

**Ordinance closing, abandoning, and vacating a 0.028-Acre portion of an existing utility easement out of a part of Lot 16, Block 8 of Hopper Addition No. 2, located at 3749 Pope Drive and requiring the owner, Fernando Fernandez, to comply with the specified conditions; authorizing the City Manager or designee to execute a Utility Relocation Agreement; appropriating \$31,000 into Gas Fund #4130 to be used to cap an 8-inch wrapped steel line and construct a new 8-inch wrapped steel line, and changing the FY 2016-2017 Operating Budget adopted by Ordinance number 030965- to increase revenues and expenditures each by \$31,000.**

**WHEREAS**, Fernando Fernandez (Owner) is requesting the abandonment and vacation of a 0.028-Acre portion of an existing utility easement out of a part of Lot 16, Block 8 of Hopper Addition No. 2, located at 3749 Pope Drive;

**WHEREAS**, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate a 0.028-Acre portion of an existing utility easement, subject to compliance by the Owner with the conditions specified in this ordinance.

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

**SECTION 1.** Pursuant to the request of Fernando Fernandez ("Owner"), a 0.028-Acre portion of an existing utility easement out of a part of Lot 16, Block 8 of Hopper Addition No. 2, located at 3749 Pope Drive, as recorded in volume 34, page 139 Map Records of Nueces County, Texas, is closed, abandoned, and vacated by the City of Corpus Christi ("City"), subject to the Owner's compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is a metes and bounds description and field notes, "Exhibit B," which is the graphical representation of the legal, and "Exhibit C," which is the location map which are attached to and incorporated in this ordinance by reference as if it was fully set out herein in their entireties.

**SECTION 2.** The closing, abandonment ,and vacation of the utility easement described in Section 1 of this ordinance is expressly conditioned upon the Owner's compliance with the following requirements:

- a. Owner dedicate a new utility easement of equal or greater value than the property being released by the City in this easement closure action.
- b. Owner contract with the City of Corpus Christi to cap the 8-inch wrapped steel line that is beneath Property Owner's dwelling in the existing utility easement and construct a new 8-inch wrapped steel line in the dedicated new utility easement.
- c. Upon approval by the City Council and issuance of the ordinance, all grants of easement closure and specified conditions must be recorded at the Owner's 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.

- d. Failure to comply with all the conditions outlined in this Ordinance within 180 days will hereby make the Ordinance null and void.

**SECTION 3.** The City Manager or designee is authorized to execute Utility Relocation Agreement for 3749 Pope Drive.

**SECTION 4.** That \$31,000 is appropriated into the Gas Fund #4130 to be used to cap an 8-inch wrapped steel line and construct a new 8-inch wrapped steel line.

**SECTION 5.** That the FY 2016-2017 Operating Budget adopted by Ordinance Number 030965 is hereby changed to increase revenues and expenditures by \$31,000 each.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

Dan McQueen	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

Dan McQueen	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Joe McComb	_____		

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Dan McQueen  
Mayor

**EXHIBIT A**

**E9-Dev Services-Hopper Addition No. 2  
10' Utility Easement Closure**

**STATE OF TEXAS  
COUNTY OF NUECES**

**BEING a tract of land containing 1,201.84 square feet (0.028 acres) of land out of Lot 16, Block 8, Hopper Addition NO. 2, a map of which is recorded in Volume 34, Page 139, Map Records of Nueces County, Texas. This 1,201.84 square foot tract being more fully described by metes and bounds as follows:**

Commencing at a point (no monumentation found or set) on the southwest boundary of Pope Drive, a 50 foot wide right-of-way, for the east corner of Lot 15-A, Block 8, said Hopper Addition No. 2 and for the north corner of said Lot 16, from which corner a 5/8 inch iron rod found on said southwest boundary of Pope Drive for the east corner of Lot 13, Block 8 and the north corner of Lot 14, Block 8, Hopper Addition Unit 2, a map of which is recorded in Volume 20, Page 88, bears North 61°58'00" West, a distance of 135.06 feet (record=134.80 feet);

Thence, with the southwest boundary of said Pope Drive, same being the northeast boundary of said Lot 16, a distance of 1.93 feet (record=2.00 feet) to the **Point of Beginning** of this description and for the north corner (no monumentation found or set) of this easement closure;

Thence, with the southwest boundary of said Pope Drive, same being the northeast boundary of said Lot 16 and of this easement closure, South 61°58'00" East, a distance of 10.00 feet for the east corner (no monumentation found or set) of this easement closure;

Thence, with the southeast boundary of this easement closure, South 26°50'30" West, a distance of 120.21 feet to the common boundary of said Lot 16 and Lot 17-C, Block 8, Hopper Addition Unit 2, a map of which is recorded in Volume 56, Page 159, for the south corner (no monumentation found or set) of this easement closure;

Thence, with said common boundary of Lot 16 and Lot 17-C, same being the southwest boundary of this easement closure, North 61°58'00" West, a distance of 10.00 feet for the west corner (no monumentation found or set) of this easement closure, from which corner the south corner of aforementioned Lot 15-C and the west corner of said Lot 16 bears North 61°58'00" West, a distance of 4.43 feet (record=4.50 feet);

Thence, with the northwest boundary of this easement closure, North 26°50'30" East, a distance of 120.21 feet to the **Point of Beginning** and containing 1,201.84 square feet (0.028 acres) of land.

Bearings based on GPS bearings, Texas State Plane Coordinate System, NAD83 (2011) South Zone,.

**STATE OF TEXAS  
COUNTY OF NUECES**

I, Russell D. Ochs, a Registered Professional Land Surveyor, hereby certify that the foregoing field notes were prepared by me from a land survey made on the ground under my supervision.

This the 21st day of June, 2016

*Russell D. Ochs*

Russell D. Ochs, R.P.L.S.  
State of Texas License No. 5241







## Exhibit C