



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of February 25, 2020
Second Reading Ordinance for the City Council Meeting of March 17, 2020

DATE: January 15, 2020

TO: Peter Zanoni, City Manager

FROM: Albert Raymond III, AIA, CBO, Director, Development Services
alraymond@cctexas.com
(361) 826 - 3276

Ordinance closing, abandoning, and vacating a 1.89-acre prescriptive easement
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CAPTION:

Ordinance closing, abandoning and vacating a 1.89 acre prescriptive easement known as Airline Road Extension between Yorktown Boulevard and Rodd Field Road pursuant to a land exchange agreement.

SUMMARY:

The City of Corpus Christi is requesting the closing of the prescriptive easement known as Airline Road located Between Rodd Field Rd and Yorktown Boulevard. The prescriptive easement is being abandoned in conjunction with the CIP project to widen Rodd Field Road. The City entered into a land conveyance agreement with the property owner and the closure of the prescriptive easement is required as part of agreement.

BACKGROUND AND FINDINGS:

City of Corpus Christi (Owner) is requesting the closing, vacation and abandonment of a 1.89-acre existing prescriptive easement on Lot 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, known as Airline Road. This portion of Airline Road, between Rodd Field Road and Yorktown Boulevard, was built many years ago without any right-of-way dedication and by law this section of Airline Road became a prescriptive easement. This abandonment and vacation of the prescriptive easement is being requested by the City due to the Rodd Field Road Expansion and the subsequent closure of this section of Airline Road. The Nuss Family Partnership, the owners of the property, is dedicating a 1.2969-acre tract for a right-of-way along Rodd Field Road and Yorktown Boulevard for the Rodd Field Road Expansion in exchange for the prescriptive easement that is being closed. An appraisal was obtained by the City on July 21, 2017 regarding the value of the prescriptive easement and the right-of-way dedication. The Appraiser determined the closure and dedication to be of an equal value at \$530,000. A land conveyance agreement was approved by City Council on May 15, 2018. The agreement enabled the City to obtain land for a public right of way via a land swap instead of by way of a cash payment.

ALTERNATIVES:

Denial of the proposed prescriptive easement closure will go against the provisions outlined in the approved land conveyance agreement. The City has already taken possession of the additional land required for the Rodd field Road Expansion per the agreement. The city in return committed the property under the prescriptive easement to the owner, which they will be prohibited from any use without the vacation of the easement. The only alternative to closing the prescriptive easement would be for the City to default on the executed land conveyance agreement and pay the Nuss Family Partnership fair market value for the additional land the City acquired for the additional right of way for the Rodd Field Road improvements.

FISCAL IMPACT:

There are no financial impacts associated with closing the Street prescriptive easement. The prescriptive easement property is being swapped for a dedicated right of way of equal value that is required to complete the roadway improvements of Rodd Field Road.

Funding Detail:

Fund:

Organization/Activity:

Mission Element:

Project # **(CIP Only):** N/A

Account:

RECOMMENDATION:

Staff recommends approval of the prescriptive easement closure. This request was initiated by City in order to complete the Rodd Field Roadway improvements.

LIST OF SUPPORTING DOCUMENTS:

Ordinance (with exhibit)

Presentation

Location Map

Agreement with Nuss Family partnership dated March 7, 2018