



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of 7/30/2019  
Second Reading Ordinance for the City Council Meeting of 8/13/2019

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**DATE:** July 1, 2019

**TO:** Peter Zaroni, City Manager

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

<p><b>Partial easement closure for property located at 3729 Berkeley Drive</b></p>
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### **CAPTION:**

Ordinance abandoning and vacating a 4-foot wide by approximately 107-feet in length (433 sq. ft.) portion of an existing utility easement out of Lot 3, Block 4, Manhattan Estates Unit 7, located at 3729 Berkeley 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 3729 Berkeley Drive.

### **BACKGROUND AND FINDINGS:**

The City, on behalf of Foster Dynamic Design, LLC (owner) is requesting to abandon and vacate a 4-foot wide by approximately 107-feet in length (433 sq. ft.) portion of an existing utility easement out of Lot 3, Block 4, Manhattan Estates Unit 7, located at 3729 Berkeley 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 and there were no stated objections regarding the partial utility easement closure.

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      X Not applicable

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

**Funding Detail:**

Fund:

Organization/Activity

Mission Element:

Project #

Account:

**RECOMMENDATION:**

Staff recommends approval of the easement closure.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits

Presentation