



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of May 13, 2014
Second Reading for the City Council Meeting of May 20, 2014

DATE: August 30, 2013
TO: Ronald L. Olson, City Manager
FROM: Barney Williams, P.E., Interim Director
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Closing a portion of a 15-foot wide utility easement
out of Lots 5A and 6A, Industrial Technology Park Unit 1

CAPTION:

Ordinance abandoning and vacating a portion of a 15-foot wide utility easement out of Lots 5A and 6A, Industrial Technology Park Unit 1, and requiring the owner, Agnes Properties, 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:

Agnes Properties (Owner) is requesting the abandonment and vacation of a 9,489-square foot portion of a 15-foot wide utility easement out of Lots 5A and 6A, Industrial Technology Park Unit 1, located northeast of Junior Beck Drive and southwest of South Padre Island Drive. The abandonment and vacation of the utility easement is being requested by the Owner because they are replatting both lots into one, and the 10-foot utility easement is located in the middle of the two lots being replatted. Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Sec. 49-12. The Owner will be replatting said property and upon replatting will be dedicating a new utility easement (40,180 square feet). The proposed easement will be of equal or greater value to off-set the proposed abandonment and vacation of the existing 9,489-square foot easement. 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. 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 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