



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of January 12, 2016  
Second Reading for the City Council Meeting of January 19, 2016

**DATE:** December 22, 2015

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

**FROM:** Dan McGinn, AICP CFM, Interim Director, Development Services Department  
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<p>Closing a utility easement out of a part of Lot 39A, Block 72, Padre Island-Corpus Christi Subdivision</p>
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### **CAPTION:**

Ordinance abandoning and vacating a 1,687.50-square foot portion of an existing 15-foot wide utility easement out of a part of Lot 39A, Block 72, Padre Island-Corpus Christi Subdivision, located south of Park Road 22 public street right-of-way; and requiring the owner, Valtex Investments, LLC, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate a utility easement and allow for Valtex Investments, LLC to construct a new residential home on the lot.

### **BACKGROUND AND FINDINGS:**

Valtex Investments, LLC (Owner) is requesting the abandonment and vacation of a 1,687.50-square foot portion of an existing 15-foot wide utility easement out of a part of Lot 39A, Block 72, Padre Island-Corpus Christi Subdivision, located south of Park Road 22 public street right-of-way. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the construction of a new residential home.

Staff recommends the Owner pay a one-time fair market value fee in accordance with City Code of Ordinance Section 49-13. The Owner will not be dedicating a utility easement to off-set the requested abandonment. The Owner has been advised of and concurs with the specified conditions of the Ordinance in regards to the easement dedication and the recording and filing of the ordinance. The Owner must also comply with all the specified conditions of the abandon and vacate ordinance within 180 days of Council approval.

**ALTERNATIVES:**

Denial of the utility easement closure. This will, however, adversely impact the Owner's ability to move forward with future development of the subject property.

**OTHER CONSIDERATIONS:**

Not applicable

**CONFORMITY TO CITY POLICY:**

These requirements are in compliance with the City Code of Ordinances, Section 49-12 and 49-13.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies stated objections regarding the proposed utility easement 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		\$3430.00		\$3430.00
BALANCE		\$3430.00		\$3430.00

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval of the easement closure. The Owners must comply with all the following specified conditions of the easement closure ordinance:

- a. 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.

- b. In exchange for the City's grant of the easement closure the Owner agrees to provide the City with a one-time payment of \$3,430.00

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits

Map