



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of 5/14/ 2019
Second Reading Ordinance for the City Council Meeting of 5/21/ 2019

DATE: April 26, 2019

TO: Keith Selman, Interim City Manager

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

Partial easement closure for property located at 10329 Creek Bottom Drive.

CAPTION:

Ordinance abandoning and vacating a 1-foot wide by approximately 42-feet in length (42 sq. ft.) portion of an existing utility easement out of Lot 22, Block 4, Maple Hills Unit 7, Phase 1, located at 10329 Creek Bottom Drive.

PURPOSE:

The purpose of this ordinance is to close, abandon and vacate a portion of an existing utility easement to facilitate the future sale of the home, located at 10329 Creek Bottom Drive.

BACKGROUND AND FINDINGS:

Brister Surveying, on behalf of South Texas Home Builders, Inc (owner) is requesting the City to abandon and vacate a 1-foot wide by approximately 42-feet in length (42 sq. ft.) portion of an existing utility easement out of Lot 22, Block 4, Maple Hills Unit 7, Phase One, located at 10329 Creek Bottom Drive. This abandonment and vacation of a portion of the utility easement is being requested by the owner because of a title company survey that found the house foundation encroaching into the easement. The encroachment was not identified during the City's foundation inspection. All public and franchised utilities were contacted and there are no objections regarding the proposed partial utility easement closure. The closure is being requested to facilitate the future sale of the home.

ALTERNATIVE:

Denial of the proposed utility easement closure 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 partial utility easement closure. No gas, electric or cable utilities are located in the easement.

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital X Not applicable

Fiscal Year: 2018-2019	Current Year	Future Years	TOTALS
Line Item Budget			
Encumbered / Expended Amount			
This item			
BALANCE			

Funding Detail:

Fund: N/A
Organization/Activity: N/A
Mission Element: N/A
Project #: N/A
Account: N/A

RECOMMENDATION:

Staff recommends approval of the easement closure.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits