KLB [03/05/2009]
Item No. 6

AN ORDINANCE 2009-03-05-0153

**AUTHORIZING THE CLOSURE OF AN IMPROVED PORTION OF MOCKINGBIRD ROAD LOCATED BETWEEN INTERSTATE HIGHWAY 10 WEST AND GREATVIEW DRIVE, LOCATED IN COUNCIL DISTRICT 8, IN EXCHANGE FOR $118,090.00 AND DEDICATION OF ADDITIONAL RIGHT OF WAY.**

* * * * *

**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 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. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding provisions of this Ordinance. The affected right of way is identified below.

> That portion of Mockingbird Road described generally as extending westward from the west right-of-way line of Greatview Drive to the east right-of-way line of Interstate 10 West.

**SECTION 2.** A picture of the subject right of way is set forth at **Attachment A**. The detailed description of the right-of-way subject to this ordinance is set forth on **Attachment B**.

**SECTION 3.** In partial consideration of the closure, to prevent Greatview Drive from becoming a deadend, the City requires the dedication of (A) the area subject to the instrument appearing at **Attachment C** to create a cul de sac and (B) the area subject to the instrument appearing at **Attachment D** to create a 20-feet wide alley extending from Greatview Drive to Interstate Highway 10 West. The applicant must provide the City with title insurance insuring title to the new right of way reasonably acceptable to the City Attorney.

**SECTION 4.** All exhibits to this Ordinance are incorporated into it for all purposes as if they were fully set forth.

**SECTION 5.** This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

**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 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. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat, but no such replat impairs the rights retained by City in the affected right of way.

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

| Amount | General Ledger | Fund | Internal Order |
|---|---|---|---|
| $118,090.00 | 4903101 | 11001000 | 240000000060 |

**SECTION 9.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director 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 10.** This ordinance becomes effective 10 days after passage.

**PASSED AND APPROVED** this 5th day of March 2009.

M A Y O R

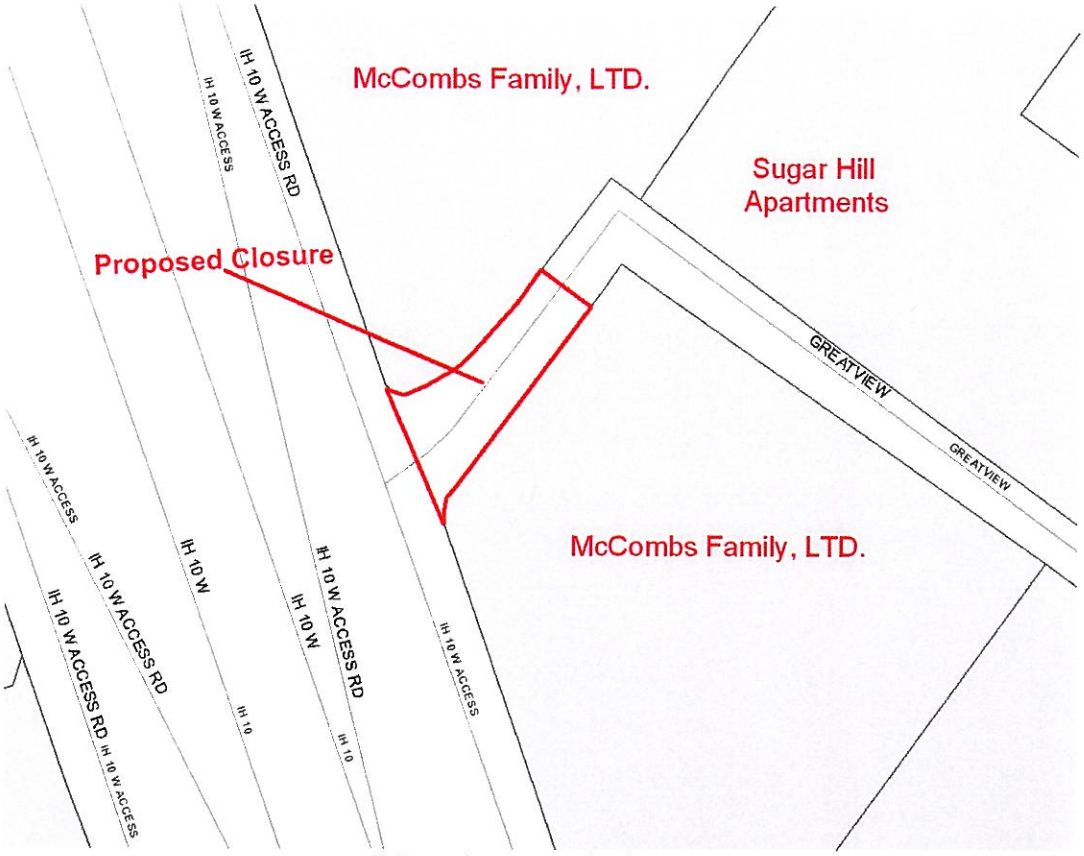
PHIL HARDBERGER

**Attest:**

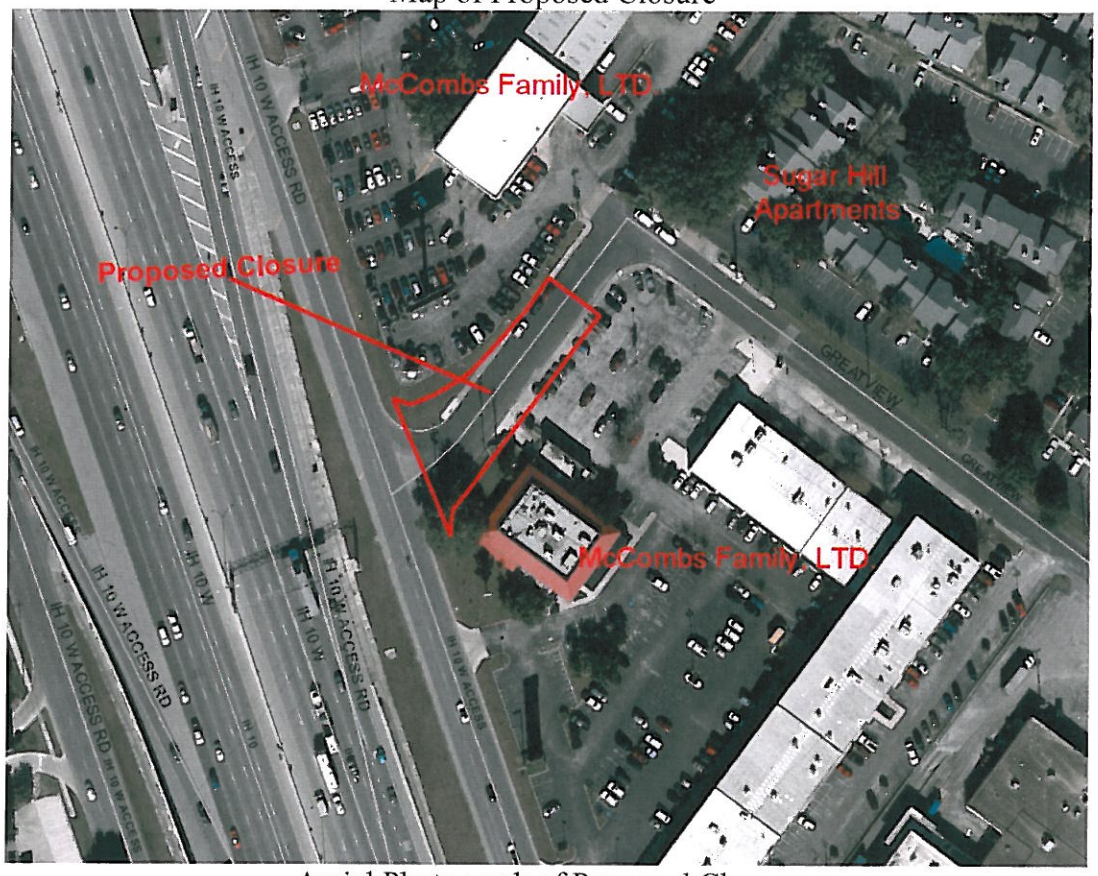
City Clerk

**Approved As To Form:**

City Attorney

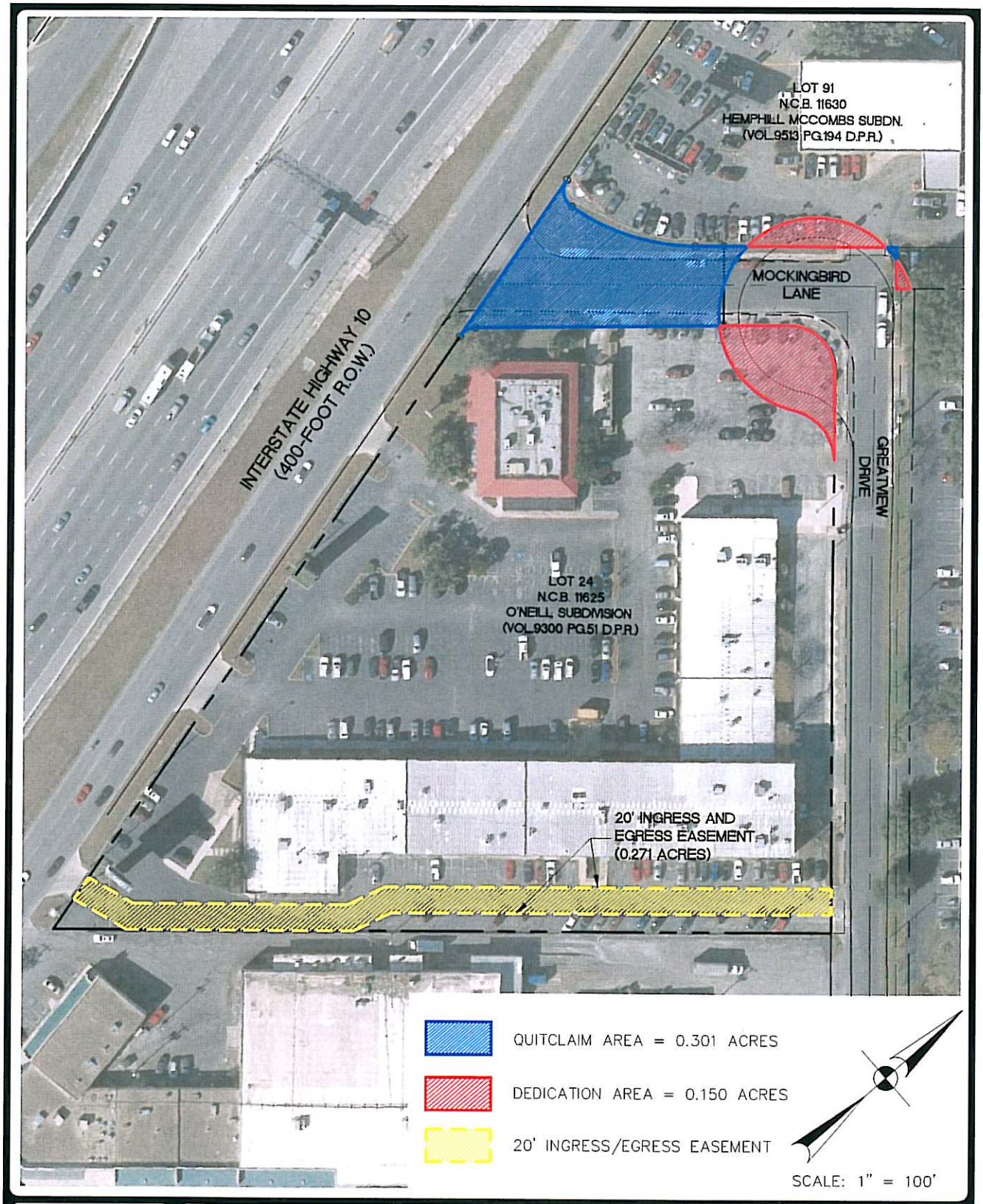



Map of Proposed Closure




Aerial Photograph of Proposed Closure

# Exhibit "A"




JOB NO. 7268-00
DATE JANUARY 2009
DESIGNER LM
CHECKED - DRAWN JR
SHEET EX

**MOCKINGBIRD LANE CUL-DE-SAC**
**R.O.W. QUITCLAIM / DEDICATION**
**SAN ANTONIO, TEXAS**

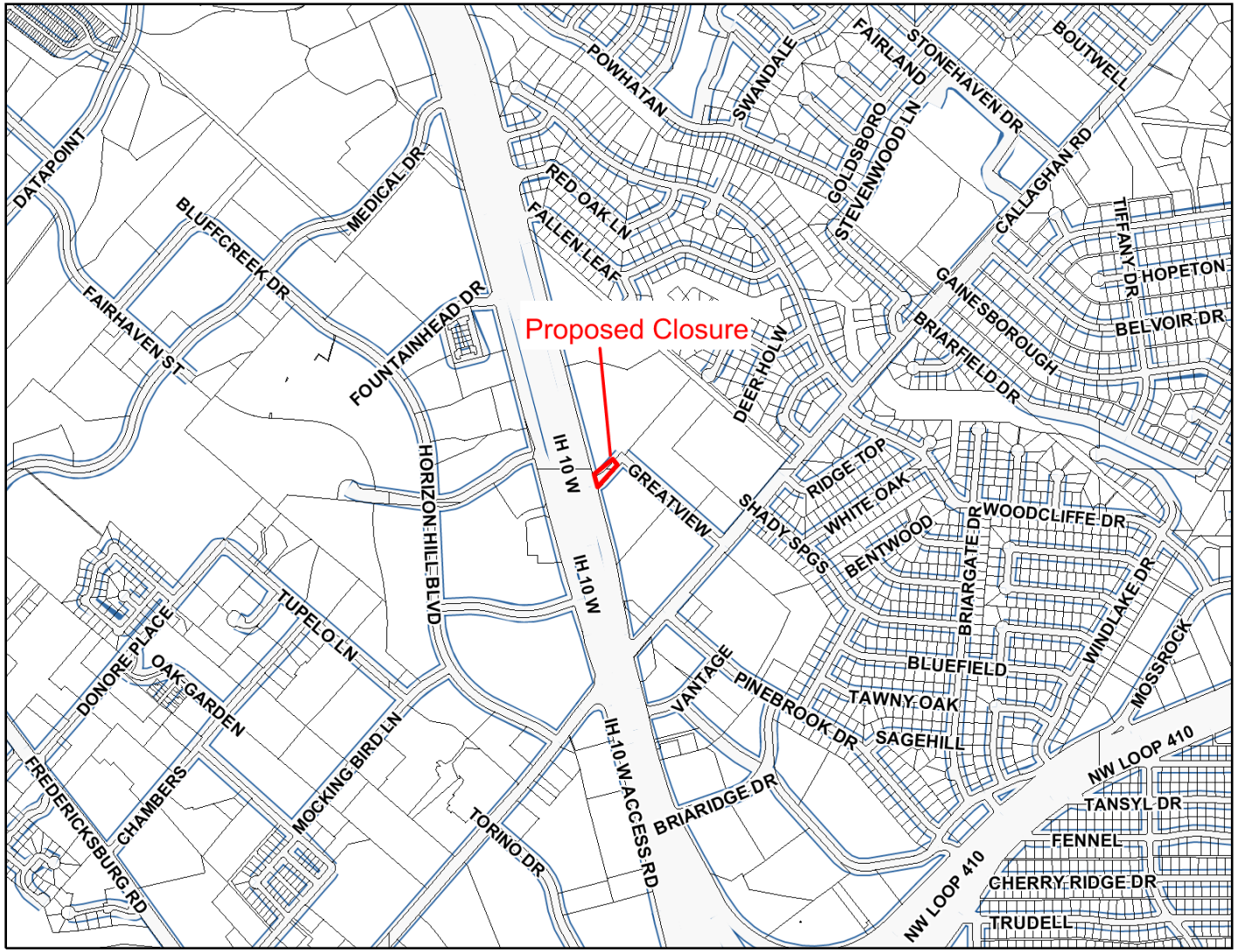
PAPE-DAWSON ENGINEERS
555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.9010

Date: Jan 29, 2009, 3:48pm User ID: LMangum
File: P:\72\68\00\Design\Civil\Exhibits\EX090113-SITE.dwg

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

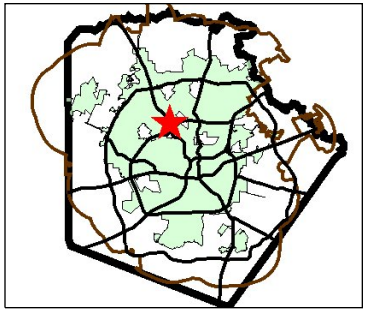
# Exhibit "B"

# SP 1402 Proposed Closure of Mockingbird Lane




0 1500 3000 4500 ft.

Map center: 2110892, 13735179



## Legend

- Parcels
- Lakes
- Military Bases
- San Antonio City Limits
- Incorporated Towns
- Bexar County
- Bexar Streets

N

Scale: 1:15,000

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**Attachment B**



FIELD NOTES

FOR

A 0.301 ACRE QUITCLAIM – MOCKINGBIRD ROAD

A 0.301 acre, or 13,108 square feet more or less, tract of land out of that 0.499 acre dedication to right-of-way of the Hemphill McCombs Northside Ford subdivision recorded in Volume 8700, Page 200, the original 40-foot right-of-way of Mockingbird Road, and the dedication to right-of-way in the O'Neill Subdivision recorded in Volume 9300, Page 51 of the Deed and Plat Records of Bexar County, Texas, out of New City Block (N.C.B.) 11630 and 11625 of the City of San Antonio, Bexar County, Texas. Said 0.301 acres being more fully and described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone:

BEGINNING: at a set ½" iron rod with cap marked "Pape-Dawson" at the south corner of the herein described tract, on the northeast right-of-way line of Interstate Highway 10, a 400-foot right-of-way at this point, at a point of curvature of Lot 24 of the O'Neill subdivision recorded in Volume 9300, Page 51 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 14°27'16"W, along and with the right-of-way line of Interstate Highway 10, at 7.62 feet passing a ½" iron pipe found for a point of intersection with the extension of the northwest line of said Lot 24, and continuing for a total distance of 146.30 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for a point of cusp at a point of curvature in the southwest line of Lot 92 of the Hemphill McCombs Northside Ford Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Departing the right-of-way of Interstate Highway 10, and along and with the southeast line of the said Lot 92 the following calls and distances:

Reversing, along the arc of a curve to the left, said curve having a radius of 15.00 feet, a central angle of 89°53'32", a chord bearing and distance of S 59°24'02" E, 21.19 feet, for an arc distance of 23.53 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of compound curvature;

Along the arc of a curve to the left, said curve having a radius of 170.00 feet, a central angle of 34°16'30", a chord bearing and distance of N 58°30'57" E, 100.19 feet, for an arc distance of 101.70 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency;

N 41°22'41"E, a distance of 39.93 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the north corner of the herein described tract, the southwest corner of a 0.038 acre tract surveyed concurrently;



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0.301 Acres
Quitclaim
McCombs Toyota
Job No. 7268-00

THENCE: Departing the aforementioned line of said Lot 92, and over and across the said Mockingbird Road along the arc of a curve to the left, said curve having a radial bearing of N 85°55'07" E, a radius of 75.00 feet, a central angle of 51°06'10", a chord bearing and distance of S 29°37'58" E, a distance of 64.70 feet, for an arc distance of 66.89 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the west corner of a 0.110 acre tract surveyed concurrently, on the aforementioned northwest line of Lot 24;

THENCE: S 40°28'51"W, along and with the line of said Lot 24, a distance of 188.59 feet to a found ½" iron pipe at a point of curvature;

THENCE: Along the arc of a curve to the left, said curve having a radius of 15.00 feet, a central angle of 54°56'07", a chord bearing and distance of S 13°00'48" W, a distance of 13.84 feet, for an arc distance of 14.38 feet to the POINT OF BEGINNING and containing 0.301 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: January 19, 2009
JOB No.: 7268-00
FILE: N:\CIVIL\7268-00\Word\7268-00-FN-0.301Quitclaim.doc

2009

STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR

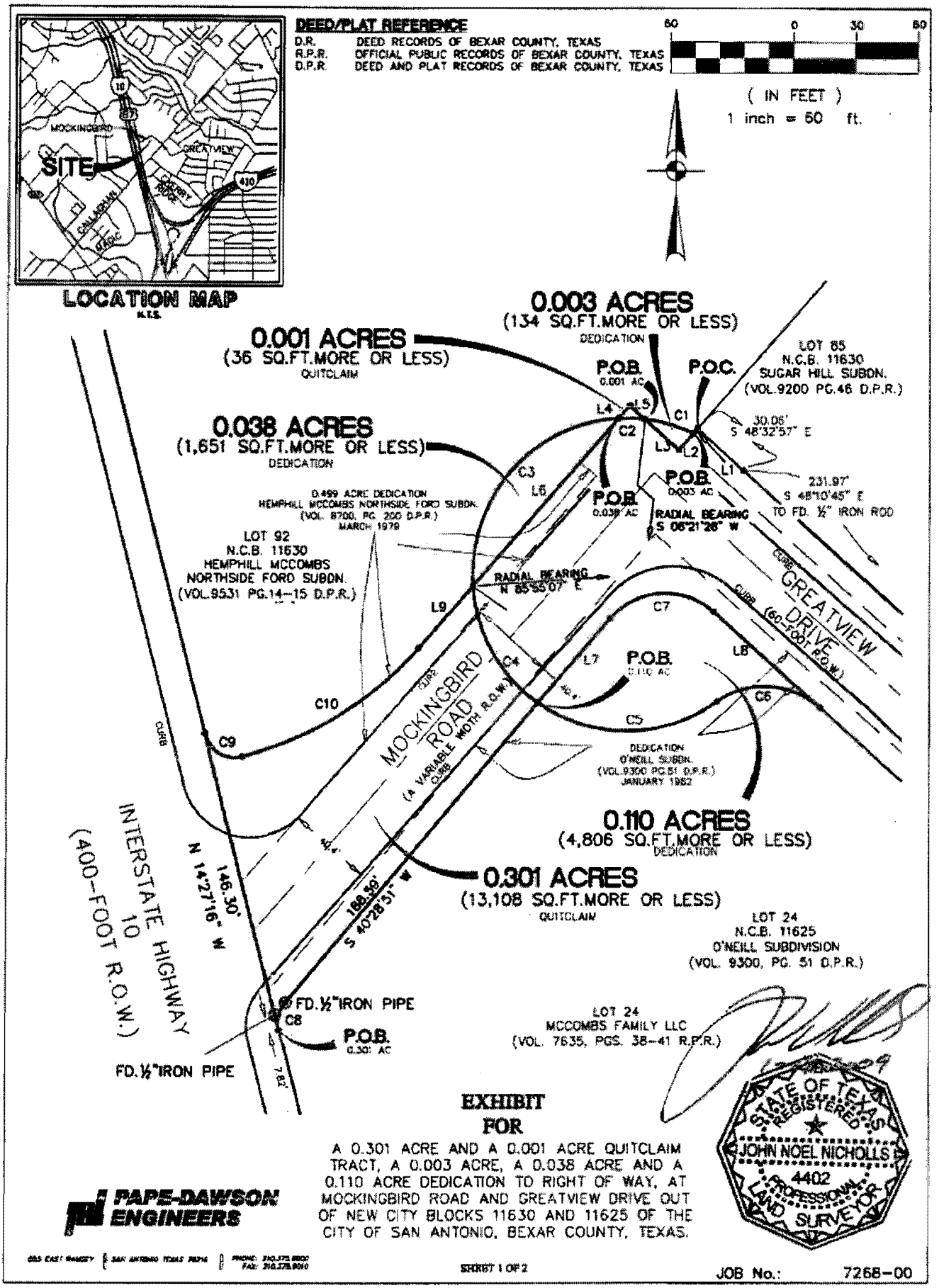


**EXHIBIT**
**FOR**

A 0.301 ACRE AND A 0.001 ACRE QUITCLAIM TRACT, A 0.003 ACRE, A 0.038 ACRE AND A 0.110 ACRE DEDICATION TO RIGHT OF WAY, AT MOCKINGBIRD ROAD AND GREATVIEW DRIVE OUT OF NEW CITY BLOCKS 11630 AND 11625 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

**PAPE-DAWSON ENGINEERS**

555 EAST RANDOLPH | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.9010

SHEET 1 OF 2

JOB No.: 7268-00

## Attachment C

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**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.**

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

## Public Street Dedication

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| | |
|---|---|
| **Grantor:** | McCombs Family Partners, Ltd. |
| **Grantor's Address:** | 755 E. Mulberry, Suite 600, San Antonio, Texas 78212 (Bexar County) |
| **Grantee:** | 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. This instrument burdens the Subject Property to the same extent as if it were a platted street. |
| **Subject Property:** | The tracts set forth below: |

A. A 0.038 acre tract, more or less, out of Lot 92, Hemphill McCombs Subdivision recorded in Volume 9531, Pages 14-15, Deed and Plat Records of Bexar County, Texas in New City Block 11630, and more particularly described on **Exhibit A**.

B A 0.003 acre tract, more or less, out of Lot 92, Hemphill McCombs Subdivision recorded in Volume 9531, Pages 14-15, Deed and Plat Records of Bexar County, Texas in New City Block 11630, and more particularly described on **Exhibit B**.

C. A 0.110 acre tract, more or less, out of Lot 24, O'Neil Subdivision recorded in Volume 9300, Page 51, Deed and Plat Records of Bexar County, Texas out of New City Blocks 11630 and 11625, and more particularly described on **Exhibit C**.

D. A 0.001 acre tract, more or less, out of the right of way at the intersection of

Mockingbord Road and Greatview Drive in New City Block 11630, of the City of San Antonio, Bexar County, Texas, and more particularly described on **Exhibit D.**

A plat of Tracts A through D appears at **Exhibit E**.

All exhibits to this instrument are incorporated into it by reference for all purposes as if fully set forth.

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of Grantee's closure of a segment of Mockingbird Road and 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.

# Remainder of Page Intentionally Left Blank

Grantors bind 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 _____ day of _____, 2009.

**McCombs Family Partners, Ltd.**, a Texas
limited partnership, by and through its
sole general partner

**McCombs Family Partners GP, L.L.C.,**
a Texas limited liability company

By:_____

Printed
Name:_____

Title:_____

Date:_____

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by _____, of McCombs Family Partners GP, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of that entity in that entity's capacity as sole general partner of McCombs Family Partners, Ltd.

Date:_____

_____
Notary Public, State of Texas

My Commission expires:_____

---

Accepted under Ordinance:_____

**Exhibit A**



FIELD NOTES

FOR

A 0.038 ACRE DEDICATION TO RIGHT-OF-WAY

A 0.038 acre, or 1,651 square feet more or less, tract of land out of Lot 92 of the Hemphill McCombs Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 11630 of the City of San Antonio, Bexar County, Texas. Said 0.038 of an acre being more fully and described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone:

COMMENCING At a set ½" iron rod with cap marked "Pape-Dawson" at the west corner of Lot 85 of the Sugar Hill Subdivision recorded in Volume 9200, Page 46 of the Deed and Plat Records of Bexar County, Texas, on the northeast right-of-way line of Greatview Drive, a 60-foot right-of-way at this point, on the southeast line of Lot 92 of the Hemphill McCombs Northside Ford Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas, from which a set ½" iron rod with cap marked "Pape-Dawson" bears S 48°32'57" E, a distance of 30.06 feet, and from there a found ½" iron rod bears S 48°10'45" E, a distance of 231.97 feet, both angles of said Lot 85 along the northeast right-of-way line of said Greatview Drive;

THENCE: S 41°14'39" W, along and with the line of said Lot 92, at a distance of 2.99 feet passing the east corner of a 0.003 acre tract surveyed concurrently, and continuing a distance of 10.61 feet to an angle of said Lot 92;

THENCE: N 48°37'02" W, along and with the line of said Lot 92, at a distance of 22.18 feet passing the west corner of said 0.003 acre tract, the east corner of a 0.001 acre tract surveyed concurrently, and continuing 9.57 feet to an angle of said Lot 92;

THENCE: S 41°22'41" W, along and with the line of said Lot 92, a distance of 7.97 feet to the west corner of said 0.001 acre tract and the POINT OF BEGINNING of the herein described tract;

THENCE: S 41°22'41" W, along and with the line of said Lot 92, and the northwest right-of-way line of Mockingbird Road, a distance of 106.91 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point on curve of a non tangent curve, the north corner of a 0.301 acre tract surveyed concurrently;



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0.038 Acres
McCombs Toyota
Job 7268-00

THENCE: Departing the line of said Mockingbird Road, and over and across said Lot 92, along the arc of a curve to the right, said curve having a radial bearing of N 85°55'07" E, a radius of 75.00 feet, a central angle of 90°55'09", a chord bearing and distance of N 41°22'41" E, 106.91 feet, for an arc distance of 119.01 feet to the POINT OF BEGINNING and containing 0.038 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: January 19, 2009
JOB No.: 7268-00
FILE: N:\CIVIL\7268-00\Word\7268-00-FN-0.038Dedication.doc

1-19-2009

STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR

**Exhibit B**

**PAPE-DAWSON ENGINEERS**

LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES

FOR

A 0.003 ACRE DEDICATION TO RIGHT-OF-WAY

A 0.003 acre, or 134 square feet more or less, tract of land out of Lot 92 of the Hemphill McCombs Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 11630 of the City of San Antonio, Bexar County, Texas. Said 0.003 of an acre being more fully and described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone:

COMMENCING At a set ½" iron rod with cap marked "Pape-Dawson" at the west corner of Lot 85 of the Sugar Hill Subdivision recorded in Volume 9200, Page 46 of the Deed and Plat Records of Bexar County, Texas, on the northeast right-of-way line of Greatview Drive, a 60-foot right-of-way at this point, on the southeast line of Lot 92 of the Hemphill McCombs Northside Ford Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas, from which a set ½" iron rod with cap marked "Pape-Dawson" bears S 48°32'57" E, a distance of 30.06 feet, and from there a found ½" iron rod bears S 48°10'45" E, a distance of 231.97 feet, both angles of said Lot 85 along the northeast right-of-way line of said Greatview Drive;

THENCE: S 41°14'39" W, along and with the line of said Lot 92, a distance of 2.99 feet to the POINT OF BEGINNING:

THENCE: S 41°14'39"W, a distance of 10.61 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", an angle of said Lot 92;

THENCE: N 48°37'02"W, along and with the line of said Lot 92, a distance of 22.18 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", a point on curve of a non-tangent curve;

THENCE: Departing said line, and over and across said Lot 92, along the arc of a curve to the right, said curve having a radial bearing of S 06°21'28" W, a radius of 75.00 feet, a central angle of 18°51'13", a chord bearing and distance of S 74°12'56" E, a distance of 24.57 feet, for an arc distance of 24.68 feet the POINT OF BEGINNING and containing 0.003 acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: January 19, 2009
JOB No.:
FILE: N:\CIVIL\7268-00\Word\7268-00-FN-0.003Dedication.doc

1-19-

STATE OF TEXAS REGISTERED JOHN NOEL NICHOLLS 4402 PROFESSIONAL LAND SURVEYOR



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555 East Ramsey San Antonio, Texas 78216 P 210.375.9000 F 210.375.9010

**Exhibit C**



FIELD NOTES

FOR

A 0.110 ACRE DEDICATION TO RIGHT-OF-WAY

A 0.110 acre, or 4,806 square feet more or less, tract of land out of Lot 24 of the O'Neill Subdivision recorded in Volume 9300, Page 51 of the Deed and Plat Records of Bexar County, Texas, that same Lot 24 conveyed to McCombs Family LLC by instrument recorded in Volume 7635, Pages 38-41 of the Official Public Records of Real Property of Bexar County, Texas, in New City Block (N.C.B.) 11625 of the City of San Antonio, Bexar County, Texas. Said 0.110 acres being more fully and described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone:

BEGINNING: at a set ½" iron rod with cap marked "Pape-Dawson" at the west corner of the herein described tract, the east corner of a 0.301 acre tract surveyed concurrently, said point being on the southeast right-of-way line of Mockingbird Road, the southeast line of that dedication to right-of-way in the aforementioned O'Neill Subdivision, from which a found ½ " iron pipe at a point of curvature to the east right-of-way line of Interstate Highway 10, a point of curvature of said Lot 24, bears S 40°28'51" W, a distance of 188.59 feet;

THENCE: N 40°28'51"E, along and with the northwest line of said Lot 24, a distance of 53.69 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of curvature;

THENCE: Along the arc of a curve to the right, said curve having a radius of 35.00 feet, a central angle of 91°20'23", a chord bearing and distance of N 86°09'03" E, a distance of 50.07 feet, for an arc distance of 55.80 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of tangency on the southwest right-of-way line of Greatview Drive;

THENCE: S 48°10'45"E, along and with the northeast line of said Lot 24, a distance of 69.38 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of cusp;

THENCE: Departing said right-of-way and over and across said Lot 24, reversing, along the arc of a curve to the left, said curve having a radius of 40.00 feet, a central angle of 77°28'24", a chord bearing and distance of N 86°54'57" W, 50.06 feet, for an arc distance of 54.09 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at a point of reverse curvature;



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THENCE: Along the arc of a curve to the right, continuing over and across said Lot 24, said curve having a radius of 75.00 feet, a central angle of 70°28'06", a chord bearing and distance of S 89°34'54" W, 86.54 feet, for an arc distance of 92.24 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the POINT OF BEGINNING and containing 0.110 Acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers.

PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: January 19, 2009
JOB No.: 7268-00
FILE: N:\CIVIL\7268-00\Word\7268-00-FN-0.110Dedication.doc

1-19-2009

STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR

**Exhibit D**



FIELD NOTES

FOR

A 0.001 ACRE QUITCLAIM TRACT – MOCKINGBIRD ROAD AT GREATVIEW DRIVE

A 0.001 acre, or 36 square feet more or less, tract of land out of the right-of-way at the intersection of Mockingbird Road at Greatview Drive in New City Block (N.C.B.) 11630 of the City of San Antonio, Bexar County, Texas. Said 0.001 acres being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone:

COMMENCING: At a point on the northeast right-of-way line of Greatview Drive, a 60-foot right-of-way at this point, a point on a southeast line of Lot 92 of the Hemphill McCombs Northside Ford Subdivision recorded in Volume 9531, Pages 14-15 of the Deed and Plat Records of Bexar County, Texas, the west corner of Lot 85 of the Sugar Hill Subdivision recorded in Volume 9200, Page 46 of the Deed and Plat Records of Bexar County, Texas

THENCE: S 41°14'39" W, along and with the southeast line of said Lot 92 a distance of 2.99 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for the east corner of a 0.003 of an acre tract surveyed concurrently;

THENCE: S 41°14'39" W, along and with the southeast line of said Lot 92, the southeast line of said 0.003 of an acre tract a distance of 10.61 feet to a point for a south corner of said Lot 92, a south corner of said 0.003 of an acre tract;

THENCE: N 48°37'02" W, along and with the southwest line of said Lot 92, the southwest line of said 0.003 of an acre tract a distance of 22.18 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for the POINT OF BEGINNING of the herein described tract, the northwest corner of the said 0.003 of an acre tract;

THENCE: Departing the southwest line of said Lot 92, the southwest line of said 0.003 of an acre tract, along the arc of a curve to the left, said curve having a radial bearing of S 06°21'28" W, a radius of 75.00 feet, a central angle of 9°31'12", a chord bearing and distance of N 88°24'08" W, 12.45 feet, for an arc distance of 12.46 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for the west corner of the herein described tract, a point on the northwest right-of-way line of Mockingbird Road, a variable width right-of-way, a point on the southeast line of said Lot 92, the east corner of a 0.038 acre tract surveyed concurrently;

THENCE: N 41°22'41"E, along and with the northwest right-of-way line of said Mockingbird Road, the southeast line of said Lot 92, a distance of 7.97 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" for a reentrant corner of said Lot 92, the north corner of the herein described tract;



SAN ANTONIO / AUSTIN
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555 East Ramsey San Antonio, Texas 78216 P 210.375.9000 F 210.375.9010

0.001 Acres
McCombs Toyota
Job 7268-00

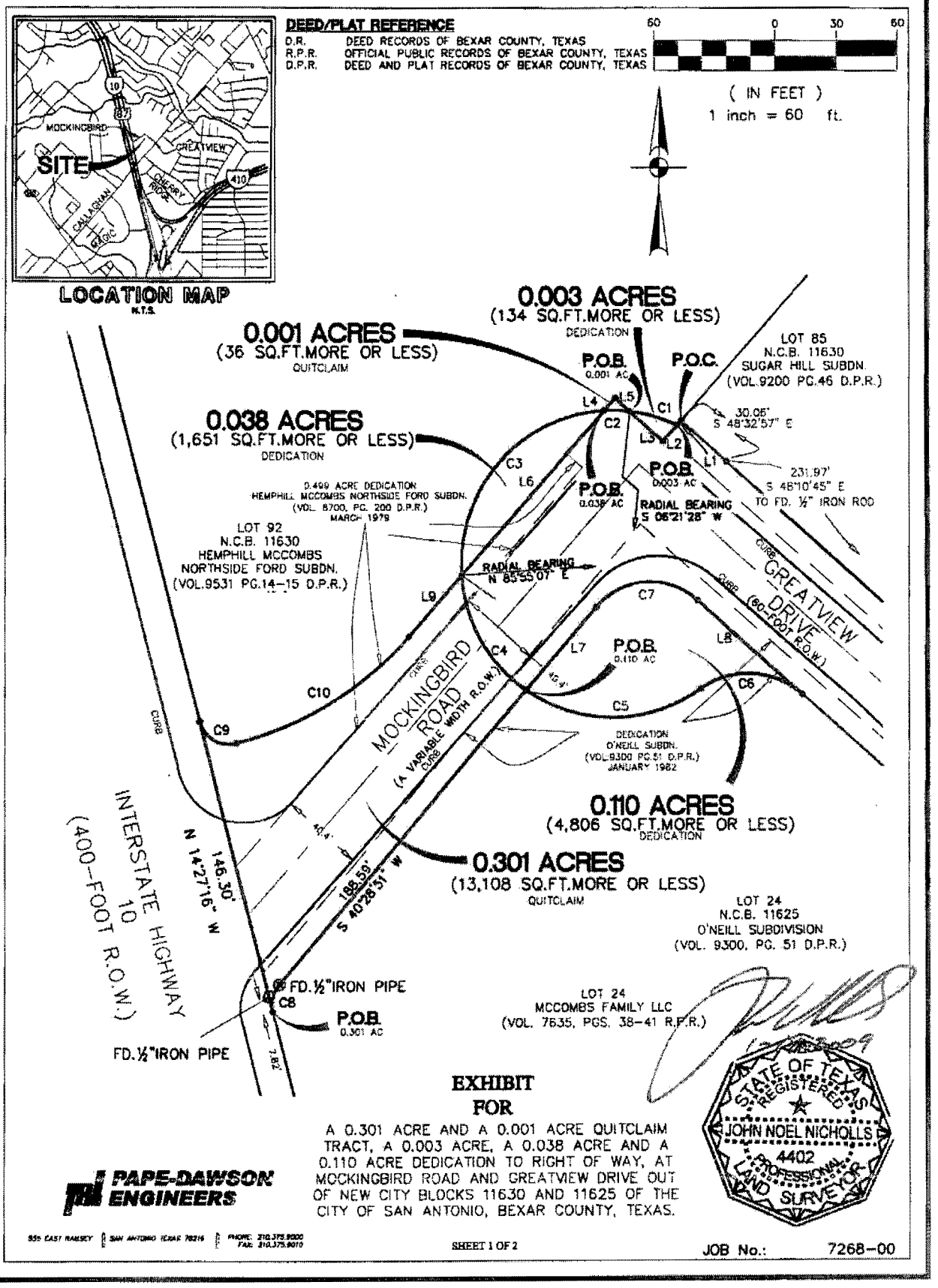
THENCE: S 48°37'02"E, along and with a southwest line of said Lot 92, a distance of 9.57 feet to the POINT OF BEGINNING and containing 0.001 ACRES in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers.

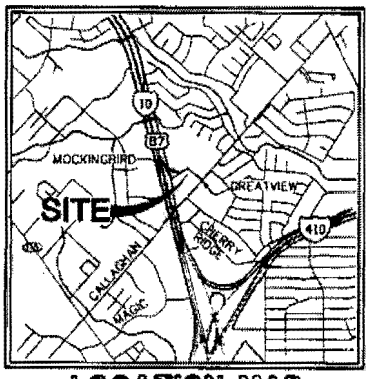
PREPARED BY: PAPE-DAWSON ENGINEERS INC.
DATE: January 19, 2009
JOB No.: 7268-00
FILE: N:\CIVIL\7268-00\Word\7268-00-FN-0.001Quitclaim.doC

1-19-2009

STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR

**Exhibit E**


DEED/PLAT REFERENCE
D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
R.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
60 0 30 60
( IN FEET )
1 inch = 60 ft.
LOCATION MAP
N.T.S.
SITE
MOCKINGBIRD
GREATVIEW
CALLAGHAN
0.003 ACRES
(134 SQ.FT.MORE OR LESS)
DEDICATION
0.001 ACRES
(36 SQ.FT.MORE OR LESS)
QUITCLAIM
0.038 ACRES
(1,651 SQ.FT.MORE OR LESS)
DEDICATION
P.O.B.
0.001 AC
P.O.C.
LOT 85
N.C.B. 11630
SUGAR HILL SUBDN.
(VOL.9200 PG.46 D.P.R.)
30.06'
S 48°32'57" E
231.97'
S 48°10'45" E
TO FD. ½" IRON ROD
P.O.B.
0.003 AC
P.O.B.
0.038 AC
RADIAL BEARING
S 06°21'28" W
0.499 ACRE DEDICATION
HEMPHILL MCCOMBS NORTHSIDE FORD SUBDN.
(VOL. 8700, PG. 200 D.P.R.)
MARCH 1979
LOT 92
N.C.B. 11630
HEMPHILL MCCOMBS
NORTHSIDE FORD SUBDN.
(VOL.9531 PG.14-15 D.P.R.)
RADIAL BEARING
N 85°55'07" E
GREATVIEW DRIVE
(80-FOOT R.O.W.)
P.O.B.
0.110 AC
MOCKINGBIRD ROAD
(A VARIABLE WIDTH R.O.W.)
DEDICATION
O'NEILL SUBDN.
(VOL.9300 PG.51 D.P.R.)
JANUARY 1982
0.110 ACRES
(4,806 SQ.FT.MORE OR LESS)
DEDICATION
0.301 ACRES
(13,108 SQ.FT.MORE OR LESS)
QUITCLAIM
LOT 24
N.C.B. 11625
O'NEILL SUBDIVISION
(VOL. 9300, PG. 51 D.P.R.)
INTERSTATE HIGHWAY 10
(400-FOOT R.O.W.)
N 14°27'16" W
146.30'
188.50'
S 40°28'31" W
FD.½"IRON PIPE
P.O.B.
0.301 AC
FD.½"IRON PIPE
LOT 24
MCCOMBS FAMILY LLC
(VOL. 7635, PGS. 38-41 R.P.R.)
STATE OF TEXAS
REGISTERED
JOHN NOEL NICHOLLS
4402
PROFESSIONAL
LAND SURVEYOR
PAPE-DAWSON ENGINEERS
EXHIBIT
FOR
A 0.301 ACRE AND A 0.001 ACRE QUITCLAIM TRACT, A 0.003 ACRE, A 0.038 ACRE AND A 0.110 ACRE DEDICATION TO RIGHT OF WAY, AT MOCKINGBIRD ROAD AND GREATVIEW DRIVE OUT OF NEW CITY BLOCKS 11630 AND 11625 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.
SHEET 1 OF 2
JOB No.: 7268-00
Date: Jan 19, 2009, 3:17pm User ID: BWalker
File: N:\DWL\7268-00\BS-7268-00-B.dwg




**LOCATION MAP**
N.T.S.

**DEED/PLAT REFERENCE**

D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
R.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

60 0 30 60

( IN FEET )
1 inch = 60 ft.

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | S 41°14'39" W | 2.99' |
| L2 | S 41°14'39" W | 10.61' |
| L3 | N 48°37'02" W | 22.18' |
| L4 | N 41°22'41" E | 7.97' |
| L4A | S 41°22'41" W | 7.97' |
| L5 | S 48°37'02" E | 9.57' |
| L5A | N 48°37'02" W | 9.57' |
| L6 | S 41°22'41" W | 106.91' |
| L7 | N 40°28'51" E | 53.69' |
| L8 | S 48°10'45" E | 69.38' |
| L9 | N 41°22'41" E | 39.93' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | RADIUS | DELTA | CHORD BEARING | CHORD | LENGTH |
| C1 | 75.00' | 18°51'13" | S74°12'56"E | 24.57' | 24.68' |
| C2 | 75.00' | 9°31'12" | N88°24'08"W | 12.45' | 12.46' |
| C3 | 75.00' | 90°55'09" | N41°22'41"E | 106.91' | 119.01' |
| C4 | 75.00' | 51°06'10" | S29°37'58"E | 64.70' | 66.89' |
| C5 | 75.00' | 70°28'06" | S89°34'54"W | 86.54' | 92.24' |
| C6 | 40.00' | 77°28'24" | N86°54'57"W | 50.06' | 54.09' |
| C7 | 35.00' | 91°20'23" | N86°09'03"E | 50.07' | 55.80' |
| C8 | 15.00' | 54°56'07" | S13°00'48"W | 13.84' | 14.38' |
| C9 | 15.00' | 89°53'32" | S59°24'02"E | 21.19' | 23.53' |
| C10 | 170.00' | 34°16'30" | N58°30'57"E | 100.19' | 101.70' |

# EXHIBIT
# FOR

A 0.301 ACRE AND A 0.001 ACRE QUITCLAIM TRACT, A 0.003 ACRE, A 0.038 ACRE AND A 0.110 ACRE DEDICATION TO RIGHT OF WAY, AT MOCKINGBIRD ROAD AND GREATVIEW DRIVE OUT OF NEW CITY BLOCKS 11630 AND 11625 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

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PAPE-DAWSON ENGINEERS
555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.8010



JOB No.: 7268-00

Date: Jan 19, 2009, 3:17pm User ID: BWalker
File: N:\CIVIL\7268-00\85-7268-00-B.dwg

**Attachment D**

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**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 Alley Dedication

---

| | |
|---|---|
| **Grantor:** | McCombs Family Partners, Ltd. |
| **Grantor's Address:** | 755 E. Mulberry, Suite 600, San Antonio, Texas 78212 (Bexar County) |
| **Grantee:** | City of San Antonio |
| **Grantee's Address:** | P.O. Box 839966, San Antonio, Texas 78283-3966 (Bexar County) |
| **Purpose of Easement:** | Alley purposes, allowing Grantee and the public all rights incident to public alleys. This instrument burdens the Subject Property to the same extent as if it were a platted alley. |
| **Subject Property:** | A 20-foot strip consisting of 0.278 acre tract, more or less, out of Lot 24, NCB 11625, O'Neill Subdivision, Volume 9300, Page 51, Deed and Plat Records of Bexar County, Texas and more particularly described on **Exhibit A**, which is incorporated into this instrument by reference for all purposes as if fully set forth. |

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of Grantee's closure of a segment of Mockingbird Road and 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.

Grantors bind 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 _____ day of _____, 2009.

**McCombs Family Partners, Ltd.**, a Texas
limited partnership, by and through its
sole general partner

**McCombs Family Partners GP, L.L.C.,**
a Texas limited liability company

By:_____

Printed
Name:_____

Title:_____

Date:_____

State of Texas §
County of Bexar §

This instrument was acknowledged before me this date by _____, of McCombs Family Partners GP, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of that entity in that entity's capacity as sole general partner of McCombs Family Partners, Ltd.

Date:_____

_____
Notary Public, State of Texas
My Commission expires:_____

Accepted under Ordinance:_____

**Exhibit A**

Metes and Bounds Description
For a
0.2708 Acre Tract
( 20 ft. Ingress & Egress Easement )

Being 0.2708 Acres (11,799 sq. ft.) of land out of Lot 24, N.C.B. 11625, O'Neill Subdivision, recorded in Volume 9300, Page 51 of the Deed and Plat Records of Bexar County, Texas and this 0.2708 Acre Tract of land being more particularly described as follows:

Beginning at a point on the east right of way line of I.H. 10 West, for the southwest corner of the herein described tract, and the Point of Beginning bears N. 14° 11'50" W., 27.73 feet from the southwest corner of said Lot 24, N.C.B. 11625;

THENCE: N. 14° 11'50" W., 24.66 feet along the east right of way of I.H. 10 West, to a point for the northwest corner of the herein described tract;

THENCE: leaving the east right of way line of I.H. 10 West, across said Lot 24, N.C.B. 11625 and along the north line of this easement, the following:

N. 76° 12'47" E., 37.28 feet, to a point for an interior corner;
N. 41° 29'23" E., 166.62 feet, to a point for an interior corner;
N. 19° 55'10" E., 32.26 feet, to a point for an exterior corner;
N. 41° 29'23" E., 343.26 feet, to a point on the west right of way line of Greatview Drive, for the northeast corner of the herein described tract;

THENCE: S. 48° 37'33" E., 20.00 feet along the west right of way line of Greatview Drive, to a point for the southeast corner of the herein described tract;

THENCE: leaving the west right of way line of Greatview Drive, across said Lot 24, N.C.B. 11625 and along the south line of this easement, the following:

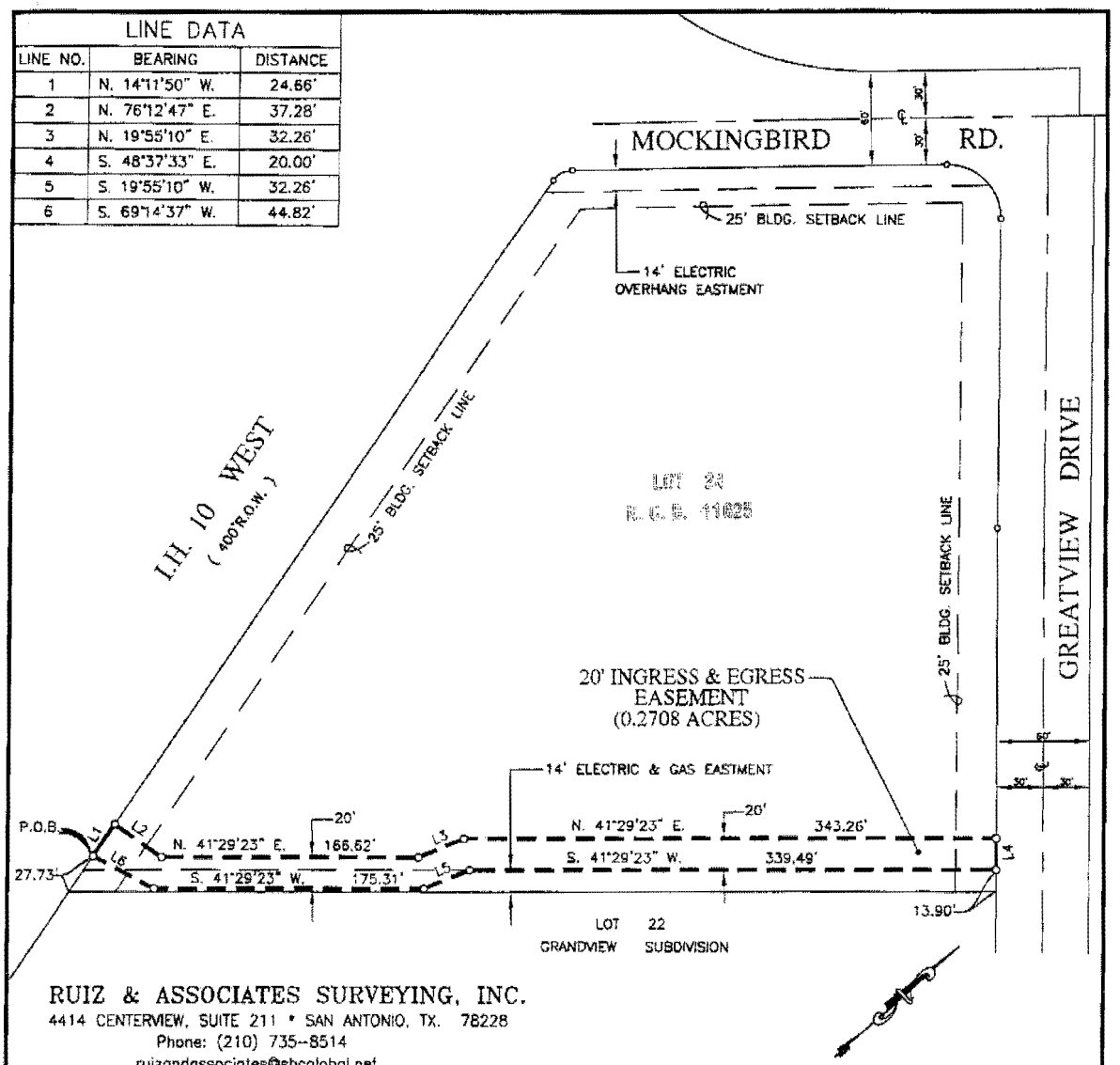
S. 41° 29'23" W., 339.49 feet, to a point for an interior corner;
S. 19° 55'10" W., 32.26 feet, to a point for an exterior corner;
S. 41° 29'23" W., 175.31 feet, to a point for an exterior corner;
S. 69° 14'37" W., 44.82 feet, to the Point of Beginning and containing 0.2708 Acres of land (11,799 sq. ft.) more or less.

STATE OF TEXAS
REGISTERED
RAMON M. RUIZ
3976
PROFESSIONAL
LAND SURVEYOR

Surveyed on the ground under my supervision
On this the 30th. Day of October, 2008 A.D.

Ramon M. Ruiz, RPLS #3976

| LINE DATA | | |
|---|---|---|
| LINE NO. | BEARING | DISTANCE |
| 1 | N. 14°11'50" W. | 24.66' |
| 2 | N. 76°12'47" E. | 37.28' |
| 3 | N. 19°55'10" E. | 32.26' |
| 4 | S. 48°37'33" E. | 20.00' |
| 5 | S. 19°55'10" W. | 32.26' |
| 6 | S. 69°14'37" W. | 44.82' |





RUIZ & ASSOCIATES SURVEYING, INC.
4414 CENTERVIEW, SUITE 211 • SAN ANTONIO, TX. 78228
Phone: (210) 735-8514
ruizandassociates@sbcglobal.net


SCALE: 1"= 100'

# PLAT SHOWING

## (20' INGRESS & EGRESS EASMENT)

Being 0.2708 Acres (11,799 sq. ft.) of land out of Lot 24, N.C.B. 11625, O'Neill Subdivision, recorded in Volume 9300, Page 51, of the Deed and Plat Records of Bexar County, Texas.

STATE OF TEXAS
COUNTY OF BEXAR:

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

STATE OF TEXAS REGISTERED RAMON M. RUIZ 3976 PROFESSIONAL LAND SURVEYOR

SURVEYED ON THIS THE 31TH DAY OF OCTOBER, 2008 A.D.

Ramon M. Ruiz, RPLS #3976

RAS NO. 2008-065

ITEM #6 3/5/09
REVISED ATTACHMENT

# City of San Antonio
## Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)*
*Attach additional sheets if space provided is not sufficient*

(1) Identify any individual or business entity[1] that is a **party** to the discretionary contract:

McCombs Family, Ltd.

(2) Identify any individual or business entity which is a ***partner***, ***parent*** or ***subsidiary*** business entity, of any individual or business entity identified above in Box (1):

☐ **No partner, parent or subsidiary; *or***

**List partner, parent or subsidiary of each party to the contract and identify the corresponding party:**

Lynda G. McCombs
Marsha M. Shields
Connie M. McNab

(3) Identify any individual or business entity that would be a ***subcontractor*** on the discretionary contract.

☒ **No subcontractor(s); *or***

**List subcontractors:**

(4) Identify any ***lobbyist*** or ***public relations firm*** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ **No lobbyist or public relations firm employed; *or***

**List lobbyists or public relations firms:**

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CITY CLERK
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[1] A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

**(5) Political Contributions**

List all political contributions totaling one hundred dollars ($100) or more within the past twenty-four (24) months made to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☐ **No contributions made; If contributions made, list below:**

| By Whom Made: | To Whom Made: | Amount: | Date of Contribution: |
|---|---|---|---|
| The partners of McCombs Family, Ltd. made no contributions. The schedule attached lists the contributions made by their father, B. J. McCombs and their mother, Charline H. McCombs. | | | |

**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question[2] as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ **Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or**

**Party aware of the following facts:**

**This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.**

| Signature: | Title: President<br>Company or D/B/A: McCombs Family Ltd | Date: 10 Feb 09 |
|---|---|---|
| Gary V. Woody | | |

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CITY CLERK
2009 MAR -4 AM 10:

[2] For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

B. J. McCombs
Contributions

| To Whom Made | Amount | Date |
|---|---|---|
| Sheila McNeil | $500 | 3/07 |
| Mary Alice Cisneros | $250 | 4/07 |
| Diane Cibrian | $500 | 5/07 |
| Phil Cortez | $150 | 10/07 |
| Justin Rodriguez | $250 | 10/07 |
| Sheila McNeil | $500 | 3/08 |
| Diane Cibrian | $500 | 5/08 |
| Louis Rowe | $500 | 6/08 |
| Mary Alice Cisneros | $500 | 7/08 |
| Diane Cibrian for Mayor | $1,000 | 12/08 |
| Elisa Chan | $500 | 1/09 |

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CITY CLERK
2009 MAR -4 AM 10:43

Charline H. McCombs
Contributions

| To Whom Made | Amount | Date |
|---|---|---|
| Sheila McNeil | $500 | 3/08 |
| Mary Alice Cisneros | $500 | 7/08 |
| Diane Cibrian | $1,000 | 12/08 |

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2009 MAR -4 AM 10:43

# Request to close, vacate and abandon an improved portion of Mockingbird Lane

**Agenda Item 6:**
**March 5, 2009**

## City Council Item

- McCombs Family, LTD. (Petitioner) is requesting the closure, vacation and abandonment of an improved portion of Mockingbird Lane Public Right of Way in City Council District No. 8.
- This right of way is located between Interstate Highway 10 West and Greatview Drive.

2

# Background

Purpose:

- Petitioner owns all of the abutting property to the proposed closure.
- Petitioner indicated proposed closure would eliminate a hazardous cut-through to the IH10 access road currently utilized to avoid intersection at IH10 and Callaghan Road.

3

# Background (cont.)

Purpose:

- Petitioner requested proposed closure to allow safe access for its employees and customers who frequently access both of its properties for business.
- If approved, petitioner plans to incorporate proposed closure with abutting property, dedicate and construct a cul-de-sac with sufficient area provided for emergency vehicles to turn around to allow continued use of Greatview Dr as a public street.

4

# Background (cont.)

Purpose:

- In addition, petitioner agrees to dedicate a 20 foot-wide easement to City for a public alley.

Opposition:

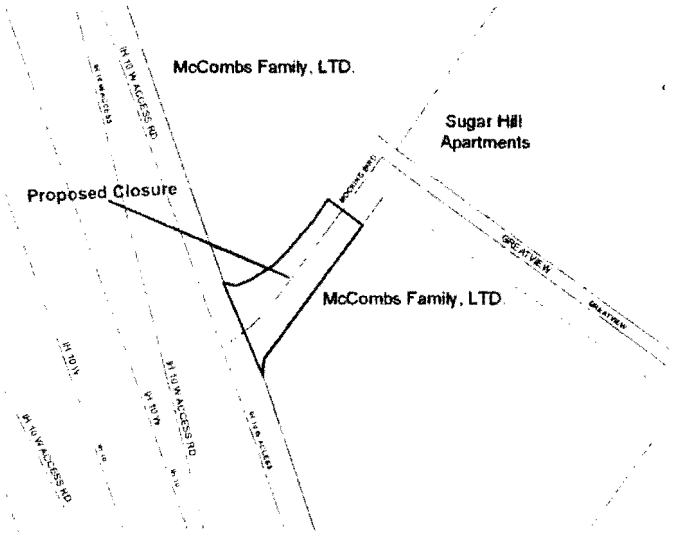
- Opposition received from Vance Jackson Neighborhood Incorporated Home Owners Association and the Sugar Hill Management Company, which manages nearby apartments.

5

# Site Map of Proposed Closure

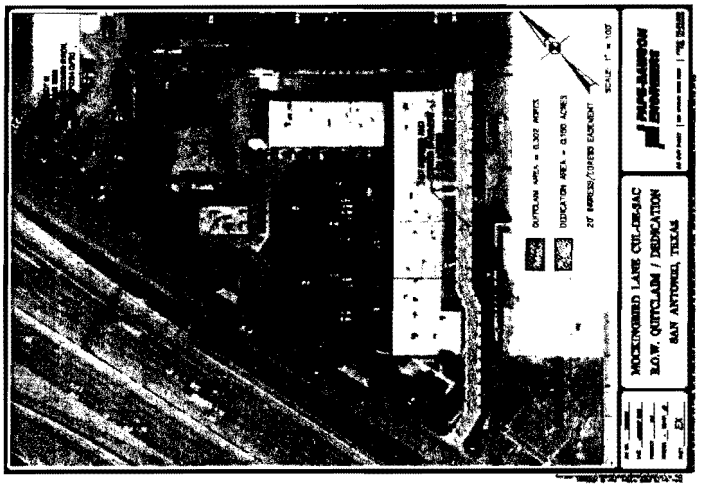
6

# Map of Proposed Closure




7

# Proposed Closure & Dedications




8

## Background (cont.)

Coordination:

- Project has been canvassed through all interested City Departments, VIA and Utility Agencies
- Project received conditional approval from City Departments and Utility Agencies
- Petitioner has agreed to comply with all conditions
- 2 Public Meetings organized by District 8

9

## Background (cont.)

Notification:

- Signs were posted informing public of proposed closure.
- Notices mailed to property owners within 500 foot radius of proposed closure to inform of upcoming Planning Commission and City Council Meetings.

10

## Fiscal Impact

- City will collect a fee of $118,090 for this closure, vacation and abandonment of this right of way.

11

## Issues & Recommendation

Policy Analysis:

- This action is consistent with City Code and Ordinances relative to closing Public Rights of Way.

Supplemental Comments:

- Planning Commission recommended approval of this request at its February 25, 2009 meeting.

Recommendation:

- Staff recommends approval

12