

Ordinance abandoning and vacating an undeveloped and unsurfaced 39,530-square foot portion (0.91 acre) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owners, Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown, to comply with specified conditions.

WHEREAS, Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown ("Owners") have requested the abandonment and vacation of an undeveloped and unsurfaced 39,530-square foot portion (0.91 acre) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts;

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, March 31, 2015, 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 the subject portion of the undeveloped and unsurfaced 39,530-square foot portion (0.91 acre) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts, subject to compliance by the Owners with the conditions specified in this ordinance.

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

SECTION 1. Pursuant to the request of Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown ("Owners"), an undeveloped and unsurfaced 39,530-square foot portion (0.91 acre) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts, located south of the Williams Drive public street right-of-way and north of the Holly Road public street right-of-way, as recorded in Volume A, Pages 41-43, of the Map 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 a metes and bounds description of the subject portion, and Exhibit "B," which is a field notes map, are 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 public street right-of-way described in Section 1 of this ordinance is expressly conditioned upon the Owners' compliance with the following requirements:

- 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. 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.

- c. Failure to comply with all the conditions outlined in this Ordinance within the specified time frame will hereby make the Ordinance null and void.

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	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED this the _____ day of _____, 20____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor



Exhibit A
0.91 Acres, Road Closure

STATE OF TEXAS
COUNTY OF NUECES

Fieldnotes, for a 0.91 Acre, Road Closure, of Lots 24 and 25, Section 28, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, of the Map Records of Nueces County, Texas, over and across the Remainder of 174.425 Acre Tract, described in an Exchange Deed, from Gladys Mattie Smith, to Gladys Mattie Smith Marital Trust, as recorded in Document Number 2011007302, of the Official Public Records of Nueces County, Texas; said 0.91 Acres being more fully described by metes and bounds as follows:

Beginning, at a 5/8 inch iron rod, with red plastic cap stamped "URBAN ENGR C.C. TX" found, on the Northwest line of Lot 1, Paul Jones Sports Complex, as recorded in Volume 67, Pages 495-496, of the said Map Records, the South corner of Lot 1, Block 1, Oso River Estates Unit 2, a map of which is recorded in Volume 68, Pages 336-337, of the said Map Records, for a East corner of the said Remainder of 174.425 Acre tract and of this tract;

Thence, South 29°00'00" West, with the Southeast line of the said Lot 24, being the Southeast line of the said 174.425 Acre Tract, the Northwest line of the said Lot 1, Paul Jones Sports Complex, at 722.72 feet pass the West corner of the said Lot 1, Paul Jones, continuing with the said Southeast line, in all 1976.50 feet, to the Northeast Right-of-Way of Holly Road, a public roadway, for the South corner of this tract;

Thence, North 61°00'00" West, with the said Northeast Right-of-Way, 20.00 feet, to the West corner of this tract;

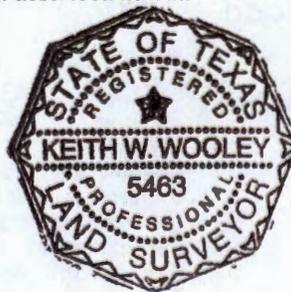
Thence, North 29°00'00" East, 1976.50 feet, to the Southwest line of the said Lot 1, Block 1, for the North corner of this tract;

Thence, South 61°00'00" East, 20.00 feet, to the Point of Beginning, containing 0.91 acres (39,530 Square Feet) of land, more or less.

Bearings are based on the record plat of Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas.

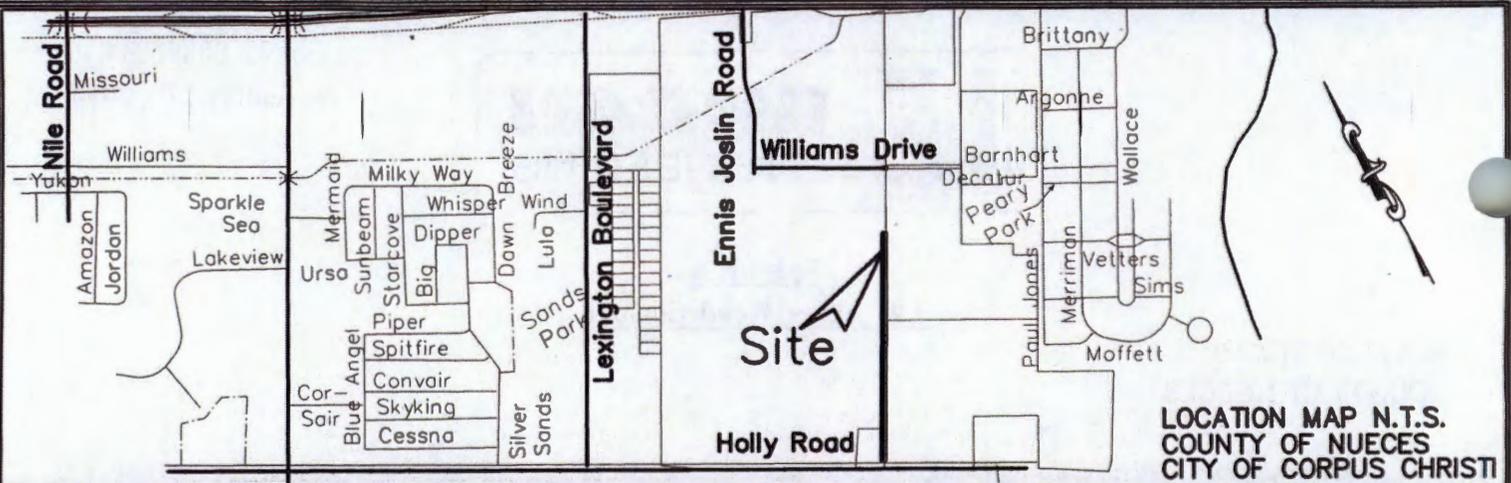
Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

Also reference accompanying sketch of tract described herein.

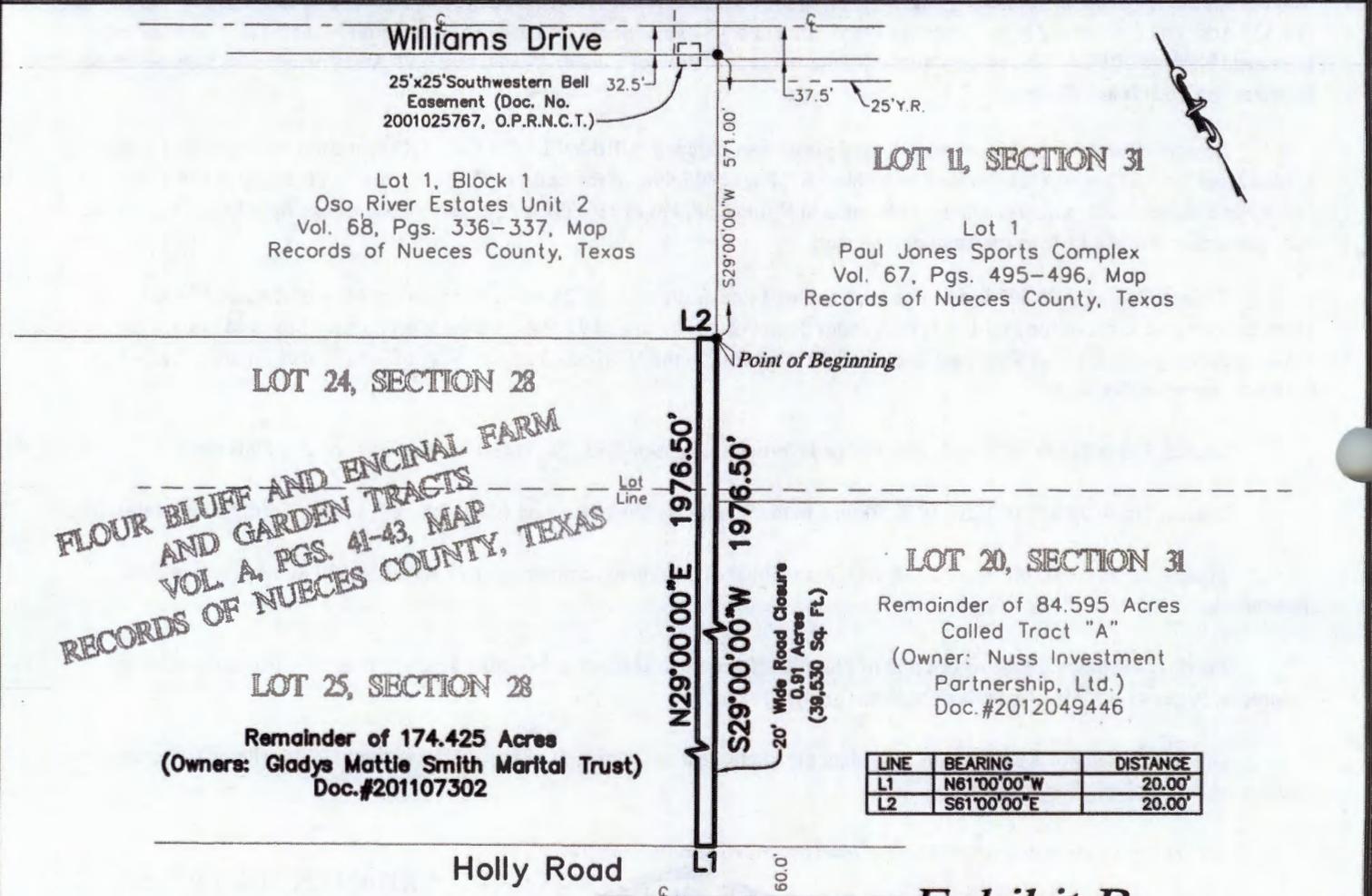


URBAN ENGINEERING

Keith W. Wooley, R.P.L.S.
License No. 5463



LOCATION MAP N.T.S.
COUNTY OF NUECES
CITY OF CORPUS CHRISTI



Williams Drive

25'x25'Southwestern Bell
Easement (Doc. No.
2001025767, O.P.R.N.C.T.)

Lot 1, Block 1
Oso River Estates Unit 2
Vol. 68, Pgs. 336-337, Map
Records of Nueces County, Texas

LOT 11, SECTION 31

Lot 1
Paul Jones Sports Complex
Vol. 67, Pgs. 495-496, Map
Records of Nueces County, Texas

LOT 24, SECTION 28

**FLOUR BLUFF AND ENCINAL FARM
AND GARDEN TRACTS
VOL. A, PGS. 41-43, MAP
RECORDS OF NUECES COUNTY, TEXAS**

LOT 25, SECTION 28

Remainder of 174.425 Acres
(Owners: Gladys Mattie Smith Marital Trust)
Doc.#201107302

LOT 20, SECTION 31

Remainder of 84.595 Acres
Called Tract "A"
(Owner: Nuss Investment
Partnership, Ltd.)
Doc.#2012049446

LINE	BEARING	DISTANCE
L1	N61°00'00"W	20.00'
L2	S61°00'00"E	20.00'

Holly Road

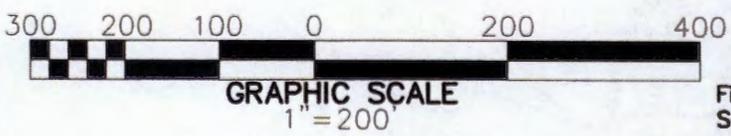


Exhibit B
Sketch to Accompany

Fieldnotes, for a 0.91 Acre, Road Closure, of Lots 24 and 25, Section 28, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, of the Map Records of Nueces County, Texas, over and across a Remainder of 174.425 Acre Tract, described in an Exchange Deed, from Gladys Mattie Smith, to Gladys Mattie Smith Marital Trust, as recorded in Document Number 201107302, of the Official Public Records of Nueces County, Texas.

- Legend:
- Fd. 5/8" I.R. with red plastic cap stamped "Urban Engr C.C. Tx"

DATE: Nov. 16, 2014
SCALE: 1"=100'
JOB NO.: 08896.B4.10
SHEET: 1 of 1
DRAWN BY: RLG



LOTS 23-24, SECTION 28, FLOUR BLUFF & ENCINAL FARM & GARDEN TRACTS
Vacating and Abandoning a 20-foot Wide Public Right-of-Way