



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of November 14, 2017  
Second Reading for the City Council Meeting of December 12, 2017

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**DATE:** October 10, 2017

**TO:** Margie C. Rose, City Manager

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

<b>Street Closure at 3601 Saratoga Boulevard.</b>
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### **CAPTION:**

Ordinance closing, abandoning and vacating an undeveloped and unsurfaced 479.16-square foot (0.011 acre) parcel of public right-of-way, portion out of Bohemian Colony Lands, Section 12, Lot 1, a map of which is recorded in Volume A, Page 48, Map Records of Nueces County, Texas and requiring the owner, VMB Equity Properties, LLC., to comply with specified conditions.

### **PURPOSE:**

The purpose of this ordinance is to abandon and vacate 479.16-square foot of street right-of-way, portion out of Bohemian Colony Lands, Section 12, Lot 1, a map of which is recorded in Volume A, Page 48, Map Records of Nueces County, Texas and requiring the owner, VMB Equity Properties, LLC., to comply with specified conditions.

### **BACKGROUND AND FINDINGS:**

VMB Equity Properties, LLC., (Owner) is requesting the abandonment and vacation of an undeveloped and unsurfaced 479.16-square foot (0.011 acre) of street right-of-way, portion out of Bohemian Colony Lands, Section 12, Lot 1, a map of which is recorded in Volume A, Page 48, Map records of Nueces County, Texas, located south of Saratoga Boulevard and west of Zenith Drive. The abandonment and vacation of the undeveloped public street right-of-way is being requested because the street will no longer be needed.

Staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case. The Owners have been advised of and concur with the conditions of the public street right-of-way abandonment and vacation ordinance.

**ALTERNATIVES:**

Denial of the public street right-of-way 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:**

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:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies stated objections regarding the proposed street abandonment.

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2017-2018</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval of the public street right-of-way 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 public street right-of-way 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. City staff recommends that payment of the fair market value be waived because City Code, Sec. 49-12, (c)(4) of the City Code of Ordinances eliminates payment of the fair market value when an abandoned street is unimproved, as it is in this case.
- c. The Maintenance responsibilities for the vacated public street right-of-way reverts to VMB Equity Properties, LLC., (Owner).
- d. Failure to comply with all the conditions outlined in this Ordinance within 180 calendar days will hereby make the Ordinance null and void.

**LIST OF SUPPORTING DOCUMENTS:**

Agenda Memo  
Ordinance with Exhibits  
Power Point Presentation