



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of April 11, 2017  
Second Reading for the City Council Meeting of April 18, 2017

**DATE:** March 6, 2017

**TO:** Margie C. Rose, City Manager

**FROM:** Julio Dimas, Interim Director, Development Services Department  
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Closing portions of two utility easements at the Del Mar College East Campus, located at 101 Baldwin Blvd.

### **CAPTION:**

Ordinance abandoning and vacating portions of two existing utility easements, 0.237-acre portion of an existing utility easement and 0.390-acre portion of an existing utility easement out of a part of Del Mar College East Campus, Block 1, Lot 1, located at 101 Baldwin Blvd. and requiring the owner, Del Mar College, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate two portions of a utility easement and allow for Del Mar College to construct a new educational facility in the lot.

### **BACKGROUND AND FINDINGS:**

Del Mar College (Owner) is requesting the abandonment and vacation of portions of two existing utility easements, 0.237-acre portion of an existing utility easement and 0.390-acre portion of an existing utility easement out of a part of Del Mar College East Campus, Block 1, Lot 1, located at 101 Baldwin Blvd. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the construction of a new educational facility.

Staff recommends the Owner pay no fair market value fee in accordance with Texas Local Government Code §272.001 (b) because the Owner will be dedicating utility easements throughout the property which will greatly exceed the area of the requested closure. 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 comply with the City Code of Ordinances, Section 49-12 and 49-13.

**EMERGENCY / NON-EMERGENCY:** Non-Emergency

**DEPARTMENTAL CLEARANCES:**

The Water Department has agreed to allow the relocation of waterlines to newly dedicated utility easements.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2016-2017</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. Owner must relocate the water lines to the newly dedicated utility easements at owner's expense.
- d. Failure to comply with all the conditions outlined in this Ordinance within the specified time frame will hereby make the Ordinance null and void.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits  
Presentation