



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of June 20, 2017
Second Reading for the City Council Meeting of July 11, 2017

DATE: May 30, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green P.E., Interim Director, Development Services Department
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Closing and abandoning three utility easements located at 6002 & 6116 South Staples

CAPTION:

Ordinance abandoning and vacating three utility easements, 0.0281-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 6 and 0.0311-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 1A, located at 6116 South Staples and 0.0237-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 2A, located at 6002 South Staples; and requiring the owner, Gandy-Robertson, Inc, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to abandon and vacate portions of three utility easements and allow for Gandy-Robertson, Inc. to re-plat and combine the existing lots into one.

BACKGROUND AND FINDINGS:

Gandy-Robertson, Inc. (Owner) is requesting the abandonment and vacation of three utility easements, 0.0281-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 6 and 0.0311-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 1A, located at 6116 South Staples and 0.0237-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 2A, located at 6002 South Staples. The abandonment and vacation of the utility easements are being requested by the Owner in conjunction with the re-plat of Gusto Subdivision, Block 1, Lot 1R.

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 utility easements on the property 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:

No other utilities need to be relocated as part of the closure

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 conditions 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 City 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 180 days will hereby make the Ordinance null and void.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Location Map