



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of May 16, 2017
Second Reading for the City Council Meeting of May 23, 2017

DATE: April 17, 2017

TO: Margie C. Rose, City Manager

FROM: Julio Dimas, Interim Director, Development Services Department
JulioD@cctexas.com
(361) 826-3276

<p>Street Closure of Airheart Point Road and a portion of Ocean Drive located east of Ocean Drive.</p>

CAPTION:

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.

PURPOSE:

The purpose of this item is to close, abandon and vacate a 0.737 Acre portion of a public right of way tract containing partially developed and surfaced street of Airheart Point Road, and adjacent-portion of the existing right-of-way adjacent to Ocean Drive.

BACKGROUND AND FINDINGS:

Matthew A Comay, Sandra McKinnon and George and Gippie Hawn (abutting owners) are requesting the closing, abandoning and vacating a 0.737 Acre portion of a public right of way tract containing partially developed and surfaced street of Airheart Point Road, and adjacent-portion 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.

City Code, Sec. 49-12, (c) requires fair market value.

ALTERNATIVES:

None

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:

Several of the City departments and franchised utility companies have facilities within the public street right-of-way; however, the City departments and franchised utility companies have no objections regarding the proposed public right-of-way abandonment as long as the City retains a utility easement over the abandoned and vacated area.

FINANCIAL IMPACT:

☐ Operating ☒ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2015-2016	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item		One Time Payment \$54,733.00		\$54,733.00
BALANCE		\$54,733.00		\$54,733.00

Fund(s):

Comments: One Time payment of \$54,733.00.

RECOMMENDATION:

Staff recommends approval of the ordinance. Owners must comply with the following conditions:

- 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.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits