

**Ordinance closing, abandoning and vacating a 16,500 square foot portion of 6th Street, a portion of public street lying between Buford Avenue and Hancock Avenue, conditioned upon payment of \$28,000 for fair market value of the improved street and execution of an agreement to relocate stormwater infrastructure**

**WHEREAS**, Fish Pond Development, LLC (Owner of adjacent lots) is requesting the closure, abandonment and vacation of a portion of Public Improved Street, 6<sup>th</sup> Street, located between Buford Avenue and Hancock Avenue;

**WHEREAS**, Owner is seeking to plat adjacent lots without inclusion of street section for the development of senior living facility income-based apartments;

**WHEREAS**, with proper notice to the public, a public hearing was held on Tuesday, October 29, 2019, during a meeting of the City Council, during which all interested parties and citizens were allowed to appear and be heard; and

**WHEREAS**, it has been determined that it is feasible and advantageous to the City of Corpus Christi to close, abandon and vacate a 16,500 square foot portion of public street, 6<sup>th</sup> Street, lying between Buford Avenue and Hancock Avenue; subject to compliance with specified condition, subject to compliance by the Owner 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 Fish Pond Development, LLC, (Owner of adjacent properties), the 16,500 square foot portion of 6th Street, a portion of public street lying between Buford Avenue and Hancock Avenue, as recorded in Volume A, Page 23, Map Records of Nueces County, Texas, more particularly described by Exhibit "A," which is a metes and bounds description and field notes, and Exhibit "B", which is the graphical representation of the legal description, is closed, 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 description, 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 closing, abandonment and vacation of a section of the improved street described in Section 1 of this ordinance is expressly conditioned upon the Owners' compliance with the following requirements:

- a. Payment to the City of \$28,000 for the fair market value of the improved street pursuant to Corpus Christi Code 49-12.
- b. Execution of a Deferment Agreement with the City of Corpus Christi to relocate stormwater and water infrastructure within the public right of way to be abandoned and the posting of fiscal security to ensure relocation of said stormwater and water infrastructure.
- c. Upon approval by the City Council and issuance of the ordinance, all grants of public street right-of-way closures must be recorded at the Owners' expense in

the real property 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 as required by this Ordinance within 180 calendar days will hereby make this Ordinance null and void.

- d. Failure to comply with all the conditions outlined in this Ordinance 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 \_\_\_\_\_, 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019, by the following vote:

Joe McComb	_____	Michael Hunter	_____
Roland Barrera	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette M. Guajardo	_____	Greg Smith	_____
Gil Hernandez	_____		

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**BEING A 0.38 ACRE TRACT**

**NUECES COUNTY, TEXAS**

A 0.38 acre tract, out of 6<sup>th</sup> Street, as recorded in Volume A, Page 23, Map Records, Nueces County, Texas. Said 0.38 acre tract being more particularly described as follows:

**BEGINNING** at a set 5/8" iron rod with red plastic cap stamped "HANSON CRP, TX", (hereto for referred as set iron rod), at the intersection of south right-of-way of Hancock Avenue and the west right-of-way of 6<sup>th</sup> Street, for the northeast corner of Lot 11, Block 5, Bay Terrace, recorded in Volume A., Page 23, Map Records, Nueces County, Texas, **FROM WHENCE** a found iron rod for the northeast corner of Lot 23, Block 4, recorded in Volume 56, Page 47, Map Record, Nueces County, Texas, bears North 85°48'14" East, 177.50 feet;

**THENCE** North 85°48'14" East, with the south right-of-way of Hancock Avenue, a distance of 60.00 feet to a set iron rod on the east right-of-way line of 6<sup>th</sup> Street, for the northwest corner of Lot 12, Block 4, said Bay Terrace, and the northeast corner of the herein described tract;

**THENCE** South 04°08'39" East, with the east right-of-way of 6th Street, same being the west boundary of said Block 4, a distance of 275.00 feet to a set iron rod for the southwest corner of Lot 22, Block 4 and the southeast corner of the herein described tract;

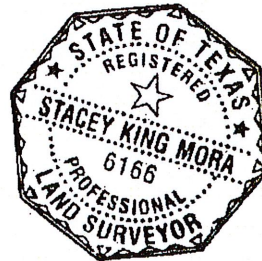
**THENCE** South 85°48'14" West, with the north right-of-way of Buford Avenue, a distance of 60.00 feet to a set iron rod on the west right-of-way line of 6<sup>th</sup> Street, for the southeast corner of Lot 1, said Block 5 and the southwest corner of the herein described tract;

**THENCE** North 04°08'39" West, with the west right-of-way of 6th Street a distance of 275.00 feet to the **POINT OF BEGINNING** and containing 0.38 acre of land, or 16,500 square feet.

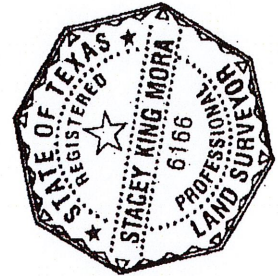
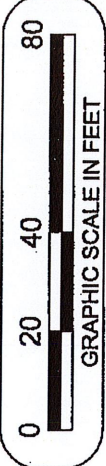
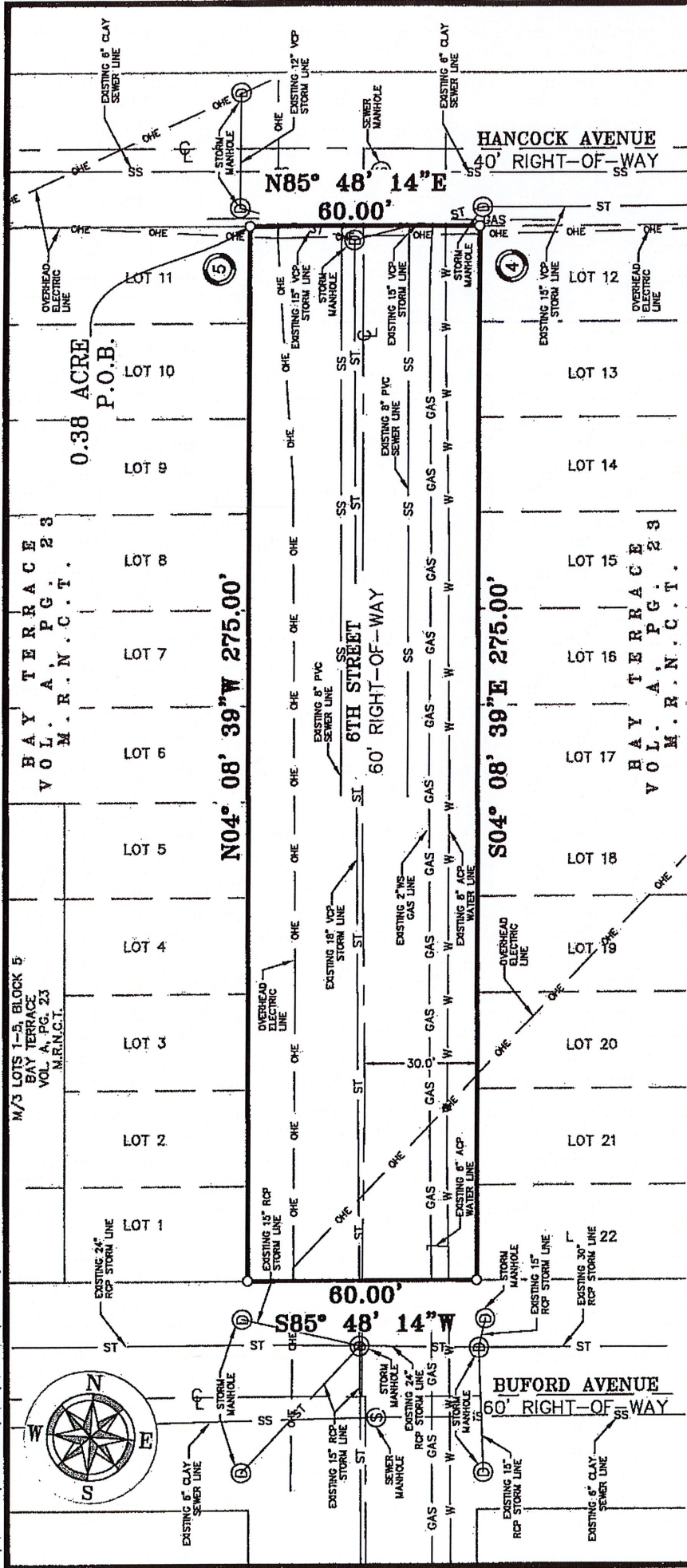
NOTE: ALL BEARINGS ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM FOR THE LAMBERT SOUTH ZONE (NAD 1983).

*Stacey King Mora*

Stacey King Mora, RPLS  
Registered Professional Land Surveyor  
Texas Registration No. 6166  
Hanson Professional Services Inc.  
TBPE F#417 TBPLS F# 100395-00  
Date: April 24, 2019



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I, Stacey King Mora, Registered Professional Land Surveyor, hereby certify that this survey was prepared from an actual on the ground survey made under my direction and supervision, and represents the facts found at the time of survey, and that this survey substantially complies with the current standards adopted by the Texas Board of Professional Land Surveying.

*Stacey King Mora*  
 Stacey King Mora  
 Registered Professional Land Surveyor  
 Texas Registration No. 6166  
 smora@hanson-inc.com

Hanson Professional Services Inc.  
 Date: April 24, 2019

**LEGEND:**

(D)	MANHOLE STORM
(S)	MANHOLE SEWER
(O)	SET 5/8" DIAMETER BY 18" LONG IRON ROD WITH RED PLASTIC CAP STAMPED "HANSON C&E, TX"
— OHE —	OVERHEAD ELECTRIC
— GAS —	UNDERGROUND GAS
— W —	UNDERGROUND WATER
— ST —	UNDERGROUND STORM
— SS —	UNDERGROUND SEWER
POB	POINT OF BEGINNING
M.R.N.C.T.	MAP RECORDS NUECES COUNTY, TEXAS
D.R.M.C.T.	DEED RECORDS NUECES COUNTY, TEXAS

METES & BOUNDS DESCRIPTIONS  
 TO ACCOMPANY THIS EXHIBIT.

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**EXHIBIT "B"**

**6TH STREET CLOSURE**

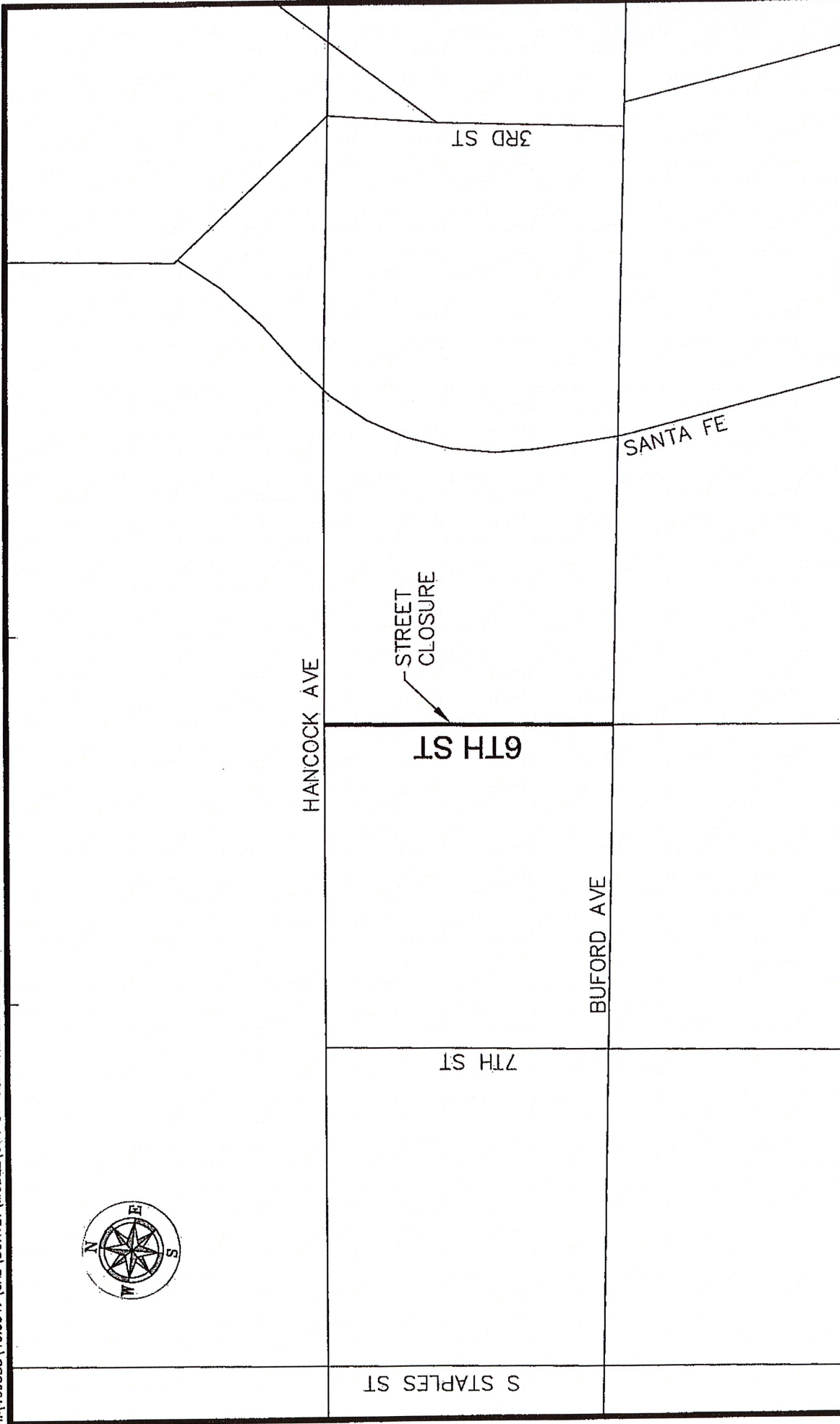
0.38 ACRE TRACT OUT OF 6TH STREET, AS RECORDED IN VOLUME A, PAGE 23, MAP RECORDS, NUECES COUNTY, TEXAS.



TPBE F-417 / TPBS F-0036500  
 TBAE F-BR 2458 / TBPB F-50566

HANSON\_PROJECT\_NO\_1910047

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### LOCATION MAP

6TH STREET CLOSURE

0.38 ACRE TRACT OUT OF 6th STREET, AS RECORDED IN  
VOLUME A, PAGE 23, MAP RECORDS, NUECES COUNTY, TEXAS.



Hanson Professional Services Inc.

TBPE F-417 / TBPI S F-1003500  
TBAE F-BR 2459 / TBPG F-50558

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