

Ordinance amending Ordinance No. 028064, with regard to the condition noted at SECTION 2.a., by replacing former Exhibit B with the current Exhibit B, pages 1 thru 3; and by deleting the last sentence.

Whereas, on or about February 10, 2009, Robert Bryan Gulley and Shannon H. Gulley, owners of Padre Island No. 2, Lot 13, Block 43, and Jerry C. Eaton, owner of Padre Island No. 2, Lot 12, Block 43, requested, and the City of Corpus Christi City Council approved, see Ordinance No. 028064, the abandonment and vacation of an undeveloped and unsurfaced dedicated public alley right-of-way, located between Lots 12 and 13, Block 43, Padre Island No. 2, in order to improve security and facilitate maintenance of the area; and

Whereas, the original parties to Ordinance No. 028064, seek amendment to a portion of said ordinance, specifically with regard to the condition noted at SECTION 2.a. by replacing former Exhibit B with the current Exhibit B, pages 1 thru 3 so as to provide a correct metes and bounds description along with a correct map depicting the public alley right-of-way, located between Lots 12 and 13, Block 43, Padre Island No. 2; and by deleting the last sentence of the condition noted at SECTION 2.a. as the provision was not agreed to by the parties.

WHEREAS, it has been determined, during a meeting of the City Council, on Tuesday April 17, in the Council Chambers, at City hall, in the City of Corpus Christi, that it is advantageous to the City of Corpus Christi that Exhibit B be replaced with Exhibit B, pages 1 thru 3, and that the last sentence of the condition noted at SECTION 2.a. be deleted.

Now, therefore, be it ordained by the City Council of the City of Corpus Christi, Texas, that:

Section 1. Ordinance No. 028064 is amended by replacing former Exhibit B with the current Exhibit B, pages 1 thru 3 so as to provide a correct metes and bounds description along with a correct map depicting the public alley right-of-way, located between Lots 12 and 13, Block 43, Padre Island No. 2; and by deleting the last sentence of the condition noted at SECTION 2.a., as the provision was not agreed to by the parties. See amendments to the condition noted at SECTION 2.a. below:

- a. Jerry C. Eaton, owner of Padre Island No. 2, Lot 12, Block 43, and Allen Lizakowski and Carmen L. Turner, owners of Padre Island No. 2, Lot 11, Block 43, grant a separate public access easement along the common property line between Lot 11 and Lot 12, Block 43, Padre Island No. 2 Subdivision. ~~(Exhibit B)~~ (Exhibit B, pages 1 thru 3). Said easement will extend the entire length of the common property line, from City street right-of-way to the County Park. The width of the easement shall be a minimum of 3 feet, continuous. ~~In addition, no above ground obstructions will be allowed within one (1) horizontal foot of either side of the easement width.~~

Section 2. Considering the above and forgoing, the condition noted at SECTION 2.a. of Ordinance No. 028064 shall now read as follows:

- a. Jerry C. Eaton, owner of Padre Island No. 2, Lot 12, Block 43, and Allen Lizakowski and Carmen L. Turner, owners of Padre Island No. 2, Lot 11, Block 43, grant a separate public access easement along the common property line between Lot 11 and Lot 12, Block 43, Padre Island No. 2 Subdivision. (Exhibit B, pages 1 thru 3). Said easement will extend the entire length of the common property line, from City street right-of-way to the County Park. The width of the easement shall be a minimum of 3 feet, continuous.

Signatures at next page.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2012, by the following vote:

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

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

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

APPROVED as to form only this the 29th day of March, 2012.
For Carlos Valdez, City Attorney

By: Deborah Walther Brown
Deborah Walther Brown
Assistant City Attorney