

Ordinance closing, abandoning and vacating a 0.516-acre portion of Las Tunas Drive, a platted unimproved road, out of Padre Island No. 1 and requiring petitioner, Yasin Investment, LLC., to comply with specified conditions.

WHEREAS, Yasin Investment, LLC. (Owner) is requesting the closure, abandonment and vacation of 0.516-acre tract of a unimproved public right-of-way, being a portion of Las Tunas Drive, a platted unimproved road, out of Padre Island No.1, a map which is recorded in Volume 13, Pages 3 and 4, Map Records of Nueces County, Texas, located between Palmira Avenue and South Padre Island Drive (Park Road 22);

WHEREAS, with proper notice to the public, a public hearing was held on Tuesday, September 25, 2018, during a meeting of the City Council, during which all interested parties and citizens were allowed to appear and be heard;

WHEREAS, it has been determined that it is feasible and advantageous to the City of Corpus Christi to close, abandon and vacate a 0.516-acre tract of an existing unimproved road, portion out of Padre Island No. 1, a map which is recorded in Volume 13, Pages 3 and 4, Map Records of Nueces County, Texas, subject to compliance by the Owner with the conditions specified in this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Pursuant to the request of Yasin Investment, LLC. (Owner), a 0.516-acre of an existing unimproved road out of Padre Island No. 1, located between Palmira Avenue and South Padre Island Drive (Park Road 22), as recorded in Volume 13, Pages 3 and 4 of the Map Records of Nueces County, Texas, is closed, abandoned, and vacated by the City of Corpus Christi ("City"), subject to the Owners' compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is the graphical representation of the legal, "Exhibit B", which is a metes and bounds description and field notes, which are attached to and incorporated in this ordinance by reference as if it was fully set out herein in their entireties.

SECTION 2. The closing, abandonment and vacation of the unimproved road described in Section 1 of this ordinance is expressly conditioned upon the Owners' compliance with the following requirements:

- a. Upon approval by the City Council and issuance of the ordinance, all grants of public street right-of-way closures must be recorded at the Owners' expense in the real property 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. Failure to record as required by this Ordinance within 180 calendar days will hereby make this Ordinance null and void.
- b. The Owner will construct and maintain a private cart path, with a minimum width of 10-feet, on the southern side of the property.
- c. The Owner must dedicate a joint access easement with the adjacent property owner.

- d. Ownership of the unimproved street will be divided between abutting owners being Yasin Investment, LLC and Axys Capital Credit Fund LLC.
- e. Failure to comply with all the conditions outlined in this Ordinance within 180 days will hereby make the Ordinance null and void.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Everett Roy	_____
Paulette Guajardo	_____	Lucy Rubio	_____
Michael Hunter	_____	Greg Smith	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2018.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor

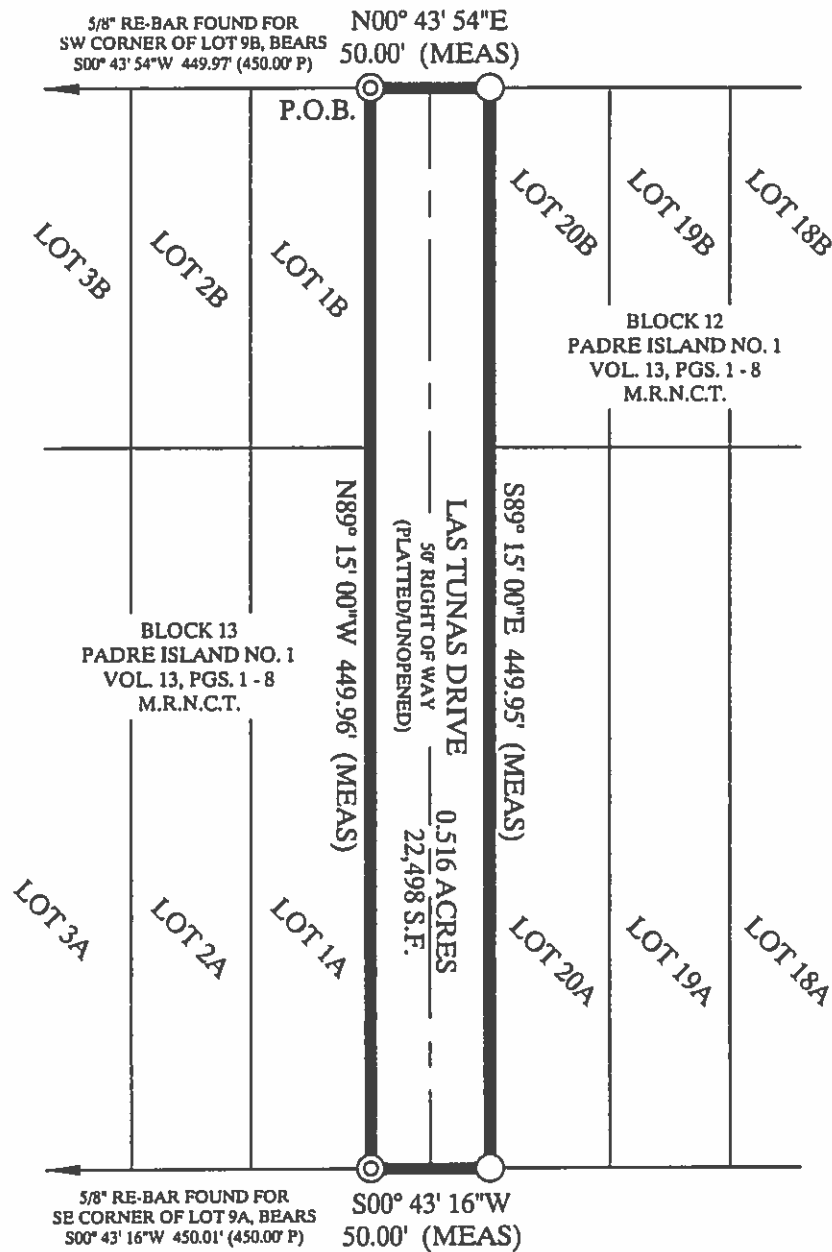
SURVEY OF
A 0.516 ACRE TRACT BEING A PORTION OF LAS TUNAS DRIVE, A
PLATTED YET UNOPENED ROAD, AS SHOWN ON A MAP RECORDED IN
VOLUME 13, PAGES 3 AND 4, MAP RECORDS OF NUECES COUNTY, TEXAS.



SCALE 1" = 80'

PALMIRA AVENUE
50' RIGHT OF WAY

EXHIBIT A



PARK ROAD 22
200' RIGHT OF WAY

THIS SURVEY DONE WITHOUT THE
BENEFIT OF A TITLE COMMITMENT.

○ = SET 5/8" RE-BAR
⊙ = FOUND 5/8" RE-BAR

NOTES:

Field notes of a 0.516 acre tract being a portion of Las Tunas Drive, a platted yet unopened road, as shown on a map recorded in Volume 13, Pages 3 and 4, Map Records of Nueces County, Texas. Said 0.516 acre tract being more particularly described as follows:

BEGINNING at a 5/8" re-bar found in the intersection of the south right of way of Las Tunas Drive, a platted yet unopened road, and the east right of way of Palmira Avenue, for the northwest corner of Lot 1B, Block 13, Padre Island No. 1, as shown on a map recorded in Volume 13, Pages 1 – 8, Map Records of Nueces County, Texas, and for the southwest corner of this survey, from **WHENCE** a 5/8" re-bar found for the southwest corner of Lot 9B, Block 13, bears South 00°43'54" West, a distance of 449.97 feet.

THENCE over and across Las Tunas Drive, with the common line of the east right of way of Palmira Avenue and this survey, North 00°43'54" East, a distance of 50.00 feet to a 5/8" re-bar set in the intersection of the north right of way of Las Tunas Drive and the east right of way of Palmira Avenue, for the southwest corner of Lot 20B, Block 12, Padre Island No. 1, and for the northwest corner of this survey.

THENCE with the common line of the north right of way of Los Tunas Drive, Lot 20B, and this survey, South 89°15'00" East, a distance of 449.95 feet to a 5/8" re-bar set in the intersection of the north right of way of Las Tunas Drive and the west right of way of Park Road 22, for the southeast corner of Lot 20A, Block 12, and for the northeast corner of this survey.

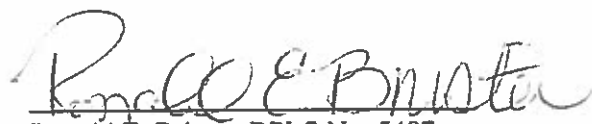
THENCE over and across Las Tunas Drive, with the common line of the west right of way of Park Road 22 and this survey, South 00°43'16" West, a distance of 50.00 feet to a 5/8" re-bar found in the intersection of the south right of way of Las Tunas Drive and the west right of way of Park Road 22, for the northeast corner of Lot 1A, Block 13, and for the southeast corner of this survey, from **WHENCE** a 5/8" re-bar found for the southeast corner of Lot 9A, bears South 00°43'16" West, a distance of 450.01 feet.

THENCE with the common line of the south right of way of Las Tunas Drive, Lot 1A, and this survey, North 89°15'00" West, a distance of 449.96 feet to the **POINT of BEGINNING** of this tract, and containing 0.516 acre of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" re-bar = re-bar set with yellow plastic cap labeled Brister Surveying.

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day March 1, 2018 and is correct to the best of my knowledge and belief.



Ronald E. Brister, RPLS No. 5407
Date: March 14, 2018.

