

Ordinance abandoning and vacating a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision and requiring the owner, The Convent Academy of the Incarnate Word, to comply with the specified conditions.

WHEREAS, The Convent Academy of the Incarnate Word (“Owner”) has requested the abandonment and vacation of a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision;

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, December 17, 2013 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 abandon and vacate a 21,488-square foot portion of a 15-foot wide 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 The Convent Academy of the Incarnate Word (“Owner”), a 21,488-square foot portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision, located south of Lipes Boulevard and west of South Staples Street, as recorded in Volume 68, Page 19, of the Official Deed and 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 of the subject portion, and Exhibit “B,” which is a field notes map, are attached to and incorporated in this ordinance by reference as if each were 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. That payment of fair market value for the easement closure be waived, as per Texas Local Government Code 272.001 (b). The Owner of said property was the same Owner that dedicated the portion of easement being abandoned.
- b. 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.
- c. Prior to the permitting of any construction on the affected property, the Owners must submit up-to-date surveys, abstracted for all easements and items of record, to the Director of Development Services, or his designee.

- d. Owners must comply with all specified conditions of the ordinance within 180 days of City Council approval.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 20____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor