



## AGENDA MEMORANDUM

Public Hearing/First Reading Ordinance for the City Council Meeting of November 11, 2014  
Second Reading for the City Council Meeting of November 18, 2014

**DATE:** October 17, 2014

**TO:** Ronald L. Olson, City Manager

**FROM:** Daniel M. Grimsbo, P.E., Director, Development Services Department  
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Closing a portion of Bockholt Road (undeveloped, unsurfaced dedicated public right-of-way) between the Old State Highway 44 and the New State Highway 44 rights-of-way.

### **CAPTION:**

Ordinance abandoning and vacating an undeveloped and unsurfaced 21,690 square-foot portion of the Bockholt Road public street right-of-way, out of GC&SF RR CO Survey, Abstract No. 1005, Nueces County, Texas, being a portion of those certain tracts of land described as Tract Two and Tract Three, located between the Old State Highway 44 right-of-way and the New State Highway 44 right-of-way; and requiring the owner, George Picha, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to abandon and vacate a portion of Bockholt Road due to the fact that this unimproved portion of public street right-of-way leads to a dead end and serves no purpose for future use in the Urban Transportation Plan.

### **BACKGROUND AND FINDINGS:**

George Picha (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 21,690 square-foot portion of the Bockholt Road public street right-of-way, located between the Old State Highway 44 right-of-way and the new State Highway 44 right-of-way. The abandonment and vacation of the public street right-of-way is being requested by the Owner due to the fact that this unimproved portion of public street right-of-way leads to a dead end and serves no purpose for future use in the Urban Transportation Plan.

Staff recommends that payment of the fair market value be waived because City Code, Section 49-12 (c)(4) of the City's Code of Ordinances, eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case.

### **ALTERNATIVES:**

Denial of the street closure. This will, however, adversely impact the Owner's ability to move forward with future development or sale of the subject property.

**OTHER CONSIDERATIONS:**

Not applicable

**CONFORMITY TO CITY POLICY:**

The conditions of the ordinance are in compliance with City of Corpus Christi, Code of Ordinances §49-12 (a), 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. AT&T has an existing underground fiber cable along the north side and the west side of the Bockholt Road public right-of-way, and is requiring that a utility easement be retained for their underground fiber optic cable. None of the other City departments or franchised utility companies had any facilities within the dedicated Bockholt Road public street right-of-way, or objections regarding the proposed public right-of-way abandonment.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</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				
BALANCE				

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval of the ordinance. Owners must comply with the following conditions:

- a. City staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case.

- b. AT&T has an existing underground fiber cable along the north side and the west side of the Bockholt Road public right-of-way, and is requiring that a utility easement be retained for their underground fiber optic cable.
- c. Owner is to dedicate a 15-foot wide utility easement along the north side and the west side of the Bockholt Road public right-of-way to be abandoned and vacated.
- d. Owner must replat the portion of Bockholt Road to be abandoned and vacated, and comply with all specified conditions of the ordinance within 180 days of City Council approval.
- e. Failure to comply with all the conditions outlined in this Ordinance within the specified time frame will hereby make the Ordinance null and void.
- f. Upon approval by the City Council and issuance of the ordinance, all grants of streets closures must be recorded at the Owners' expense in the real property Official Deed and Map Records of Nueces County, Texas, in which the subject portion of the property is located, with a copy of the recording provided to the City. Prior to the issuance of any permits for construction on the land, an up-to-date survey, abstracted for all streets, alleys or public rights-of-way, and items of record must be submitted by the Owners to the Director of Development Services.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits