



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of September 29, 2015  
Second Reading for the City Council Meeting of October 13, 2015

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**DATE:** July 13, 2015

**TO:** Ronald L. Olson, City Manager

**FROM:** Daniel M. Grimsbo, P.E., Director, Development Services Department  
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(361) 826-3595

**Public Hearing and First Reading Ordinance - Street Closure of Starry Road located east of Rodd Field and north of Yorktown Blvd.**

### **CAPTION:**

Ordinance abandoning and vacating a 72,222.48-SF (1.658 Acre) portion of Lots 8 and 9, Section 25 and a portion of Lots 1 and 6, Section 34, all out of Flour Bluff & Encinal Farm & Garden Tracts, a map of which is recorded in Volume A, Pages 41-43, Map Records of Nueces County, Texas and being a portion of a 19.56 Acre tract of land described by deed recorded at Document No. 2006037179, Official records of said county, said 1.658 Acre tract of land for road closure as further described by metes and bounds, requiring the owner, to comply with specified conditions.

### **PURPOSE:**

The purpose of this item is to abandon and vacate a portion of the Starry Road public right-of-way.

### **BACKGROUND AND FINDINGS:**

Dorsal Development, LLC, a Texas limited liability company (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 72,222.48-SF portion (1.658 Acre) of a 20-foot wide public right-of-way, portion out of Lots 8 and 9, Section 25 and a portion of Lots 1 and 6, Section 34, all out of Flour Bluff & Encinal Farm & Garden Tracts, as shown on a map which is recorded in Volume A, Pages 41-43, Map records of Nueces County, Texas and being a portion of a 19.56 Acre tract of land described by deed recorded at Document No. 2006037179, Official records of said county, said 1.658 Acre tract of land for road closure as further described by metes and bounds.

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 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.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits

Aerial Map