



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of December 17, 2014
Second Reading for the City Council Meeting of January 14, 2014

DATE: November 18, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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Closing a portion of a 15-foot wide utility easement
out of Lot 1, Incarnate Word Subdivision

CAPTION:

Ordinance abandoning and vacating a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision and requiring the owner, The Convent Academy of the Incarnate Word, 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:

The Convent Academy of the Incarnate Word (Owner) is requesting the abandonment and vacation of a 21,488-square foot portion of a 15-foot wide utility easement out of The Convent Academy of the Incarnate Word, located south of Lipes Boulevard and west of South Staples Street. The abandonment and vacation of the utility easement is being requested by the Owner to allow for the future development of the subject property. The easement was placed on the plat in anticipation of the site configuration and that configuration was changed after the plat was recorded. Staff recommends payment of fair market value for the easement closure be waived, as per Texas Local Government Code 272.001 (b). The Owner of said property was the same Owner that dedicated the portion of easement being abandoned. 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 within or objections to the proposed easement closure.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2013-2014	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 conditions of the easement closure ordinance:

- a. That payment of fair market value for the easement closure be waived, as per Texas Local Government Code 272.001 (b). The Owner of said property was the same Owner that dedicated the portion of easement being abandoned.
- 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 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