

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.

WHEREAS, 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. This closure is being requested to prevent illegal dumping and the improper use of the street which promote crime.

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, October 11, 2016, during a meeting of the City Council, during which all interested parties and citizens were allowed to appear and be heard.

WHEREAS, it has been determined that it is feasible and advantageous to the City of Corpus Christi to close, vacate, and abandon the subject portion of the 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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. As requested by James & Beverly Holman and Michael & Kerry Berry (Owners), the 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, between Violet Road and Callicoate Road, just north of IH 37 is closed, vacated, and abandoned by the City of Corpus Christi ("City"), subject to the Owners' compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is a metes and bounds description of the subject portion, Exhibit "B," which is the graphical representation for the metes and bounds description, and Exhibit "C" which is the location map, are attached to and incorporated in this ordinance by reference as if each were fully set out herein in their entireties.

SECTION 2. The closure, vacation, and abandonment of the public street right-of-way described in Section 1 of this ordinance is expressly conditioned upon the Owners' compliance with the following requirements:

- 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.

SECTION 3. This ordinance takes effect upon adoption.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

| | | | |
|------------------|-------|----------------|-------|
| Nelda Martinez | _____ | Brian Rosas | _____ |
| Rudy Garza | _____ | Lucy Rubio | _____ |
| Michael Hunter | _____ | Mark Scott | _____ |
| Chad Magill | _____ | Carolyn Vaughn | _____ |
| Colleen McIntyre | _____ | | |

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

| | | | |
|------------------|-------|----------------|-------|
| Nelda Martinez | _____ | Brian Rosas | _____ |
| Rudy Garza | _____ | Lucy Rubio | _____ |
| Michael Hunter | _____ | Mark Scott | _____ |
| Chad Magill | _____ | Carolyn Vaughn | _____ |
| Colleen McIntyre | _____ | | |

PASSED AND APPROVED this the _____ day of _____, 20_____.

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor



Job No. 39104.00.01
September 24, 2003

(361)854-3101

P.O. BOX 6355 • CORPUS CHRISTI, TEXAS 78466-6355

FAX (361)854-6001

EXHIBIT A1

STREET CLOSURE

**STATE OF TEXAS
COUNTY OF NUECES**

Fieldnotes for the closure of the southeast portion of Harney Road, as shown on the map of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas; said street closure being more fully described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pipe found for the east intersection of Up River Road, an 80 foot wide public roadway, and said Harney Road for the west corner of a 2.572 acre tract of land out of Share XIII, C.C. Hart Partition, as recorded in Document No. 2002045690, for the south corner of this tract;

THENCE North 55°18'00" West, along the northeast right-of-way of said Up River Road, a distance of 30.00 feet to the existing centerline of said Harney Road for the west corner of this tract;

THENCE North 34°42'00" East, along said existing centerline of Harney Road, a distance of 483.13 feet for the north corner of this tract;

THENCE South 65°19'17" East, along the projected southwest boundary of Nueces River, a distance of 33.94 feet for the north corner of the aforementioned 2.572 acre tract of land and for the east corner of this tract;

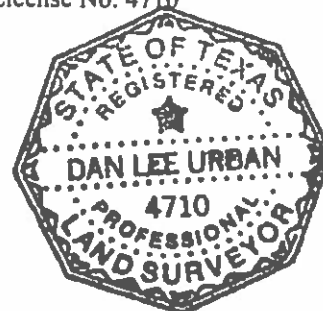
THENCE South 35°06'02" West, along the southeast right-of-way of said Harney Road, a distance of 489.05 feet to the POINT OF BEGINNING and containing 15,408.40 square feet of land;

Bearings based on the recorded plat of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

URBAN ENGINEERING

By: 
Dan L. Urban, R.P.L.S.
License No. 4710





Job No. 39104.00.00
June 12, 2003

(361)854-3101

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FAX (361)854-6001

STREET CLOSURE

STATE OF TEXAS COUNTY OF NUECES

Fieldnotes for the closure of the northwest 30.00 feet of Harney Road (not based on an on-the-ground survey), as shown on the map of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas; said street closure being more fully described by metes and bounds as follows:

BEGINNING at a point on the northwest right-of-way line of Up River Road, an 80 foot wide public roadway, for a corner of said Lot 9A, for the beginning of a circular curve to the left whose radius point bears North $34^{\circ}42'00''$ East, a distance of 10.00 feet, and having a central angle of $90^{\circ}00'00''$, a radius of 10.00 feet, a tangent length of 10.00 feet and an arc length of 15.71 feet;

THENCE along said circular curve to the left an arc length of 15.71 feet to a point on the southeast boundary of said Lot 9A, same being the northwest boundary of said Harney Road and this tract;

THENCE North $34^{\circ}42'00''$ East, along the common boundary of said Lot 9A and said Harney Road, a distance of 474.24 feet to a point on the southwest boundary of the Nueces River, as shown on the recorded plat of said Nuecestown, for the east corner of said Lot 9A, same being the north corner of this tract;

THENCE South $53^{\circ}10'55''$ East, along the projected southwest boundary of Nueces River, a distance of 30.02 feet to a point on the existing centerline of said Harney Road for the east corner of this tract;

THENCE South $34^{\circ}42'00''$ West, along the existing centerline of said Harney Road, a distance of 483.13 feet for the south corner of this tract;

THENCE North $55^{\circ}18'00''$ West, parallel to the centerline of said Up River Road, and 40.00 feet distant from, measured at right angles thereto, a distance of 40.00 feet to the POINT OF BEGINNING and containing 14,532.08 square feet of land.

Bearings based on the recorded plat of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy.

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By: 
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License No. 4710

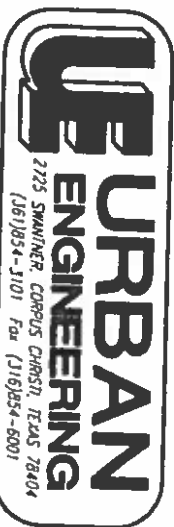
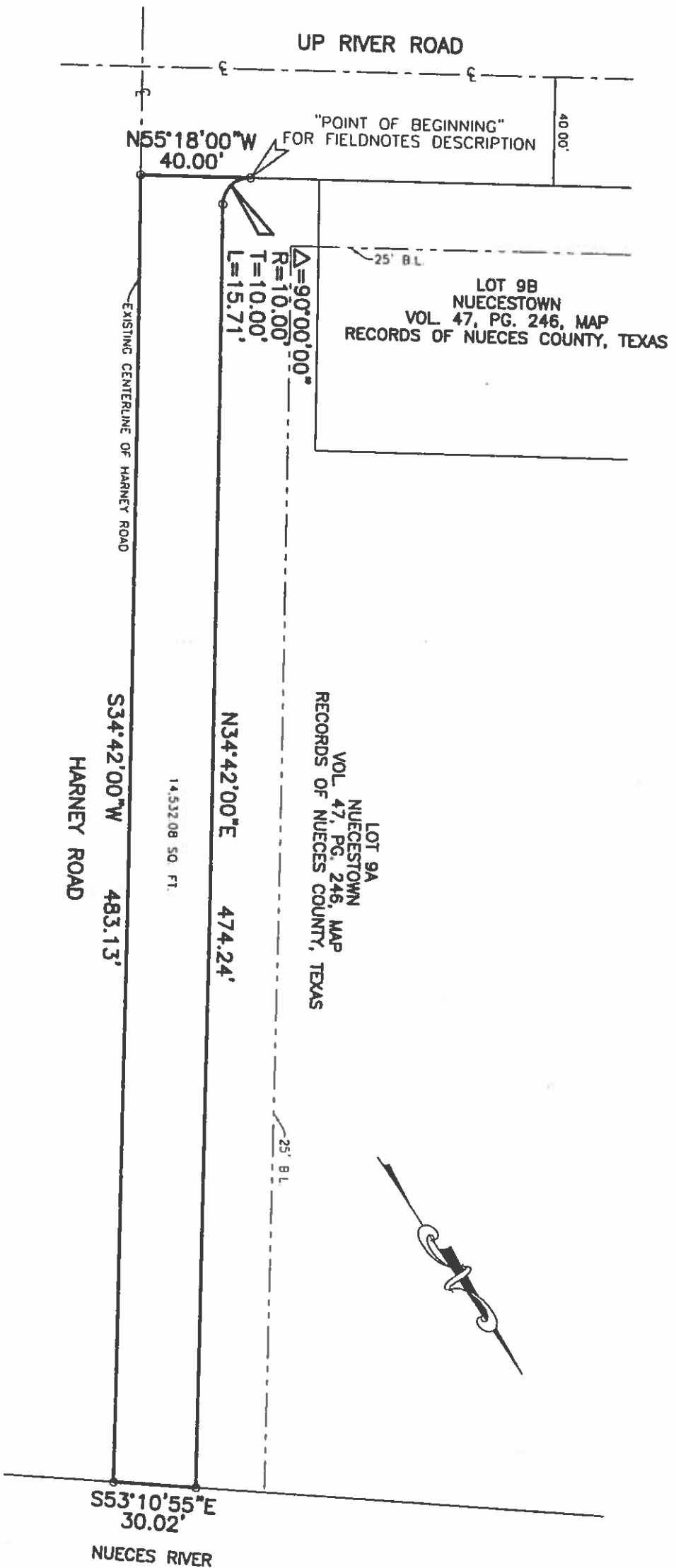
2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404
mail@urbaneng.com



Exhibit B

Map to Accompany

FIELDNOTES for the closure of the northwest 30.00 feet of Harney Road (not based on an on-the-ground survey), as shown on the map of lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas



DATE: JUNE 12, 2003
SCALE: 1"= 50'
JOB NO.: 39104.00.00
SHEET: 1 OF 1
DRAWN BY: XG
CHECKED BY: RR

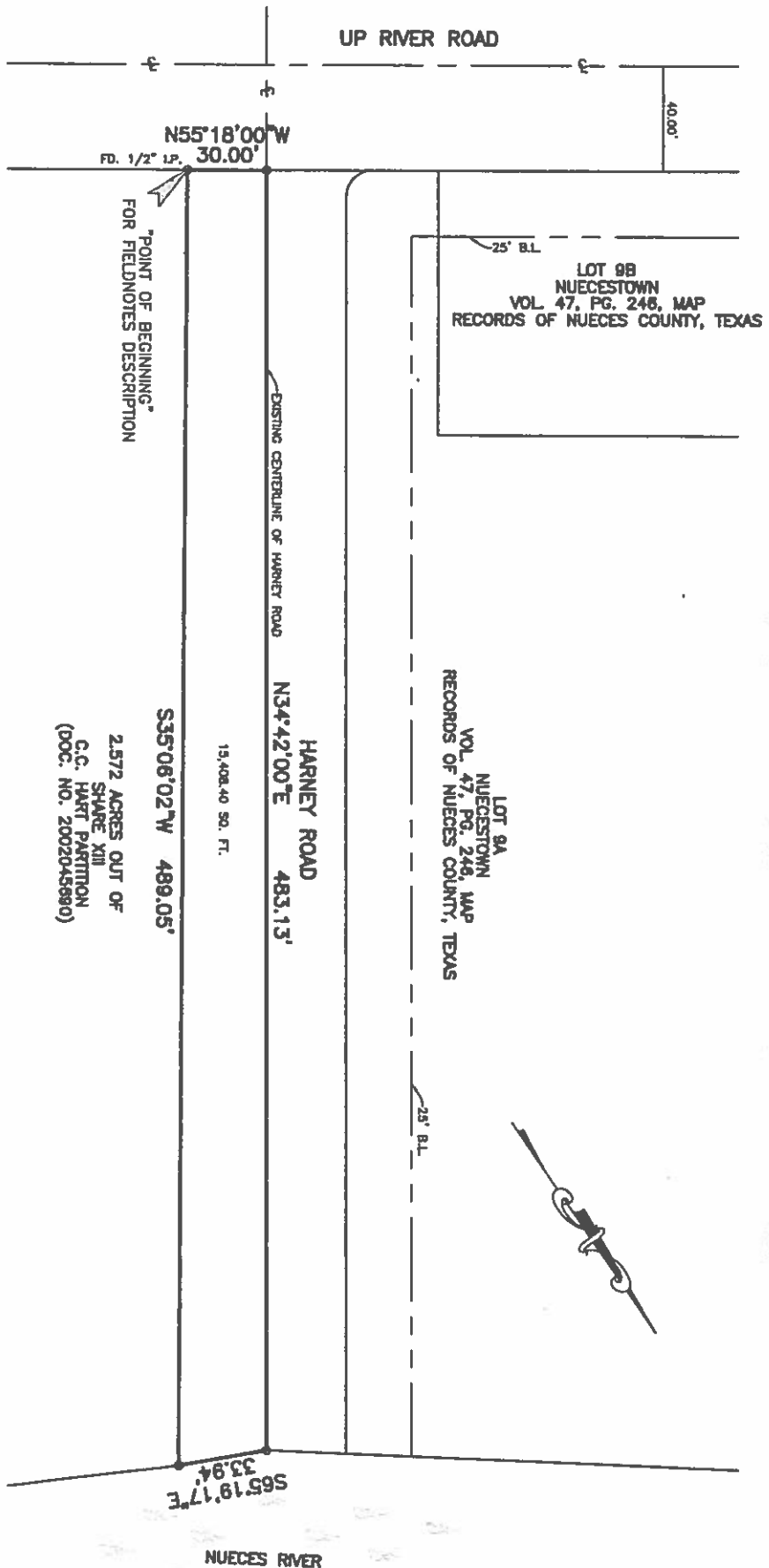


Exhibit B1

Map to Accompany

FIELDNOTES for the closure of the southeast portion of Harney Road, as shown on the map of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas.

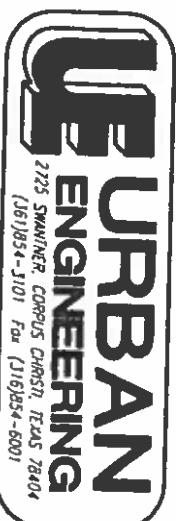
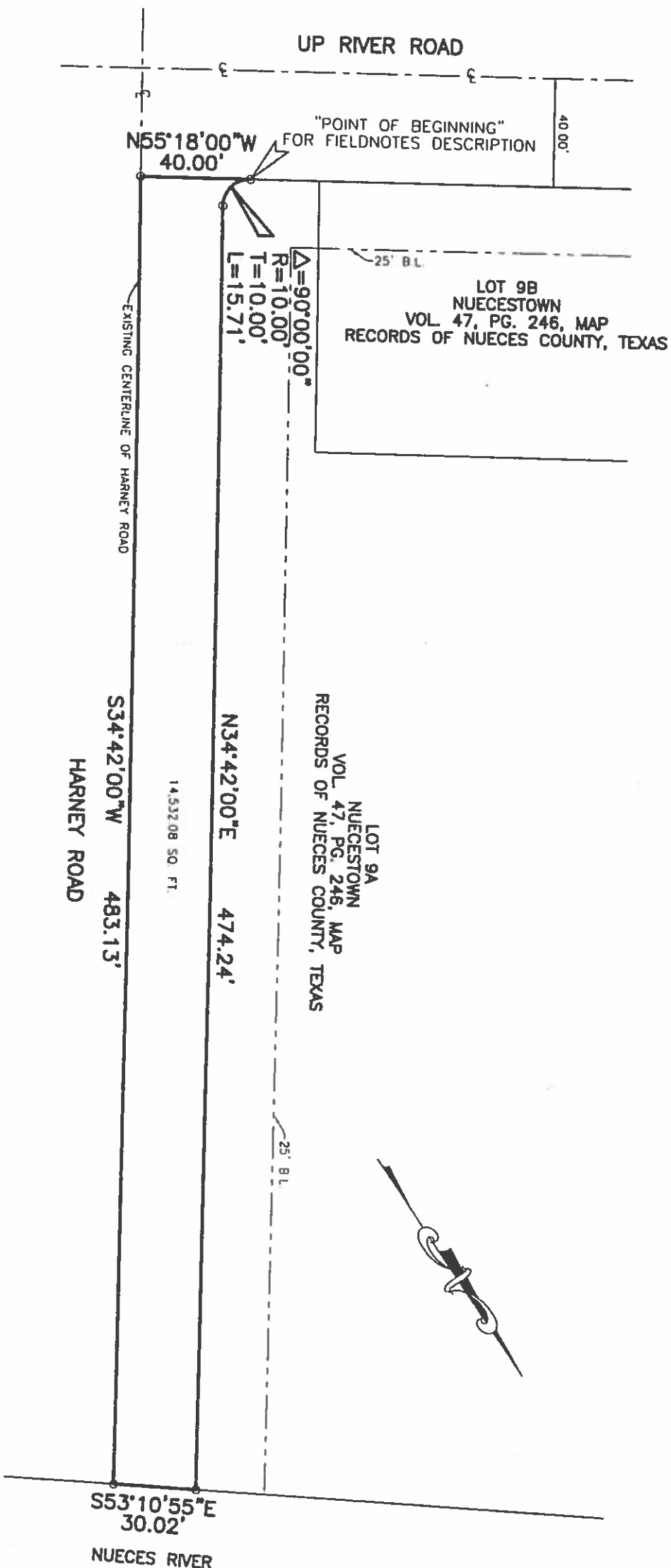


DATE: SEPT. 24, 2003
SCALE: 1" = 50'
JOB NO.: 39104.00.01
SHEET: 1 OF 1
DRAWN BY: XG
CHECKED BY: SB

Exhibit B2

Map to Accompany

FIELDNOTES for the closure of the northwest 30.00 feet of Harney Road (not based on an on-the-ground survey), as shown on the map of Lots 9A and 9B, Nuecestown, a map of which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas



DATE: JUNE 12, 2003
SCALE: 1"= 50'
JOB NO.: 39104.00.00
SHEET: 1 OF 1
DRAWN BY: XG
CHECKED BY: RR