AZJ
09/01/2016
Item No. 18

AN ORDINANCE 2016-09-01-0655

CLOSING, VACATING, AND ABANDONING A 0.041-ACRE UNIMPROVED SEGMENT OF PUBLIC RIGHT OF WAY LOCATED BETWEEN 421 AND 425 BREES BOULEVARD IN COUNCIL DISTRICT 10 AS REQUESTED BY AMANDA AND HOLLAND LAWRENCE FOR A FEE OF $10,688.00.

* * * * *

WHEREAS, Amanda and Holland Lawrence (Petitioner), are requesting the closure, vacation and abandonment of an alley portion of Public Right of Way located between 421 and 425 Brees Boulevard; and

WHEREAS, the abutting property owners on either side of the subject alley have agreed to the proposed closure and, if approved, the Petitioners would like to enclose their portion of the alley for use as additional yard space; and

WHEREAS, this portion of street is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Subject to the reservation below, as an exercise of its discretion, the City Council authorizes the closure, vacation, and abandonment of the right of way segment ("Right of Way Segment") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding section of this Ordinance.

SECTION 2. The detailed description of the Right of Way Segment is set forth on **Attachment I**. Maps and pictures of the Right of Way Segment are set forth on **Attachment II**. Both Attachments I and II are incorporated into this ordinance for all purposes as if they were fully set forth. Attachment I controls over any discrepancy between it and Attachment II.

SECTION 3. The properties abutting the Right-of-Way Segment are:

Address:	*Description:*	*Owner Listed by Bexar Appraisal District:*
425 Brees Blvd	NCB 9070 BLK 31, Lot 36	Sue A & Thomas G Knoblauch
421 Brees Blvd	NCB 9070 Blk 31 Lot 24	Amanda B & Holland Lawrence

The listing above is made solely to facilitate indexing this Ordinance in the real property records. If the listing is inaccurate or not comprehensive, it does not affect the validity of the closure.

SECTION 4. Reservation of Utility Rights. All presently existing water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be accessed, used, repaired, enlarged, upgraded, replaced and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, line or facility must negotiate separately with the pertinent utility. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having poles, lines or facilities in the segment does so at his own risk. After the date of this Ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. All existing drainage rights in the Right-of-Way Segment are retained by the City. This closure does not give up any right arising other than from the plat or other instrument creating the public street or alley right of way. Neither does this Ordinance create new easement rights.

SECTION 5. The City Manager or her designee, severally, are further authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation

SECTION 6. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat. No such replat impairs the rights retained by City above, unless in the course of replatting, the owner, at its own expense, otherwise provides for those rights according to platting rules of general applicability.

SECTION 7. Petitioner shall pay $10,688.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

SECTION 8. The disposition of property must be coordinated through the City's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this **1st** day of **September**, **2016**.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

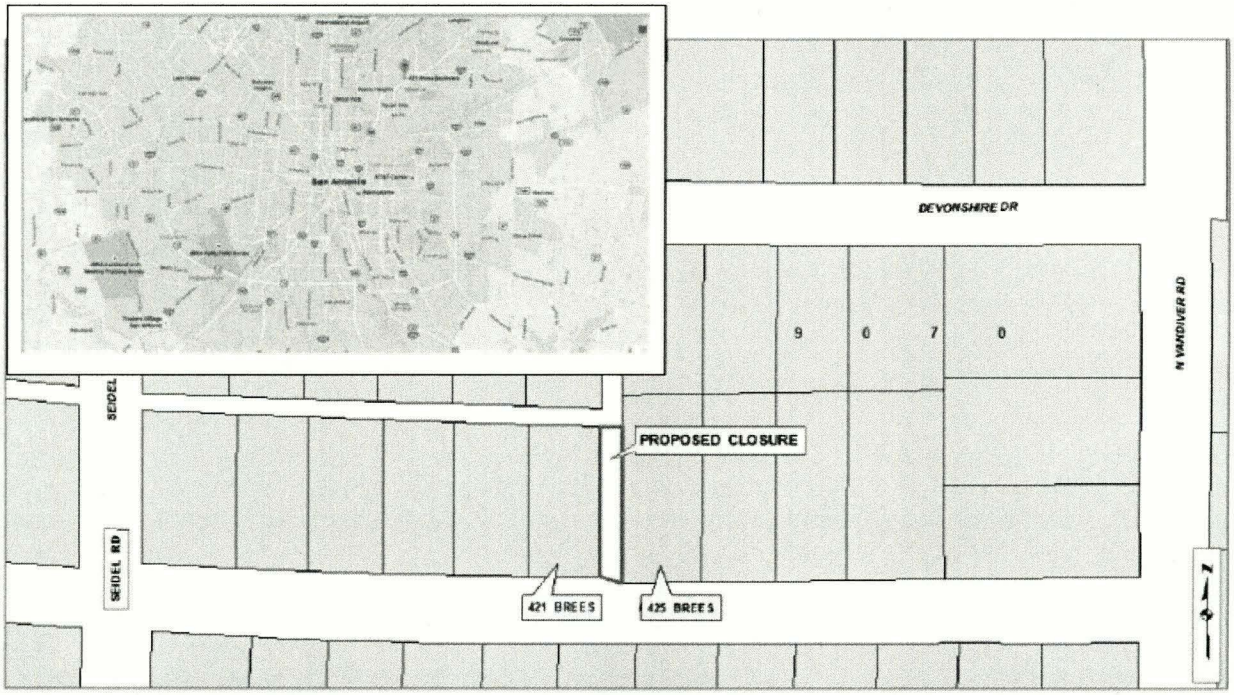
APPROVED AS TO FORM:

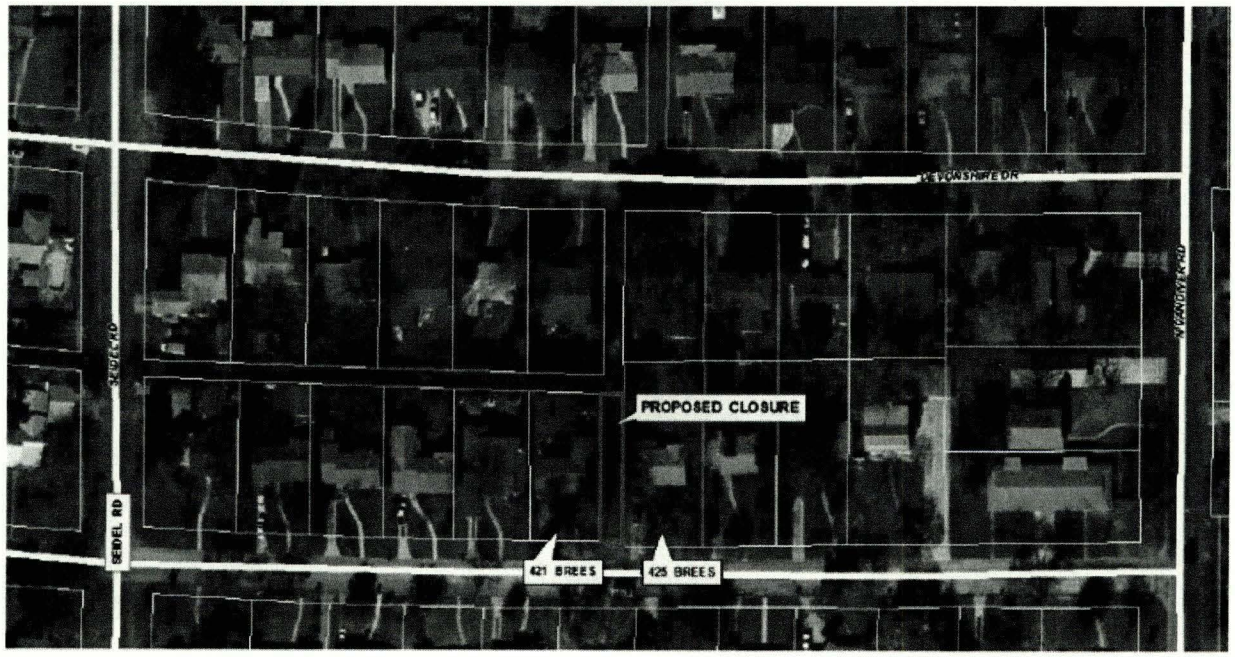
City Attorney

Agenda Item:	**18 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12A, 12B, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28)**
Date:	09/01/2016
Time:	09:16:54 AM
Vote Type:	Motion to Approve
Description:	An Ordinance closing, vacating and abandoning 0.041 acres of an alley Public Right of Way located between 421 and 425 Brees Boulevard in Council District 10 for a fee of $10,688.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Attachment I





Attachment II

Date: May 4, 2016
Project: 2005-113CFN

0.041 ACRE TRACT

Field notes describing a 0.041 acre (1,770 sq. ft.) tract being a portion of a 16' alley initially dedicated to the public on the plat for Terrell Heights, Unit 6, City of San Antonio, Bexar County, Texas, plat recorded in Volume 2575, Page 275, Deed and Plat Records, Bexar County, Texas and being more particularly described as follows:

BEGINNING at a 3/4"" bolt found in the north line of Brees Boulevard for the southwest corner of this tract, the 16' alley and the southeast corner of Lot 24, Block 31, Terrell Heights, Unit 6, City of San Antonio, Bexar County, Texas, plat recorded in Volume 2575, Page 275, Deed and Plat Records, Bexar County, Texas;

THENCE N 4°23'26"E, 111.04 feet with the west line of the 16' alley to a chain link fence post for the northeast corner of Lot 24 and the northwest corner of this tract;

THENCE S 83°08'53"E, 16.01 feet across the 16' alley to a gear set for the northeast corner of this tract in the west line of Lot 36, Block 31, Norma M. Crawford Subdivision, City of San Antonio, Bexar County, Texas, plat recorded in Volume 2805, Page 20, Deed and Plat Records, Bexar County, Texas;

THENCE S 4°23'26"W, 110.25 feet with the east line of the 16' alley and the west line of Lot 36 to a ½" rebar with a yellow plastic cap stamped "MCMLS 3682" set in the north line of Brees Boulevard for the southeast corner of this tract;

THENCE along the north line of Brees Boulevard with a curve to the right having a radius of 5,700.00 feet and an arc length of 16.00 feet (chord N 85°59'01"W, 16.00 feet) to the POINT OF BEGINNING and containing 0.041 acres (1,770 sq. ft.) of land according to a survey made by McMichael Land Surveying on May 4, 2016 under my supervision.

Bearing reference is the north line of Brees Blvd. as found monumented.
Corresponding plat prepared.
2005-113CFN.doc

STATE OF TEXAS
REGISTERED
FRED L. McMICHAEL
3682
PROFESSIONAL
LAND SURVEYOR

Fred L. McMichael, R.P.L.S. No. 3682

NOTES:

CORRESPONDING FIELD NOTES PREPARED.

BASIS OF BEARING IS NORTH LINE OF BREES BLVD. AS FOUND MONUMENTED ON THE GROUND.

LEGEND

D&PR = DEED AND PLAT RECORDS

STATE OF TEXAS REGISTERED
FRED L. McMICHAEL
3682
PROFESSIONAL LAND SURVEYOR

SURVEY OF A 0.041 AC. (1,770 SQ. FT.) TRACT BEING A PORTION OF A 16' ALLEY INITIALLY DEDICATED TO THE PUBLIC ON THE PLAT FOR TERRELL HEIGHTS, UNIT 6, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, PLAT RECORDED IN VOLUME 2575, PAGE 275, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

STATE OF TEXAS :
COUNTY OF COMAL:

I, FRED L. McMICHAEL, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND UNDER MY SUPERVISION.

Fred McMichael

FRED L. McMICHAEL *R.P.L.S. NO. 3682*

SURVEYED: MAY 4, 20016
PROJECT NO.: 2005-113C

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