



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of August 9, 2016  
Second Reading for the City Council Meeting of August 16, 2016

**DATE:** July 20, 2016

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

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
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(361) 826-3595

Closing a utility easement located north of Williams Drive and west of Airline Road

### **CAPTION:**

Ordinance abandoning and vacating a 0.060 acre portion of an existing 15-foot wide utility easement out of a part of Lot H5, Wilkey Addition Unit 2 Corpus Christi Subdivision, located north of Williams drive and west of Airline Road; and requiring the owner, Williams Airline Partners, Ltd. to comply with the specified conditions.

### **PURPOSE:**

The purpose of this item is to eliminate a utility easement and allow for Williams Airline Partners, Ltd. to create two smaller lots.

### **BACKGROUND AND FINDINGS:**

Williams Airline Partners, Ltd. (Owner) is requesting the abandonment and vacation of a 0.060 acre portion of an existing 15-foot wide utility easement out of a part of Lot H5, Wilkey Addition Unit 2 Corpus Christi Subdivision, located north of Williams drive and west of Airline Road. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the re-plat of Wilkey Addition Unit 2, Lots H5A & H5B.

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. Owner must dedicate new utility easements of equal or greater value than the property being released by the City in this easement closure action, in accordance with City of Corpus Christi, Code of Ordinance Section 49-12, within 180 days of Council approval so that the requirement of paying fair market value for the property can be waived.

- b. 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.
- 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.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits  
Location Maps