



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of February 21, 2017
Second Reading for the City Council Meeting of February 28, 2017

DATE: February 1, 2017

TO: Margie C. Rose, City Manager

FROM: Julio Dimas, Interim Director, Development Services Department
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Closing a utility easement located at 5921 Saratoga Blvd.

CAPTION:

Ordinance closing, abandoning, and vacating a 0.071-Acre portion of an existing utility easement out of a part of Lot 1A, Block 1 of Saratoga Heights Subdivision, located at 5921 Saratoga Blvd. and requiring the owner, PlainsCapital Bank, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate a utility easement and allow for PlainsCapital Bank to replace the existing building with a new building layout and provide more direct and efficient utility routing.

BACKGROUND AND FINDINGS:

PlainsCapital Bank (Owner) is requesting the abandonment and vacation of a 0.071-Acre portion of an existing utility easement out of a part of Lot 1A, Block 1 of Saratoga Heights Subdivision, located at 5921 Saratoga Blvd. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the construction of a new banking facility.

Staff recommends the Owner pay no fair market value fee in accordance with City Code of Ordinance Section 49-13 because the Owner has dedicated a new utility easement of equal or greater value than the property being released by the City. 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. 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 Owner’s ability to move forward with the development of the new banking facility.

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 stated objections regarding the proposed utility easement abandonment.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2016-2017	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 easement closure. The Owners must comply with all the following specified condition of the easement closure ordinance:

- a. Upon approval by the City Council and issuance of the ordinance, all grants of easement closure and specified conditions must be recorded at the Owner’s 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.

- b. The Maintenance responsibilities for the vacated easement reverts to PlainsCapital Bank (Owner).
- c. Failure to comply with all the conditions outlined in this Ordinance within 180 days will hereby make the Ordinance null and void.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Aerial Maps