



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of July 22, 2014  
Second Reading for the City Council Meeting of July 29, 2014

**DATE:** June 30, 2014

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

**FROM:** Barney Williams, P.E., Interim Director, Development Services Department  
BarneyW@cctexas.com  
(361) 826-3595

Closing a portion of a utility easement out of Padre Island Number 1

### **CAPTION:**

Ordinance abandoning and vacating a 1,361-square foot portion of an existing utility easement out of a part of Lot 10A and Lot 12, Blk. 16, Padre Island Number 1, located west of the South Padre Island Drive (Park Road 22) state right-of-way, and north of the Encantada Avenue public right-of-way; and requiring the owner, Island Foundation, Inc., 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:**

Island Foundation, Inc. (Owner) is requesting the abandonment and vacation of a 1,361-square foot portion of an existing utility easement out of a part of Lot 10A and Lot 12, Blk. 16, Padre Island Number 1, located west of the South Padre Island Drive (Park Road 22) state right-of-way, and north of the Encantada Avenue public right-of-way. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with a re-plat combining all of the Owner's contiguous property.

Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Section 49-13. The Owner will be replatting said property and upon replatting will be dedicating a utility easement to off-set the requested abandonment. 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 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 49-12 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 had any facilities, or objections regarding the proposed utility easement abandonment.

**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				
<b>BALANCE</b>				

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. 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.
- d. Owners must comply with all specified conditions of the ordinance within 180 days of City Council approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits