



AGENDA MEMORANDUM
for the City Council Meeting of April 10, 2012

DATE: 3/23/2012

TO: Ronald L. Olson, City Manager

FROM: Mark Van Vleck, Interim Director of Development Services
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(361) 826-3246

Abandoning and vacating a blanket pipeline easement (approximately 871,200-square feet), out of the Mt. Vernon Shopping Center, Block 1, Lot 1, and Sherwin Place Unit 3, Block 1, Lot 1.

CAPTION:

Ordinance abandoning and vacating a portion of an existing blanket easement, approximately 871,200-square feet, located at Mt. Vernon Shopping Center, Block 1, Lot 1, and Sherwin Place Unit 3, Block 1, Lot 1; Requiring the owner of the lots, the Smith-Johnson Partnership and Smith Mt. Vernon Holdings, Ltd., to comply with the specified conditions; and declaring an emergency.

BACKGROUND AND FINDINGS:

The Clower Company, on behalf of the owners, Smith-Joslin Partnership and Smith Mt. Vernon Holdings, Ltd., is requesting the abandonment and vacation of a portion of an existing blanket easement, approximately 871,200-square feet (20 acres), located at Mt. Vernon Shopping Center, Block 1, Lot 1, and Sherwin Place Unit 3, Block 1, Lot 1, (The South Staples Center, 4938 South Staples Street and the Mt. Vernon Shopping Center, 5521 South Staples Street, respectively), located north of South Padre Island Drive state right-of-way (State Highway 358), and east of the South Staples Street public right-of-way, in order to provide for redevelopment over the existing easement area. The easement to be abandoned and vacated is located in a "CG-2" General Commercial District.

Houston Natural Gas Corporation assigned the City of Corpus Christi Gas Department (Corpus Christi Municipal Gas Corporation) the blanket easement right-of-way on December 29, 1954, the City Council and Mayor of the City approved the assigned transfer with Ordinance No. 4018. On August 19, 1959, City Council and Mayor of the City amended Ordinance No. 4018 and approved a final assignment of transfer with Ordinance No. 5467. Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Sec. 49-12, because Owner will be replatting said property and upon replatting will be dedicating utility easements of equal or greater value to off-set the proposed abandonment and vacation of the easement. The Applicant must also comply with all the specified conditions of the ordinance within 180 days of Council approval.

ALTERNATIVES:

Denial of the blanket pipeline easement closure. However this will adversely impact the owner's ability to move forward with the future sale of the property.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

These requirements are in compliance with the City of Corpus Christi, Code of Ordinance Sec. 49-13, as amended and approved on July 13, 2004, by Ordinance No. 025816.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

All public and franchised utilities were contacted. The City Water Department is requiring that a minimum 15-foot utility easement be retained for their existing water mains. None of the other city departments or franchised utility companies had any facilities or objections regarding the proposed blanket pipeline easement abandonment.

FINANCIAL IMPACT: Not applicable

Fiscal Year: 2011-2012	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: N/A

RECOMMENDATION:

Staff recommends approval and adoption of the ordinance. Owner must comply with all the following specified conditions of the ordinance:

- Since Owner has dedicated utility easements of equal or greater value than the property released by the City in this easement closure action, in accordance with the City of Corpus Christi, Code of Ordinances Section 49-12, the requirement of paying fair market value for the property is waived.
- Owner must comply with all the specified conditions of the ordinance within 180 days of Council approval.
- Upon approval by Council and issuance of the ordinance, all grants of easement closure must be recorded at Owner's expense in the real property Map Records of Nueces County, Texas, in which the property is located. Prior to the permitting of any construction on the land, and up-to-date survey, abstracted for all easements and items of record, must be submitted to the Director of Development Services, or his designee, as per City of Corpus Christi, Code of Ordinances Sec. 49-13, as amended and approved on July 13, 2004, by Ordinance No. 025816.

LIST OF SUPPORTING DOCUMENTS:

Location Map

Exhibit A - Mt. Vernon Shopping Center Site Map

Exhibit B - Mt. Vernon Shopping Center Site Map

Exhibit C - Sherwin Place Unit 3 Site Map

Exhibit D - Pipeline Blanket Easement Area Map

Ordinance

Approvals: Deborah Brown, Assistant City Attorney
Eddie Houlihan, Assistant Director of Management and Budget
Toby Futrell, Interim Assistant City Manager