



AGENDA MEMORANDUM

First Reading Ordinance for January 21, 2019
Second Reading Ordinance for January 28, 2019

DATE: November 8, 2019

TO: Peter Zaroni, City Manager

FROM: Al Raymond, Director of Development Services
AlRaymond@cctexas.com
(361) 826-3575

Easement Encroachment License Amendment
--

CAPTION:

Ordinance amending Corpus Christi Code of Ordinances to add Section 49-15 authorizing execution of easement encroachment licenses as an administrative remedy.

SUMMARY:

The purpose of this ordinance is to add Sec 49-15, to allow Development Services to administratively process encroachments on easements. The current process outlined under Sec 49-13 of the City Code of Ordinances is an inefficient and cumbersome process that administratively burdens City staff's time and extends the developers timeline for permit approvals. By adding an easement encroachment license amendment to the city code, encroachments could be handled as an administrative procedure more adaptive to the applicant's time sensitive needs.

BACKGROUND AND FINDINGS:

The Corpus Christi City Code of Ordinances Article I. Sec 49-13 states that prior to closing an easement or portion thereof, the City would present the request to City Council for their approval regardless of the amount of the encroachment. This process is very time consuming. In many of the prior cases dealing with minor encroachments, the encroachment has been less than 1/3 the total width of an existing easement. Minor encroachments are also being identified after a structure has inadvertently encroached on the easement and during the final inspections or land surveys that are performed for the sale of a property.

There have been six partial easement closure requests in the last twelve months. Easement encroachments occur due to no requirement to provide a form survey for City approval prior to the placement of a structure, City staff and Contractor error on site plan review, and inaccuracies in field measurement of string lines and improperly placed property pins. The

Department's internal plan review processes were recently modified to eliminate staff errors, but the absence of form surveys and inaccuracies in string line and property pins remain a challenge. Staff initiated discussions with building stakeholder groups regarding a requirement for form surveys, but no agreement has been reached. The City's Municipal Code of Ordinances authorizes financial penalties for violations of the City's Technical Construction Codes, to include easement encroachments. Staff does not believe this remedy will lead to a meaningful reduction in the number of encroachments and financial penalties will not resolve the underlying encroachment issue.

Development Services Department has a review process in place to ensure that any existing utilities located in the encroached upon area are not affected. All utility companies will still be notified of the encroachment to prevent conflicts. If there is a conflict with utilities the applicant must use the easement closure process outlined in Sec 49-13 of the City Code. The proposed application fee for the easement encroachment license is \$530.00. This application fee rate is the amount required under Sec 49-13 of the city code for easement closures.

City Code sec 49-13 requires all easement closures to go to council for approval. This new section of the city code will allow encroachments to be granted by administrative action by Development Services provided there are no objections from franchise or public utilities.

ALTERNATIVES:

Denial of the proposed amendment and continue the current practice of presenting all easement encroachments to City Council for approval. If the proposed amendment is denied, the action would negatively affect efforts to improve customer service by Development Services Department and the timely processing of these types of requests from the community.

FISCAL IMPACT:

There are no new fees or other financial impacts associated with this item. The fees associated with this item are covered in section 49-13 of the City Code of Ordinances and will consist of a \$530 application fee for easement encroachment licenses upon approval of this ordinance.

RECOMMENDATION:

Staff recommends approval of the amendment to the Corpus Christi Code of Ordinance to add Section 49-15 authorizing execution of easement encroachment licenses. By authorizing an easement encroachment license amendment to the City Code of Ordinances and allowing encroachments to be handled as an administrative procedure, the process will become more adaptive to the applicant's time sensitive needs and less burdensome on City Staff.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Sample agreement
PowerPoint Presentation