

**Ordinance closing, abandoning, and vacating 0.737 Acre portion of a public right-of-way tract containing partially developed and surfaced street of Airheart Point Road and adjacent .071 and .017 acre portions of the existing right-of-way adjacent to Ocean Drive, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, Map Records of Nueces County, Texas, and requiring the abutting owners (Matthew A Comay, Sandra McKinnon and George and Gippie Hawn), to comply with specified conditions.**

**WHEREAS**, Matthew A Comay, Sandra McKinnon and George and Gippie Hawn ("the abutting owners") have requested the abandonment and vacation of a partially developed and surfaced street of 0.737 Acre Tract, being Airheart Point Road and adjacent .071 and .017 acre portions of the existing right-of-way adjacent to Ocean Drive, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, Map Records of Nueces County, Texas.

**WHEREAS**, with proper notice to the public, a public hearing was held on Tuesday, May 16, 2017, during a meeting of the City Council, during which all interested parties and citizens could appear and be heard.

**WHEREAS**, it has been determined that it is feasible and advantageous to the City of Corpus Christi to abandon and vacate the partially developed and surfaced street of 0.737 Acre Tract, being Airheart Point Road and adjacent .071 and .017 acre portions of the existing right-of-way adjacent to Ocean Drive, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, Map Records of Nueces County, Texas, subject to compliance by the abutting owners 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 Article X, §1(a) (11) of the City Charter and Section 49-12 of the Corpus Christi Code of Ordinances, the 0.737 Acre portion of a public right-of-way tract containing partially developed and surfaced street of Airheart Point Road and adjacent .071 and .017 acre portions of the existing right-of-way adjacent to Ocean Drive, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, Map Records of Nueces County, Texas is closed, abandoned and vacated by the City of Corpus Christi ("City"), subject to the abutting owners' compliance with the conditions specified in Section 2 and retained utility easements specified in Section 3 of this ordinance. Exhibit "A," which is a metes and bounds description of the subject portion, and 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, abandonment, and vacation of the public street right-of-way described in Section 1 of this ordinance is expressly conditioned upon the adjacent 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.
- b. An access easement is retained over the entire vacated area in favor of the City.
- c. The maintenance responsibilities, including mowing, for the abandoned and vacated area reverts to the abutting owners.

- d. Payment of the fair market value be made in the amount of \$54,733.00 per the City Code of Ordinances, Sec. 49-12, (c)(4). Failure to comply with this condition within 180 calendar days will hereby make this Ordinance null and void
- e. Upon approval by the City Council and issuance of the ordinance, all grants of right of way vacation 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 properties are located, with a copy of the recording provided to the City. Failure to comply with this condition within 180 calendar days will hereby make this Ordinance null and void.

**SECTION 3.** The closure, abandonment, and vacation of the right of way does not close, abandon, or vacate the City's utility easements. This ordinance retains utility and access easement over the entire vacated area in favor of City departments and franchised utility companies. Utility Easement specifically includes:

- a. 0.737 Acre Right-of-Way of Airheart Point Road to be closed and retained as a Storm Water easement with access to existing improvements;
- b. 0.22 Acre of existing northeast Right-of-Way adjacent to Ocean Drive to be closed and retained as a utility easement with access to existing gas line located in the utility easement.

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

Mayor	_____	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:

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

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

ATTEST:

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

\_\_\_\_\_  
Joe McComb  
Mayor



Job No. 29172B600  
June 23, 2016  
Revised: April 4, 2017

**EXHIBIT "A"**  
**0.825 Acre Tract**

**STATE OF TEXAS**  
**COUNTY OF NUECES**

**Fieldnotes**, for a 0.825 Acre Tract, being a portion of the existing Northeast Right-of-Way of Ocean Drive, a public roadway, all of Airheart Road, and portions of Lots 6, 7, 8, 9, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, of the Map Records of Nueces County, Texas, the said 0.825 Acre Tract being more fully described as follows:

**Beginning**, at a 5/8 Inch Iron Rod Found, on the apparent Northeast Right-of-Way line of the said Ocean Drive, being the South corner of the said Lot 7, the West corner of Lot 8, of the said Alta-Vista on the Bay, the West corner of Lot 8, of the said Alta-Vista on the Bay, for a corner of this Tract;

**Thence**, South  $33^{\circ}05'47''$  East, with the Southwest line of the said Lot 8, and Lot 9, of the said Alta-Vista on the Bay, 100.13 Feet, to an "X" Cut in concrete Found, being the South corner of the said Lot 9, the West corner of the said Airheart Road, for an inner ell corner of this Tract;

**Thence**, North  $58^{\circ}39'01''$  East, with Southeast line of the said Lot 9, and the Northwest Right-of-Way line of the said Airheart Road, at 284.00 Feet, pass an "X" Cut in concrete Set, in all a distance of 286.55 Feet, to the South corner of a 0.092 Acre Easement, described in an Amendment of Easement, recorded in Document Number 655290, of the Official Public Records of Nueces County, Texas, being the East corner of the said Lot 9, for the North corner of this Tract;

**Thence**, South  $48^{\circ}14'44''$  East, 96.21 Feet, to the North corner of a 3.0117 Acre Tract described in a Special Warranty Deed from Michael D. McKinnon, to Sandra E. McKinnon, recorded in Document Number 2002032463, of the said Official Public Records, for the East corner of this Tract;

**Thence**, South  $60^{\circ}02'12''$  West, with the Northwest line of the said 3.0117 Acre Tract, and the Southeast Right-of-Way line of the said Airheart Road, 312.04 Feet, to a 5/8 Inch Iron Rod Found, on the apparent Northeast Right-of-Way line of the said Ocean Drive, for the common corner of the said Airheart Road, the said 3.0117 Acre Tract, and this Tract;

**Thence**, South  $32^{\circ}43'43''$  East, with the common line of the said apparent Northeast Right-of-Way line of Ocean Drive and the said 3.0117 Acre Tract, 3.48 Feet, to an outer ell corner of this Tract;

**Thence**, South 60°00'40" West, with the said common line, 86.61 Feet, to a 5/8 Inch Iron Rod Found, being the West corner of the said 3.0117 Acre Tract, for the South corner of this Tract and for the beginning of a non-tangent curve to the Left, having a delta of 22°20'42", a Radius of 765.00 Feet, an arc length of 298.34 Feet, and a chord which bears North 16°07'39" West, 296.46 Feet;

**Thence**, with the said non-tangent curve to the Left, 298.34 Feet, for the said Northeast Right-of-Way line, the West corner of Lot 6, of the said Alta-Vista on the Bay, from whence a 5/8 Inch Iron Rod Found, bears South 58°49'46" West, 5.05 Feet;

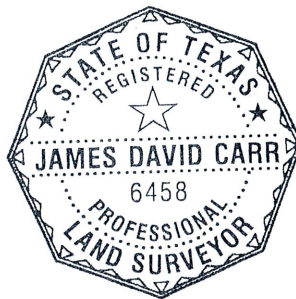
**Thence**, South 33°05'47" East, 100.09 Feet, to the Point of Beginning, containing 0.825 Acres (35,959 SqFt) of Land, more or less.

Grid Bearings and Distances described herein are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

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

The purpose of this description is for a Right-of-Way Closure, and a State Shoreline Boundary was not performed or determined.

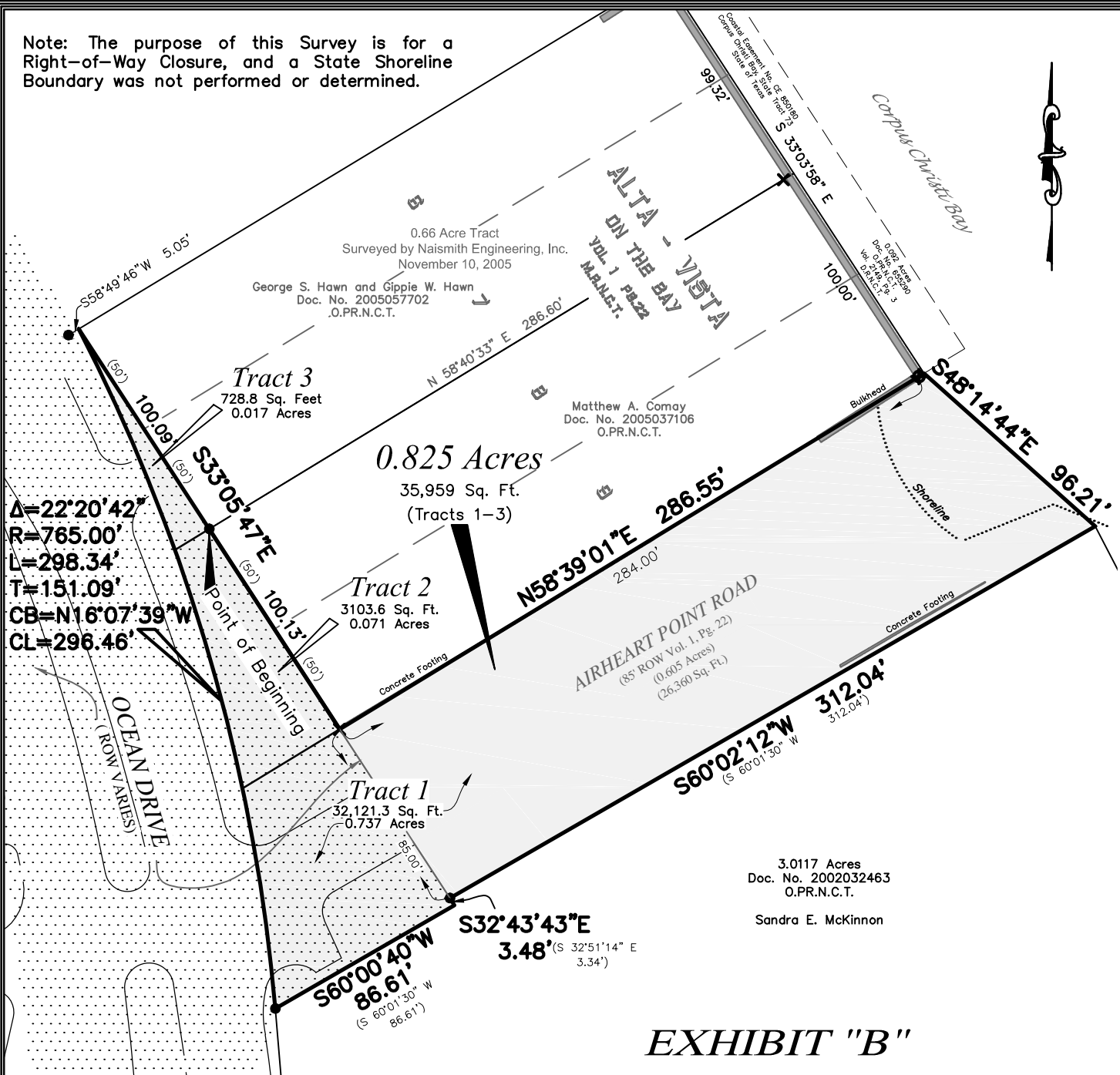
*Also reference accompanying sketch of Tract described herein.*



URBAN ENGINEERING

James D. Carr, R.P.L.S.  
License No. 6458

Note: The purpose of this Survey is for a Right-of-Way Closure, and a State Shoreline Boundary was not performed or determined.



## EXHIBIT "B"

### Sketch to Accompany

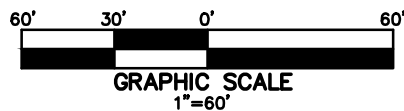
#### Legend

- 5/8" Iron Rod Found
- × "X" Mark Found
- ⊕ "X" Mark Set

0.605 Acre Right-of-Way (Airheart Point Road) to be Closed and retained as a Stormwater Easement with Access to existing Stormwater Improvements.

Existing Northeast Right-of-Way of Ocean Drive to be Closed and retained as a Utility Easement.

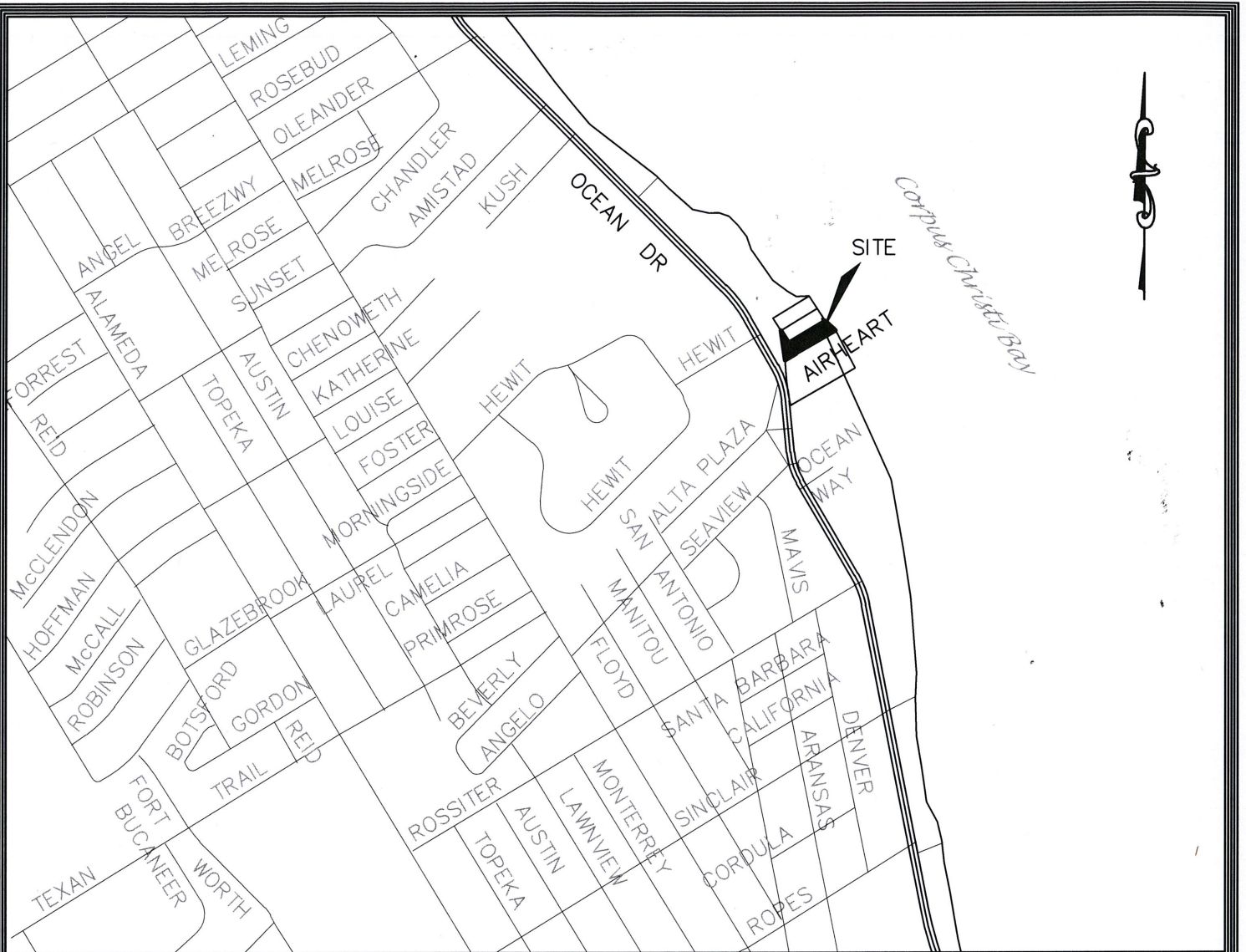
REV: April 20, 2017  
DATE: July 8, 2016  
SCALE: 1"=60'  
JOB NO.: 29172.B600  
SHEET: 1 of 2  
DRAWN BY: RLG



FIELDNOTES, for a 0.825 Acre Tract, being a portion of the existing Northeast Right-of-Way of Ocean Drive, a public roadway, all of Airheart Point Road, and portions of Lots 6, 7, 8, 9, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, of the Map Records of Nueces County, Texas.



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## ***EXHIBIT "C"***

### **Site Map to Accompany**

FIELDNOTES, for a 0.825 Acre Tract, being a portion of the existing Northeast Right-of-Way of Ocean Drive, a public roadway, all of Airheart Road, and portions of Lots 6, 7, 8, 9, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, of the Map Records of Nueces County, Texas.



REV: April 4, 2017  
 DATE: July 8, 2016  
 SCALE: 1"=60'  
 JOB NO.: 29172.B600  
 SHEET: 2 of 2  
 DRAWN BY: RLG