

AN ORDINANCE 2012-01-19-0027

AUTHORIZING RELEASE OF PORTIONS OF PUBLIC-STREET RIGHT-OF-WAY EASEMENT ON E. LAUREL STREET, BETWEEN MCCULLOUGH AVENUE AND PASCHAL STREET, BETWEEN NCB 393 AND NCB 842 IN COUNCIL DISTRICT 1, AS REQUESTED BY METROPOLITAN METHODIST HOSPITAL FOR A FEE OF \$27,694

* * * * *

WHEREAS, Metropolitan Hospital wishes to build out over the affected segment of East Laurel Street, but the building will be elevated so it does not interfere with traffic on the street below.

WHEREAS, the structure over the street will need support structures that will encroach on the sidewalk but not on the path of automobile traffic.

WHEREAS, both the elevated structure and the support structures will require releasing portions of the public-street right-of-way easement.

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

SECTION 1. Subject to the reservation below, the City finds certain portions of the public-street right-of-way easement of the segment of E. Laurel between McCullough on west and Paschal on the east are 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 releases the portions of public-street right-of-way easement identified below. A condition of the release is City's receipt of the \$27,697.

SECTION 2. The public-street right-of-way easement is released to permit support structures on the north side of E. Laurel in the area depicted by diagram in **Attachment I** and shown by metes and bounds in **Attachment II**.

SECTION 3. The public-street right-of-way easement is released to permit support structures on the south side of E. Laurel in the area shown by metes and bounds in **Attachment III**. The diagram at Attachment I also covers the south side of the street.

SECTION 4. The public-street right-of-way easement is released to permit elevated construction not less than 30 feet over street level in the area depicted by diagram in **Attachment IV** and shown by metes and bounds in **Attachment V**.

SECTION 5. The releases of public-street right-of-way easements in this Ordinance last only so long as the structure over E. Laurel Street exists. At such time as the elevated structure is demolished, the public-street right-of-way easement portions released by this easement return to effectiveness and are thereafter as much a part of the public street as they were before this ordinance. Despite the above limitation, the structure permitted by this Ordinance may be

restored or reconstructed following destruction by casualty or government order arising from casualty, for so long as reconstruction begins within 270 calendar days following the date of loss.

SECTION 6. This ordinance does not release the right to remain in place of all presently existing water and wastewater lines and related facilities, electric transmission and distribution lines and related facilities, gas lines, communication lines and facilities of all types, or any other public utility lines and facilities, if any. Any person wanting removal of an existing utility line or facility must negotiate separately with the utility operating the line or facility. After the date of this ordinance, no additional utility lines or facilities of any type may be placed in the subject tract, but existing ones may continue to be used, repaired, augmented, and maintained in the ordinary course of business. This ordinance does not give up any right arising other than from the plat or other document creating the street or alley.

SECTION 7. This ordinance 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 8. The affected rights of way exist by easement. The underlying fee ownership of the affected rights of way by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. If the property is replatted or is made subject to an amended plat, the new plat must show the public-street right-of-way lines as they exist before this ordinance and note that, though portions of the easement are temporarily released, they may revert to the City at some future time.

SECTION 9. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

SECTION 10. 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 11. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

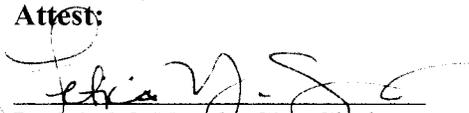
SECTION 12. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 19th day of January 2012.

M A Y O R

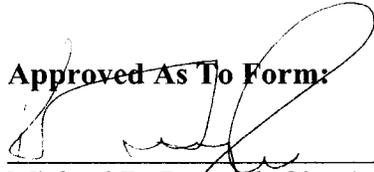
Julián Castro

Attest:

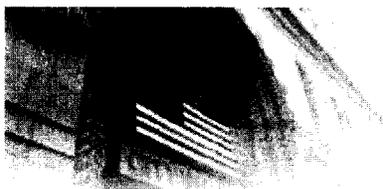


Leticia M. Vacek, City Clerk

Approved As To Form:



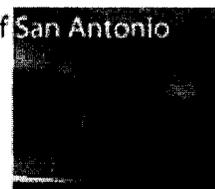
Michael D. Bernard, City Attorney



Request for

COUNCIL ACTION

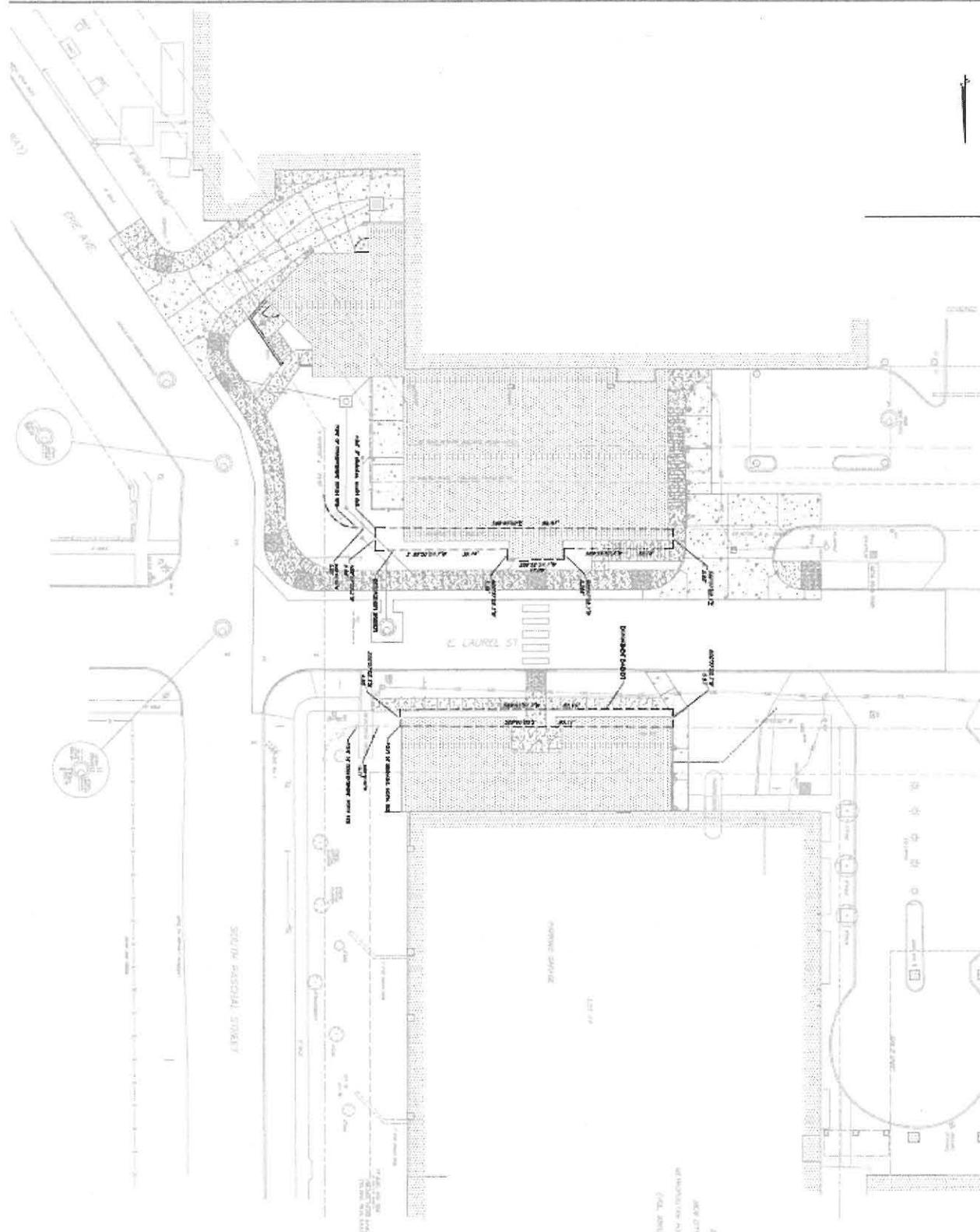
City of San Antonio



Agenda Voting Results - 12

Name:	12						
Date:	01/19/2012						
Time:	11:37:27 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance releasing portions of public-street right-of-way easement on East Laurel Street, located at McCullough Avenue and Paschal Street, between NCB 393 and NCB 842 in Council District 1, as requested by Metropolitan Methodist Hospital, for a fee of \$27,694.00. [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			x	
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				x
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

Attachment I



not issued

SEATTLE BUILDING ASSOCIATION
 1000 1st Avenue, Suite 1000
 Seattle, WA 98101
 Phone: 206.464.1000

FOOTING EASEMENTS

CONSTRUCTION DOCUMENTS

METROPOLITAN METHODIST HOSPITAL*
 ICU, MRI, PACU AND LABORATORY
 ADDITIONS AND RENOVATIONS

*A METROFORM - HARBOR F. KERRY

NO.	DATE	BY	REVISION

For information only. This drawing is not to be used for construction purposes without the approval of the architect.

Attachment II

STATE OF TEXAS

COUNTY OF BEXAR

FIELD NOTE DESCRIPTION of a 0.010 acre (435.50 square feet) area of right-of-way encroachment situated within the corporate limits of the City of San Antonio, Bexar County, Texas and lying in the right-of-way of East Laurel Street and adjacent to and immediately south of Log 17, Block 20, New City Block 393, METROPOLITAN HOSPITAL PHASE TWO, as shown by plat recorded in Volume 9560, Page 24 of Bexar County Deed and Plat Records, said area being more particularly described by metes and bounds as follows:

COMMENCING at a MAG nail found at the intersection of the north right of way line of E Laurel Street
with the westerly end of a curve return on the west line of Erie Ave (a 57.8' wide R.O.W.);

THENCE, North 89°40'00" West along the north right of way line of E Laurel St and the south line of said Lot 17, a distance of 12.77 feet to a point for the northeast corner and the POINT OF BEGINNING of this area;

THENCE, leaving said north right of way line and south line of said Lot 17, and crossing the right-of-way of East Laurel Street, the following courses and distances:

South 00°07'02.3" East a distance of 4.98 feet to a point;
South 89°52'57.7" West a distance of 82.10 feet to a point;
North 00°07'02.3" West a distance of 5.63 feet to a point;

THENCE, South 89° 40' 00" East, along said north right of way line and south line of said Lot 17, a
Distance of 82.11 feet to the POINT OF BEGINNING.

CONTAINING in all, 0.010 acres or 435.51 square feet of land, more or less.

Attachment III

STATE OF TEXAS

COUNTY OF BEXAR

FIELD NOTE DESCRIPTION of a 0.014 acre (622.83 square feet) area of right-of-way encroachment situated within the corporate limits of the City of San Antonio, Bexar County, Texas and lying in the right-of-way of East Laurel Street and adjacent to and immediately north of Log 9, Block 9, New City Block 842, METROPOLITAN HOSPITAL UNIT ONE, as shown by plat recorded in Volume 9533, Page 120 of Bexar County Deed and Plat Records, said area being more particularly described by metes and bounds as follows:

COMMENCING at a MAG nail found at the intersection of the south right of way line of E Laurel Street
with the westerly end of a curve return on the west line of Erie Ave (a 57.8' wide R.O.W.);

THENCE, North 89° 40' 00" West along the south right of way line of E Laurel St and the north line of said Lot 9, a distance of 5.53 feet to a point for the southeast corner and the POINT OF BEGINNING of this area;

THENCE, leaving said south right of way line and north line of said Lot 9, and crossing the right-of-way of East Laurel Street, the following courses and distances:

North 00°07'02.3" West a distance of 6.66 feet to a point;
South 89°52'57.7" West a distance of 39.74 feet to a point;
North 00°07'02.3" West a distance of 3.39 feet to a point;
South 89°52'57.7" West a distance of 17.08 feet to a point;
South 00°07'02.3" West a distance of 3.39 feet to a point;
South 89°52'57.7" West a distance of 32.74 feet to a point;
South 00°07'02.3" East a distance of 5.96 feet to a point in the south right of way line;

THENCE, South 89° 40' 00" East, along said south right of way line and north line of said Lot 9,
a
Distance of 89.57 feet to the POINT OF BEGINNING.

CONTAINING in all, 0.014 acres or 622.83 square feet of land, more or less.

Attachment V

Beginning at an iron rod in the westerly right-of-way margin of South Paschal Street, said rod lying at the point of curvature of a curve to the south and west onto the northern right-of-way margin of East Laurel Street;

Thence with said curve to the right, said curve having an internal angle of $90^{\circ}20'00''$, a radius of 10.00 feet, an arc length of 15.77 feet and a main chord bearing South $45^{\circ}10'00''$ West a distance of 14.18 feet, to an iron pin in the northerly right-of-way margin of East Laurel Street;

Thence, with said northerly right-of-way margin, North $89^{\circ}40'00''$ West a distance of 144.75 feet to an iron rod in said northerly right-of-way margin;

Thence, continuing with said northerly right-of-way margin, North $89^{\circ}40'00''$ West a further distance of 161.95 feet to an iron pin, said iron pin lying at the point of curvature of a curve to the right onto the easterly right-of-way margin of McCullough Avenue;

Thence, with said curve to the right, said curve having an internal angle of $89^{\circ}40'00''$; a radius of 10.00 feet, an arc length of 15.65 feet and a main chord bearing North $44^{\circ}50'00''$ West a distance of 14.10 feet, to an iron rod;

Thence with a new line South $03^{\circ}23'02''$ West a distance of 84.26 feet to a point, said point lying on a curve, said curve bearing to the north and east from the easterly right-of-way margin of McCullough Avenue onto the southerly right-of-way margin of East Laurel Street;

Thence, with said curve having an internal angle of $86^{\circ}56'58''$, a radius of 15.00 feet, an arc length of 22.76 feet and a chord bearing North $46^{\circ}51'31''$ East a distance of 20.64 feet, to an iron rod in the southerly right-of-way margin of East Laurel Street;

Thence, with said southerly right-of-way margin, South $89^{\circ}40'00''$ East a distance of 306.67 feet to an iron rod, said rod lying at the point of curvature of a curve to the right onto the westerly right-of-way margin of South Paschal Street;

Thence, with a curve to the right, said curve having an internal angle of $89^{\circ}40'20''$, a radius of 10.00 feet, an arc length of 15.65 feet and a chord bearing South $44^{\circ}50'00''$ East a distance of 14.00 feet to an iron rod lying in the westerly right-of-way margin of South Paschal Street;

Thence with a new line North $00^{\circ}00'00''$ East a distance of 80.00 feet to the point of beginning.

The parcel thus described contains 19,853.09 square feet, or 0.456 acre, more or less.