

AN ORDINANCE 2013 - 09 - 05 - 0587

CLOSING, VACATING, AND ABANDONING AN UNIMPROVED PORTION OF EAGLELAND STREET CONSISTING OF 0.017 OF AN ACRE LOCATED AT THE NORTHWEST CORNER OF EAGLELAND AND E. GUENTHER STREETS, ADJACENT TO NCB 2917 IN COUNCIL DISTRICT 5.

* * * * *

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.

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>
841 E. Guenther Street	The east irregular 67 feet of the south 43.43 feet of Lot 11, Block 6, NCB 2917	Michael R. and Jo Ann Gonzalez

Remaining right-of-way of Eagleland Drive

Guenther Drive right-of-way

San Antonio River

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. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

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 5th day of September 2013.

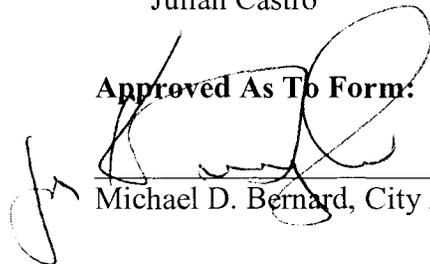
M A Y O R

Julián Castro

Attest:

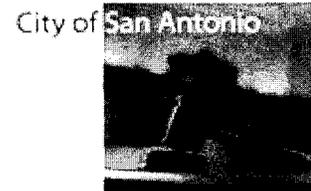

Leticia M. Vacek, City Clerk

Approved As To Form:


Michael D. Bernard, City Attorney



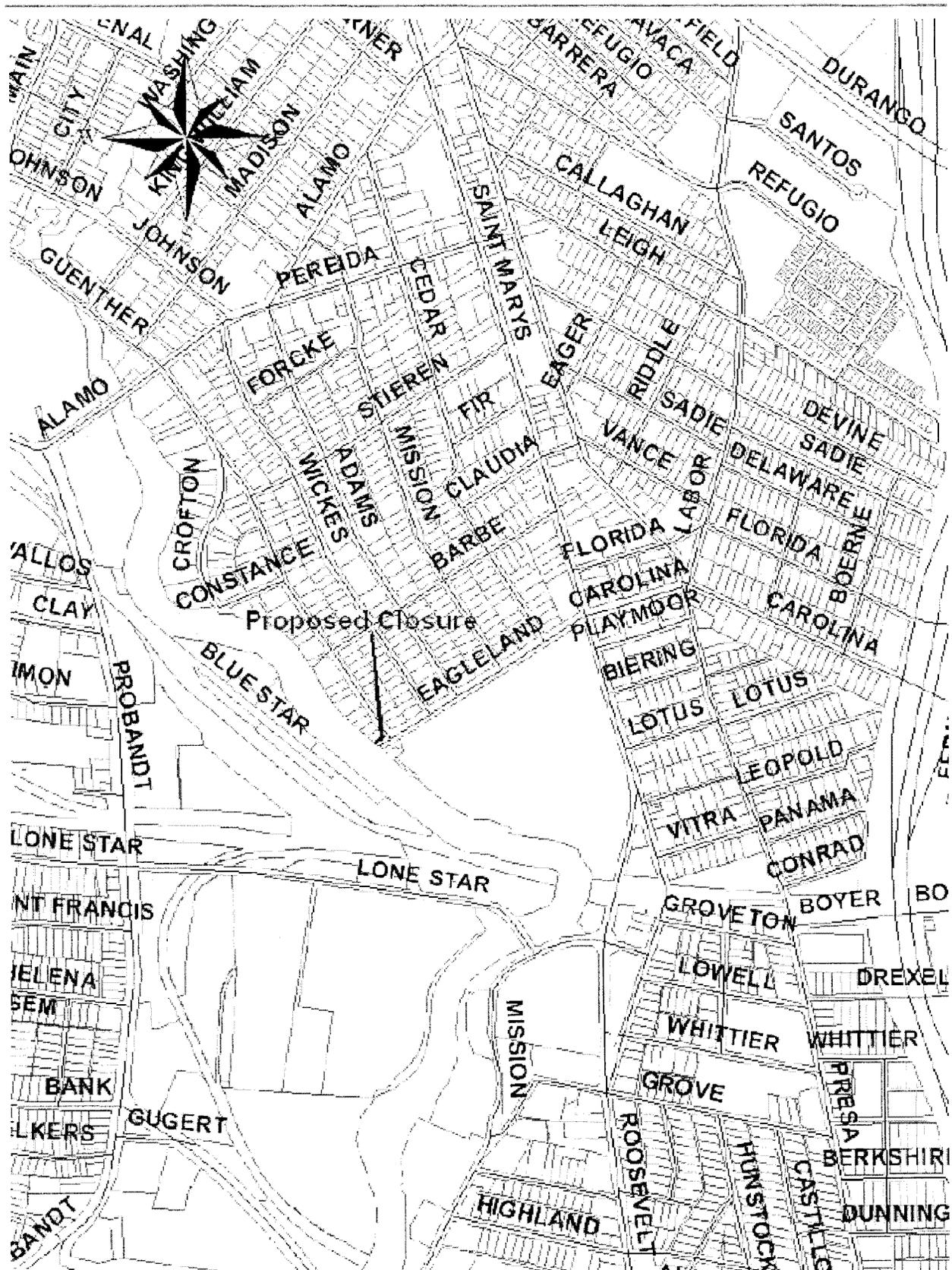
Request for
COUNCIL
 ACTION

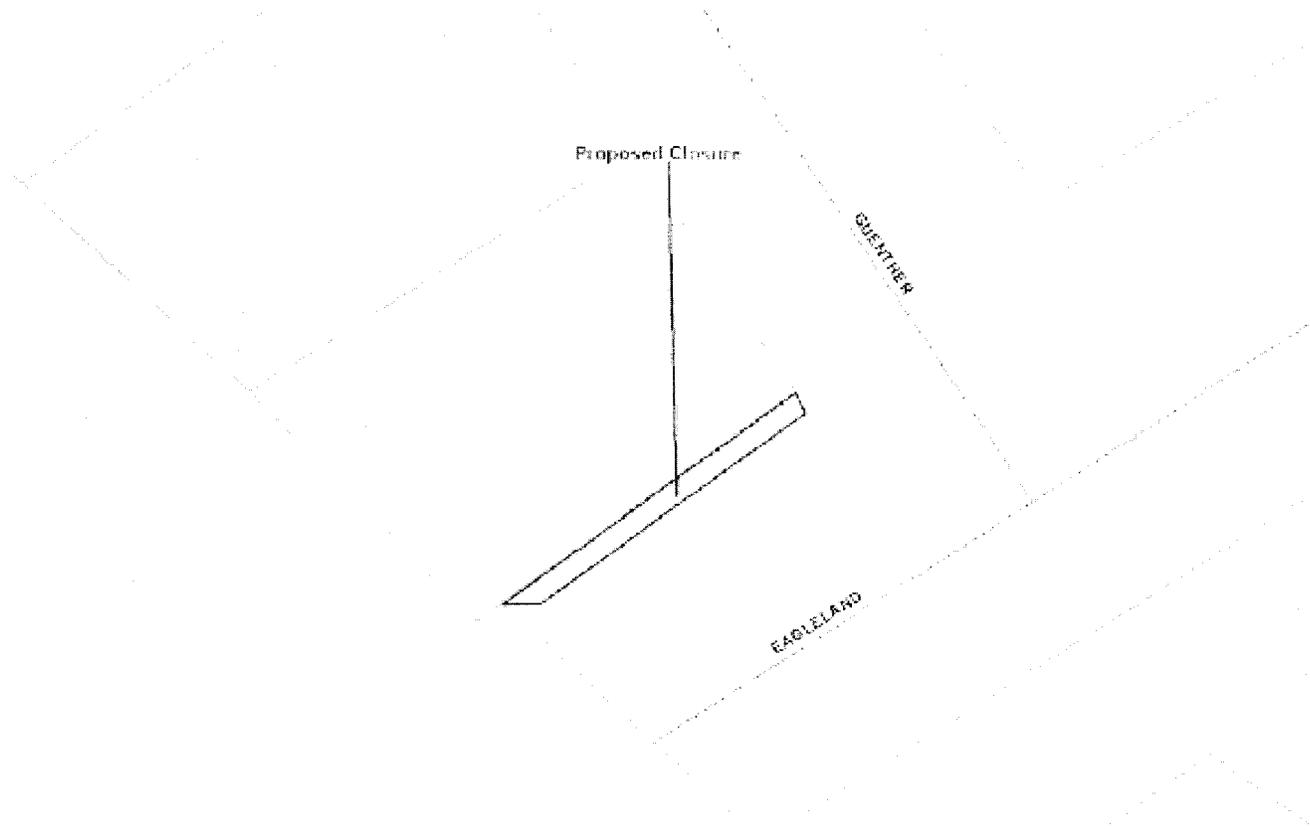


Agenda Voting Results - 13

Name:	5A, 5B, 8, 9, 10, 11, 12, 13, 14A, 14B, 14C, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 16, 17, 18, 19, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 21, 22, 23, 24, 25, 26A, 26B, 27A, 27B, 28A, 28B, 28C						
Date:	09/05/2013						
Time:	04:12:36 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of an unimproved portion of Eagleland Street Public Right of Way consisting of 0.017 of an acre located at the northwest corner of Eagleland and E. Guenther Streets adjacent to NCB 2917 in Council District 5. [Peter Zaroni, Deputy 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				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				x
Ron Nirenberg	District 8		x				
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

Attachment I





Map of Subject Property



Aerial Photograph of Subject Property

Attachment II

0.017 ACRE (726 SQUARE FEET) TRACT OF LAND BEING OUT OF THE EAGLELAND STREET RIGHT-OF-WAY AND ADJACENT TO LOT 11, BLOCK 6, NEW CITY BLOCK 2917, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING SAME TRACT RECORDED IN VOLUME 12804, PAGE 1288, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: at a found 1/2" iron pin at the northeast corner of Lot 11, also being the intersection of the southwest right-of-way of E. Guenther and the northwest right-of-way of Eagleland Street;

THENCE: S 54°10'05" E, a distance of 11.83 feet to a point, for the east corner of this tract;

THENCE: S 58°04'11" W, a distance of 55.28 feet to a point, for the south corner of this tract;

THENCE: N 76°56'11" W, a distance of 16.94 feet to a found 3/8" iron pin, at the southeast corner of Lot 11 for the west corner of this tract;

THENCE: N 58°12'07" E, a distance of 66.80 feet to the POINT OF BEGINNING and containing 0.017 acres (726 square feet) of land.



Armando A. Aranda
Registered Public Land Surveyor No. 1398



1625
Revised August 4, 2011
Revised April 22, 2010
Revised December 23, 2009
May 4, 2009
AAA/ang

