AZJ
04/30/2015
Item No. 17

AN ORDINANCE 2015-04-30-0347

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN APPROXIMATELY 0.3910-ACRE UNIMPROVED PORTION OF RIGHT OF WAY BETWEEN ANACACHO ROAD AND O'CONNOR ROAD IN COUNCIL DISTRICT 10 AS REQUESTED BY BIG DIAMOND LLC FOR A FEE OF $50,474.00.

* * * * *

WHEREAS, Big Diamond LLC has requested the abandonment of an 0.3910 acre unimproved portion of a public alley right of way between Anacacho Road and O'Connor Road; and

WHEREAS, the right-of-way segment has not been constructed and is no longer needed for public purposes; and

WHEREAS, the right-of-way segment is surplus to any needs of the city; and

WHEREAS, it is in the interest of the public that the City of San Antonio be relieved of obligations related to the right-of-way segment; **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 closes, vacates, and abandons the right-of-way ("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 $50,474.00 fee in accordance with 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 County Clerk:
14901 Durham Drive	NCB: 15705 BLK: B LOT: S 308.8 FT OF 6, W 52.5 FT OF 7, & E 157.5 FT OF 7	Big Diamond, LLC
On Stahl Road	NCB 15705 BLK B LOT S 255.51 OF 4 & W IRR 295 FT OF 5	Big Diamond, LLC
4906 STAHL RD	NCB 15705 BLK B LOT 3	Lord of the Harvest Church

4906 STAHL RD	NCB 15705 BLK B LOT 2	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT 1	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT 10	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT W 52.5 FT OF 9	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT E 52.5 FT OF W 105 FT OF 9	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT W 52.5 FT OF E 105 FT OF 9	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT E 52.5 FT OF 9	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT W 140 FT OF 8	Lord of the Harvest Church
4906 STAHL RD	NCB 15705 BLK B LOT E 70 FT OF 8	Lord of the Harvest Church

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. 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, enlarged, 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. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having lines or facilities in the segment does so at his own risk. 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. All existing drainage rights in the Right-of-Way Segments 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 right of way.

SECTION 5. In addition to the condition stated in Section 1, a further condition to the closure effected by this Ordinance is the dedication to the City of San Antonio of a .0062 acre portion of property adjacent to the proposed closure for street purposes in substantially the same form and for the area described in **Attachment III.** Time is of the essence in dedicating the right of way segment. If no such dedication is filed within a year of passage of this ordinance, this ordinance is voidable.

SECTION 6. 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 7. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segments by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned.

SECTION 8. Funds generated by this ordinance will be deposited as per the table below:

Amount	General Ledger	Internal Order	Fund
$ 48,000.00	4903101	256000000001	11001000
$ 2,474.00	6301120	256000000001	11001000
Total Amt $ 50,474.00			

SECTION 9. 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 10. 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 11. 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 **30th** day of **April, 2015**.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**17 (in consent vote: 6, 7, 8, 9, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 16D, 17, 18, 19A, 19B, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30)**
Date:	04/30/2015
Time:	11:00:22 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the closure, vacation, and abandonment of a 0.3910 acre unimproved right-of-way alley located between Anacacho Road and O'Connor Road in Council District 10 as requested by Big Diamond LLC for a fee of $50,474.00 with conditions. [Peter Zanoni, Deputy City Manager; Mike Etienne, EastPoint & Real Estate Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				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			x	

Attachment I

BURY

0.3910 Acre Tract
(17,033 Sq. Ft.)
110962-50002ex1R.DWG

FN NO. 110962-50002-7R
March 11, 2015
JOB NO. R0110962-50002

FIELDNOTE DESCRIPTION

Being a 0.3910 acre (17,033 square feet) tract, located in the City of San Antonio, Bexar County, Texas, being a portion of that certain called 15' Alley, being bounded on the North by Lots 1-5, Block B, Fertile Valley Farms Subdivision, as recorded in Volume 3377, Pages 76-78 of the Deed and Plat Records of Bexar County, Texas, bounded on the East by O'Connor Road (variable right-of-way), on the South by Lots 6-10, Block B, of said Fertile Valley Farms Subdivision and on the West by Anacacho Road (60' right-of-way); said 0.3910 acre tract being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas Coordinate System, South Central Zone, using a combined scale factor of 1.00017:

Beginning at a found 1/2-inch iron rod at the Northeast corner of Lot 6, Block B, Fertile Valley Farms Subdivision, said point also being on the West Right-of-Way line of existing O'Connor Road (R.O.W. varies) and being on the South line of said called 15' Alley;

Thence, along and with the North lines of Lots 6-10, Block B, Fertile Valley Farms Subdivision and the South line of said called 15' Alley, to a point of the East Right-of-Way line of Anacacho Road, for the Southwest corner of the herein described tract;

Thence, along the East right-of-Way line of Anacacho Road, to the Southwest corner of Said Lot 1, Block B, Fertile Valley Farms Subdivision and the North line of said 15' Alley, for the Northwest corner of the herein described tract;

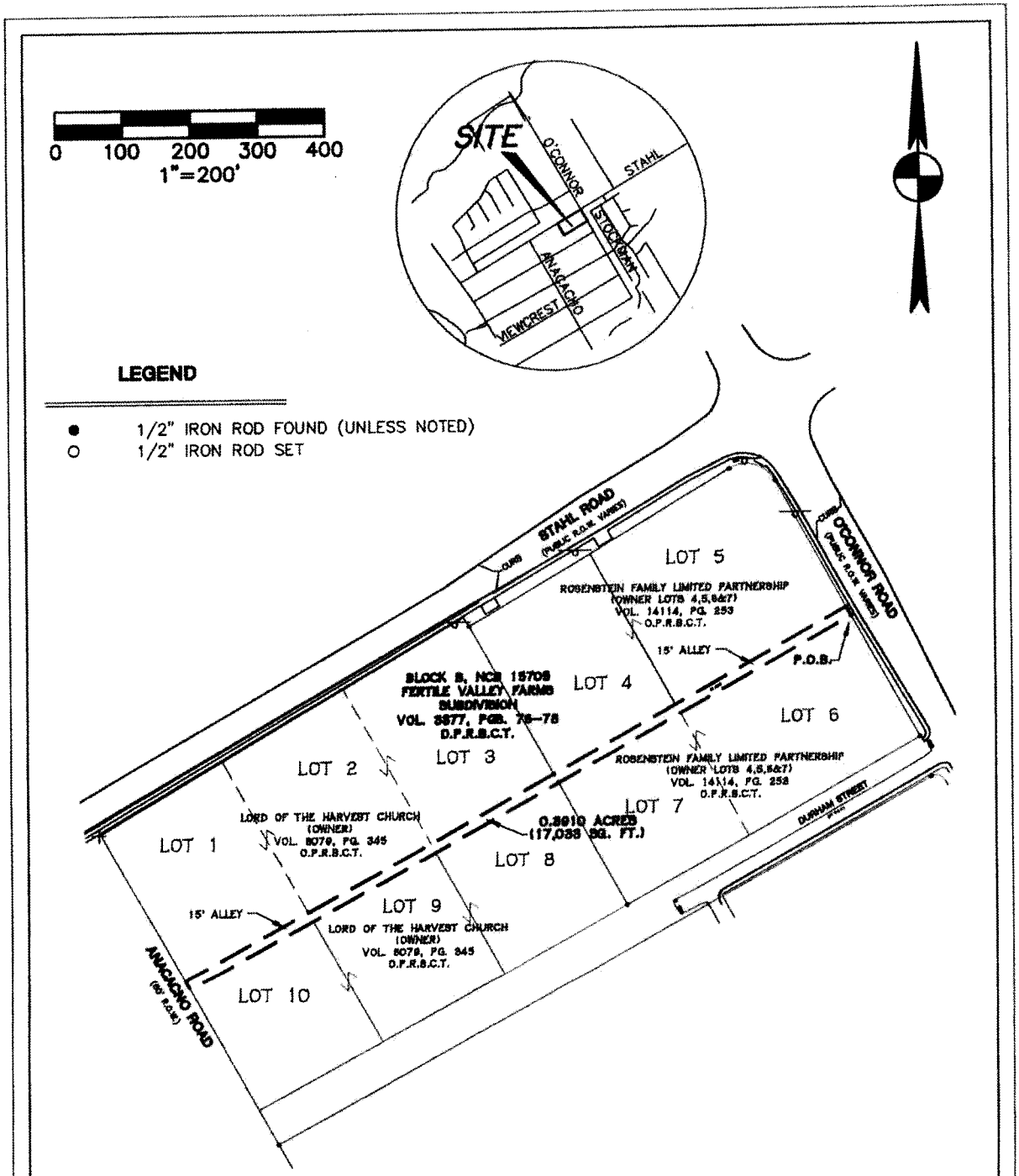
Thence, along the North line of said 15' Alley and the South lines of said Lots 1-5, Block B, Fertile Valley Subdivision, to a found 1/2-inch iron rod on the West Right-of-Way line of existing O'Connor Road, for the Northeast corner of the herein described tract;

Thence, along the West Right-of-Way line of existing O'Connor Road, to the Point of Beginning, containing 0.3910 acres (17,033 square feet) of land, more or less.

3/11/15

Hal B. Lane III, R.P.L.S. Date
Texas Registration Number 4690
Bury
Engineers & Surveyors
922 Isom Road, Suite #100
San Antonio, Texas 78216
TBPLS Firm Reg. NO. 101075-01

STATE OF TEXAS
REGISTERED
HAL B. LANE III
4690
PROFESSIONAL
LAND SURVEYOR



BURY

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel: (512) 328-0011 Fax (512) 328-0325
TBPE # F-1048 TBPLS # F-101075-01
Copyright © 2015

15' ALLEY CLOSURE

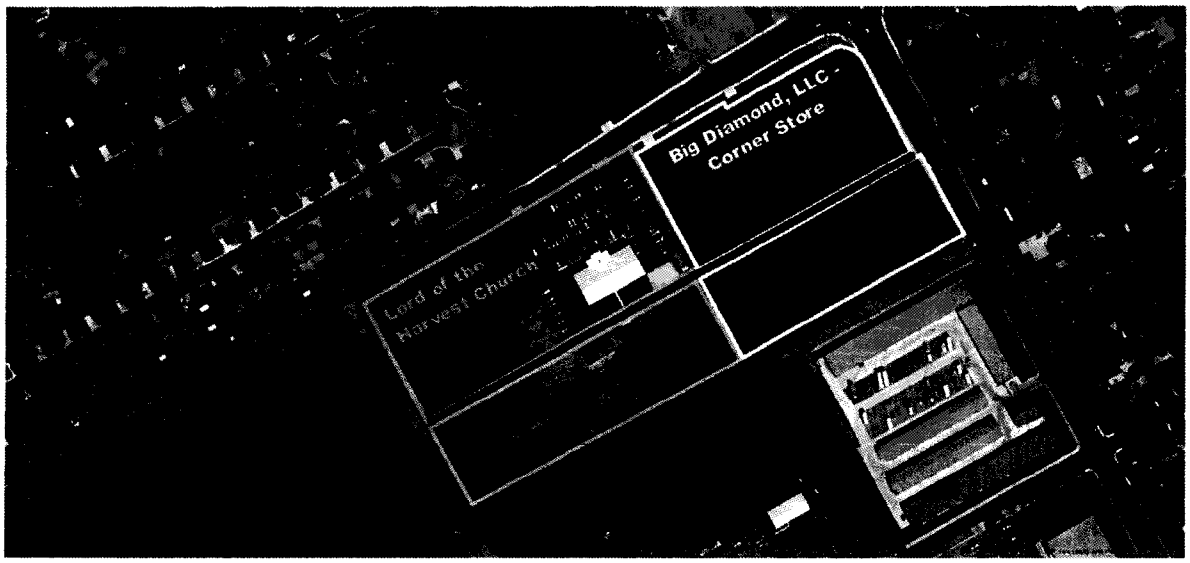
CITY OF SAN ANTONIO,
BEXAR COUNTY, TEXAS

PAGE 3 OF 3

DATE: 03 - 11 - 15	SCALE: 1" = 200'	DRAWN BY: HBL	FILE R0110962-50002\110962-50002EX1.DWG	PROJECT No R0110962-50002.97

Attachment II

Big Diamond request to close, vacate and abandon an unimproved alley public right-of-way bounded by O'Connor Road and Anacacho Street (between Stahl Road and Durham Drive) – S.P. 1857



Attachment III

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
§ **Know All By These Presents:**
County of Bexar §

Public Street Right-of-Way Dedication

Grantor:	Big Diamond, LLC, a Texas limited liability company
Grantor's Address:	One Valero Way, Building D, Suite 100 San Antonio, Texas 78249 (Bexar County)
Grantee:	The City of San Antonio
Grantee's Address:	P.O. Box 839966, San Antonio, Texas 78283-3966 (Bexar County)
Purpose of Easement:	Street purposes, allowing Grantee and the public all rights incident to public streets or alleys. This instrument burdens the Subject Property to the same extent as if it were a platted street or alley.
Subject Property:	0.0062 acres, more or less, out of a 15' wide alley located in the Fertile Valley Farms Subdivision, Between Lots 1 – 5 and 6 – 10, Block B, New City Block 15705, Fertile Valley Farms Subdivision, City of San Antonio, Bexar County, Texas according to plat thereof filed of record in Volume 3377, Pages 76-78 of the Deed and Plat Records of Bexar County, Texas, the land being more particularly described by metes and bounds and shown on **Exhibit A**, attached hereto and made part hereof.

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of the benefits accruing to Grantor, to Grantor's other property, and to the public, an easement in gross in perpetuity over, across, under, and upon the Subject Property for the Purpose of the Easement. Grantee may construct, maintain, reconstruct, remove, relocate, and replace improvements related to the Purpose of the Easement anywhere within the Subject Property and may inspect, patrol, and police the Subject Property. Grantee may remove all trees and other vegetation and all other natural or artificial obstructions from the Subject Property,

and Grantee may further excavate, fill, level, grade, pave, and otherwise improve the Subject Property as may be conducive to the Purpose of the Easement. Grantor covenants for itself, its heirs, executors, successors, and assigns that no permanent building or obstruction of any kind will be placed on the Subject Property.

To Have and To Hold the above described easement and rights unto the public until its use is abandoned.

Grantor binds itself and its heirs, executors, successors, and assigns, to warrant and forever defend, all and singular, the above described easement and rights unto Grantee and the public against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand, this 30th day of March, 2015.

BIG DIAMOND, LLC, a Texas
limited liability company

By: _____

Douglas M. Miller, its Vice President

State of Texas §
§
County of Bexar §

This instrument was acknowledged before me this date by Douglas M. Miller, Vice President of Big Diamond, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of that entity.

Date: March 30, 2015

DEBBIE S. AVERY
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-14-2015

Debbie S. Avery
Notary Public, State of Texas

My Commission expires: 07-14-15

Accepted under Ordinance: _____

"EXHIBIT A"

BURY

0.0062 Acre Tract
(270 Sq. Ft.)
110962-50002ex2.DWG

FN NO. 110962-50002-8
March 11, 2015
JOB NO. R0110962-50002

FIELDNOTE DESCRIPTION

Being a 0.0062 acre (270 square feet) tract, located in the City of San Antonio, Bexar County, Texas, being a portion of that certain called 15' Alley, being bounded on the North by Lot 5, Block B, Fertile Valley Farms Subdivision, as recorded in Volume 3377, Pages 76-78 of the Deed and Plat Records of Bexar County, Texas, bounded on the East by the West right-of-way line of O'Connor Road (Weidner Road, as shown on said Plat of Fertile Valley Farms Subdivision) , and on the South by Lots 6, Block B, of said Fertile Valley Farms Subdivision; said 0.0062 acre tract being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas Coordinate System, South Central Zone, using a combined scale factor of 1.00017:

Beginning at a found 1/2-inch iron rod at the Northeast corner of Lot 6, Block B, Fertile Valley Farms Subdivision, said point also being on the West Right-of-Way line of existing O'Connor Road (R.O.W. varies) and being on the South line of said called 15' Alley;

Thence, 15.00 feet along the West right-of-way line of existing O'Connor Road, to the existing Southeast corner of said Lot 5, for the Northwest corner of the herein described tract;

Thence, along the South line of said Lot 5, 18.00 feet, to a point for the original Southeast corner of said Lot 5 and being on the original West right-of-way line of Weidner Road;

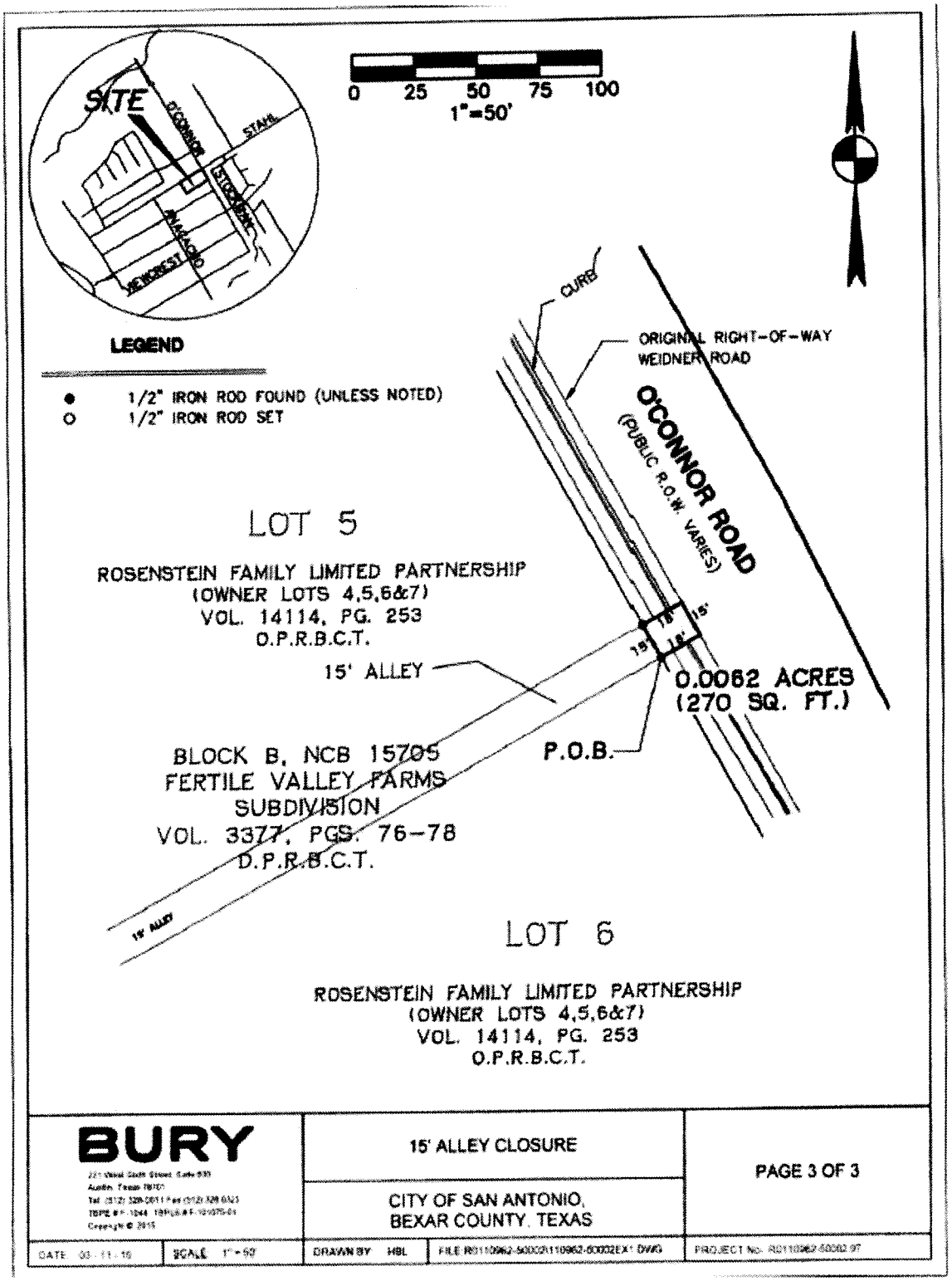
Thence, along the West right-of-way line of Weidner Road, 15.00 feet to a point for the original Northeast corner of said Lot 6;

Thence, along the North line of said Lot 6, 18.00 feet, to the Point of Beginning, containing 0.0062 acres (270 square feet) of land, more or less.

Note: Sketch of even date to accompany this Metes and Bounds Description.

5/11/15

Hal B. Lane III, R.P.L.S. Date
Texas Registration Number 4690
Bury
Engineers & Surveyors
922 Isom Road, Suite #100
San Antonio, Texas 78216
TBPLS Firm Reg. NO. 101075-01



BURY	15' ALLEY CLOSURE	PAGE 3 OF 3
	CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS	
DATE 03-11-15 / SCALE 1"=50'	DRAWN BY HBL / FILE R0110962-50002\110962-50002EX1.DWG	PROJECT No. R0110962-50002.97