

**Ordinance abandoning and vacating the five-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8; and requiring the owner, Bill Miller Bar B Q, to comply with the specified conditions.**

**WHEREAS**, First Hartford Realty Corporation, acting as agent on behalf of Bill Miller Bar B Q ("Owner"), is requesting the abandonment and vacation of the five-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8, located east of Port Avenue and north of Morgan Avenue, to accommodate the future development of the subject property;

**WHEREAS**, with proper notice to the public, public hearings were held on Tuesday, October 23, 2012, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate the 5-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8, subject to the provisions in this ordinance included below.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**Section 1.** Pursuant to the request of First Hartford Realty Corporation, acting as agent on behalf of Bill Miller Bar B Q ("Owner"), a five-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8, located east of Port Avenue and north of Morgan Avenue, as recorded in Volume 24, Page 53, of the Official Deed and Map Records of Nueces County, Texas, is abandoned and vacated by the City of Corpus Christi ("City"), subject to Owner's compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is a field notes map, and Exhibit "B," which is a metes and bounds description, are attached to and incorporated in this ordinance by reference as if each were fully set out herein in its entirety.

**Section 2.** The abandonment and vacation of the utility easements described in Section 1 of this ordinance is expressly conditioned upon Owner's compliance with the following requirements:

- a. Owner must dedicate to the City new utility easements of equal or greater value than the utility easements being released by the City in this easement closure action, in accordance with the Corpus Christi Code of Ordinances, Section 49-12, within 180 days of City Council approval of this ordinance so that the requirement of paying fair market value for the properties 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 Owner's expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected properties are located.

- c. Prior to the permitting of any construction on the affected properties, the Owner must submit up-to-date surveys, abstracted for all easements and items of record, to the Director of Development Services, or his designee.
- d. Owner must comply with all specified conditions of the ordinance within 180 days of City Council approval.

The foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following votes:

Joe Adame	_____	David Loeb	_____
Chris Adler	_____	John E. Marez	_____
Kelley Allen	_____	Nelda Martinez	_____
Larry Elizondo, Sr.	_____	Mark Scott	_____
Priscilla Leal	_____		

The foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following votes:

Joe Adame	_____	David Loeb	_____
Chris Adler	_____	John E. Marez	_____
Kelley Allen	_____	Nelda Martinez	_____
Larry Elizondo, Sr.	_____	Mark Scott	_____
Priscilla Leal	_____		

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
 Armando Chapa  
 City Secretary

\_\_\_\_\_  
 Joe Adame  
 Mayor

**PLAT SHOWING  
5' UTILITY EASEMENT ABANDONMENT  
BEING 0.006 ACRES 252.93 Sq. Ft.  
OUT OF LOT 8, BLOCK 1  
VOLUME 24, PAGE 53 N.C.M.R.  
PORTMOOR ADDITION SUBDIVISION  
AN ADDITION TO THE  
CITY OF CORPUS CHRISTI  
NUECES COUNTY, TEXAS**

Lot 7  
Vol. 25, Pg. 4, N.C.M.R.

**L4**

P.O.B.  
N.E. COR.  
LOT 8  
BLOCK 1

Lot 8  
Vol. 24, Pg. 53, N.C.M.R.

**L3**

5' UTILITY EASEMENT (VOL. 24, PG. 53, N.C.M.R.)  
ABANDONED BY THIS PLAT

**L1**

Lot 15  
Vol. 25, Pg. 61, N.C.M.R.

**L2**

Lot 9  
Vol. 20, Pg. 9, N.C.M.R.

Lot 11  
Vol. 51, Pg. 33, N.C.M.F



BEARING BASIS AS PER TEXAS STATE  
PLANE GRID COORDINATE SYSTEM NAD 83  
TEXAS SOUTH 4205 ELEVATION  
PER NAVD 88 (GEOID 2003)

1 INCH = 10 FT.

LINE DATA "L1"  
S 01°36'40" E  
50.60'

LINE DATA "L2"  
S 88°37'00" W  
5.00'

LINE DATA "L3"  
N 01°36'40" W  
50.58'

LINE DATA "L4"  
N 88°23'20" E  
5.00'

**FLOOD ZONE**

ZONE "C"

AREAS OF MINIMAL FLOODING.

COMMUNITY-PANEL NUMBER: 485464 0168 C  
MAP REVISED: JULY 18, 1985

**NOTES:**

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND  
SIGNATURE OF SURVEYOR.

**EXHIBIT A**



I, FRED L. KURTH, A REGISTERED PROFESSIONAL  
LAND SURVEYOR, DO HEREBY CERTIFY THE  
FOREGOING PLAT TO BE TRUE AND CORRECT  
REPRESENTATION OF A SURVEY MADE ON THE  
GROUND ON 03/14/12 UNDER MY DIRECTION  
AND SUPERVISION.

*Fred L. Kurth* 8-3-12  
FRED L. KURTH, RPLS No. 4750 DATE:



**MELDEN & HUNT INC.**  
CONSULTANTS • ENGINEERS • SURVEYORS

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RIO GRANDE CITY, TX 78582  
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EDINBURG, TX 78541  
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FAX: (956) 381-1839  
www.meldenandhunt.com

BOOK T-927, PG. 64-66  
DATE: 08/03/2012  
JOB No. 12003.10  
FILE NAME: 12003.10  
DRAWN BY: F.P.4

September 5, 2012

**METES AND BOUNDS DESCRIPTION  
0.006 AC. OUT OF LOT 8, BLOCK 1  
PORTMOOR ADDITION SUBDIVISION  
CITY OF CORPUS CHRISTI  
NUECES COUNTY, TEXAS**

**EASEMENT ABANDONMENT**

A tract of land containing 0.006 of one acre [252.93 square feet] situated in the City of Corpus Christi, Nueces County, Texas, being a 5-foot utility easement as shown in the plat of LOT 8, BLOCK 1, PORTMOOR ADDITION SUBDIVISION, according to plat thereof recorded in Volume 24, Page 53, Nueces County Map Records, said 0.006 of one acre [252.93 square feet] also being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 8, Block 1, for the Northeast corner of this tract;

1. THENCE, S 01° 36' 40" E along the East line of said Lot 8, Block 1, a distance of 50.60 feet to the Southeast corner of said Lot 8, for the Southeast corner of this tract;
2. THENCE, S 88° 37' 00" W along the South line of said Lot 8, Block 1, a distance of 5.00 feet to the Southwest corner of this tract;
3. THENCE, N 01° 36' 40" W along a line parallel and 5.00 feet West of the East line of said Lot 8, Block 1, a distance of 50.58 feet to a point on the North line of said Lot 8, for the Northwest corner of this tract;
4. THENCE, N 88° 23' 20" E along the North line of said Lot 8, Block 1, a distance of 5.00 feet to the POINT OF BEGINNING, and containing 0.006 of one acre [252.93 square feet] of land, more or less.

I, FRED L. KURTH, A REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY AFFIRM THAT THIS METES AND BOUNDS DESCRIPTION REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON 03/14/2012 UNDER MY DIRECTION AND SUPERVISION.

  
FRED L. KURTH, R.P.L.S. #4750

9-5-12  
DATE:



Z:\SURVEY\12003.10\M&B\0.006 AC. EASEM ABANDONMENT

EXHIBIT B