

SPECIAL
CITY COMMISSION
AGENDA
December 10, 2012
@11:30 A.M.
CULTURAL ARTS CENTER, LIBERTY HALL
576 76' Drive
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Special Meeting on **Monday, December 10, 2012 at 11:30 a.m.**, in Cultural Arts Center, Liberty Room, 576 76' Drive, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

1. Consider and take action to approve a resolution of the City of Harlingen, Texas disclaiming, releasing and relinquishing the City's right, title and interest in and to a utility easement and a street easement; containing various findings and other provisions related to the subject. Attachment ***(City Manager)***
2. Consider and take action to approve the closure of Van Buren Street from "D" to "E" and "D" and "E" Street from Van Buren Street to Harrison Street to hold a Christmas Posada Event on December 16, 2012 from 5:30 p.m. to 7:00 p.m. Attachment ***(Police Department)***

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease, or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that I posted said Notice on the bulletin board in the City Hall of the City of Harlingen, a place convenient and readily accessible to the general public at all times and said Notice was posted on Friday, December 7, 2012 at 10:50 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 7th day of December, 2012


Amanda C. Elizondo, City Secretary

1)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **December 10, 2012**

Agenda Item:

Consider and take action to approve a resolution of the City of Harlingen, Texas disclaiming, releasing and relinquishing the City's right, title and interest in and to a utility easement and a street easement; containing a various findings and other provisions related to the subject.

Prepared By: Ken Clark
Title: Planning and Development Director

Signature: *Ken Clark*

Brief Summary:

The applicant is requesting the abandonment of a 30 ft. road easement and a 10 ft. utility easement located in Branson Subdivision Unit 1 to allow for the proposed Harlingen Heights II Subdivision, which consists of seven commercial lots and one multi-family lot.

The subject property is located on the corner of Spur 54 and Expressway 77.

The 30 ft. road easement and the 10 ft. utility easement are not in use (**Attachment I**). The Engineering Department and the appropriate utilities have approved the proposed subdivision.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *CJ* Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

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SUBJECT ROAD EASEMENT

No. 10220

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES
 KNOW ALL MEN BY THESE PRESENTS, that I, Bruce S. Brunson, owner of the property herein described and delineated as BRANSON SUBDIVISION, CITY No. 1, being a subdivision of Lot 20 of Block 20, Intervening Southern Subdivisions, Berkeley, Sonoma County, Texas, do hereby adopt the foregoing plat and plan for subdividing the above described property and do hereby dedicate to the City of Berkeley, Texas the street and alley easements on line, as they are used and delineated for such purposes.

B. S. Brunson
 Bruce S. Brunson, Owner

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES
 Before me, the undersigned authority, on this day personally appeared Bruce S. Brunson, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Witness my hand and the seal of office this 17th day of August, 1966.

My Comm. Expires on the 15th day of August, 1967.

WITNESSED BY ME AND THE SEAL OF OFFICE THIS 17th day of August, 1966.

- APPROVED: *L. J. Seago*, Clerk of the County of Cameron, Texas.
- APPROVED: *W. H. Seago*, County Clerk, Cameron County, Texas.
- APPROVED: *W. H. Seago*, County Clerk, Cameron County, Texas.
- APPROVED: *W. H. Seago*, County Clerk, Cameron County, Texas.
- APPROVED: *W. H. Seago*, County Clerk, Cameron County, Texas.

APPROVED BY THE COMMISSIONER OF COURTS AT SPECIAL MEETING ON THE 12th day of August, 1966.

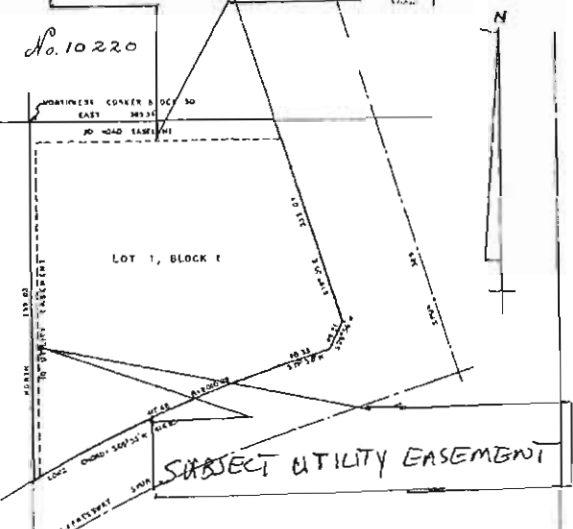
Filed for record at 11:15 a.m. on the 17th day of August, 1966, and entered on the 17th day of August, 1966, at 2:00 p.m. in Vol. 20, Page 37, Map Records of Cameron County, Texas.

W. H. Seago
 W. H. Seago, County Clerk, Cameron County, Texas.
L. J. Seago
 L. J. Seago, County Clerk, Cameron County, Texas.

STATE OF TEXAS
 COUNTY OF CAMERON
 I, W. H. Seago, Clerk of the County of Cameron, Texas, do hereby certify that the foregoing map dated June 29, 1966, with its certificate of subdivision was filed in my office on the 16th day of August, 1966, at 11:15 a.m., and was duly recorded in my office on the 17th day of August, 1966, at 2:00 p.m. in Vol. 20, Page 37, Map Records of Cameron County, Texas.

Witness my hand and the seal of the Court of Cameron County, at my office in Brownsville, Texas, on this 17th day of August, 1966.

W. H. Seago
 W. H. Seago, Clerk of the County of Cameron, Texas.
L. J. Seago
 L. J. Seago, County Clerk, Cameron County, Texas.



MAP OF
 BRANSON SUBDIVISION, CITY NO. 1,
 BAYLOR COUNTY, TEXAS
 BEING A SUBDIVISION OF LOT 20, INTERVENING SOUTHERN
 SUBDIVISIONS, BERKELEY, CALIFORNIA COUNTY, TEXAS.
 Scale 1" = 100'

June 29, 1966

STATE OF TEXAS
 COUNTY OF CAMERON
 I, Joe J. Nichols, Civil Engineer, do hereby certify that the above map is a true and correct map of the Branson Subdivisions, City No. 1, as prepared by an approved survey made by me upon the ground.



Joe J. Nichols
 Joe J. Nichols, Civil Engineer
 No. 10220

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS
DISCLAIMING, RELEASING AND RELINQUISHING THE
CITY'S RIGHT, TITLE AND INTEREST IN AND TO A
UTILITY EASEMENT AND A STREET EASEMENT;
CONTAINING VARIOUS FINDINGS AND OTHER
PROVISIONS RELATED TO THE SUBJECT.**

WHEREAS, the current property owner, Reyna Family Development, Ltd., a Texas limited partnership ("Owner"), has requested that the City of Harlingen, Texas (the "City") release and relinquish all of the City's right, title, interest, claim and demand in and to that certain street easement dedicated by the plat of Branson Subdivision, Unit No. 1, recorded at Volume 20, Page 37 of the Map Records of Cameron County, Texas (the "Street Easement") and that certain utility easement dedicated by the plat of Branson Subdivision, Unit No. 1, recorded at Volume 20, Page 37 of the Map Records of Cameron County, Texas (the "Utility Easement"); and

WHEREAS, the City has not accepted the dedication of the Street Easement; and

WHEREAS, the City has ceased to use the Utility Easement for the purposes for which it was dedicated; and

WHEREAS, the Director of the Department of Planning and Zoning determined that the City no longer has a need for either the Street Easement and the Utility Easement and that it would be in the public interest for the City to release any interest that it might have in the Street Easement and the Utility Easement.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF HARLINGEN, TEXAS:**

Section 1. The City Commission of the City of Harlingen, Texas hereby adopts the findings set out in the preamble hereof and finds and determines that it would be in the public interest for the City to release any interest that it might have.

Section 2. The City Commission of the City of Harlingen, Texas hereby disclaims, releases, relinquishes and quitclaims unto Owner any and all right, title, interest, claim and demand of the City in the Street Easement and the Utility Easement.

PASSED AND APPROVED this ____ day of _____, 2012, at a regular meeting of the Elective Commission of the City of Harlingen, Cameron County, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE, CHAPTER 551.

CITY OF HARLINGEN, TEXAS

BY: _____
Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

2)

Elizondo, Amanda C.

From: Anderson, Miryam
Sent: Friday, December 07, 2012 3:52 PM
To: Elizondo, Amanda C.
Cc: Leal, Hector
Subject: RE:

Hello Ms. Amanda,

I got the flyer and I went and spoke to Deputy Chief Leal. We are both in agreement that the street closure at this location for this function will not be a problem. I understand there was a concern with the bar in the area. It is believed that since it is Sunday "bar" traffic will be at a minimum and since it is a safety practice to have police officers present during City events/concerts, the officers assigned to this detail will monitor the bar activity. I recommend for at least two officers with marked units to be assigned to this detail or more if you are expecting a huge crowd.

Ms. Amanda, my Chiefs are out of town and not available to provide the approval. On behalf of my Chiefs and Deputy Chief Leal, please let this email serve as documentation to approve the street closure. Please call me at (245-7993) if you have any questions.

Thanks

*Cdr. Miryam Anderson
Harlingen Police
Support Services
(956) 245-7993
"Serving Yours and My Community"*

From: Elizondo, Amanda C.
Sent: Friday, December 07, 2012 3:40 PM
To: Anderson, Miryam
Subject:

Attached is the flyer.

Thanks

*Amanda C. Elizondo
City Secretary
City Of Harlingen
118 E. Tyler Street
P.O. Box 2207
Harlingen, Texas 78550
(956)-216-5006 - Office
(956)-216-5012 - Fax
aelizondo@myharlingen.us*