



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of September 25, 2018
Second Reading Ordinance for the City Council Meeting of October 9, 2018

DATE: September 5, 2018

TO: Keith Selman, Interim City Manager

FROM: Nina Nixon-Mendez, FAICP, Director of Development Services
NinaM@cctexas.com
(361) 826-3276

Unimproved Street Right-of-Way Closure of Las Tunas Drive

CAPTION:

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.

PURPOSE:

The purpose of this ordinance is to close, vacate, and abandon 0.516 of an acre (22,498-square feet) of an unimproved street right-of-way, portion out of Padre Island No. 1 between Block 12 and 13, a map which is recorded in Volume 13, Page 4, Deed and Map Records of Nueces County, Texas and requiring the owner, Yasin Investment, LLC., to comply with the specified conditions.

BACKGROUND AND FINDINGS:

Yasin Investment LLC. is requesting the closure, vacation, and abandonment of a 0.516 of an acre (22,498-square feet) unimproved street right-of-way, portion out of Padre Island No. 1, a map of which is recorded in Volume 13, Page 4, Deed and Map Records of Nueces County, Texas located between Palmira Avenue and South Padre Island Drive (Park Road 22). The abandonment and vacation of the unimproved street right-of-way is being requested by the owner to facilitate construction of a proposed shopping center.

The majority of the Las Tunas Drive right-of-way has been designated as a wetland from 100' west of South Padre Island Drive to Palmira Avenue by the Army Corps of Engineers. All of the Las Tunas Drive right-of-way, except for the first 100' back from South Padre Island Drive will remain wetlands. Las Tunas Drive is about 2,150 feet from the next *existing* C1 Collector, Merida Drive. Therefore, even with the closure of Las Tunas Drive,

residents' access to South Padre Island Drive will be maintained and the collector spacing recommendation of 0.25- to 0.50-mile increments is also maintained. To provide connectivity lost due to the elimination of Las Tunas Drive the developer is willing to construct a cart path on the southern property boundary connecting the shopping center to the existing residential neighborhood west of Palmira Avenue. Providing a cart path would improve connectivity and convenience for residents. South Padre Island Drive (PR 22) is a TxDOT-controlled roadway and the developer will be required to obtain driveway permits from TxDOT. The developer shall provide shared or cross access with the property owner north of Las Tunas Drive following the removal of Las Tunas Drive from the UTP map and the street closure.

Ownership of the unimproved street will be divided between abutting owners being Yasin Investment, LLC and Axys Capital Credit Fund LLC. The adjoining owner also consents to the street closure.

Public notice to sixty-five property owners' within 450 feet was mailed via U.S. mail service on September 13, 2018 and the notice was published in the Caller Times on September 9, 2018.

ALTERNATIVES:

Denial of the proposed street right-of-way closure. This will adversely impact the Owner's ability to move forward with future development of the adjacent property.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

These requirements are in compliance with the City Code of Ordinances Section 49-12(c). Public notice for the proposed street and alley closure was placed with the U.S. Postal Service on September 13, 2018 and published in the Caller Times on September 9, 2018.

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 street right-of-way closure.

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital X 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: No payment associated with unimproved street right of way (i.e. “paper streets”).

RECOMMENDATION:

Staff recommends closure of the unimproved street right-of-way closure.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibit
PowerPoint Presentation