



AGENDA MEMORANDUM

First Reading for the City Council Meeting of December 12, 2017
Second Reading for the City Council Meeting of December 19, 2017

DATE: October 24, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green, P.E., Interim Director, Development Services Department
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Closing of a utility easement at 2129 Meandering Oaks Drive

CAPTION:

Ordinance abandoning and vacating a 0.040 acre portion of an existing utility easement out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 40, Lot 8 and Shoreline Vista, Block 10, Lot 1 and requiring the owner, Mary J. Cole, to comply with the specified conditions.

PURPOSE:

The purpose of this item is to eliminate a utility easement due to a house built over a property line and the subject utility easement. This request is being made in conjunction with a re-plat of the property, allowing elimination of the existing property line.

BACKGROUND AND FINDINGS:

Mary J. Cole (Owner) is requesting the abandonment and vacation of a 0.040 acre portion of an existing utility easement out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 40, Lot 8 and Shoreline Vista, Block 10, Lot 1, located at 2129 Meandering Oaks Drive.

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 sell the subject property.

OTHER CONSIDERATIONS: None

CONFORMITY TO CITY POLICY:

These requirements are in compliance with the City Code of Ordinances Section 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: 2017-2018	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 Mary J. Cole (Owner).
- 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
Presentation