



## AGENDA MEMORANDUM

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

**DATE:** March 26, 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 an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands

### **CAPTION:**

Ordinance abandoning and vacating a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, located north of the Saratoga Boulevard (State Highway 357) state right-of-way, and located east of the Ayers Street public right-of-way; and requiring the owner, Spear Consolidated, Ltd., to comply with the specified conditions.

### **PURPOSE:**

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

### **BACKGROUND AND FINDINGS:**

Spear Consolidated, Ltd. (Owner) is requesting the abandonment and vacation of a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, located north of Saratoga Boulevard (State Highway 357), and located east of Ayers Street. The abandonment and vacation of the blanket pipeline easement is being requested by the Owner in order to remove any unnecessary easements within said tract of land and allow for the future development of the subject property. The City will require that the Owner retain a 15-foot wide portion of the property (for a 15-foot wide utility easement dedication) along the entire frontage area that's adjacent to Saratoga Boulevard.

On February 19, 1941, Kasper and Alberta Zdansky sold Houston Natural Gas Corporation a blanket easement right-of-way for pipeline purposes. The blanket easement was recorded in Volume 268, Pages 253-254, Deeds of Records of Nueces County, Texas (Clerk's File No. 162158). The portion of blanket easement that Spear Consolidated, Ltd. is requesting to close is a portion that lies within Lot 5, Section 8, Bohemian Colony Lands.

Staff recommends that payment of fair market value be waived because the blanket easement that encumbers the 4.07 acre tract, serves of no purpose, or value to anyone. 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. None of the City departments or franchised utility companies had any facilities, or objections regarding the proposed blanket pipeline 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				
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. Staff recommends that payment of fair market value be waived because the blanket easement that encumbers the 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, serves of no purpose or value to anyone.
- b. Owner must dedicate a 15-foot wide new utility easement along the entire frontage area of Saratoga Boulevard within the said 4.07 acres property being released by the City in this easement closure action.
- 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 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.

- 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