



AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of October 23, 2012
Second Reading/Action Item for the City Council Meeting of October 30, 2012

DATE: September 28, 2012
TO: Ronald L. Olson, City Manager
FROM: Mark E. Van Vleck, P.E., Interim Director, Development Services
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UTILITY EASEMENT CLOSURE
Abandoning and vacating the five-foot wide utility easement out of
Portmoor Addition, Block 1, Lot 8.

CAPTION:

Ordinance abandoning and vacating the five-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8; and requiring the owner, Bill Miller Bar B Q, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate the utility easement from the subject property to allow for construction of a CVS Pharmacy Store in the area where the easement is located.

BACKGROUND AND FINDINGS:

First Hartford Realty Corporation, acting as agent on behalf of Bill Miller Bar B Q ("Owner"), is requesting the abandonment and vacation of the 5-foot wide utility easement (252.93-square-foot) out of Portmoor Addition, Block 1, Lot 8. The property is located east of Port Avenue and north of Morgan Avenue. The abandonment and vacation of the utility easement is requested in order to accommodate the future development of the subject property. Staff recommends that payment of fair market value be waived in accordance with City Code of Ordinance Sec. 49-12, because Owner will be replatting said property and upon replatting will be dedicating utility easements of equal or greater value to off-set the proposed abandonment and vacation of the easement. 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 properties.

OTHER CONSIDERATIONS: Not applicable

CONFORMITY TO CITY POLICY:

These requirements are in compliance with the City Code of Ordinances, Sec. 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 had any facilities within or objections to the proposed easement closure.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2011-2012	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

RECOMMENDATION:

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

- a. Owner must dedicate to the City new utility easements of equal or greater value than the utility easements 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 Owner’s expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected properties are located.
- c. Prior to the permitting of any construction on the affected properties, 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.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits