

Ordinance abandoning and vacating an 8,598-square foot portion of an existing 10-foot wide utility easement out of a part of Lots 1 & 2, Cabaniss Acres No. 2, located west of the Ayers Street public right-of-way, and north of the Saratoga Boulevard (SH 357) right-of-way; and requiring the owners, Ernesto & Vienna Flores, to comply with the specified conditions.

WHEREAS, Ernesto & Vienna Flores (“Owners”) have requested the abandonment and vacation of the existing 10-foot wide utility easement which traverses part of Lots 1 & 2, Cabaniss Acres No. 2;

WHEREAS, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate an 8,598-square foot portion of an existing 10-foot wide utility easement, subject to compliance by the Owners with the conditions specified in this ordinance.

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

SECTION 1. Pursuant to the request of Ernesto & Vienna Flores, (“Owners”), an 8,598-square foot portion of an existing 10-foot wide utility easement out of a part of Lots 1 & 2, Cabaniss Acres No. 2, located west of the Ayers Street public right-of-way, and north of the Saratoga Boulevard (SH 357) right-of-way, as recorded in Volume 41, Page 164, and Volume 43, Page 64, 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 of the subject portion, 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 entireties.

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. Owner must dedicate new utility easements of equal or greater value than the property being released by the City in this easement closure action, in accordance with City of Corpus Christi, Code of Ordinance Section 49-12, within 180 days of Council approval so that the requirement of paying fair market value for the property 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 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 approval of the building permit and 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.
- e. Failure to comply with all the conditions outlined in this Ordinance within the specified time frame will hereby make the Ordinance null and void.

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	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

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

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

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

ATTEST:

 Rebecca Huerta
 City Secretary

 Nelda Martinez
 Mayor

BASS & WELSH ENGINEERING
TX Registration No. F-52
Survey Registration No. 100027-00
P.O. Box 6397
Corpus Christi, TX 78466-6397

August 11, 2014

Field Note Description

Being an easement situated in Nueces County, Texas, over and across portions of Lot 1 and Lot 2, Cabaniss Acres No. 2 as shown on the maps thereof recorded in Volume 41 at Page 164, and Volume 43, Page 64, respectively, of the Map Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of the heretofore referenced Lot 1, Cabaniss Acres No. 2 for the most southerly southeast corner of this tract;

THENCE N 61°49'30" W along the south line of Lot 1 at 212.59 feet pass the southwest corner of Lot 1 and the most southerly southeast corner of Lot 2, Cabaniss Acres No. 2 and in all a distance of 697.31 feet to the southwest corner of Lot 2;

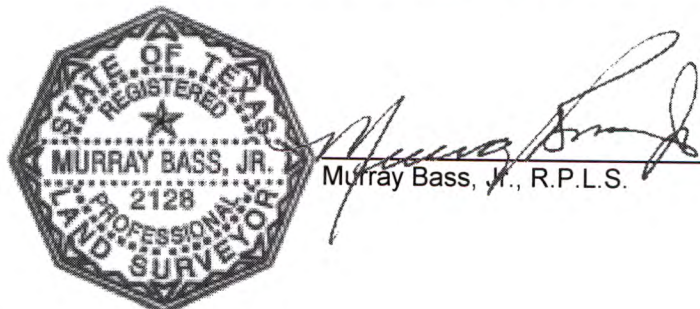
THENCE N 28°38'00" E along the west line of Lot 2, a distance of 162.56 feet to a point for the most northerly northwest corner of this tract, said point lying in the south boundary of an existing 10 foot wide utility easement;

THENCE S 61°51'26" E along the south boundary of said 10 foot utility easement, a distance of 10.00 feet to a point in the east boundary of the existing 10.0 foot wide utility easement for the northeast corner of this tract;

THENCE S 28°38'00" W 10.0 feet east of and parallel to the west line of Lot 2, along the margin of the existing 10.0 utility easement a distance of 152.56 feet to a point for an interior corner of this tract and a corner of the existing 10.0 foot utility easement;

THENCE S 61°49'30" E a 10.0 feet north of and parallel to the south line of Lot 2 at 484.00 feet pass the west boundary of Lot 1 and in all a distance of 687.24 feet to a point in the east boundary of Lot 1 and the west right-of-way line of Ayers Street for the most northerly southeast corner of this tract;

THENCE S 28°13'16" W along the east boundary of Lot 1 and the west right-of-way line of Ayers Street, a distance of 10.00 feet to the **POINT OF BEGINNING** forming a tract embracing 8,598 square feet (0.197 acres)..



Note: Basis of Bearing is the south line of Lot 2, Cabaniss Acres No. 2, as shown on the plat thereof

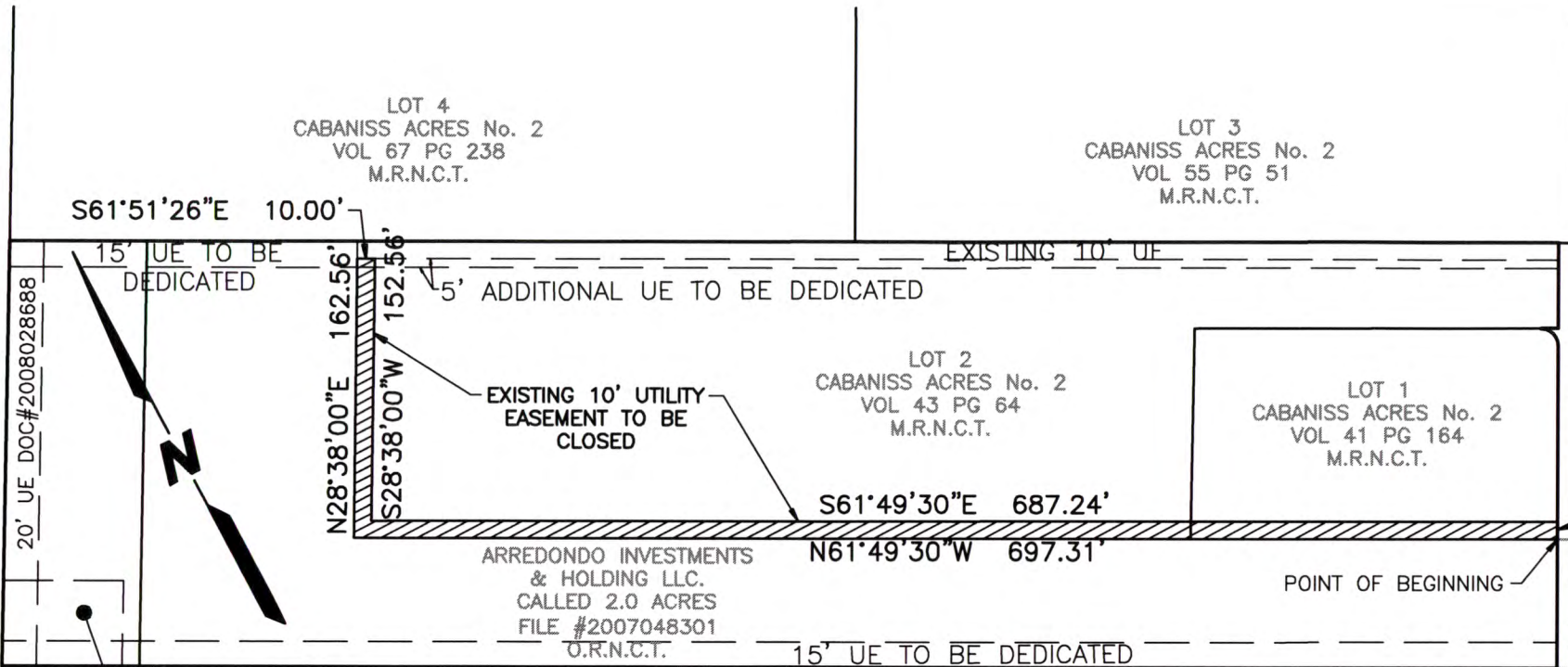
MBJ:sab

14040-Field Note Desc.doc

EXHIBIT A

CROSTOWN EXPRESSWAY (SH 286)

AYERS STREET

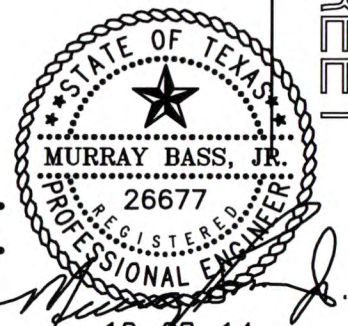


AREA SUMMARY
 8598 SF
 0.197 AC
 TO BE CLOSED
 20053 SF
 0.46 AC
 TO BE DEDICATED

**10' UTILITY EASEMENT CLOSURE
 LOTS 1 & 2
 CABANISS ACRES No. 2**

Prepared by:
Bass & Welsh Engineering
 3054 So. Alameda St.
 Corpus Christi, Tx. 78404
 (361) 882-5521 (phone)
 (361) 882-1265 (fax)
 Engineering Firm No. 52
 Surveying Firm No. 100027-00

EXHIBIT B



10-28-14
 Job No: 14040
 Scale: 1"=100'
 Date: 10-28-14
 Drawing No: 1
 Plotscale: 1:1
 Sheet 2 of 2