

AN ORDINANCE 2012-06-21-0487

CLOSING, VACATING, AND ABANDONING 0.169 ACRES OF AN IMPROVED PORTION OF AVENUE B STREET LOCATED SOUTH OF ITS INTERSECTION WITH MCCULLOUGH AVENUE ADJACENT TO NCB 431 IN COUNCIL DISTRICT 1, AS REQUESTED BY THE FIRST BAPTIST CHURCH OF SAN ANTONIO, FOR A FEE OF \$147,757.64.

* * * * *

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

SECTION 1. Subject to the reservation below, the City finds the following right of way ("Right-of-Way Segment") is no longer essential to the safe and efficient flow of traffic in the area in which the right of way is located. As an exercise of its discretion, the City Council closes, vacates, and abandons the Right-of-Way Segment. 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. The Right-of-Way Segment is identified below.

That portion of Avenue B described generally as extending southward from the south right-of-way line of McCullough to the north right-of-way line of an alley partially bisecting NCB 431.

SECTION 2. A picture of the Right-of-Way Segment is set forth at **Attachment I**. The detailed description of the Right-of-Way Segment is 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 II controls over any discrepancy between it and Attachment I.

SECTION 3. All presently existing water and wastewater lines and facilities, electric transmission and distribution 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 used, repaired, augmented, and maintained in the ordinary course of business. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. 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 4. The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this closure, abandonment, and vacation.

SECTION 5. The parties believe the City owns the Right-of-Way Segment in fee simple. Accordingly, in addition to unburdening the Right-of-Way Segment from a public-street right-of-way easement, the City will give a deed to the Right-of-Way Segment to the owner(s) of abutting

property. 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 6. Funds generated by this ordinance will be deposited as per the table below:

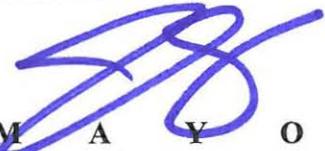
<i>Amount</i>	<i>General Ledger</i>	<i>Internal Order</i>	<i>Fund</i>
\$92,194.00	4903101	240000000060	11001000
\$55,563.64	4401120	219000000128	53001000

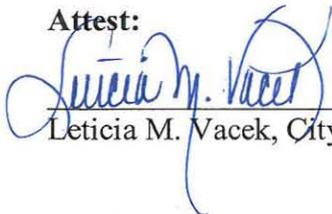
SECTION 7. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 8. 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.

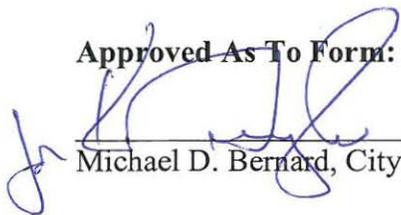
SECTION 9. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 21st day of June 2012.


M A Y O R
Julián Castro

Attest:


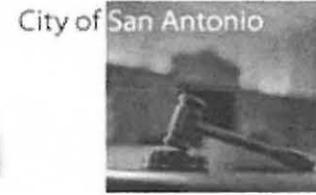
Leticia M. Vacek, City Clerk

Approved As To Form:


Michael D. Bernard, City Attorney



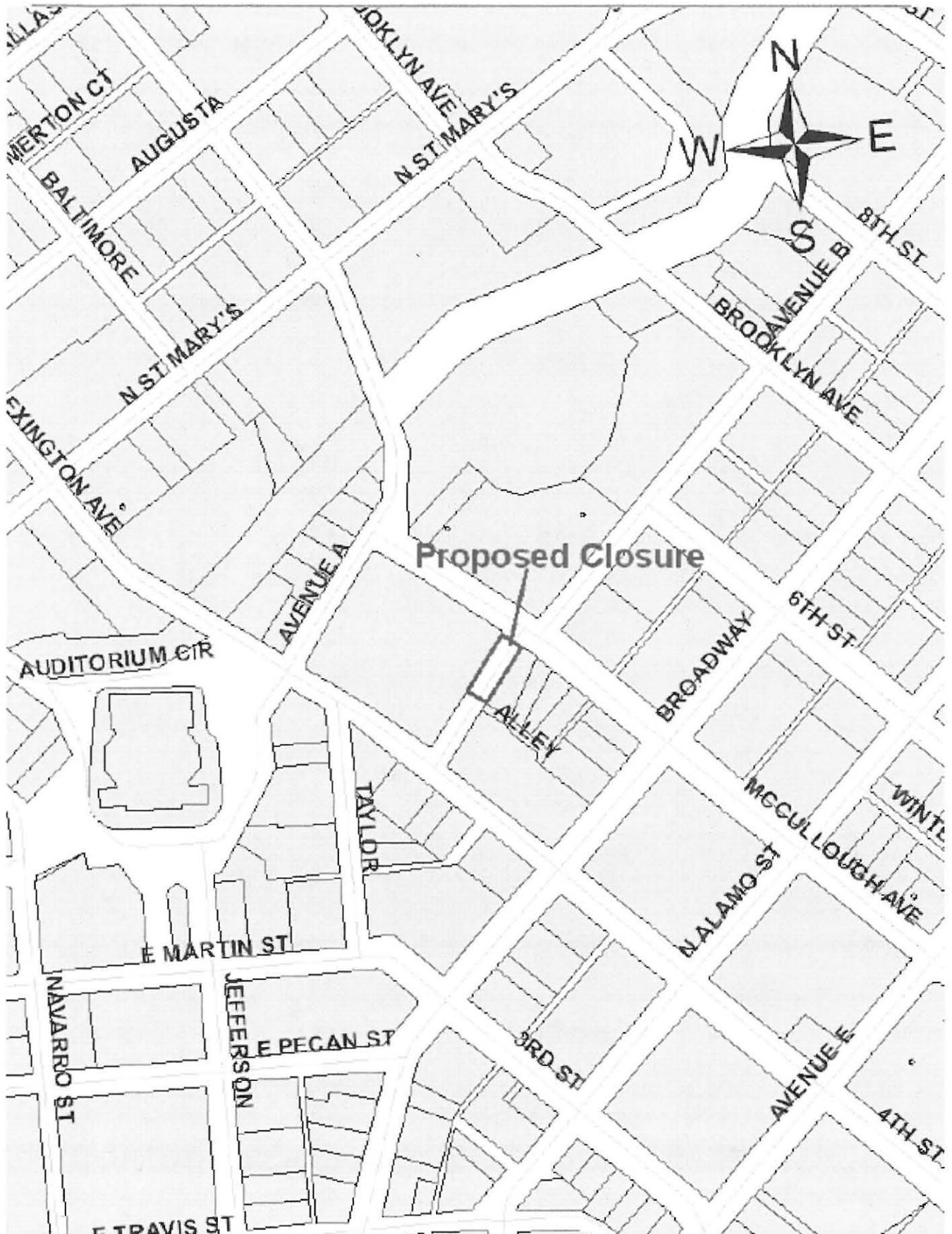
Request for
**COUNCIL
ACTION**



Agenda Voting Results - 33

Name:	5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25A, 25B, 26, 27, 28, 30, 31, 32A, 32B, 32C, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 62, 63, 65A, 65B						
Date:	06/21/2012						
Time:	10:01:34 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of 0.169 acres of an improved portion of Avenue B Street Public Right of Way located south of the intersection of McCullough Avenue and Avenue B Street adjacent to NCB 431 in Council District 1, as requested by The First Baptist Church of San Antonio, for a fee of \$147,757.64. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x			x	
Leticia Ozuna	District 3	x					
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

Attachment I



Attachment II

Being a portion of land, out of Avenue B, a 50' right-of-way, and being more particularly described as follows:

Beginning: at a set "x" in concrete on the southern Right-of-Way line of McCullough Avenue (R.O.W. varies), same being the eastern corner of Lot 25, Block 17, N.C.B. 431, as recorded in Volume 9552, Page 15, First Baptist Church San Antonio, of the Deed and Plat Records of Bexar County, Texas, for the north corner of this parcel described herein;

Thence: South $52^{\circ}07'12''$ East, 64.66 feet, along said southern R.O.W. of McCullough Avenue to a set $\frac{1}{2}$ " iron rod with cap (GRE 3501) on the east R.O.W. of Avenue B same being the north corner of Lot A6, Block 17, as recorded in Volume 2608, Page 187 of the Deed and Plat Records of Bexar County, Texas, for the north corner of this parcel being described herein;

Thence: South $36^{\circ}31'18''$ West, 145.69 feet, departing said south R.O.W. line of McCullough Avenue, and along said easterly R.O.W. line of Avenue B to a found $\frac{1}{2}$ " iron rod, at the western corner of said Lot A6, Block 17, for the south corner of this parcel being described herein;

Thence: North $53^{\circ}09'29''$ West, 50.00 feet, crossing said Avenue B, to a found cotton spindle on the west R.O.W. of Avenue B same being the east line of said Lot 25 for the west corner of this track being described herein;

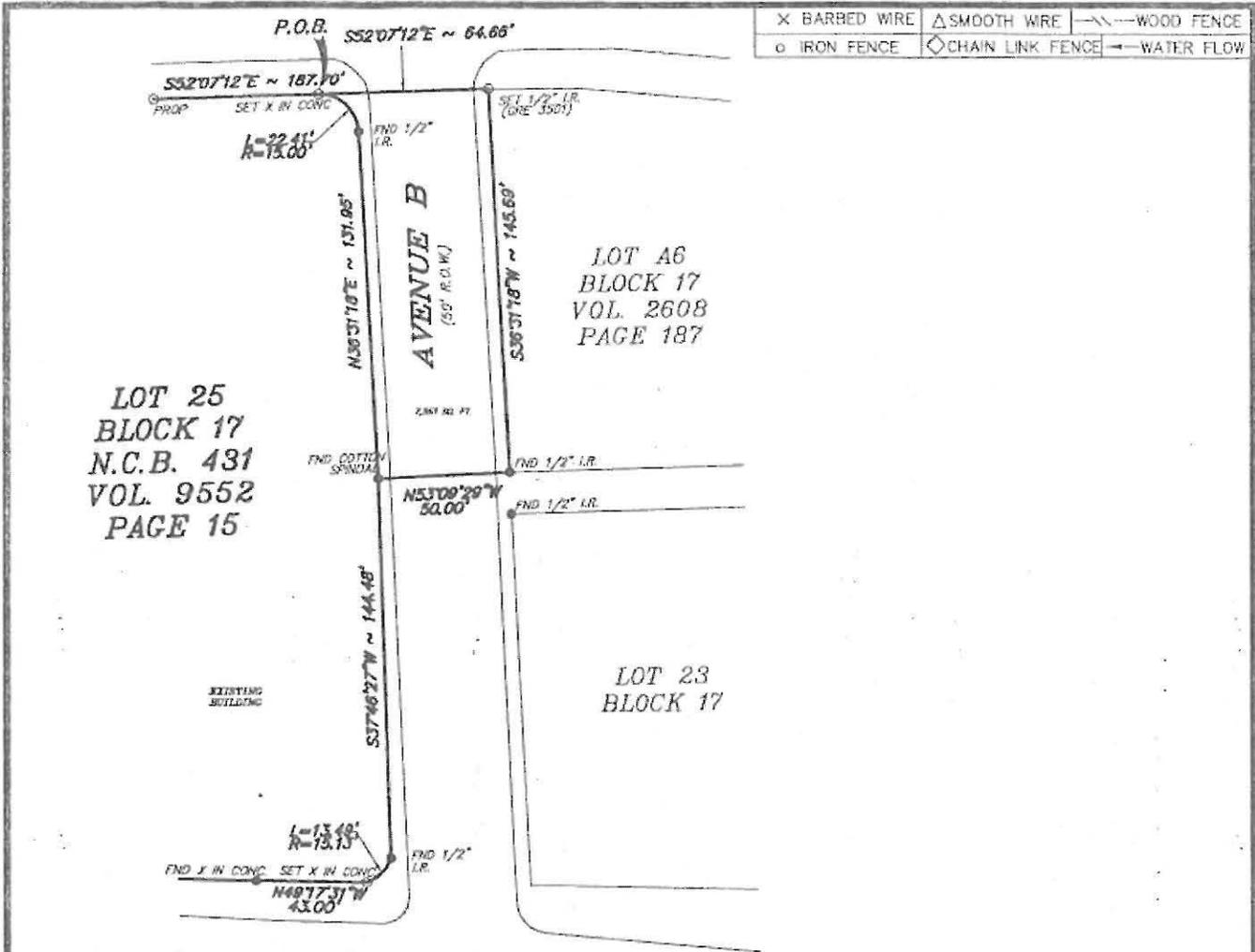
Thence: North $36^{\circ}31'18''$ East, 131.95 feet, along the east line of said Lot 25, to a found $\frac{1}{2}$ " iron rod, at the point of curvature of a tangent curve to the left;

Thence: along said curve to the left having a radius of 15.00 feet, a central angle of $85^{\circ}26'11''$ and an arc length of 22.41, to the **POINT OF BEGINNING** and containing 7,353 square feet of land, more or less, as surveyed on the ground by GE Reaves Engineering, Inc. on April 19, 2012.

GE Reaves Engineering, Inc
Gaylord E. Reaves, R.P.L.S., P.E.
Texas Survey Firm Number 101337



Gaylord E. Reaves 2/5/12



LOT 25
BLOCK 17
N.C.B. 431
VOL. 9552
PAGE 15

LOT A6
BLOCK 17
VOL. 2608
PAGE 187

LOT 23
BLOCK 17

FOURTH STREET
(R.O.W. VARIES)

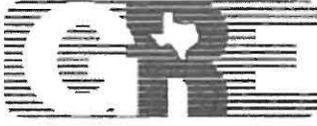
BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
SCALE: 1"=50' DATE OF SURVEY: 5/4/12 COMPUTED BY: BK DRAWN BY: BK CHECKED BY: GER

Lot(s) 25 Block 17 N.C.B. 431
Addition or Subdivision FIRST BAPTIST CHURCH
Volume 9552, Page 15 of the DEED AND PLAT records of BEXAR County, Texas.
Address: 515 McCULLOUGH AVENUE OF No. ~
Reference name: FIRST BAPTIST CHURCH SAN ANTONIO

To: The Leinholder and/or Landowner and to _____,
I, Gaylord E. Reaves a Registered Land Surveyor in the State of Texas, do hereby certify that the above plat is true and correct according to an actual survey made on the ground, under my supervision. I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferable.



Gaylord E. Reaves 25/2/12
Registered Professional Land Surveyor



GE Reaves Engineering, Inc. (FIRM NO. 101337)
P.O. Box 791793
San Antonio, Tx. 78279-1793
(210) 490-4506, Fax 490-4812

Date	Revision	By
JOB NO. 34804*		