



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of November 18, 2014  
Second Reading for the City Council Meeting of December 9, 2014

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**DATE:** October 24, 2014

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

**FROM:** Daniel M. Grimsbo, P.E., Director, Development Services Department  
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Closing an undeveloped and unsurfaced 67,120-square foot portion (1.54 acres) of a 40-foot wide public right-of-way, out of Lots 2-4, Section 24, & Lots 29-31, Section 25, Flour Bluff & Encinal Farm & Garden Tracts.

### **CAPTION:**

Ordinance abandoning and vacating an undeveloped and unsurfaced 67,120-square foot portion (1.54 acres) of a 40-foot wide public right-of-way, out of Lots 2-4, Section 24, & Lots 29-31, Section 25, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owner, Yorktown Joint Venture, to comply with specified conditions.

### **PURPOSE:**

The purpose of this item is to abandon and vacate a portion of a 40-foot wide public right-of-way in conjunction with the development of the Rancho Vista Units 10 and 11.

### **BACKGROUND AND FINDINGS:**

Yorktown Joint Venture (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 67,120-square foot portion (1.54 acres) of a 40-foot wide public right-of-way, out of Lots 2-4, Section 24, & Lots 29-31, Section 25, Flour Bluff & Encinal Farm & Garden Tracts, located west of the Fred's Folly Drive public street right-of-way and south of the Idle Hour public street right-of-way. The abandonment and vacation of the undeveloped public street right-of-way is being requested in conjunction with the development of the Rancho Vista Units 10 and 11.

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. The Owners have been advised of and concur with the conditions of the public street right-of-way abandonment and vacation ordinance.

**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. None of the City departments or franchised utility companies had any facilities within the dedicated 40-foot wide 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. Owner 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. 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.

- c. Failure to comply with all the conditions outlined in this Ordinance within the specified time frame will hereby make the Ordinance null and void.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits