



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of September 26, 2017
Second Reading for the City Council Meeting of October 10, 2017

DATE: September 5, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green, P.E., Interim Director, Development Services Department
BillG@cctexas.com
(361) 826-3268

Closing of a utility easement located at 6024 Crosstown Expressway.

CAPTION:

Ordinance abandoning and vacating 0.303 acre of an existing utility easement out of a part of Bohemian Colony Lands, Section 7, Lot 2, located at 6024 Crosstown Expressway and requiring the owner, AEP Texas Central Company, to comply with the specified conditions.

PURPOSE:

The purpose of this ordinance is to eliminate a portion of a utility easement to allow for AEP Texas Central Company to construct a new service center.

BACKGROUND AND FINDINGS:

AEP Texas Central Company (Owner) is requesting the abandonment and vacation of a 0.303 acre utility easement out of a part of Bohemian Colony Lands, Section 7, Lot 2, located at 6024 Crosstown Expressway. This abandonment and vacation of the utility easement is being requested by the owner in conjunction with the construction of a new service center. The existing utility easement is unimproved with no public and private utilities.

Staff recommends the owner pay **no fair market value** fee. AEP Texas Central Company (Owner) originally dedicated the easement with certain plans; however, due to changes in the plans they now request the easement closure. The Owner has been advised of and concurs with the specified conditions of the Ordinance in regards to 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 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 X 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. 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.
- b. The Maintenance responsibilities for the vacated easement reverts to

AEP Texas Central Company (Owner).

- c. Staff recommends the owner pay no fair market value fee. AEP Texas Central Company (Owner) originally dedicated the easement with certain plans; however, due to changes in the plans they now request the easement closure.
- d. 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