



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of January 16, 2018  
Second Reading for the City Council Meeting of January 23, 2018

---

**DATE:** October 23, 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 utility easement located south of Yorktown Boulevard between Malamute Drive and Bay Drive
---

### **CAPTION:**

Ordinance abandoning and vacating 0.157 acre of an existing utility easement out of a portion of Rodd Village, Block 2, Lots 6,7,8,9 and 10, located south of Yorktown Boulevard between Malamute Drive and Bay Drive and requiring the owner, Hooten Family Trust and Thomas Nathan Clark, to comply with the specified conditions.

### **PURPOSE:**

The purpose of this ordinance is to eliminate a portion of a utility easement to allow for Hooten Family Trust and Thomas Nathan Clark to build on the area the easement presently occupies.

### **BACKGROUND AND FINDINGS:**

Hooten Family Trust and Thomas Nathan Clark (Owner) is requesting the abandonment and vacation of a 0.157 acre utility easement out of a portion of Rodd Village, Block 2, Lots 6,7,8,9 and 10, located south of Yorktown Boulevard between Malamute Drive and Bay Drive. 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 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 conform to 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

<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 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 Hooten Family Trust and Thomas Nathan Clark (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