

Ordinance abandoning and vacating a 10-foot wide utility easement out of Lot 5, Block 1, Joslin Tracts; and requiring the owner, The Alexan Resort on the Bay, LLC, to comply with the specified conditions.

WHEREAS, Bass and Welsh Engineering, acting as agent on behalf of The Alexan Resort on the Bay, LLC ("Owner"), is requesting the abandonment and vacation of a 10-foot wide utility easement out of Lot 5, Block 1, Joslin Tracts, located east of Ennis Joslin Road and north of South Padre Island Drive (State Highway 358), to accommodate the future development of the subject property;

WHEREAS, with proper notice to the public, public hearings were held on Tuesday, October 23, 2012, 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 the 10-foot wide utility easement, subject to the provisions in this ordinance included below.

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

Section 1. Pursuant to the request of Bass and Welsh Engineering, acting as agent on behalf of The Alexan Resort on the Bay, LLC ("Owner"), a 10-foot wide utility easement, totaling 3,092.76 square feet, out of Lot 5, Block 1, Joslin Tracts, located east of Ennis Joslin Road and north of South Padre Island Drive (State Highway 358), as recorded in Volume 61, Page 97, 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 Owner's compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is a location map, Exhibit "B," which is a metes and bounds description, and Exhibit "C," 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 its entirety.

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

- a. Owner must dedicate to the City new utility easements of equal or greater value than the utility easement being released by the City in this easement closure action, in accordance with the Corpus Christi Code of Ordinances, Section 49-12, within 180 days of City Council approval of this ordinance so that the requirement of paying fair market value for the properties can be waived.
- 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 Owner's expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected property is located.

- c. Prior to the permitting of any construction on the affected property, the Owner must submit up-to-date surveys, abstracted for all easements and items of record, to the Director of Development Services, or his designee.
- d. Owner 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 _____, 2012, by the following votes:

Joe Adame	_____	David Loeb	_____
Chris Adler	_____	John E. Marez	_____
Kelley Allen	_____	Nelda Martinez	_____
Larry Elizondo, Sr.	_____	Mark Scott	_____
Priscilla Leal	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2012, by the following votes:

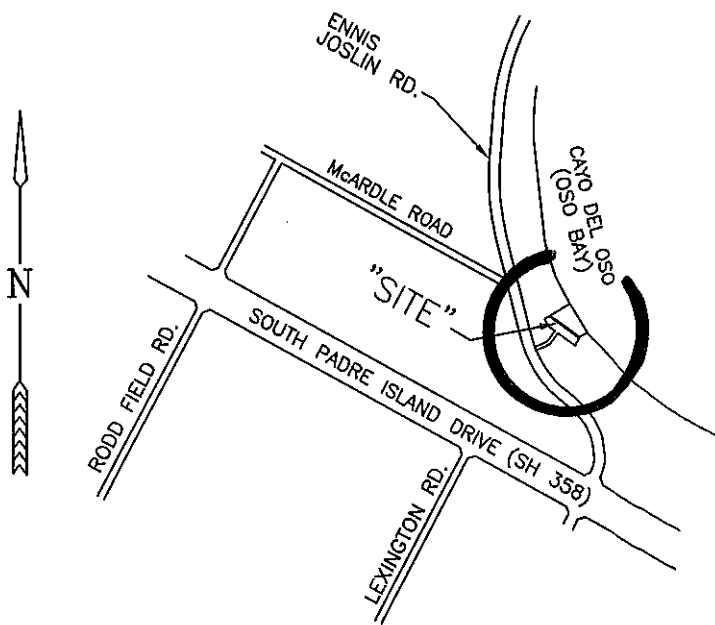
Joe Adame	_____	David Loeb	_____
Chris Adler	_____	John E. Marez	_____
Kelley Allen	_____	Nelda Martinez	_____
Larry Elizondo, Sr.	_____	Mark Scott	_____
Priscilla Leal	_____		

PASSED AND APPROVED this the _____ day of _____, 2012.

ATTEST:

 Armando Chapa
 City Secretary

 Joe Adame
 Mayor



LOCATION MAP
1"=1500' APPROX

EXHIBIT A

BASS AND WELSH ENGINEERING
CORPUS CHRISTI, TX
COMP. NO. EXB-UE CLO LOC MAP
JOB NO. 98068
SCALE: 1" = 60'
PLOT SCALE: SAME
PLOT DATE: 8/23/12
SHEET 1 OF 1

BASS & WELSH ENGINEERING

TX Registration No. F-52

P.O. Box 6397

Corpus Christi, TX 78466-6397

August 17, 2012
98068M&B-UE CLO .DOC

Utility Easement Closure Tract

State of Texas §

County of Nueces §

Description of a 0.071 acre tract of land, more or less, a portion of Lot 5, Block 1, Joslin Tracts, a map of which is recorded in Volume 61, Page 97, Map Records, Nueces County, Texas, and being all of the 10' UE inside the boundary of said Lot 5 as shown in said map, said 0.071 acre tract for utility easement closure as further described by metes and bounds as follows;

BEGINNING at a point for the northernmost corner of the tract herein described in the northwest boundary line of said Lot 5, said beginning point bears S59°10'05"W 192.53' from the northernmost corner of said Lot 5;

Thence S54°40'22"E 162.91' to a point for central corner of the tract here in described;

Thence S53°49'51"E 142.64' to a point in a southeast boundary line of said Lot 5 for the easternmost corner of the tract herein described, said easternmost corner bears S28°52'13"W 10.00' and S63°44'27"W 67.70' from the easternmost corner of said Lot 5;

Thence S28°52'13"W 10.08' along said southeast boundary line of Lot 5 to a point for the southernmost corner of the tract herein described;

Thence N53°49'51"W 143.85' to a point for central corner of the tract herein described;

Thence N54°40'22"W 167.25' to a point for the westernmost corner of the tract herein described in said northwest boundary line of Lot 5;

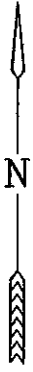
Thence N59°10'05"E 10.93' along said northwest boundary line of Lot 5 to the **POINT OF BEGINNING**, a sketch showing said 0.071 acre tract for utility easement closure being attached hereto as Exhibit "B".




Nixon M. Welsh, R.P.L.S.

EXHIBIT B

Sheet 1 of 1



LOT 3, SECTION 29,
FB & EF & GT

N59° 10' 05" E
10.93'

N69° 10' 05" E
44.37'

S54° 40' 22" E
162.91'

N54° 40' 22" W
167.25'

UTILITY EASEMENT
CLOSURE TRACT,
0.071 AC.

LOT 5, BLOCK 1, JOSLIN
TRACTS, V. 61, P. 97,
M.R.

S53° 49' 51" E
142.64'

N53° 49' 51" W
143.85'

S28° 52' 13" W
10.00'

S63° 44' 27" W
67.70'

S28° 52' 13" W
10.08'

LOT 5, SECTION 28,
FB & EF & GT

LOT 5, SECTION 28,
FB & EF & GT

LOT 6, SECTION 28,
FB & EF & GT

CL ENNIS JOSLIN RD.
(ORIG. CL OF 80' ROW)

EXHIBIT C

SKETCH TO ACCOMPANY
METES AND BOUNDS DESCRIPTION

1" = 60'

BASS AND WELSH ENGINEERING
CORPUS CHRISTI, TX
COMP. NO. EXB-UE CLO
JOB NO. 98068
SCALE: 1" = 60'
PLOT SCALE: SAME
PLOT DATE: 8/17/12
SHEET 1 OF 1