



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of March 29, 2016
Second Reading for the City Council Meeting of April 12, 2016

DATE: February 17, 2016

TO: Ronald L. Olson, City Manager

FROM: Dan McGinn, AICP CFM, Interim Director, Development Services
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Authorizing a License for Street Right of Way Use to construct a parking lot expansion project to better serve the needs of Ayers Plaza Shopping Center tenants

CAPTION:

Ordinance authorizing the City Manager or his designee to execute a License for Street Right of Way Use with the B-Y 4918 Ayers, LTD. ("Licensee") to construct a parking lot expansion project to better serve the needs of Ayers Plaza Shopping Center tenants in full compliance with the City of Corpus Christi and with the approval of the Texas Department of Transportation, subject to the Licensee's compliance with specified conditions.

PURPOSE:

The purpose of this License for Street Right of Way Use is to better serve the needs of the Ayers Plaza Shopping Center tenants. This License for Street Right of Way Use will be for the Personal use of the Licensee; or until Texas Department of Transportation requires its usage.

BACKGROUND AND FINDINGS:

B-Y 4918 Ayers, LTD. ("Licensee") desires to construct a parking lot expansion project. The parking lot area occupies approximately 16,938.25 SF, (0.39 Acre) of the road R.O.W. Staff recommends that the Licensee pay ten annual payments of \$5,000.00 for a total of \$50,000.00 for this License for Street Right of Way Use of the Ayers Street public right-of-way.

ALTERNATIVES:

Deny the request of a License for Street Right of Way Use.

OTHER CONSIDERATIONS: Not applicable

CONFORMITY TO CITY POLICY:

City Charter Article IX, Section 1, requires City Council approval for use of any portion of public right-of-way for private purposes. Ordinance 026217, Section 3. Section. 49-61.

EMERGENCY / NON-EMERGENCY: Non-Emergency

DEPARTMENTAL CLEARANCES:

All public and franchised utilities were contacted. None of the City departments or franchised utility companies objects regarding the proposed License for Street Right of Way Use as long as the work is limited to flat work and the a parking lot use, provided the applicant meets the specified conditions set out in this License for Street Right of Way Use.

FINANCIAL IMPACT:

☐ Operating ☒ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item		\$5,000.00	annual term payments of \$45,000.00	\$50,000.00
BALANCE		\$5,000.00	\$45,000.00	\$50,000.00

Fund(s):

Comments: Annual term payments of \$5,000.00 for a total payment of \$50,000.00

RECOMMENDATION:

Staff recommends approval and adoption of the ordinance. Owners must comply with all the following specified conditions of the ordinance:

- a. In exchange for the City's authorization for use of the public right-of-way by the Licensee for the stated purpose, the Licensee agrees to pay ten annual payments of \$5,000.00 for a total of \$50,000.00
- b. All costs incurred to install, operate, maintain, repair, and remove the parking lot expansion is the sole responsibility of the Licensee.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits