

AN ORDINANCE 2012-09-06-0672

CLOSING, VACATING, AND ABANDONING A 12 FOOT-WIDE ALLEY PUBLIC RIGHT OF WAY CONSISTING OF 0.004 OF AN ACRE LOCATED BETWEEN KEY AND LOUISE STREET WITHIN THE PROPERTY LOCATED AT 1414 FREDERICKSBURG ROAD ADJACENT TO NCB 2742 IN COUNCIL DISTRICT 1, AS REQUESTED BY THE ESTATE OF MARGARETHE S. METZER, KENNETH A. WISE, INDEPENDENT EXECUTOR AND RAMON T. CARDENAS FOR A FEE OF \$4,100.

* * * * *

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 an alley described generally as extending southeastward from the southeast right-of-way line of Key Street to a dead end.

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 properties abutting the Right-of-Way Segment are:

| <i>Address:</i> | <i>Description:</i> | <i>Owner Listed by Bexar Appraisal District:</i> |
|--------------------------|---|--|
| 1420 Fredericksburg Road | Lot 1, Block 48, NCB 2742 | Ramon T. Cardenas |
| 1414 Fredericksburg Road | Lots 2 through 10 and P-100 , Block 48, NCB 2742 | Maria Margarethe Metzger |

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 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 5. 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 6. 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 7. Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

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 6th day of September 2012.



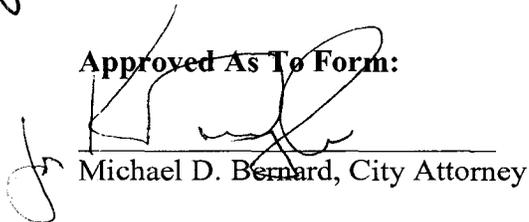
M A Y O R
Julián Castro

for

Attest:


Leticia M. Vacek, City Clerk

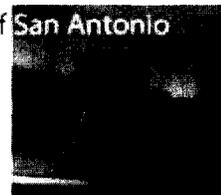
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 11

| Name: | 11 | | | | | | |
|---------------------|--|-------------|-----|-----|---------|--------|--------|
| Date: | 09/06/2012 | | | | | | |
| Time: | 10:05:45 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | An Ordinance authorizing the closure, vacation and abandonment of a 12 foot-wide alley Public Right of Way consisting of 0.004 of an acre located between Key and Louise Street within the property located at 1414 Fredericksburg Road adjacent to NCB 2742 in Council District 1, as requested by the Estate of Margarethe S. Metzger, Kenneth A. Wise, Independent Executor and Ramon T. Cardenas for a fee of \$4,100.00. [Peter Zaroni, 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



Map of Subject Property



Attachment II

0.04 ACRE (1802 SQUARE FOOT) TRACT OF LAND CONSISTING OF A PORTION OF A 12 FOOT ALLEY ADJACENT TO LOTS 1, 2, 3 AND 9, BLOCK 48, NEW CITY BLOCK 2742, CITY OF SAN ANTONIO, KEYSTONE PARK ADDITION, AS RECORDED IN VOLUME 105, PAGE 156, DEED AND PLAT RECORDS OF BEXAR COUNTY TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found ½" iron pin at the north corner of Lot 1 and the southeast right-of-way of way of Key Street;

THENCE: along the southeast right-of-way of Key Street, N 49°20'38" E, a distance of 12.00 feet to a point at the west corner of Lot 9, for the north corner of this tract;

THENCE: departing the southeast right-of-way of Key Street, S 40°30'22" E, a distance of 150.17 feet to a point at the south corner of Lot 9, for the east corner of this tract;

THENCE: S 49°25'01" W, a distance of 12.00 feet to a point at the east corner of Lot 3, for the south corner of this tract;

THENCE: N 40°30'22" W, a distance of 150.16 feet to the POINT OF BEGINNING and containing 0.04 acres (1802 square feet) of land.



Armando A. Aranda
Registered Public Land Surveyor No. 1398

2858
Revised June 29, 2012
June 22, 2012
AAA/amg



An ordinance authorizing the closure, vacation, and abandonment of a 12-foot wide alley Public Right of Way In the Cool Crest Miniature Golf Course

Agenda Item # 11

Mike Etienne, PhD
Assistant Director – CIMS

Background

- The Estate of Margaret S. Metzger is requesting that the City to close, vacate and abandon a 12-foot wide paper alley in the Cool Crest Miniature Golf Course in Council District 1 for a fee of \$4,100
- The proposed alley closure consists of 1,802 square feet or 0.004 of an acre
- Closing this paper alley will enable the petitioner to clear title and sell the golf course to Dr. James Andry

Map of Proposed Closure



- The alley is not visible. It is located between Key & Louise Streets within the presently closed Cool Crest Miniature Golf Course at 1414 Fredericksburg Road

Aerial Map of Proposed Closure



Cool Crest Miniature Golf Course



- Opened in 1937
- 18-hole miniature golf course in the near Westside
- Owner – The Estate of Margaret Metzger
- Art Deco design
- Property designated historic
- Closed 2007
- The new owner intends to renovate and re-open the miniature golf course

Coordination

- All abutting property owners have consented to the closure and there is no public travel on the alley
- Project was canvassed through all interested City Departments and Utility Agencies and received approval
- The 1,802 sq. foot alley was appraised and valued at \$5,400, however, 25% of the fee will be waived because it is located in the ICRIP
- \$4,100 will be deposited in the City's General Fund

Recommendations

- This action is consistent with City Code and Ordinances relative to closing Public Rights of Way
- Planning Commission recommended approval at its regular meeting on August 22, 2012
- Staff recommends approval of this request to close, vacate and abandon this 12 foot-wide paper alley