

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.

WHEREAS, Ronald S. Browning (Owner) 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;

WHEREAS, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate a 17,405.20-square foot portion of an existing 20-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 Ronald S. Browning (“Owner”), 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, as recorded in Volume 68, Pages 394-395, 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 field notes map in Document No. 2004024340, is attached to and incorporated in this ordinance by reference as if it was 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.

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

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

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

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

Utility Easement

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS
COUNTY OF NUECES §

That the undersigned, "GRANTOR" (whether one or more) of 7082 Lake View Drive, Corpus Christi, Texas, 78412-5041, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, paid by the CITY OF CORPUS CHRISTI, a Texas Home Rule municipal corporation, 1201 Leopard Street, Nueces County, Texas 78469-9277, ("GRANTEE") the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and does hereby GRANT, SELL, and CONVEY to Grantee, its successors, legal representatives and assigns, the free and uninterrupted use, liberty, privilege, and exclusive easement of going in, on, over, under, and along a certain tract of land situated in Nueces County, Texas (the "Premises"), together with free ingress, egress, and regress within said easement by Grantee, its duly authorized agents, servants, and franchisees, to be used from time to time for the municipal purpose of constructing, laying, operating, inspecting, servicing, repairing, maintaining, replacing, keeping, and removing public utility lines (including above and below ground appurtenances thereto) on, over, under, and along the Premises described in Exhibit "A" attached hereto and adopted by this reference for all purposes.

GRANTOR FURTHER GRANTS, SELLS, AND CONVEYS TO GRANTEE, a Temporary Construction Easement described as an additional Fifty foot wide construction easement, west of and adjacent to the above-described utility easement. Said temporary construction easement will be used for the purpose of providing working room and storage of materials and machinery during the constructing or laying of the initial public utility line under the terms of this grant. This Temporary Construction Easement automatically terminates upon completion and acceptance by the City Manager of the City of Corpus Christi, Texas of the Initial Line laid or constructed. The location of the

EXHIBIT A

above-described utility easement and temporary construction easement are more particularly described by the plat identified as Exhibit "B" attached hereto and adopted by this reference as a part hereof for all purposes.

The rights conveyed to the Grantee herein are easements only, and there is reserved unto the Grantor, Grantor's heirs, executors, and assigns, the use and enjoyment of the Premises subject only to the dominant right of the Grantee to the full use and enjoyment of the same, without interference, for the purposes for which the same are herein conveyed. The City of Corpus Christi shall, from time to time, after any construction under the terms of this easement, restore the surface of land within the easement areas as nearly as practicable to the same condition, as existed prior to such construction. Grantee shall have no right to use any of Grantor's property outside the easements herein conveyed.

TO HAVE AND TO HOLD, ALL AND SINGULAR, the rights and privileges aforesaid to the City of Corpus Christi, Texas, its successors, legal representatives and assigns, for the above-described utility easement and temporary construction easement for the municipal purpose and uses herein above-described for so long as the same are used for such purpose, and if the use of said easement is ever abandoned, then the aforesaid rights and privileges cease.

Signed this 9th day of April, 2004.

Grantor



Ronald S. Browning

THE STATE OF TEXAS §
COUNTY OF NUECES §
§

This instrument was acknowledged before me on 9th of April
2004, by Ronald S Browning.



Raul Lopez Jr
Notary Public, State of Texas

ACCEPTED for the City of Corpus Christi, a municipal corporation and body politic under the laws of the State of Texas on May 17, 2004.

Grantee

CITY OF CORPUS CHRISTI, TEXAS
P.O. Box 9277
City Hall, 1201 Leopard Street, THIRD FLOOR
Department of Engineering Services
PROPERTY AND LAND ACQUISITION DIVISION
Corpus Christi, Texas 78469-9277

[Signature]
~~Angel R. Escobar, P.E. Director~~
~~Department of Engineering Services~~

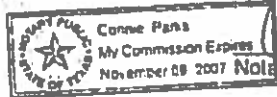
APPROVED AS TO LEGAL FORM ON April 21, 2004

for the CITY ATTORNEY

[Signature]
Joseph Hanley, Assistant City Attorney
City Legal Department

THE STATE OF TEXAS §
COUNTY OF NUECES §
§

This instrument was acknowledged before me on May 17, 2004, by George K. Noe as City Manager of the City of Corpus Christi, a Texas municipal corporation, on behalf of said corporation.



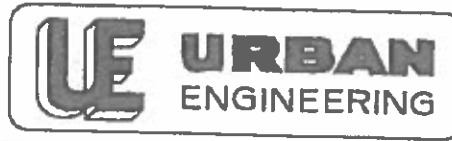
Connie Parks
Notary Public, State of Texas

187865-5

ATTEST

[Signature]
ARMISTARCO CHAPA
City Secretary

M2004183 AUTHORIZED
BY COUNCIL 5/11/04
SECRETARY [Signature]



Job No. 33760.A205
October 9, 2003

(361)854-3101

P.O. BOX 6355 • CORPUS CHRISTI, TEXAS 78466-6355

FAX (361)854-6001

EXHIBIT A

TRACT 415

STATE OF TEXAS
COUNTY OF NUECES

Fieldnotes for a 20.00 foot wide utility easement out of a 25.00 acre tract of land; said 25.00 acre tract being out of Lots 22, 23, 25 and 26, Section 20, Flour Bluff & Encinal Farm & Garden Tracts, a map of which is recorded in Volume A, Pages 41 thru 43, Map Records of Nueces County, Texas and being the same property conveyed in deed recorded in Document No. 913419, Deed Records of Nueces County; said utility easement being further described as follows:

Beginning at a point on the existing northwest boundary of Rodd Field Road for a corner of said 25.00 acre tract and for the south corner of this easement, from which corner the centerline intersection of Rodd Field Road and Slough Road, a public 40 foot roadway, bears South 61°19'49" East 60.00 feet and thence South 28°40'11" West 219.68 feet and from which beginning point a found concrete monument bears North 28°40'11" East 0.25 feet and from which Point of Beginning a National Geodetic Survey monument stamped "SS-100" bears South 79°25'06" West 14,473.45 feet and another National Geodetic Survey monument stamped "SR-070" bears South 44°16'14" East 9,591.30 feet;

Thence, South 55°14'05" West, with the northwest flare right-of-way of rod Filed Road, same being the existing southwest boundary of said 25.00 acre tract and the southwest boundary of this easement, 44.72 feet for the west corner of this easement.

Thence, North 28°40'11" East, with the northwest boundary of this easement, parallel with the existing northwest boundary of Rodd Field Road and 20.00 feet distant there from, measured at right angles thereto, a distance of 890.26 feet to the common boundary of said 25.00 acre tract and of a 3.456 acre tract (Document No. 877262, Official Records of Nueces County, Texas) for the north corner of this easement;

Thence, South 61°19'49" East, with the with the above mentioned common boundary, same being the northeast boundary of said 25.00 acre tract and of this easement, 20.00 feet to a 5/8 inch iron rod found for the south corner of said 3.456 acre tract, for the east corner of said 25.00 acre tract and for the west corner of this easement;

Thence, South 28°40'11" West, with the southeast boundary of said 25.00 acre tract of land and of this easement, same being the existing northwest boundary of Rodd Field Road, parallel with its centerline and 60.00 feet distant there from, measured at right angles thereto, 850.26 feet to the Point of Beginning and containing 17,405.201 square feet of land.

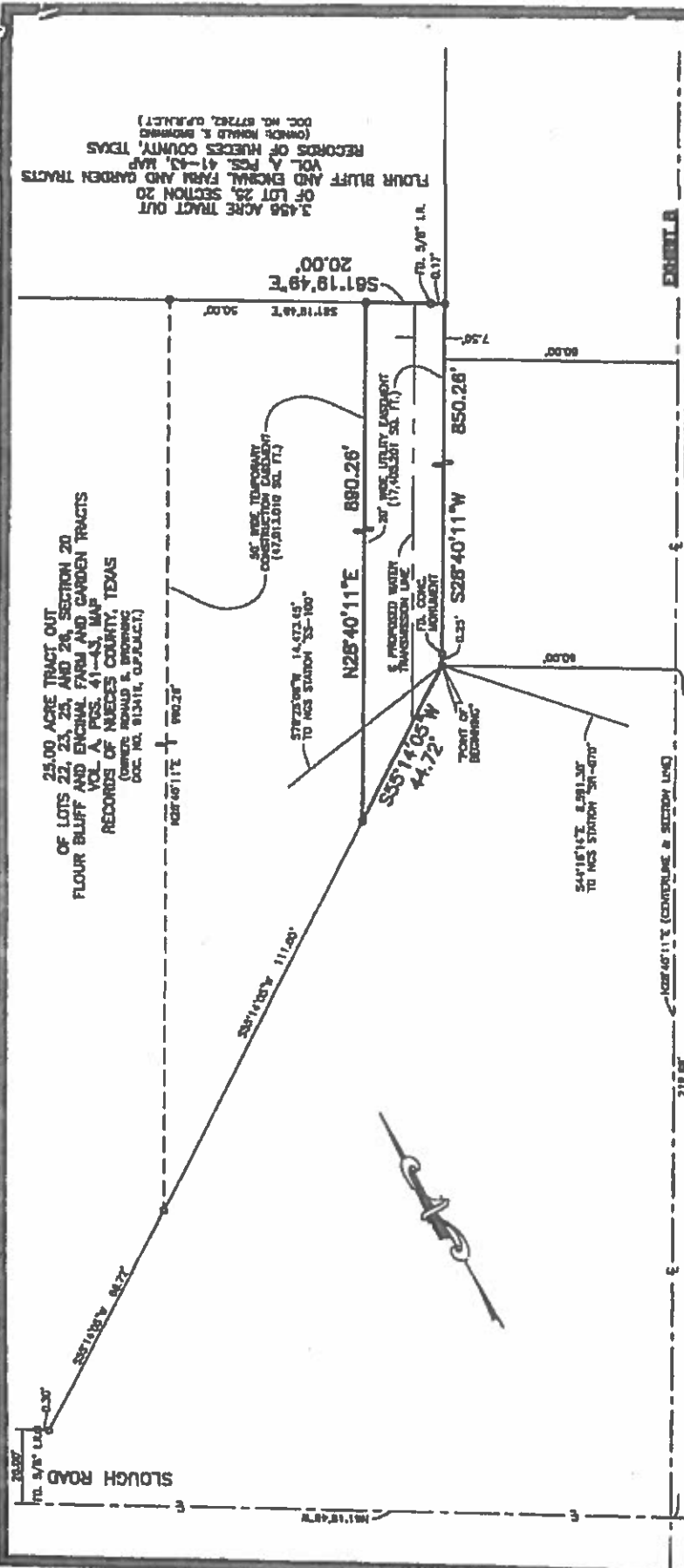
Bearings based on GPS bearings, NAD83, Texas South Zone. National Geodetic Survey monuments "SR-070" (North coordinate = 17,123,255.1563 East coordinate = 1,358,946.5964) and "SS-100" (North coordinate = 17,127,465.1516 East coordinate = 1,338,024.1126) were used as control points for establishing basis of bearing. Coordinates shown are based on Texas State Plane Coordinate System, South Zone (NAD83).



URBAN ENGINEERING

Juan J. Salazar

JUAN J. SALAZAR, R.P.L.S.
License No. 4909



TRACT: 415

OWNER: RONALD S. BROWNE

20.00 foot wide utility easement out of a 24.00 acre tract of land out of Lots 22, 23, 24, and 26, Section 20, Flour Bluff and Garden Farm and Garden Tracts, a map of which is recorded in Volume A, Page 41-43, Map Records of Huerfano County, Texas and being the same property as represented in Document No. 813,415, Official Records of Huerfano County, Texas.

DATE: 10-7-03
 SCALE: 1"=30'
 JOB NO. 33760A2.05

ROOD FIELD ROAD

BEARINGS BASED ON GPS BEARINGS, MARCEL TEXAS SOUTH ZONE, NATIONAL GEODETIC SURVEY MONUMENTS "N-870" (NORTH 13,206,445.44), "E-870" (EAST COORDINATE 17,127,468.54), LAST CORNER (NORTH COORDINATE 17,127,468.54), LAST CORNER (EAST COORDINATE 17,127,468.54) AS CONTROL POINTS FOR ESTABLISHING PLANS OF SURVEY. COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD83)

GRAPHIC SCALE
 1"=30'

45 30 15 0 30 60

24.58 ACRE TRACT OUT OF LOT 23, SECTION 20 OF LOT 23, SECTION 20 FLOUR BLUFF AND GARDEN TRACTS VOL. A Pgs. 41-43, MAP RECORDS OF HUERFANO COUNTY, TEXAS (OWNER: RONALD S. BROWNE DOC. NO. 87722, SUPPLECT)

25.00 ACRE TRACT OUT OF LOTS 22, 23, 24, AND 26, SECTION 20 FLOUR BLUFF AND GARDEN TRACTS VOL. A, Pgs. 41-43, MAP RECORDS OF HUERFANO COUNTY, TEXAS (OWNER: RONALD S. BROWNE DOC. NO. 813,415, SUPPLECT)

90' WIDE TEMPORARY CONSTRUCTION EASEMENT (17,211,010 S.L. P.L.)

30' WIDE UTILITY EASEMENT (17,211,010 S.L. P.L.)

STIPICORNY 14,473.45' TO MCS STATION "S-100"

24,416.14' TO MCS STATION "SR-670"

102' 45" 11" E (CONDUIT & SECONDARY LINE)

ENHET B

STATE OF TEXAS
COUNTY OF NUECES

This instrument was FILED in File Number
Sequence # 2020-001121 stamped herein by me, and
was duly RECEIVED in the Official Public Records of
Nueces County, Texas.



Lizbeth Naranjo
COUNTY CLERK
NUECES COUNTY, TEXAS

Any provision herein which restricts the Sale, Rental or use
of the described REAL PROPERTY because of Race, Color,
Religion, Sex, Handicap, Familial Status or National Origin, is
Invalid and unenforceable under FEDERAL LAW, 3/12/89

City of Corpus Christi
P. O. Box 9277
Department of Engineering Service
PROPERTY & LAND ACQUISITION DIV.
Corpus Christi, Texas 78469-9277

Doc 2020-001121
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FILED & RECORDED IN
OFFICE OF COUNTY CLERK
NUECES COUNTY, TEXAS
FEB 21 2021 10:21:15 AM
FEE \$21.00