

AN ORDINANCE

2012-09-13-0705

**CLOSING, VACATING, AND ABANDONING 0.215 ACRE PORTION OF
MEDFORD DRIVE BETWEEN NCB 9140 AND NCB 9141 FOR A FEE
\$10,600.**

* * * * *

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 Medford Drive described generally as extending southeastward from the southeast right-of-way line of Hathaway Drive to the northwest right-of-way line of Harry Wurzbach.

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. The Right-of-Way Segment exists by virtue of the plat recorded at Volume 1625, Page 331, Bexar County records.

SECTION 4. The properties abutting the Right-of-Way Segment are:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
506 E. Hathaway Drive	Lot 4, Block 12, NCB 9141, San Antonio, Bexar County, Texas	Charles M. Kirk and Gloria C. Kirk
442 E. Hathaway Drive	North 120 feet of Lot 1, Block 11, NCB 9140, San Antonio, Bexar County, Texas	Clyde C. Craven, Jr.

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 5. 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 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 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.

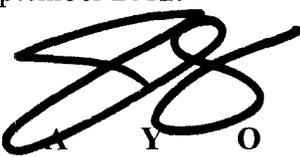
SECTION 7. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the 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.

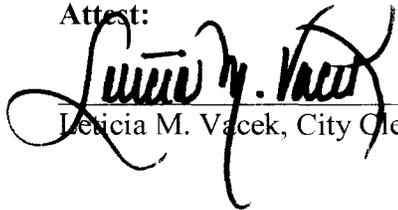
SECTION 8. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

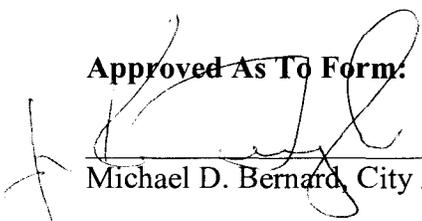
SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 13th day of September 2012.


M A Y O R
Julián Castro

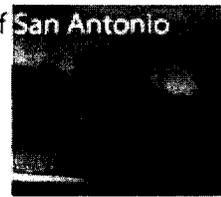
Attest:

Leticia M. Vacek, City Clerk

Approved As To Form:

Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

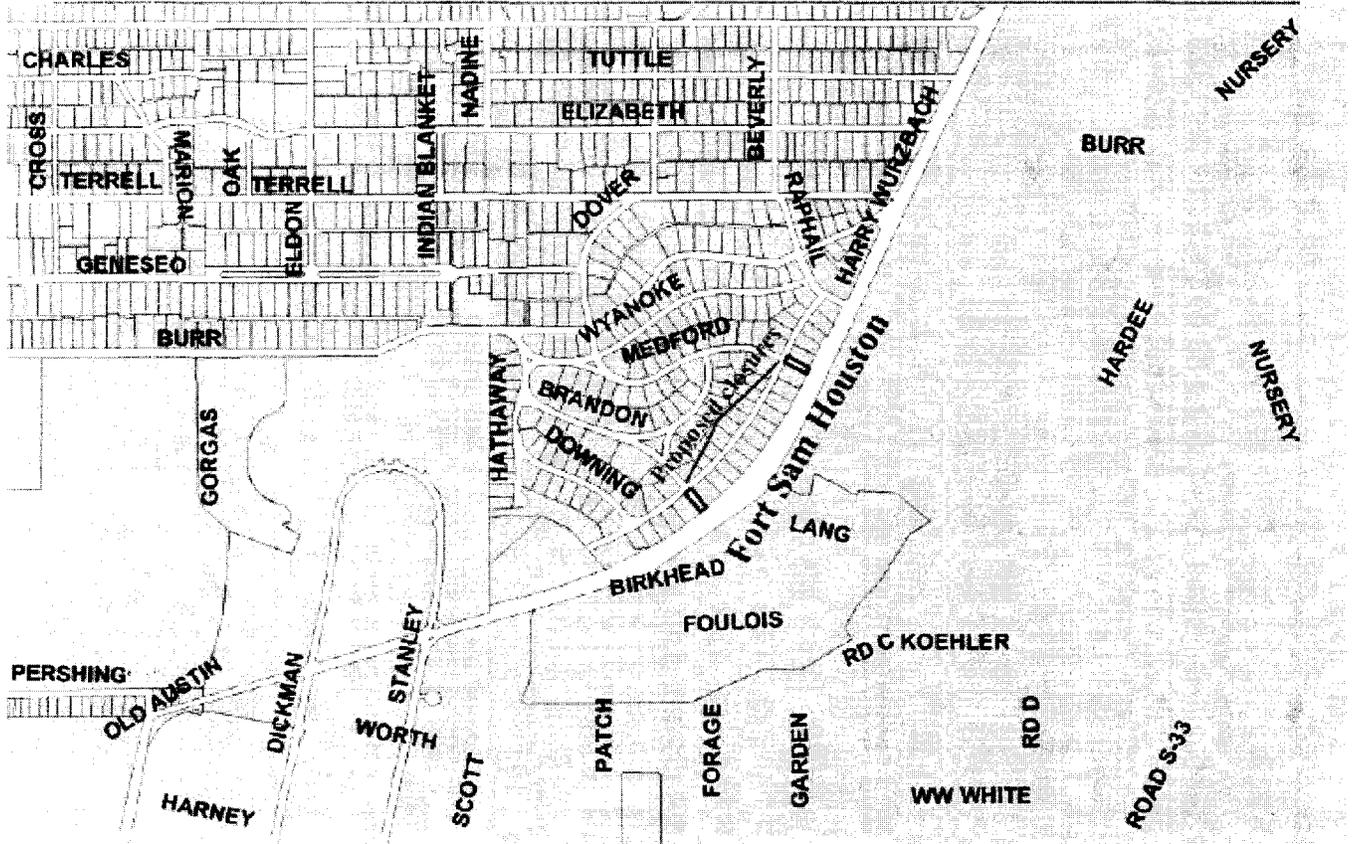
City of San Antonio



Agenda Voting Results - 9B

Name:	6, 7, 8, 9A, 9B, 10, 11A, 11B, 12A, 12B, 13, 14						
Date:	09/13/2012						
Time:	09:58:23 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.215 acre portion of improved public right-of-way located on Medford Drive between NCB 9140 and NCB 9141 for a fee \$10,600.00.						
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				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		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

Northstar Land Surveying, Inc.
9033 Aero St., Suite 105
San Antonio, Texas 78217
(210) 826-6228

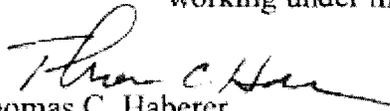
FIELD NOTES FOR

A 0.215 ACRE TRACT OF LAND, BEING A PORTION OF MEDFORD DRIVE BOUNDED ON THE SOUTHEAST BY HARRY WURZBACH HIGHWAY AND BOUNDED ON THE NORTHWEST BY HATHAWAY DRIVE, BEL MEADE ADDITION, AS RECORDED IN VOLUME 1625, PAGE 331, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- BEGINNING:** At a found iron pipe on the southeast right-of-way line of Hathaway Drive, the northwest corner of Lot 1, Block 11, New City Block 9140, of the aforementioned Bel Meade Addition, the west corner of the herein described tract;
- THENCE:** North 25 degrees 27 minutes 21 seconds East (bearings are based on the Texas State Plane Coordinate System Grid), 50.00 feet coincident with the southeast right-of-way line of Hathaway Drive, to a found iron pipe, the southwest corner of Lot 5, Block 12, New City Block 9141, of the aforementioned Bel Meade Addition, the north corner of the herein described tract;
- THENCE:** South 65 degrees 11 minutes 42 seconds East, 187.40 feet coincident with the southwest line of the aforementioned Lot 5, to a set ½ inch iron rod on the northwest right-of-way line of Harry Wurzbach Highway, the southeast corner of Lot 5, the east corner of the herein described tract;
- THENCE:** South 25 degrees 15 minutes 33 seconds West, 50.00 feet coincident with the northwest right-of-way line of Harry Wurzbach Highway, to a set ½ inch iron rod, the northeast corner of the aforementioned Lot 1, the south corner of the herein described tract;

THENCE: North 65 degrees 11 minutes 42 seconds West, 187.57 feet coincident with the northeast line of Lot 1, to the **POINT OF BEGINNING**, containing 0.215 acres.

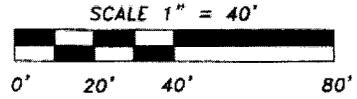
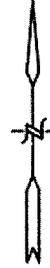
These Field Notes are based on a survey made on the ground and a survey map prepared by employees of Northstar Land Surveying, Inc. who were working under my supervision.


Thomas C. Haberer
Registered Professional Land Surveyor #4350

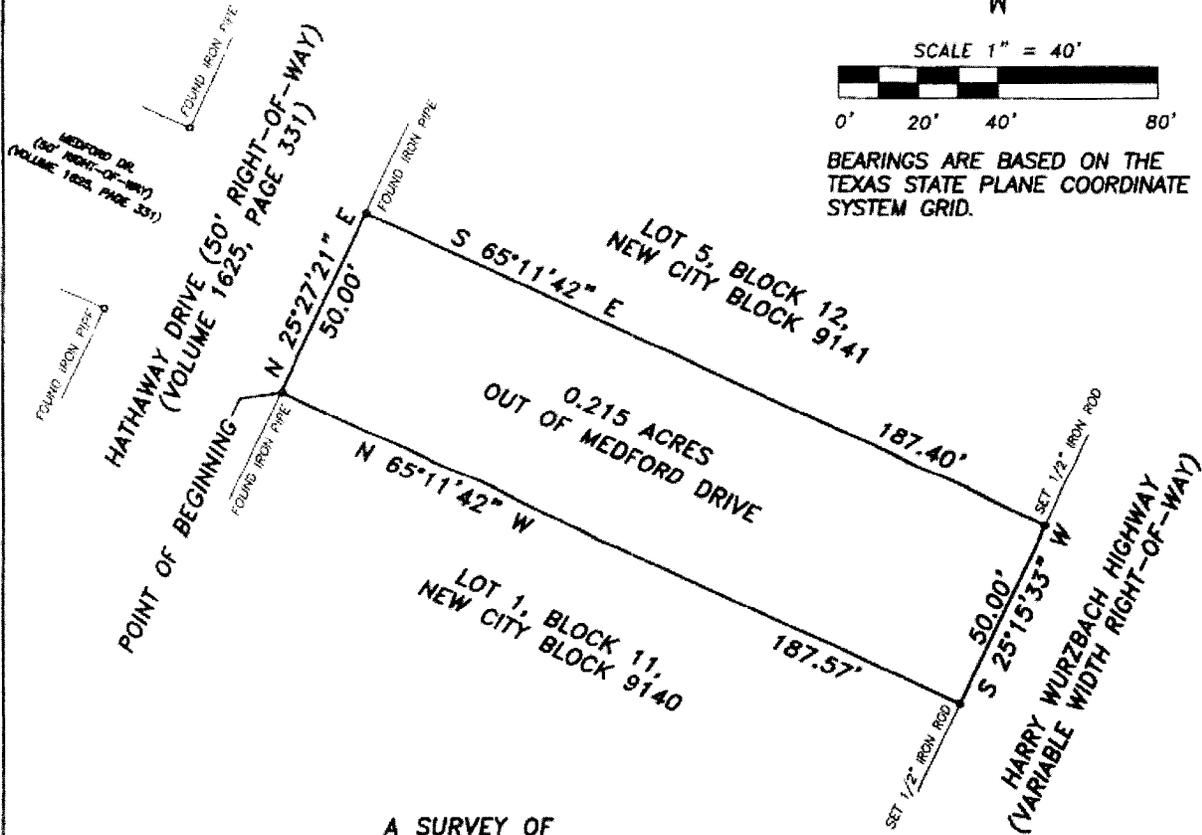
February 11, 2011
Job No. 11-10-0076(Medford)



NOTE: THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.



BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID.



A SURVEY OF

A 0.215 ACRE TRACT OF LAND, BEING A PORTION OF MEDFORD DRIVE BOUNDED ON THE SOUTHEAST BY HARRY WURZBACH HIGHWAY AND BOUNDED ON THE NORTHWEST BY HATHAWAY DRIVE, BEL MEADE ADDITION, AS RECORDED IN VOLUME 1625, PAGE 331, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



NORTHSTAR LAND SURVEYING, INC.
 9033 AERO ST., SUITE 105
 SAN ANTONIO, TEXAS 78217
 (210) 826-6228

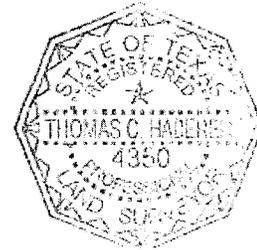
STATE OF TEXAS
 COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.

THIS 11th DAY OF FEBRUARY 2011 A.D.

Thomas C. Haber

THOMAS C. HABERER
 REGISTERED PROFESSIONAL LAND SURVEYOR #4350



JOB NO. 11-10-0076
 DRAWN BY: CAM
 DISK NUMBER: 1-2007

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