



## AGENDA MEMORANDUM

First Reading Ordinance 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 9, 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

Closing of a utility easement located at 7522 Everhart Road.

### **CAPTION:**

Ordinance abandoning and vacating 0.127 acre of an existing utility easement out of a part of St. John the Baptist Tract, Block 1, Lot 1R, located at 7522 Everhart Road and requiring the owner, Most Reverend Wm. Michael Mulvey, S.T.L., D.D., Bishop of the Diocese of Corpus Christi, a Corporate Sole and His Successors in Office, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this ordinance is to eliminate a portion of a utility easement to allow for Most Reverend Wm. Michael Mulvey, S.T.L., D.D., Bishop of the Diocese of Corpus Christi, a Corporate Sole and His Successors in Office for new construction.

### **BACKGROUND AND FINDINGS:**

Most Reverend Wm. Michael Mulvey, S.T.L., D.D., Bishop of the Diocese of Corpus Christi, a Corporate Sole and His Successors in Office (Owner) is requesting the abandonment and vacation of a 0.127 acre utility easement out of a part of St. John the Baptist Tract, Block 1, Lot 1R, located at 7522 Everhart Road. This abandonment and vacation of the utility easement is being requested by the owner for new construction. The existing utility easement is unimproved with no public utilities.

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 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.

**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

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

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 Most Reverend Wm. Michael Mulvey, S.T.L., D.D., Bishop of the Diocese of Corpus Christi, a Corporate Sole and His Successors in Office (Owner).
- c. Staff recommends the owner pay no fair market value fee in accordance with City Code of Ordinance Section 49-12.
- 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:**

Agenda Memo  
Ordinance with Exhibits  
Power Point Presentation