

ORDINANCE

ABANDONING AND VACATING A 2,701.10-SQUARE FOOT PORTION OF A 10-FOOT WIDE UNDEVELOPED AND UNSURFACED DEDICATED PUBLIC ALLEY RIGHT-OF-WAY, LOCATED BETWEEN LOTS 12 AND 13, BLOCK 43, PADRE ISLAND NO. 2, ADJACENT TO AND NORTHEAST OF THE PLAYA DEL REY PUBLIC RIGHT-OF-WAY; SUBJECT TO OWNERS' COMPLIANCE WITH THE SPECIFIED CONDITIONS

WHEREAS, Robert Bryan Gulley and Shannon H. Gulley, owners of Padre Island No. 2, Lot 13, Block 43, and Jerry C. Eaton, owner of Padre Island No. 2, Lot 12, Block 43, are requesting the abandonment and vacating of an undeveloped and unsurfaced dedicated public alley right-of-way, which is located between Lots 12 and 13, Block 43, Padre Island No. 2, in order to improve security and facilitate maintenance of the area; and

WHEREAS, the other owners of property abutting the public alley right-of-way are not directly affected by the abandoning and vacating of the undeveloped and unsurfaced dedicated public alley right-of-way, therefore they did not join in the request for closure.

WHEREAS, with proper notice to the public, public hearing was held on Tuesday, November 18, 2008, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons 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 said portion of the undeveloped and unsurfaced dedicated public alley right-of-way, subject to the provisions below. (Exhibit A)

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

SECTION 1. That the 2,701.10-square foot portion of a 10-foot wide undeveloped and unsurfaced dedicated public alley right-of-way out of Lots 12 and 13, Block 43, Padre Island No. 2, adjacent to and northeast of the Playa Del Rey public right-of-way, as recorded in Volume 13, Page 28 of the Map Records of Nueces County, Texas, is abandoned and vacated, subject to Owners' compliance with the conditions as specified in Section 2. below.

SECTION 2. The abandonment and vacation of the above public alley right-of-way is conditioned upon compliance with the following:

- a. Jerry C. Eaton, owner of Padre Island No. 2, Lot 12, Block 43, and Allen Lizakowski and Carmen L. Turner, owners of Padre Island No. 2, Lot 11, Block 43, grant a separate public access easement along the common property line between Lot 11 and Lot 12, Block 43, Padre Island No. 2

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Subdivision. (Exhibit B). Said easement will extend the entire length of the common property line, from City street right-of-way to the County Park. The width of the easement shall be a minimum of 3 feet, continuous. In addition, no above ground obstructions will be allowed within one (1) horizontal foot of either side of the easement width.

- b. City shall erect a sign to designate Packery Channel Park access at the entrance of the public access easement.
- c. Owners pay the fair market value of \$2,825.00, allowing for the value of the separate public access easement, prior to the alley closure ordinance for the abandonment and vacating of the 2,701.10-square foot portion of the 10-foot wide alley, going to City Council for approval.
- d. City Storm Water Department has an existing 24" RCP within the alley right-of-way and requires that the Owners retain the entire 10' wide public alley right-of-way as a utility easement.
- e. Execution of a Hold Harmless Agreement will be required to fully indemnify the City and any of the private franchised utility companies against any and all liability which may arise from any maintenance to any existing public utilities or the installation of any future public utilities within the public alley right-of-way.
- f. Within 180 days of approval by Council and issuance of the ordinance, all grants of public right-of-way closures and dedication of utility easement must be recorded at owners' expense in the real property Map Records of Nueces County, Texas, in which the property is located. Prior to the approval of building permit and construction, an up-to-date survey, abstracted for all public rights-of-way, easements, and items of record, must be submitted to the Assistant City Manager of Development Services.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 18th day of November, 2008, by the following vote:

Henry Garrett	<u>Aye</u>	Priscilla G. Leal	<u>Aye</u>
Melody Cooper	<u>Aye</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Mike Hummell	<u>Aye</u>	Michael McCutcheon	<u>Aye</u>
Bill Kelly	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 10th day of February, 2009, by the following vote:

Henry Garrett	<u>Aye</u>	Priscilla G. Leal	<u>Aye</u>
Melody Cooper	<u>Absent</u>	John E. Marez	<u>Aye</u>
Larry Elizondo, Sr.	<u>Aye</u>	Nelda Martinez	<u>Aye</u>
Mike Hummell	<u>Absent</u>	Michael McCutcheon	<u>Aye</u>
Bill Kelly	<u>Aye</u>		

PASSED AND APPROVED, this the 10th day of February, 2009.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Henry Garrett
Henry Garrett
Mayor

APPROVED as to form: February 10, 2009

By: Yvette Aguilar
Yvette Aguilar
Assistant City Attorney
For City Attorney

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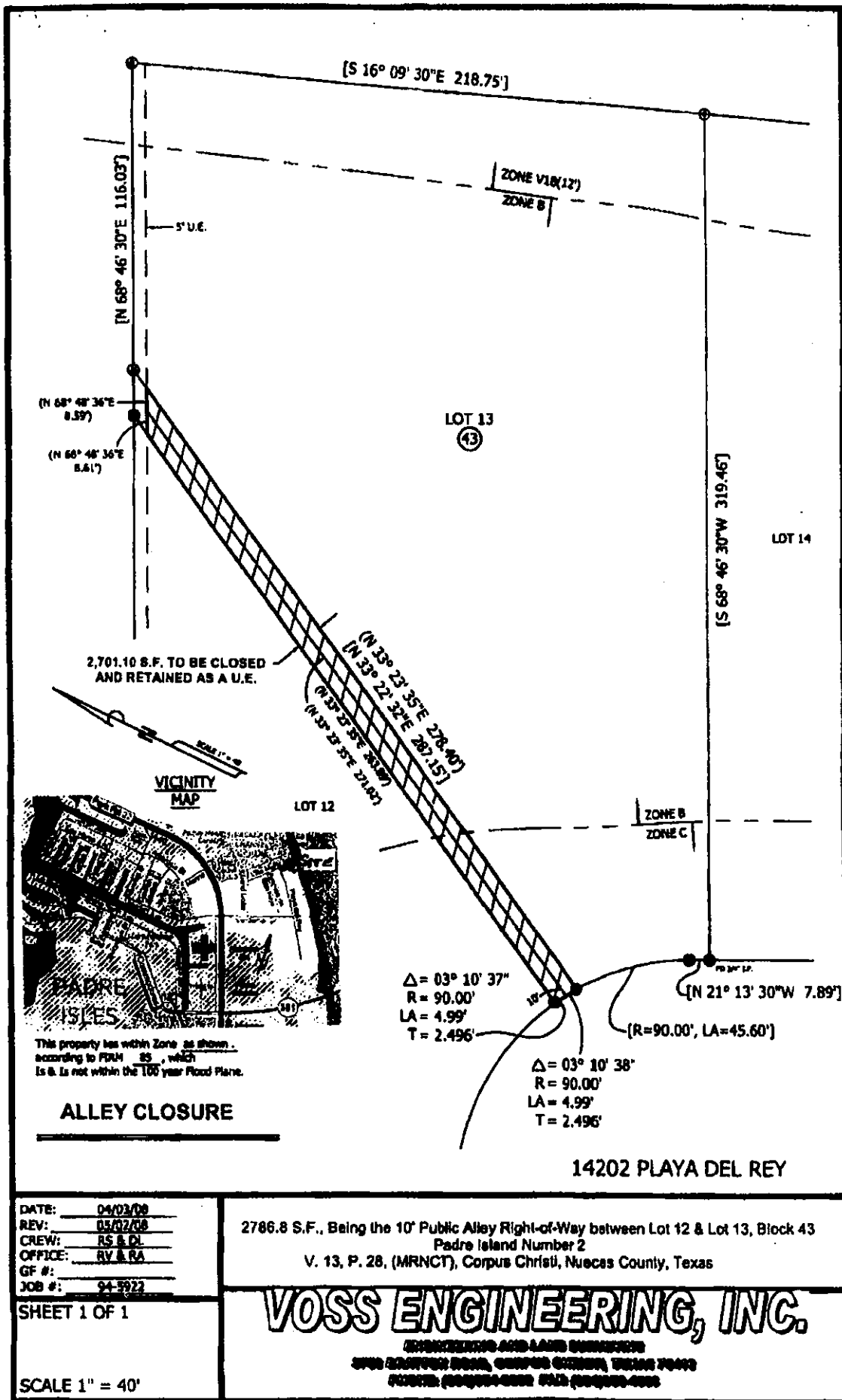
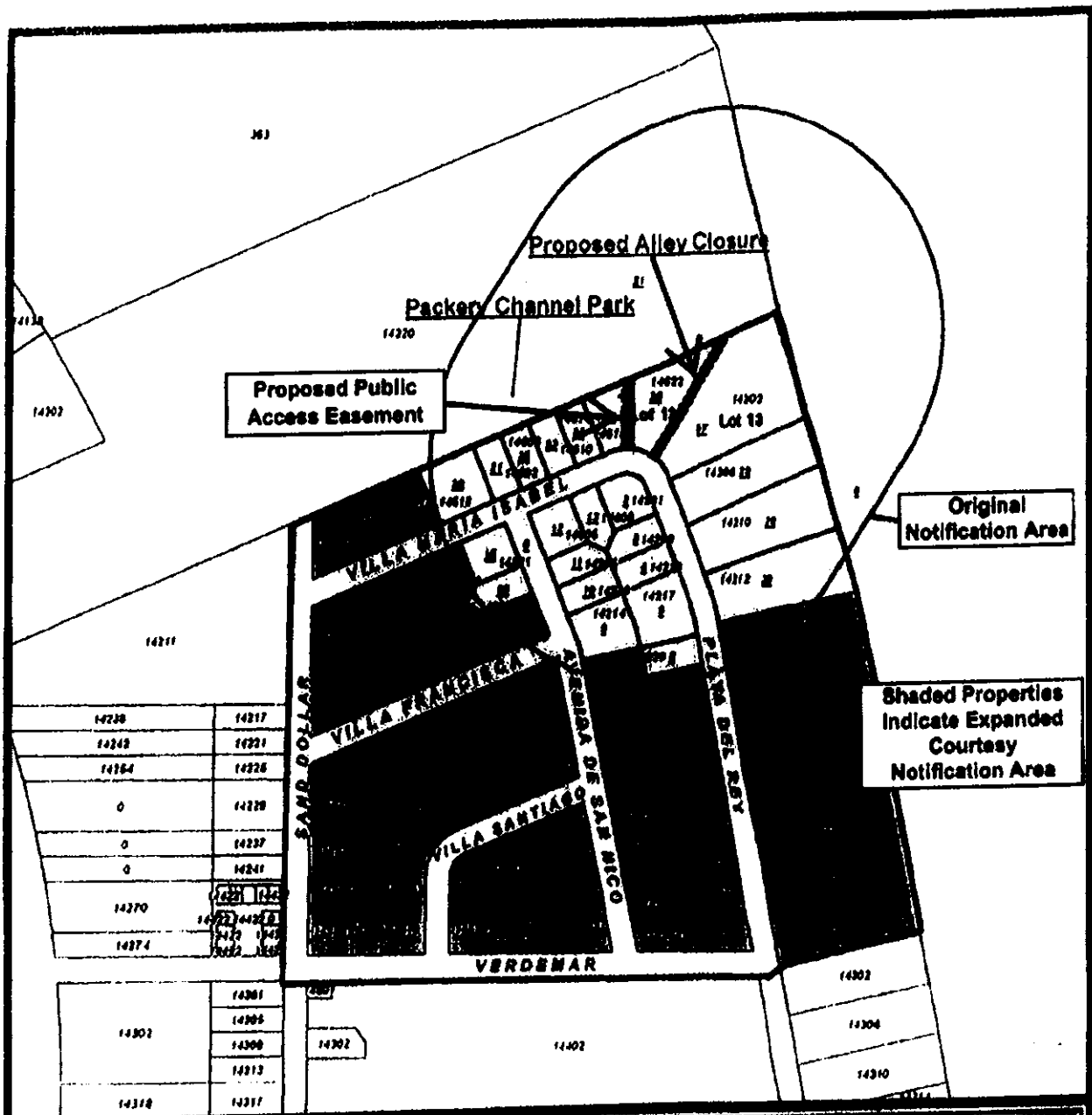


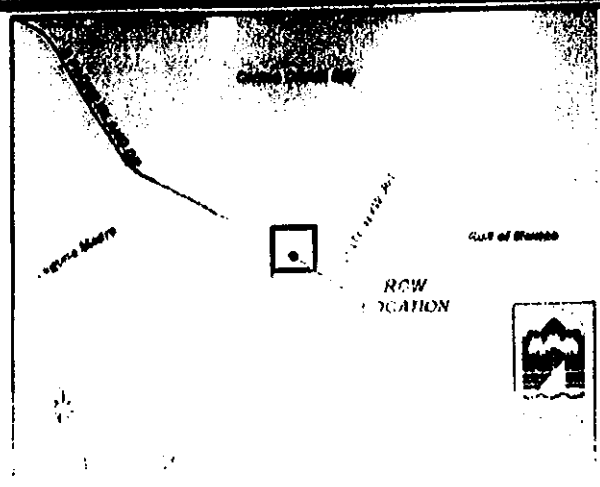
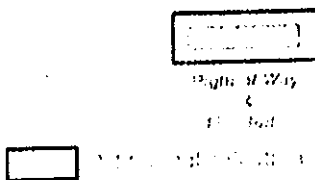
EXHIBIT A

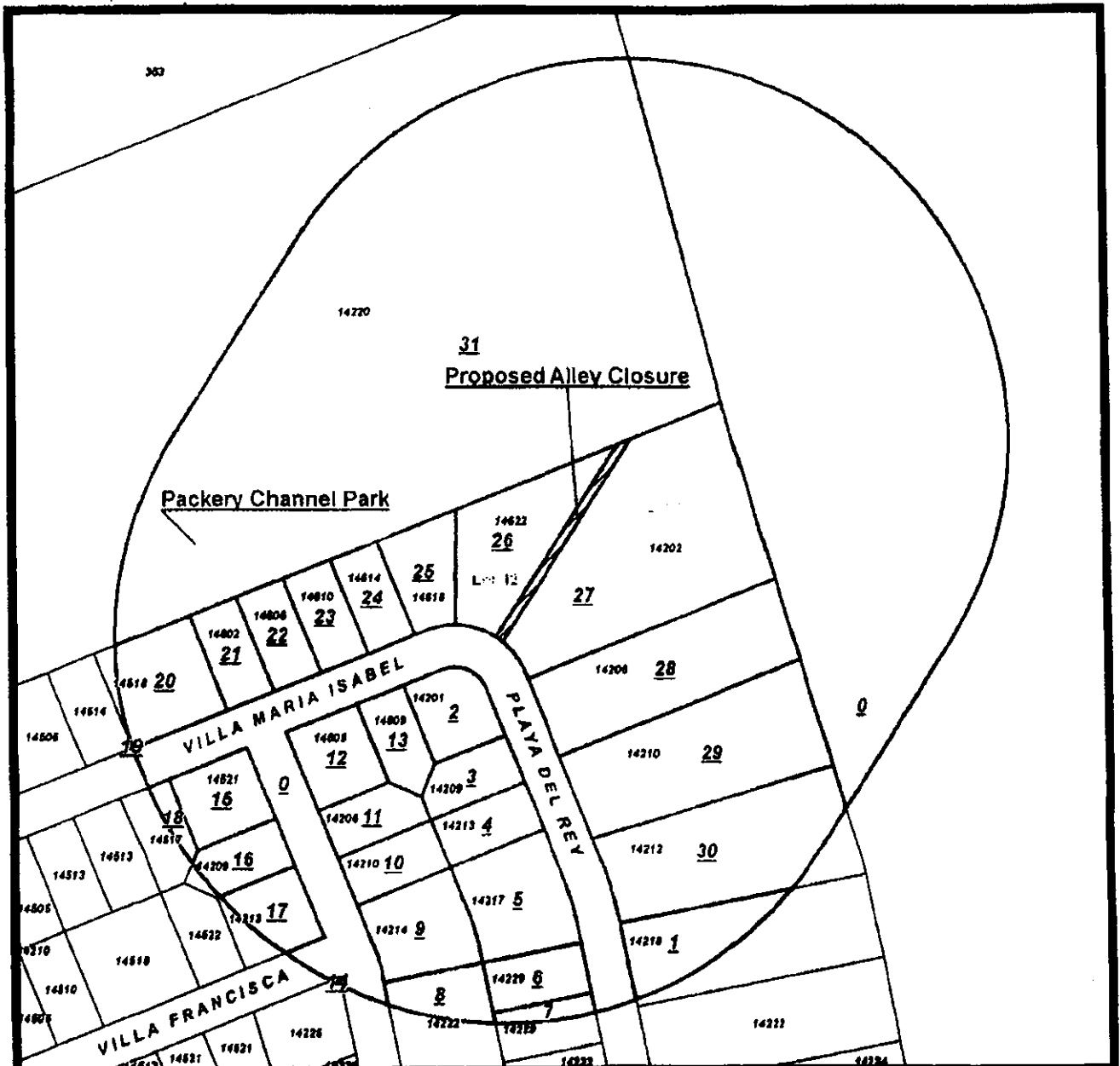


0 145 290 Feet

Proposed Alley Closure

Between Lots 12-13, Block 43, Padre Island No. 2

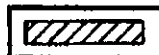




0 225 450 Feet

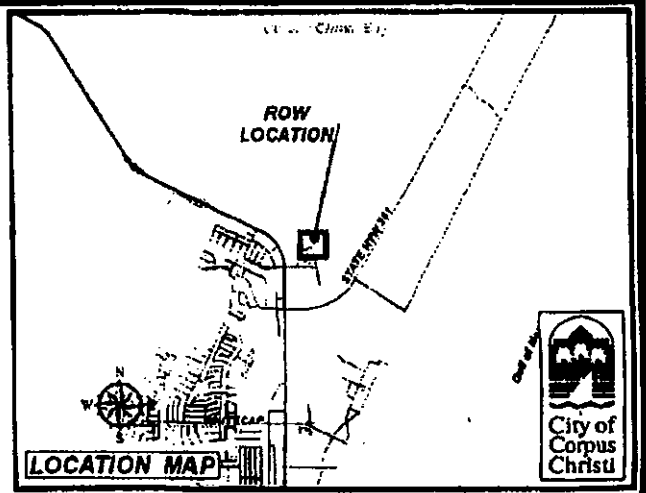
Proposed Alley Closure

Between Lots 12-13, Block 43, Padre Island No. 2



Right of Way
&
450' Buffer

8/23/2008
Prepared By: DS
Department of Development Services



Legal Notices 1110

NOTICE OF PUBLIC HEARING

Whereas, application having been filed with the City Council of the City of Corpus Christi, Texas, to consider the closure and abandonment of the following public alley right-of-way:

a 2,701.10-square-foot portion of a 10-foot wide undeveloped and unsurfaced, dedicated public alley right-of-way, located between Lots 12 & 13, Block 43, Padre Island No. 2, adjacent to and northeast of the Playa Del Rey public right-of-way; subject to compliance with the specified conditions.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN THE PUBLIC: That a public hearing on said application(s) to consider the closure and abandonment will be held by the City Council in the Council Chambers of City Hall, 1201 Leopard, in the City of Corpus Christi, Texas on Tuesday, November 18, 2008 after 10:00 a.m. during the regular Council meeting, at which time and place all persons and parties and/or their agents may appear and be heard by the said City Council. Effective on November 18, 2008.

/s/ Armando Chapa
City Secretary
City of Corpus Christi

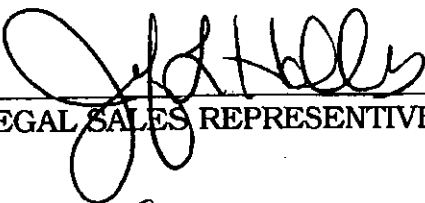
PUBLISHER'S AFFIDAVIT

State of Texas }
County of Nueces }

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CITY OF CORPUS CHRISTI
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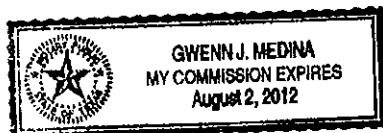
Before me, the undersigned, a Notary Public, this day personally came JENNIFER HOBBS, who being first duly sworn, according to law, says that she is LEGAL SALES REPRESENTATIVE AND EMPLOYEE OF THE PUBLISHER, namely, the *Corpus Christi Caller-Times*, a daily newspaper published at Corpus Christi in said City and State, generally circulated in Aransas, Bee, Brooks, Duval, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Live Oak, Nueces, Refugio, San Patricio, Victoria and Webb Counties, and that the publication of, NOTICE OF PUBLIC HEARING Whereas, applic which the annexed is a true copy, was inserted in the *Corpus Christi Caller-Times* on the 11/3/2008, 11/3/2008.

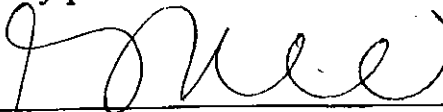
\$ 181.14


LEGAL SALES REPRESENTATIVE

1Time(s)

On this 10th day of November, 2008 I certify that the attached document is a true and an exact copy made by publisher.




Notary Public, State of Texas