



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of March 21, 2017
Second Reading for the City Council Meeting of March 28, 2017

DATE: February 7, 2017

TO: Margie C. Rose, City Manager

FROM: Julio Dimas, Interim Director, Development Services Department
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Closing a utility easement located between Stampede Drive and Elizondo Drive.

CAPTION:

Ordinance abandoning and vacating a 0.030-Acre portion of an existing utility easement out of a part of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lot 30 & Rancho Vista Subdivision Unit 7, Block 15, Lots 10 and 23 and requiring the owner, Yorktown Oso Joint Venture, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate a utility easement and allow for Yorktown Oso Joint Venture to re-plat two lots for a new proposed subdivision.

BACKGROUND AND FINDINGS:

Yorktown Oso Joint Venture (Owner) is requesting the abandonment and vacation of a 0.030-Acre portion of an existing utility easement out of a part of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lot 30 & Rancho Vista Subdivision Unit 7, Block 15, Lots 10 and 23, located between Stampede Drive and Elizondo Drive. The abandonment and vacation of the utility easement is being requested by the Owner in conjunction with the submission of the final plat of Rancho Vista Subdivision Unit 14.

Staff recommends the Owner pay no fair market value fee in accordance with Texas Local Government Code §272.001 (b) because the Owner will be dedicating several utility easements throughout the proposed subdivision which will greatly exceed the area of the requested closure. 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

Fiscal Year: 2016-2017	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
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