

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 Dr.

WHEREAS, 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.

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

SECTION 1. Pursuant to the request of the City, acting as agent on behalf of Foster Dynamic Design, LLC. ("Owner"), is requesting the abandonment and vacation of 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, as recorded in volume 68, page 954-955, of the Map Records of Nueces County, Texas, is abandoned and vacated by the City of Corpus Christi ("City"), subject to the Owner's compliance with the conditions specified in Section 2 of this ordinance. Exhibit "A," which is a metes and bounds description and field notes, "Exhibit B," which is the graphical representation of the legal description, 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 abandonment and vacation of the utility easement described in Section 1 of this ordinance is expressly conditioned upon the Owner's compliance with the following requirements:

- 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. Failure to record within 180 days will hereby make the Ordinance null and void.
- b. The maintenance responsibilities for the vacated easement reverts to the Owner of the property.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2019, by the following vote:

Joe McComb _____

Michael Hunter _____

Roland Barrera _____

Ben Molina _____

Rudy Garza _____

Everett Roy _____

Paulette M. Guajardo _____

Greg Smith _____

Gil Hernandez _____

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta

City Secretary

Joe McComb

Mayor

EXHIBIT A

STATE OF TEXAS COUNTY OF NUECES

Field notes of a 0.010 acre tract being out of a 10' utility easement out of Lot 3, Block 4, Manhattan Estates Unit 7, as shown on a map recorded in Volume 68, Pages 954 - 955, Map Records of Nueces County, Texas. Said 0.010 acre tract being more particularly described as follows:

BEGINNING at a 5/8" re-bar found at the intersection of northwest right of way of Berkeley Drive and a cutback in the northeast right of way of Mets Court, for an outside corner of Lot 3, for the east corner of said 10' utility easement, for the east corner of this survey, for a point of curvature of a curve to the right having a radius of 10.00 feet, and for the **POINT of BEGINNING**, from **WHENCE** the east corner of Lot 3 bears, North 28°35'11" East, a distance of 58.59 feet.

THENCE with the common line of Lot 3, said cutback, said 10' utility easement, said curve to the right and this survey, a chord bearing South 40°22'32" West, a chord distance of 4.09 feet and a total curve distance of 4.12 feet to a point for the south corner of this survey, from **WHENCE** a 5/8" re-bar found at the intersection of northeast right of way of Mets Court and a cutback in the northwest right of way of Berkeley Drive and for an outside corner of Lot 3 bears a chord bearing South 85°22'32" West, a chord distance of 10.95 feet and a curve distance of 11.59 feet.

THENCE North 61°24'49" West, a distance of 107.73 feet to a point for the west corner of this survey.

THENCE North 28°35'11" East, a distance of 4.00 feet to a point at the intersection of the northeast line of said 10' utility easement and the southeast line of a 7.5' utility easement and for the north corner of this survey.

THENCE with the common line of said 10' utility easement and this survey, South 61°24'49" East, a distance of 108.56 feet to the **POINT of BEGINNING**, and containing 0.010 acres 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 = steel 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 June 13, 2019 and is correct to the best of my knowledge and belief.

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407

Date: July 9, 2019.



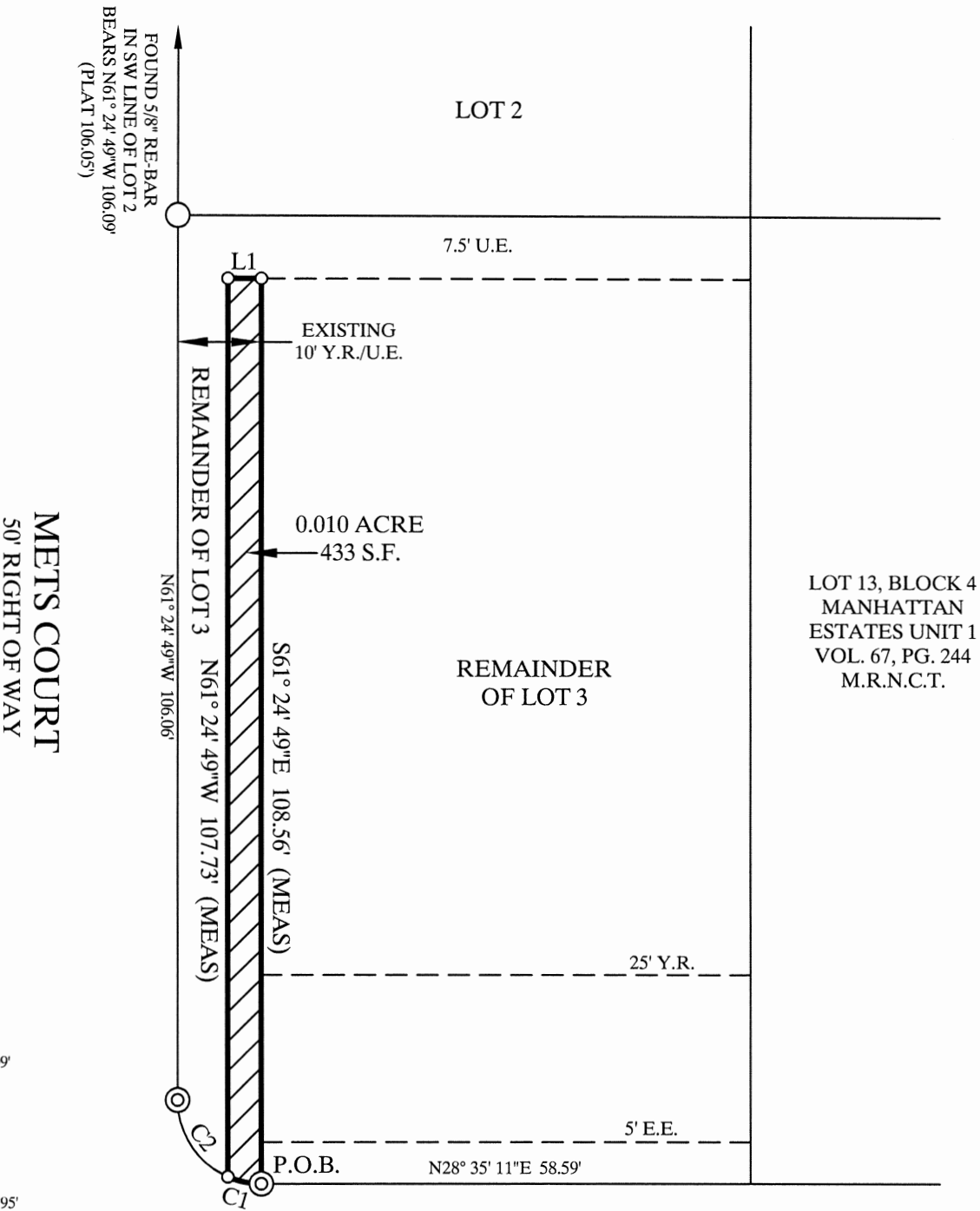
Job No. 190907E

EXHIBIT B
A 0.010 ACRE TRACT BEING OUT OF A 10' UTILITY EASEMENT OUT OF LOT 3,
BLOCK 4, MANHATTAN ESTATES UNIT 7, AS SHOWN ON A MAP RECORDED IN
VOLUME 68, PAGES 954 - 955, MAP RECORDS OF NUECES COUNTY, TEXAS.



SCALE 1" = 20'

EXHIBIT B



C1
(MEAS)
R = 10.00'
L = 4.12'
TAN = 2.09'
Δ = 23° 34' 41"
CB = S40° 22' 32"W, 4.09'

C2
R = 10.00'
L = 11.59'
TAN = 6.55'
Δ = 66° 25' 19"
CB = S85° 22' 32"W, 10.95'

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

NOTES:
1.) TOTAL SURVEYED AREA IS 0.010 ACRE.
2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM.
3.) SET 5/8" RE-BAR = STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING.
4.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

THIS SURVEY DOES NOT INCLUDE THE RESEARCH, INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES, EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS SURVEY OF THE PROPERTY LEGALLY DESCRIBED HEREIN WAS MADE ON THE GROUND THIS DAY JUNE 13, 2019 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Ronald E. Brister



Brister Surveying

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Bristersurveying@corpus.twcbc.com
Firm Registration No. 10072800



SURVEY DATE JULY 9, 2019

JOB NO. 190907E

RONALD E. BRISTER R.P.L.S. NO. 5407