



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 11, 2016
Second Reading for the City Council Meeting of October 18, 2016

DATE: August 10, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
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**Public Hearing and First Reading Ordinance - Street Closure of Harney Road,
located between Violet Road and Callicoate Road, just north of IH 37.**

CAPTION:

Ordinance closing, vacating, and abandoning a developed and surfaced 0.687 acres' portion of approximately 60-foot wide public right-of-way, as shown and dedicated by a map of Lots 9A and 9B, Nuecestown, which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas, and requiring the owners, James & Beverly Holman and Michael & Kerry Berry to comply with specified conditions; and providing an effective date.

PURPOSE:

The purpose of this item is to abandon and vacate a portion of approximately 60-foot wide public right-of-way and retain a utility easement over the same.

BACKGROUND AND FINDINGS:

James & Beverly Holman and Michael & Kerry Berry (Owners) are requesting the abandonment and vacation of a developed and surfaced 0.687 Acres portion of an approximately 60-foot wide public right-of-way, as shown and dedicated by a map of Lots 9A and 9B, Nuecestown, which is recorded in Volume 47, Page 246, Map Records of Nueces County, located between Violet Road and Callicoate Road, just north of IH 37.

Staff recommends that payment of the fair market value be paid according to City Code, Sec. 49-12 (c). 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 will continue allowing the illegal dumping and the improper use of the

street which promote crime.

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 objected to the public street right-of-way closure as long as we maintain a utility easement over the same area.

FINANCIAL IMPACT:

☐ Operating ☒ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2016-2017	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item		Onetime Fee \$16,037.43		\$16,037.43
BALANCE		\$16,037.43		\$16,037.43

Fund(s):

Comments: None

RECOMMENDATION:

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

- a. A Utility Easement is retained over the entire vacated area in favor of City departments and franchised utility companies and Koch.
- b. An Access Easement is retained over the entire vacated area in favor of abutting owners.
- c. The Maintenance responsibilities including mowing for the abandoned and vacated area reverts to the abutting owners.

- d. Pursuant to the City Code of Ordinances, Sec. 49-12, (c), prior to the placement of the ordinance the council agenda, that payment of the fair market value be made in the form of a certified or cashier's check in the amount of \$16,037.43. Such funds to be deposited in the street maintenance fund upon passage of this ordinance.
- e. 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.
- f. Failure to comply with all the conditions outlined in this Ordinance will hereby make the Ordinance null and void.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Aerial Maps