



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of July 9, 2013
Second Reading Ordinance for the City Council Meeting of July 16, 2013

DATE: June 5, 2013
TO: Ronald L. Olson, City Manager
FROM: Daniel Biles, P.E., Director of Engineering Services
DanB@cctexas.com
361-826-3729

Waterline Easement dedication to Coastal Bend Bays and Estuaries Program

CAPTION:

Ordinance authorizing the City Manager or designee to execute a Waterline Easement to dedicate and grant to the Coastal Bend Bays and Estuaries Program (CBBEP) a fifteen (15) foot wide easement across a 8.646-acre City-owned tract of land to construct a potable waterline across city property for purposes of supplying potable water to the CBBEP's education facility, located on CBBEP-owned land.

PURPOSE:

This ordinance dedicates a Waterline Easement to the CBBEP enabling them to construct a potable water line across the City's land to an education facility located on their land.

BACKGROUND AND FINDINGS:

The City acquired five tracts of land in 2004 from the Coastal Bend Bays and Estuaries Program (CBBEP) as part of a land exchange. These tracts are currently in use for the Mary Rhodes Pipeline. One of these tracts, Tract 3C, is a long 150 foot wide tract containing 8.646 acres. The City recently received a request from the CBBEP to dedicate a 15 foot wide Waterline Easement to them for construction of a 2 inch diameter potable water line to serve their Environmental Education Pavilion located at the Nueces Delta Preserve, just south of Odem, Texas. The CBBEP program staff provide educational field trips to school groups in grades K-12 from the Coastal Bend. The City is able to dedicate this Waterline Easement to them at no cost under the Texas Local Government Code, Section 272.001 (L) which allows the dedication of real estate rights to another political subdivision as long as it serves a public purpose of the City. Promoting tourism and education of our environment and/or environmental tourism is a City public purpose. The easement provides that the rights granted will revert back to the City if the property ever ceases to be used for purposes consistent with City public purposes, or if the easement is abandoned.

ALTERNATIVES:

Do not dedicate the easement to the political subdivision and instead charge the full market value.

OTHER CONSIDERATIONS:

The CBBEP needs this Waterline Easement to be able to construct their potable water line and supply their property with potable water.

CONFORMITY TO CITY POLICY:

The City is authorized under its home-rule authority to dedicate this easement, as well as under the grant of powers under Section 1, Article X of the Charter. This ordinance conforms to Section 1, Article IX of the Charter. This dedication to CBBEP is authorized by state law, and specifically under the Texas Local Government Code, Section 272.001 (I).

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Engineering and Water Departments

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: No expenditures are requested.

RECOMMENDATION:

Approval of the Ordinance as presented.

LIST OF SUPPORTING DOCUMENTS:

Council Exhibit
Waterline Easement
Ordinance