

Ordinance abandoning and vacating a 233-square foot portion of an existing utility easement out of a part of Padre Island- Corpus Christi No. 4, Block 235, Lot 1, located at 15401 Dyna Street and requiring the owner, Hadi Mostaghasi d/b/a H & M Homes, to comply with the specified conditions. Collecting a one-time fee for fair market value of \$830.06

WHEREAS, Hadi Mostaghasi d/b/a H & M Homes (Owner) is requesting the abandonment and vacation of a 233-square foot portion of an existing utility easement out of a part of Padre Island- Corpus Christi No. 4, Block 235, Lot 1, located at 15401 Dyna Street;

WHEREAS, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate a 233-square foot portion of an existing utility easement, subject to compliance by the Owners with the conditions specified in this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Pursuant to the request of Hadi Mostaghasi d/b/a H & M Homes (“Owner”), a 233-square foot portion of an existing utility easement out of a part of Padre Island- Corpus Christi No. 4, Block 235, Lot 1, located at 15401 Dyna Street, as recorded in Volume 33, Pages 44-47, of the Map Records of Nueces County, Texas, is abandoned and vacated by the City of Corpus Christi (“City”), subject to the Owners’ compliance with the conditions specified in Section 2 of this ordinance. Exhibit “A,” which is a metes and bounds description and field notes, “Exhibit B”, which is the graphical representation of the legal, and “Exhibit C”, which is the location map which are attached to and incorporated in this ordinance by reference as if it was fully set out herein in their entireties.

SECTION 2. The abandonment and vacation of the utility easement described in Section 1 of this ordinance is expressly conditioned upon the Owners’ compliance with the following requirements:

- a. 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.
- b. In exchange for the City’s grant of the easement closure the Owner agrees to provide the City with a one-time payment of \$830.06
- c. Failure to comply with all the conditions outlined in this Ordinance within 180 days will hereby make the Ordinance null and void.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Mayor	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2017, by the following vote:

Mayor	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

PASSED AND APPROVED on this the _____ day of _____, 2017.

ATTEST:

Rebecca Huerta
City Secretary

Mayor

STATE OF TEXAS
COUNTY OF NUECES

EXHIBIT A

Field Notes of a 233 SF tract out of a 7.5' utility easement out of Lot 1, Block 235, Padre Island Corpus Christi No. 4, as shown on a map recorded in Volume 33, Pages 44 – 47, Map Records of Nueces County, Texas. Said 233 SF tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found in west right of way of Dyna Street for the common east corner of Lots 1 and 2, **THENCE** with the west right of way of Dyna Street, North 00°47'04" East, a distance of 4.75 feet to a point for the southeast corner of this survey and the **POINT OF BEGINNING**.

THENCE with the west right of way of Dyna Street North 00°47'04" East, a distance of 2.75 feet to a point for the northeast corner of the said 7.5' utility easement and for the northeast corner of this survey, from **WHENCE** a 5/8" iron rod found for the northeast corner of Lot 1 bears North 00°47'04" East, a distance of 57.51 feet.

THENCE with the north line of said 7.5' utility easement, North 89°12'56" East, a distance of 85.00 feet to a point for the northwest corner of this survey.

THENCE South 00°47'04" West, a distance of 2.75 feet to a point for the southwest corner of this survey.

THENCE South 89°12'56" West, a distance of 85.00 feet to the **POINT OF BEGINNING** of this survey, and containing 233 SF of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" iron rod = iron rod set with yellow plastic cap labeled Brister Surveying.

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day November 10, 2016 and is correct to the best of my knowledge and belief.

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407
Date: November 10, 2016.



Job No. 161669

Sheet 1 of 3



SCALE 1"=20'

SURVEY OF

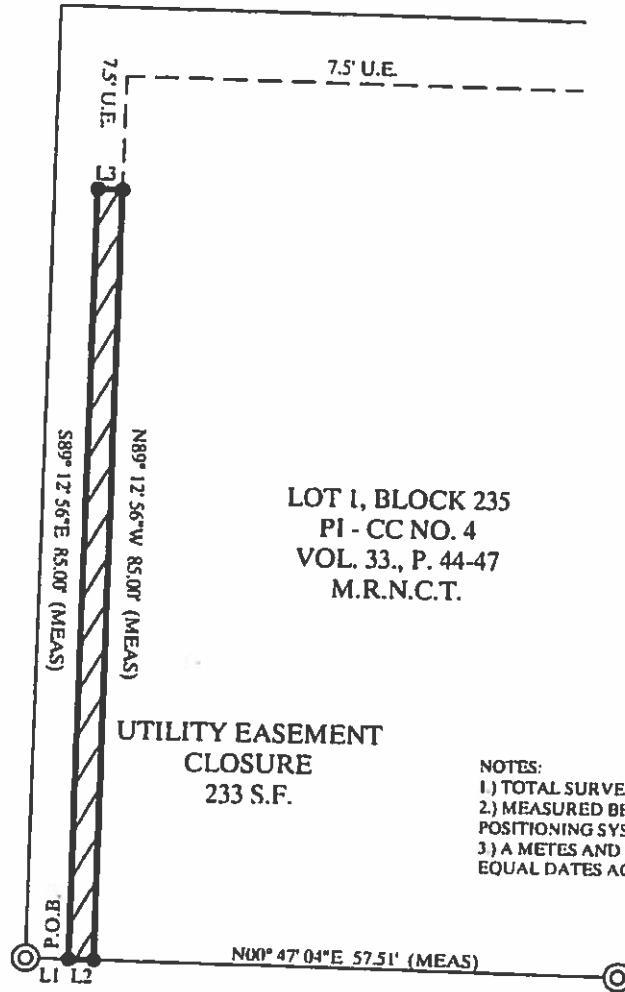
A 233 SQUARE FOOT TRACT OUT OF A 7.5' EASEMENT OUT OF LOT 1, BLOCK 235, PADRE ISLAND CORPUS CHRISTI NO. 4, AS SHOWN ON A MAP RECORDED IN VOLUME 33, PAGES 44 - 47, MAP RECORDS NUECES COUNTY, TEXAS.

EXHIBIT B

- - POINT
- ⊙ - FOUND 5/8" IRON ROD

LOT 2, BLOCK 235
PI - CC NO. 4
VOL. 33., P. 44-47
M.R.N.C.T.

LOT 1, BLOCK 235
PI - CC NO. 4
VOL. 33., P. 44-47
M.R.N.C.T.



- L1: N00° 47' 04"E, 4.75' (MEAS)
- L2: N00° 47' 04"E, 2.75' (MEAS)
- L3: S00° 47' 04"W, 2.75' (MEAS)

NOTES:
 1.) TOTAL SURVEYED AREA IS 0.033 ACRES.
 2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM
 3.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATES ACCOMPANIES THIS SURVEY.

SHEET 2 OF 3

15401 DYNA STREET
60' RIGHT OF WAY

SURVEY DATE NOVEMBER 10, 2016



Brister Surveying

4659 Everhart Suite 100
 Corpus Christi, Texas 78411
 Off 361-850-1800
 Fax 361-850-1802
 Bristersurveying@corpus.twcba.com
 Firm Registration No. 10072800



THIS SURVEY DOES NOT INCLUDE THE RESEARCH, INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES, EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS SURVEY OF THE PROPERTY LEGALLY DESCRIBED HEREIN WAS MADE ON THE GROUND THIS DAY NOVEMBER 10, 2016 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Ronald E. Brister

RONALD E. BRISTER R.P.L.S. NO. 5407

EXHIBIT C



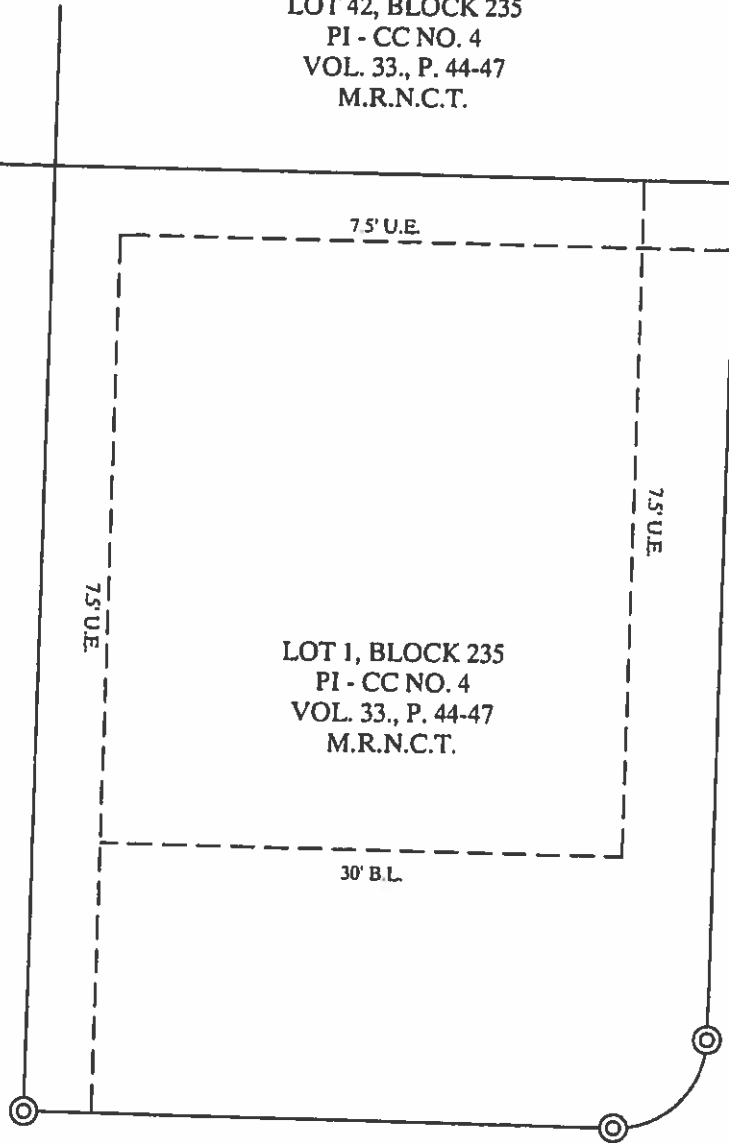
SCALE 1"=20'

LOT 42, BLOCK 235
PI - CC NO. 4
VOL. 33., P. 44-47
M.R.N.C.T.

LOT 2, BLOCK 235
PI - CC NO. 4
VOL. 33., P. 44-47
M.R.N.C.T.

LOT 1, BLOCK 235
PI - CC NO. 4
VOL. 33., P. 44-47
M.R.N.C.T.

CUTLASS AVENUE
60' RIGHT OF WAY



15401 DYNA STREET
60' RIGHT OF WAY