



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of July 28, 2015
Second Reading for the City Council Meeting of August 11, 2015

DATE: July 1, 2015

TO: Ronald L. Olson, City Manager

FROM: Daniel M. Grimsbo, P.E., Director, Development Services Department
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Closing an undeveloped and unsurfaced portion of a public right-of-way located south of Holly Road and east of Ennis Joslin Road

CAPTION:

Ordinance abandoning and vacating an undeveloped and unsurfaced 21,300.84-square foot portion (0.489 acres) of a 20-foot wide public right-of-way, out of Lot 1, Section 32, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owner, MPM Development, LP to comply with specified conditions.

PURPOSE:

The purpose of this item is to abandon and vacate a portion of a 20-foot wide public right-of-way to align the public right of way in conjunction with the Parkview Unit 1 plat.

BACKGROUND AND FINDINGS:

MPM Development, LP (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 21,300.84-square foot portion (0.489 acres) of a 20-foot wide public right-of-way, out of Lot 1, Section 32, Flour Bluff & Encinal Farm & Garden Tracts, located south of Holly Road and east of Ennis Joslin Road. The abandonment and vacation of the undeveloped public street right-of-way is being requested in conjunction with the development of the Parkview Unit 1 plat. The existing 20-foot wide public right-of-way is the southeast part of what was an existing 40-foot wide public right-of-way. The 20-foot wide east portion of the 40-foot public right-of-way, was abandoned and vacated by City Ordinance 026171, on March 8, 2005.

Staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case. The Owners have been advised of and concur with the conditions of the public street right-of-way abandonment and vacation ordinance.

ALTERNATIVES:

Denial of the street closure. This will, however, adversely impact the Owner’s ability to move forward with future development or sale of the subject property.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

The conditions of the ordinance are in compliance with City of Corpus Christi, Code of Ordinances §49-12 (a), as amended and approved on July 13, 2004, by Ordinance No. 025816.

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 the dedicated 20-foot wide public street right-of-way, or objections regarding the proposed public right-of-way abandonment.

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

| Fiscal Year: 2014-2015 | 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 ordinance. Owner must comply with the following conditions:

- a. City staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case.
- b. AEP is requiring that the Owner retain a minimum 15-foot wide utility easement, centered on the existing AEP utilities.

- C. Upon approval by the City Council and issuance of the ordinance, all grants of streets closures must be recorded at the Owners' expense in the real property Official Deed and Map Records of Nueces County, Texas, in which the subject portion of the property is located, with a copy of the recording provided to the City. Prior to the issuance of any permits for construction on the land, an up-to-date survey, abstracted for all streets, alleys or public rights-of-way, and items of record must be submitted by the Owners to the Director of Development Services.

- 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