



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 30, 2018  
Second Reading for the City Council Meeting of November 13, 2018

**DATE:** October 3, 2018

**TO:** Keith Selman, Interim City Manager

**FROM:** Nina Nixon-Mendez, FAICP, Director of Development Services  
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**Alley Right-of-Way and Easement Closure located between Morgan Avenue and Elizabeth Street and between Ocean Drive and Third Street**

**CAPTION:**

Ordinance closing, abandoning and vacating two public alleys totaling 5,767 square feet located between Morgan Avenue and Elizabeth Street and between Ocean Drive and Third Street, 1,654 square feet of an existing 5-foot wide drainage easement, and partial closure, abandonment and vacation of 10,618 square feet of an existing 30-foot wide utility and drainage easement dedicated by separate instrument and shown on the Plat of Ocean View Addition Volume 1, Page 11 and Volume 62, Page 130 and 131 Deed and Map Records of Nueces County, located at 600 Elizabeth Street; and requiring the Owner, Christus Spohn Health System Corporation, to comply with specified conditions.

**PURPOSE:**

The purpose of this ordinance is to partially close, vacate, and abandon two public alleys, a drainage easement and a partial utility and drainage easement is to facilitate further expansion of the hospital.

**BACKGROUND AND FINDINGS:**

Christus Spohn Health System Corporation (Owner) is requesting the partial closure, vacation, and abandonment of 2,280 square feet, 3,487 square feet, of public right-of-way (two alleys), and 330.92-feet (1,654 square feet) of an existing 5-foot wide drainage easement and 353.92-feet (10,618 square feet) of an existing 30-foot wide utility and drainage easement dedicated by separate instrument and shown on the Plat of Ocean View Addition Volume 1, Page 11 and Volume 62, Page 130 and 131 Deed and Map Records of Nueces County, Texas, located between Morgan Avenue and Elizabeth Street and between Ocean Drive and Third Street.

This partial closure, vacation, and abandonment is being requested by the owner to facilitate further expansion of the hospital.

**ALTERNATIVES:**

Denial of the proposed partial public right-of-way closures and partial drainage easement closures, abandonments, and vacations.

**OTHER CONSIDERATIONS:**

None

**CONFORMITY TO CITY POLICY:**

These requirements are in compliance with the City Code of Ordinances, Section 49-12 and 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 stated objections regarding the proposed partial public right-of-way closures and partial drainage easement closures.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital      X Not Applicable

<b>Fiscal Year: 2018-2019</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:**

**RECOMMENDATION:**

Staff recommends approval of the partial public right-of-way closures and partial easement closures, vacations, and abandonments. The Owners must comply with all the following specified conditions of the public right-of-way closure ordinance:

a. Upon approval by the City Council and issuance of the ordinance, all grants of public street, alley, and easement right-of-way 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. Failure to record this Ordinance within 90 days will hereby make the Ordinance null and void.

b. The maintenance responsibilities for the vacated public right-of-way and partial easement closures reverts to Christus Spohn Health System Corporation (Owner).

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits  
Presentation