



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of August 25, 2015  
Second Reading for the City Council Meeting of September 8, 2015

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**DATE:** July 6, 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 public right-of-way, located west Airline Road and north of Empire State Drive.**

### **CAPTION:**

Ordinance abandoning and vacating an undeveloped and unsurfaced 5,445.00-square foot portion (0.125 acres) of public right-of-way, out of Lots 13, 14, 19 and 20, Section 20, Flour Bluff and Encinal Farm and 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 public right-of-way to align the public right of way in conjunction with the Bordeaux Place Unit 4 plat.

### **BACKGROUND AND FINDINGS:**

MPM Development, LP (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 5,445.00-square foot portion (0.125 acres) of public right-of-way, out of Lots 13, 14, 19 and 20, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, located west Airline Road and north of Empire State Drive. The abandonment and vacation of the undeveloped public street right-of-way is being requested in conjunction with the development of the Bordeaux Place Unit 4 plat.

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

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
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. 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. A 60 FT wide Drainage easement is dedicated within 180 days of City Council approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits