 17 and 18, Block 8, Lamar Park Subdivision Section 2, as shown on a map recorded in Volume 11, Page 46, Map Records Nueces County, Texas. Said 5' x 20' easement being more particularly described as follows:

COMMENCING at a point for the common north corner of Lot 16 and Lot 17, **THENCE** with the north line of Lot 17 along an curve to the right with a radius of 2205.10 feet, and a radius point that bears North 28°56'29" West, a distance of 2205.10 feet, an arc distance of 47.50 feet to a point in the north line of Lot 17 and also being in the centerline of an existing 10' utility easement, **THENCE** South 27°10'11" East, a distance of 5.00 feet to a point for the northeast corner of this easement and the **POINT OF BEGINNING**.

THENCE South 27°10'11" East, a distance of 20.00 feet to a point for the southeast corner of this easement.

THENCE South 62°20'38" West, a distance of 5.00 feet to a point for the southwest corner of this easement.

THENCE North 27°10'11" East, a distance of 20.00 feet to a point for the northwest corner of this easement.

THENCE with south line of an existing utility easement having a curve to the left running parallel to the north line of Lot 17, a distance of 5.00 feet to the **POINT of BEGINNING** of this easement, and containing 100 square feet of land, more or less.

Notes:

- 1.) Bearings are based on recorded plat of Lamar Park Subdivision.
- 2.) A Map of equal date accompanies this Metes and Bounds description.

I, Ronald E. Brister do hereby certify that this survey of the easement legally described herein was not made from an on the ground survey and is correct to the best of my knowledge and belief.



Ronald E. Brister, RPLS No. 5407

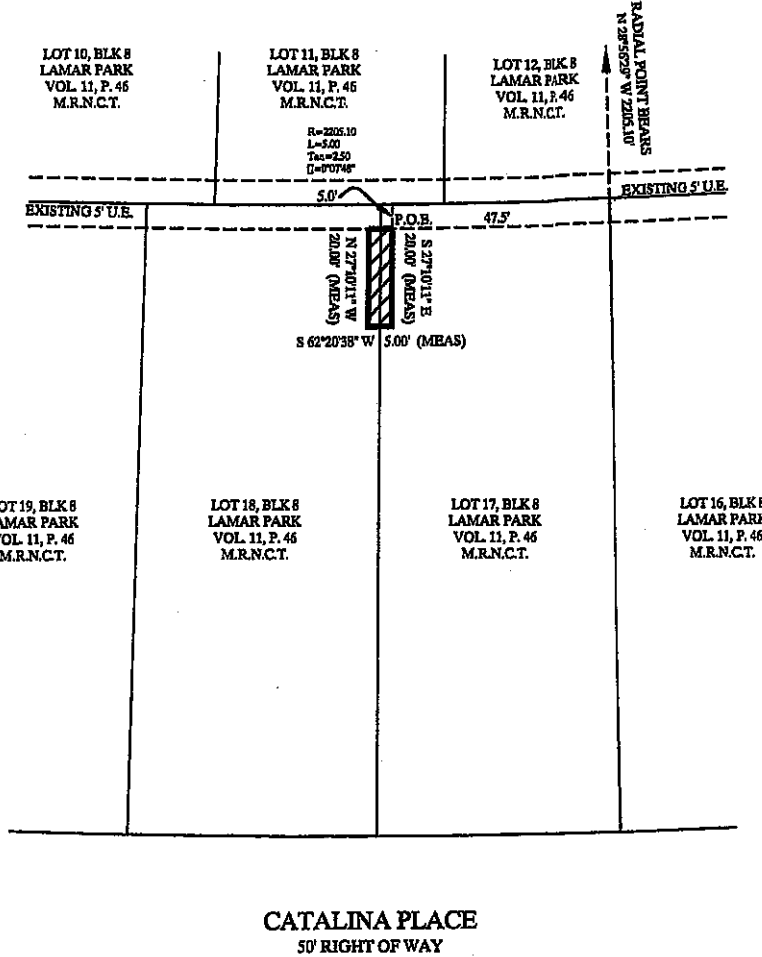
Date: October 09, 2012.



**SURVEY OF A
5' X 20' EASEMENT TO BE CLOSED OUT OF LOTS 17 AND 18, BLOCK 8, LAMAR
PARK SUBDIVISION SECTION 2, AS SHOWN ON A MAP RECORDED IN VOLUME
11, PAGE 46, MAP RECORDS NUECES COUNTY, TEXAS**



SCALE 1" = 30'



Brister Surveying

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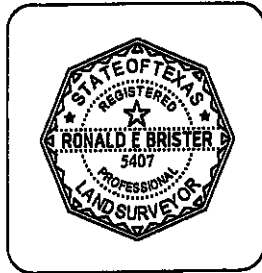


EXHIBIT B

NOTES
1.) TOTAL SURVEYED AREA IS 100 SQUARE FEET.
2.) MEASURED BEARINGS ARE BASED ON RECORDED PLAT.

THIS SURVEY DOES NOT INCLUDE THE RESEARCH, INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES, EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS SURVEY OF THE EASEMENT LEGALLY DESCRIBED HEREIN WAS NOT MADE FROM AN ON THE GROUND SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Ronald E. Brister
RONALD E. BRISTER R.P.L.S. NO. 5407

SURVEY DATE OCTOBER 09, 2012

JOB NO. 12872