

Ordinance abandoning and vacating a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, located north of the Saratoga Boulevard (State Highway 357) state right-of-way, and located east of the Ayers Street public right-of-way; and requiring the owner, Spear Consolidated, Ltd., to comply with the specified conditions.

WHEREAS, Spear Consolidated, Ltd. ("Owner") has requested the abandonment and vacation of a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands;

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, April 22, 2014 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 said portion of the blanket pipeline easement, subject to compliance and provisions below.

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

SECTION 1. Pursuant to the request of Spear Consolidated, Ltd., ("Owner"), a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, located north of Saratoga Boulevard (State Highway 357), and located east of Ayers Street, as recorded in Clerk's File No. 162158, Volume 268, Page 253-254, of the Official Deed 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 the Lot 1, Block 1, Spears Subdivision Final Plat, is 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. Staff recommends that payment of fair market value be waived because the blanket easement that encumbers the 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, serves of no purpose or value to anyone.
- b. Owner must dedicate a 15-foot wide new utility easement along the entire frontage area of Saratoga Boulevard within the said 4.07 acres property being released by the City in this easement closure action.
- c. 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.

- d. Prior to the approval of the building permit and 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.
- e. 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