



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of December 19, 2017
Second Reading for the City Council Meeting of January 09, 2018

DATE: October 23, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green, P.E., Interim Director, Development Services Department
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<p>Closing of a drainage easement and right-of-way located east of Rand Morgan Road, between Leopard Street and Oregon Trail</p>
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CAPTION:

Ordinance abandoning and vacating a 4.385 acre drainage easement and right-of-way out of a portion of Artemus Roberts Subdivision, Lots 3, 6, and 11, located east of Rand Morgan Road, between Leopard Street and Oregon Trail and requiring the owner, MPM Development, LP, to comply with the specified conditions.

PURPOSE:

The purpose of this ordinance is to eliminate a portion of the drainage easement and right-of-way to allow for MPM Development, LP, to develop the property.

BACKGROUND AND FINDINGS:

MPM Development, LP (Owner) is requesting the abandonment and vacation of a 4.385 acre drainage easement and right-of-way out of a portion of Artemus Roberts Subdivision, Lots 3, 6, and 11, located east of Rand Morgan Road, between Leopard Street and Oregon Trail. This abandonment and vacation of the drainage easement and right-of-way is being requested by the owner for new construction. The existing drainage easement and right-of-way is unimproved with no public and private 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: None

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 easement and right of way 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 and 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 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 MPM Development, LP (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:

Agenda Memo
Ordinance with Exhibits
Power Point Presentation