



AGENDA MEMORANDUM
for the City Council Meeting of June 26, 2012

DATE: June 7, 2012
TO: Ronald L. Olson, City Manager
FROM: Mark Van Vleck, Interim Director, Department of Development Services
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(361) 826-3246

UTILITY EASEMENT CLOSURE

Abandoning and vacating a 318-square-foot portion of a 7.5-foot-wide utility easement out of Wooldridge Creek Unit 12, Block 2, Lot 26.

CAPTION:

Ordinance abandoning and vacating a 318-square-foot portion of a 7.5-foot-wide utility easement out of Wooldridge Creek Unit 12, Block 2, Lot 26, located on the east side of Wishbone Court and north of Durant Drive; and requiring the owners, Raymundo Ramos, Jr., and Rosario G. Ramos, to comply with the specified conditions.

BACKGROUND AND FINDINGS:

Raymundo Ramos, Jr., and Rosario G. Ramos (Owners) are requesting the abandonment and vacation of a 318-square-foot portion of a 7.5-foot-wide utility easement out of Wooldridge Creek Unit 12, Block 2, Lot 26. The abandonment and vacation of the utility easement is requested in order to resolve the encroachment of a swimming pool and storage building in the existing 7.5-foot-wide utility easement at the rear of the property prior to sale. Staff recommends that the Owners pay the fair market value of \$750.00 for the abandonment and vacation of the utility easement. The Owners 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 the sale of their property.

OTHER CONSIDERATIONS: Not applicable

CONFORMITY TO CITY POLICY:

The requirements are in compliance with the City of Corpus Christi, Code of Ordinances, Sec. 49-13.

EMERGENCY / NON-EMERGENCY: Non-Emergency

DEPARTMENTAL CLEARANCES:

All public and franchised utilities were contacted. The City Gas Department has a two-inch gas line located one (1) foot from the fence at the back of the property, and approximately 1.3 feet from the deck of the swimming pool. Grande Communications has an underground cable approximately two feet from the fence at the back of the property. None of the other City departments or franchised utility companies had any facilities within or objections to the proposed easement closure.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

| Fiscal Year: 2011-2012 | Project to Date Expenditures (CIP only) | Current Year | Future Years | TOTALS |
|-------------------------------|--|---------------------|---------------------|---------------|
| Line Item Budget | | | | |
| Encumbered / Expended Amount | | | | |
| This item | | \$750.00 | | 750.00 |
| BALANCE | | \$750.00 | | 750.00 |

Fund(s): 3530 Street CIP Fund – Street Closure Trust Account

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. The Owners are required to pay the fair market value of \$750.00 for the abandonment and vacation of the 318-square-foot portion of a 7.5-foot-wide utility easement out of Wooldridge Creek Unit 12, Block 2, Lot 26.
- b. Owners are required to allow access to the existing public utilities within the utility easement at all times without cost to the City or any of the public utility companies for restoration of any surface improvements and landscaping.
- c. Owners are required to maintain the area between the existing swimming pool and storage building and the remaining portion of the 7.5-foot utility easement and keep said area free of any permanent structures that could prohibit access and maneuverability within the easement for the maintenance, repair, or replacement of any existing public utilities or installation of any future utilities.
- d. Owners must comply with all the specified conditions of the ordinance within 180 days of Council approval.

- e. Upon approval by Council and issuance of the ordinance, all grants of easement closure must be recorded at Owners' expense in the real property Map Records of Nueces County, Texas, in which the property is located. Prior to the permitting of any construction on the land, an up-to-date survey, abstracted for all easements and items of record, must be submitted to the Director of Development Services, or his designee.

LIST OF SUPPORTING DOCUMENTS:

Location Map

Ordinance

Exhibit A – Property Survey

Exhibits B, C – Metes and Bounds Description & Accompanying Map