



## AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of March 18, 2014  
Second Reading for the City Council Meeting of March 25, 2014

**DATE:** February 25, 2014

**TO:** Ronald L. Olson, City Manager

**FROM:** Barney Williams, P.E., Interim Director, Development Services Department  
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Closing a portion of a 10-foot wide utility easement  
out of Block 903, Fitchue Place Addition

### **CAPTION:**

Ordinance abandoning and vacating a portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition and requiring the owner, CC Tower Center, LTD., to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate a utility easement and allow for the future development of the subject property.

### **BACKGROUND AND FINDINGS:**

CC Tower Center, LTD. (Owner) is requesting the abandonment and vacation of a 2,751-square foot portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition, located west of South Alameda Street and south of McKenzie Street. The abandonment and vacation of the utility easement is being requested by the Owner to allow for the future development of the subject property. There are existing public and franchised utilities within the utility easement that will need to be relocated at owner's expense. Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Sec. 49-12, because Owner will be replatting said property and upon replatting will be dedicating utility easements of equal or greater value to off-set the proposed abandonment and vacation of the easement. The owner has been advised of and concurs with the conditions of the easement abandonment and vacation. 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 Owners' 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 49-13.

**EMERGENCY / NON-EMERGENCY:** Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. The City Gas Department has an existing 2-inch gas line within the utility easement that will need to be relocated at owner's expense. AT&T, AEP, and Grande have no objections to the easement closure, but will seek reimbursement if adjustments to their facilities become necessary. None of the other City departments or franchised utility companies had any facilities within said utility easement, or objections to the proposed easement closure.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2013-2014</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. All the existing public and franchised utilities located within the portion of utility easement to be abandoned and vacated, must be relocated at owner's expense.
- c. 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.
- d. 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.
- e. Owners must comply with all specified conditions of the ordinance within 180 days of

City Council approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits