



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of July 14, 2015  
Second Reading for the City Council Meeting of July 21, 2015

**DATE:** May 15, 2015  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Daniel Grimsbo, P.E., Director, Development Services Department  
DanG@cctexas.com  
(361) 826-3595

First Reading Ordinance - Closing a utility easement located west of the Rodd Field Road (SH 357) state right-of-way, and north of the Airline Road public street right-of-way

### **CAPTION:**

Ordinance abandoning and vacating a 17,405.20-square foot portion of an existing 20-foot wide utility easement out of a part of Lots 1-2, Block 1, Brighton Park Addition, located west of the Rodd Field Road (SH 357) state right-of-way, and north of the Airline Road public street right-of-way; and requiring the owner, Ronald S. Browning to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to correct the location of the existing easement that was mistakenly overlooked in the final plat, and the City is now initiating this abandonment to allow for the sale of the land to HEB.

### **BACKGROUND AND FINDINGS:**

City of Corpus Christi in agreement with the Owner (Ronald S. Browning) of the property, is requesting the abandonment and vacation of a 17,405.20-square foot portion of an existing 20-foot wide utility easement out of a part of Lots 1-2, Block 1, Brighton Park Addition, located west of the Rodd Field Road (SH 357) state right-of-way, and north of the Airline Road public street right-of-way. The abandonment and vacation of the utility easement is being requested because the Engineer mistakenly forgot to correct the old easement in the final plat, and the City is initiating this abandonment to allow for the sale of the land to HEB.

Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Section 49-13. The Owner will be replatting said property and upon replatting will 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.

**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 had any facilities, or objections regarding the proposed utility easement abandonment.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</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. 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.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits