



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of July 26, 2016  
Second Reading for the City Council Meeting of August 9, 2016

**DATE:** July 11, 2016

**TO:** Margie C. Rose, City Manager

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
DanielMc@cctexas.com  
(361) 826-3595

Closing a utility easement located at 4000 S. Staples

### **CAPTION:**

Ordinance abandoning and vacating a 0.041-Acre portion of an existing utility easement out of a part of Lots 7 and 8, Block 5 of Hamlin Place Unit 2-Corpus Christi Subdivision, located at 4000 S. Staples and requiring the owner, American Electric Power (AEP) Texas Central Company, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate a utility easement and allow for American Electric Power (AEP) Texas Central Company to expand their facility located at 4000 S. Staples.

### **BACKGROUND AND FINDINGS:**

American Electric Power (AEP) Texas Central Company (Owner) is requesting the abandonment and vacation of a 0.041-Acre portion of an existing utility easement out of a part of Lots 7 and 8, Block 5 of Hamlin Place Unit 2-Corpus Christi Subdivision, located at 4000 S. Staples. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the expansion of the South Side Substation.

Staff recommends the Owner pay no fair market value fee in accordance with City Code of Ordinance Section 49-13 because the Owner will be dedicating a utility easement to replace the existing one. The Owner has been advised of and concurs with the specified conditions of the Ordinance in regards to the easement dedication and the recording and filing of the ordinance. The Owner must also comply with all the specified conditions of the abandon and vacate ordinance within 180 days of Council approval.

**ALTERNATIVES:**

Denial of the utility easement closure. This will, however, adversely impact the Owner's ability to move forward with future development of the subject property.

**OTHER CONSIDERATIONS:** Not applicable

**CONFORMITY TO CITY POLICY:**

These requirements are in compliance with the City Code of Ordinances, Section 49-12 and 49-13.

**EMERGENCY / NON-EMERGENCY:** Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies stated objections regarding the proposed utility easement abandonment.

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2015-2016</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 easement closure. The Owners must comply with all the following specified condition of the easement closure ordinance:

- a. Upon approval by the City Council and issuance of the ordinance, all grants of easement closure and specified conditions must be recorded at the Owners' expense in the Official Deed and Map Records of Nueces County, Texas, in which the affected property is located, with a copy of the recording provided to the City.

- b. The Maintenance responsibilities for the vacated easement reverts to American Electric Power (AEP) Texas Central Company (Owner).
- c. The easement replacement must be dedicated within 180 days of Council approval.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits  
Location Maps