



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of November 17, 2015  
Second Reading for the City Council Meeting of December 8, 2015

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**DATE:** October 20, 2015

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

**FROM:** Daniel M. Grimsbo, P.E., Director, Development Services Department  
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**Street Closure for a portion of Hacala Street, located east of Greenwood Drive and south of Frio Street and west of Martin Street.**

### **CAPTION:**

Ordinance abandoning and vacating an undeveloped and unsurfaced 37,786-square foot (0.87 acres) portion of a 60-foot wide public right-of-way, as shown and dedicated by Plat of Los Encinos 10 Acre School Tract, a map of which is recorded in Volume 26, Page 63, Map Records of Nueces County, Texas, and requiring the owners, Corpus Christi Independent School District, and Seaside Builders, LLC to comply with specified conditions.

### **PURPOSE:**

The purpose of this item is to abandon and vacate a portion of a 60-foot wide public right-of-way in conjunction with the future Plat of Los Encinos (to be submitted at a later date).

### **BACKGROUND AND FINDINGS:**

Corpus Christi Independent School District, and Seaside Builders, LLC (Owners) are requesting the abandonment and vacation of an undeveloped and unsurfaced 37,786-square foot portion (0.87 acres) of a 60-foot wide public right-of-way, dedicated by Plat of Los Encinos 10 Acre School Tract, a map of which is recorded in Volume 26, Page 63, Map records of Nueces County, Texas. The abandonment and vacation of the undeveloped public street right-of-way is being requested in conjunction with a future Plat of Los Encinos (to be submitted at a later date).

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:**

None of the City departments or franchised utility companies had any facilities within the 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: 2015-2016</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. 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. Dedicate a 15 FT wide Utility Easement with a separate instrument for looping the water line on Martin Street within 180 days.
- d. 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  
Location Map