



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of March 31, 2015
Second Reading for the City Council Meeting of April 14, 2015

DATE: March 10, 2015

TO: Ronald L. Olson, City Manager

FROM: Daniel M. Grimsbo, P.E., Director, Development Services Department
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Closing a portion of a public right-of-way, located south of Williams Drive and north of Holly Road .

CAPTION:

Ordinance abandoning and vacating an undeveloped and unsurfaced 39,530-square foot portion (0.91 acres) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owners, Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown, to comply with specified conditions.

PURPOSE:

The purpose of this item is to abandon and vacate a portion of a 20-foot wide public right-of-way in conjunction with the development of the Oso River Estates Unit 2.

BACKGROUND AND FINDINGS:

Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown (Owners) are requesting the abandonment and vacation of an undeveloped and unsurfaced 39,530-square foot portion (0.91 acres) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts, located south of Williams Drive and north of Holly Road. The abandonment and vacation of the undeveloped public street right-of-way is being requested in conjunction with the development of the Oso River Estates Unit 2. The existing 20-foot wide public right-of-way is the western part of what was an existing 40-foot wide public right-of-way.

Staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case. The Owners have been advised of and concur with the conditions of the public street right-of-way abandonment and vacation ordinance.

ALTERNATIVES:

Denial of the street closure. This will, however, adversely impact the Owner’s ability to move forward with future development or sale of the subject property.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

The conditions of the ordinance are in compliance with City of Corpus Christi, Code of Ordinances §49-12 (a), as amended and approved on July 13, 2004, by Ordinance No. 025816.

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 within the dedicated 20-foot wide public street right-of-way, or objections regarding the proposed public right-of-way abandonment.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2014-2015	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 ordinance. Owner must comply with the following conditions:

- a. City staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case.
- b. Upon approval by the City Council and issuance of the ordinance, all grants of streets closures must be recorded at the Owners’ expense in the real property Official Deed and Map Records of Nueces County, Texas, in which the subject portion of the property is

located, with a copy of the recording provided to the City. Prior to the issuance of any permits for construction on the land, an up-to-date survey, abstracted for all streets, alleys or public rights-of-way, and items of record must be submitted by the Owners to the Director of Development Services.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits