

AN ORDINANCE 2010-12-16-1084

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN IMPROVED PORTION OF EAST THEO AVENUE PUBLIC RIGHT OF WAY, LOCATED EAST OF THE SAN ANTONIO RIVER IN CONCEPCION PARK ADJACENT TO NCB 20A IN COUNCIL DISTRICT 3, AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT.**

\* \* \* \* \*

**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.

**SECTION 2.** A picture of the subject right of way is set forth at **Attachment I**. The detailed description of the right-of-way subject to this ordinance 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.** 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. Neither does this ordinance give up any right arising other than from the plat or other document creating the street or alley.

**SECTION 4.** 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 5.** 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 6.** There is no fiscal impact from this item. Maintenance of the newly constructed portion of East Theo Avenue will be included as a part of the City's street maintenance program.

**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific

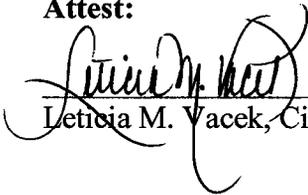
Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 8.** 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.

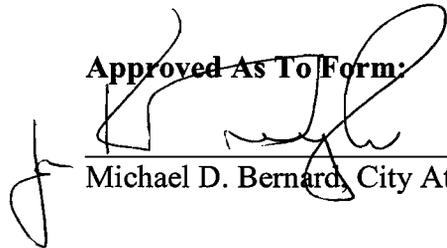
**PASSED AND APPROVED** this 16<sup>th</sup> day of December 2010.

  
**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**

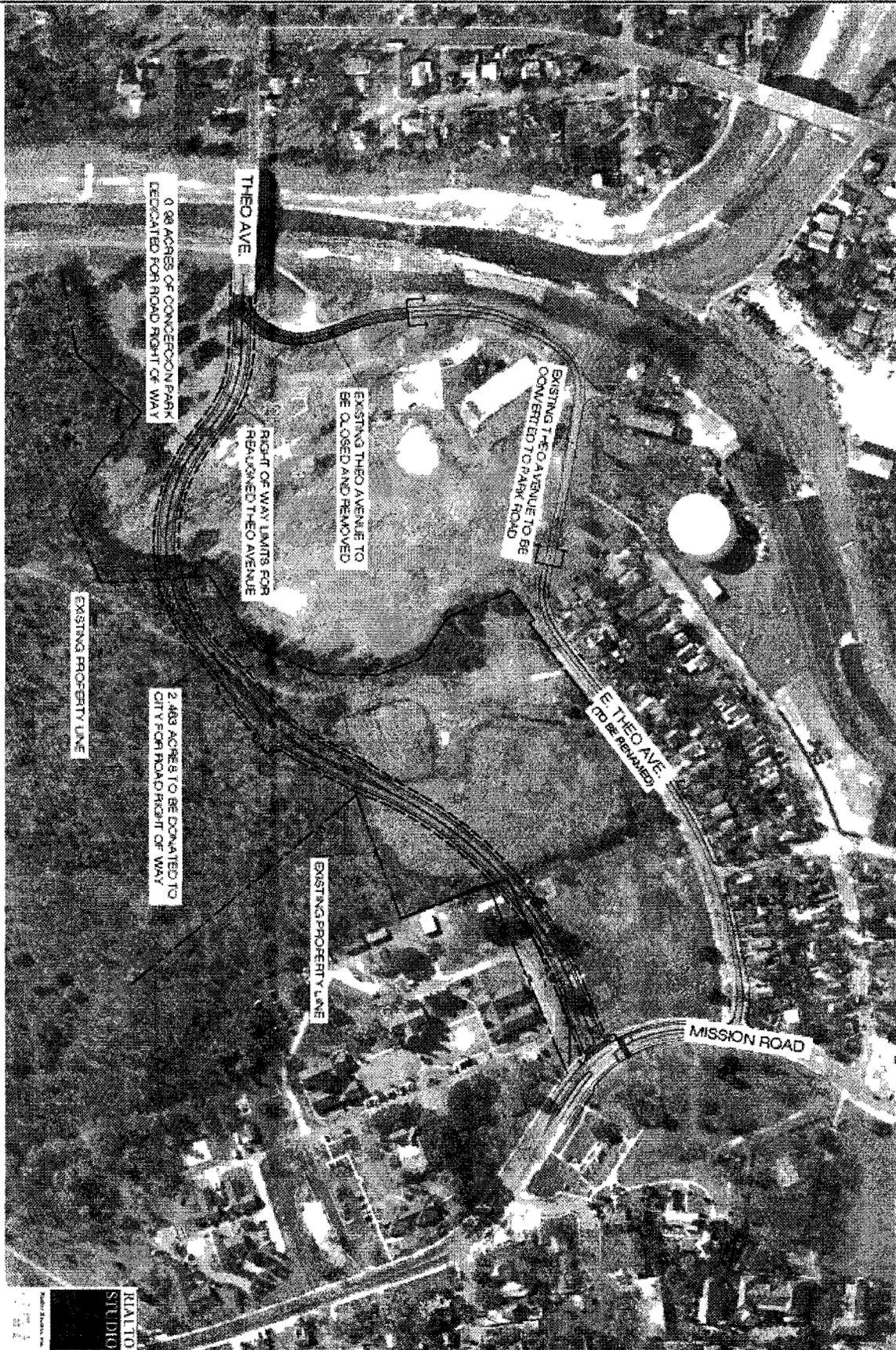
City of San Antonio



## Agenda Voting Results - 28A

<b>Name:</b>	28A, 28B						
<b>Date:</b>	12/16/2010						
<b>Time:</b>	03:00:25 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation, and abandonment of an improved portion of East Theo Avenue Public Right of Way, located east of the San Antonio River in Concepcion Park adjacent to NCB 20A in Council District 3, as requested by the Parks and Recreation Department.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

# Attachment I



## Attachment II

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### Tract 1

From Conception Park To City of San Antonio

Project Name:  
Theo Avenue Realignment

THE STATE OF TEXAS:  
COUNTY OF BEXAR:

### FIELD NOTES FOR 0.403 OF AN ACRE (17,539 SQ.FT)

**BEING 0.403 OF AN ACRE (17,539 SQ. FT.) OF LAND, OUT OF A 20 ACRE PORTION OF LAND, N.C.B. A-20, CONVEYED TO THE CITY WATER BOARD, ST. LOUIS UNION TRUST COMPANY OF SAN ANTONIO, RECORDED IN VOLUME 828, PAGE 65, OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

Beginning at a set iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", said point being the southwest corner of said 0.403 of an acre tract and along the existing west line of Theo Avenue, said point being the southeast corner of a 0.956 of an acre tract of land, N.C.B. A-20, surveyed by Eugene C. Beene, R.P.L.S. 3925, on September 4<sup>th</sup>, 2007 and the west line of said 20 acre portion of land, said point also being along the proposed north line of Theo Avenue, as shown in unrecorded plat No. 100321, and said point being S. 88°18'31" E., 53.05 feet from the southwest corner of said 0.956 of an acre tract of land;

Thence an arc length of 174.92 feet, along the east line of said 0.956 of an acre tract, with the existing west line of Theo Avenue, along said curve to the left, having a radius of 141.92 feet, a tangent of 100.52 feet, a delta angle of 70°37'07" and a chord bearing and distance of N. 14°48'17" E., 164.06 feet, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N. 20°30'16" W., 130.08 feet, continuing along the west line of said 0.956 of an acre tract, with the existing west line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR";

Thence N. 05°25'01" W., 66.66 feet, continuing along the west line of said 0.956 of an acre tract, with the existing west line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", for the northwest corner of said 0.403 of an acre tract;

Thence S. 55°25'24" E., 36.39 feet, leaving the west line of said 0.956 of an acre tract, and the existing west line of Theo Avenue, crossing said Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR";

Thence S. 67°38'28" E., 25.00 feet, continuing across said Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", said point being in the existing east line of Theo Avenue and the northeast corner of said 0.403 of an acre tract;

Thence S. 05°25'01" E., 25.00 feet, continuing along the existing east line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR";

**Tract I**  
**From Conception Park To City of San Antonio**

**Project Name:**  
**Theo Avenue Realignment**

Thence S. 20°30'16" E., 123.46 feet, continuing along the existing east line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", said point being the PC of a curve;

Thence an arc length of 186.85 feet, continuing with the existing east line of Theo Avenue, along said curve to the right, having a radius of 191.92 feet, a tangent of 101.58 feet, a delta angle of 55°46'51" and a chord bearing and distance of S. 07°23'09" W., 179.55 feet, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", a non tangent point of the curve, and said point being along the said proposed north line of Theo Avenue;

Thence N. 88°18'31" W., 65.70 feet, leaving the existing east line of Theo Avenue, and continuing along said proposed north line of Theo Avenue, to the place of beginning containing 0.403 (17,539 Sq. Ft.) of an acre of land more or less.

Bearings based on NAD 83(93), Texas South Central Zone.

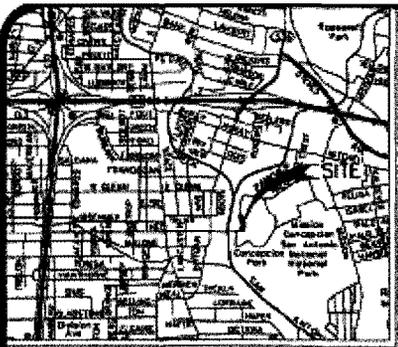
All distances are grid.

This property description is accompanied by a separate plat of even date.

Surveyed on the ground the 17<sup>th</sup> day of November, 2010.

  
E. F. Burkhart, RPLS 1706  
Job # S-5309



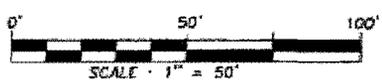


LOCATION MAP (N.T.S.)

LINE	BEARING	LENGTH
L1	S58°25'24"E	36.39'
L2	S67°38'28"E	25.00'
L3	S05°25'01"E	25.00'

CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD DISTANCE
C1	174.92'	141.92'	100.52'	170°37'07"	N14°48'17"W	164.06'
C2	186.85'	101.92'	101.58'	55°46'51"	S07°23'09"W	179.55'

SAN ANTONIO RIVER



**LEGEND**

- PROPOSED R.O.W.
- EXISTING LOT LINE
- TRACT 1 LINE
- - 5/8" 1/2" IRON ROD WITH ORANGE CAP STAMPED "BAIN MEDINA BAIN INC."

A METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS SURVEY PLAT. D.P.R.B.C.T. ~ DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

**BEARING SOURCE:**  
 NAD 83(93) TEXAS STATE PLANE COORDINATES  
 SOUTH CENTRAL ZONE, ALL DISTANCES ARE GRID.

**SURVEY PLAT SHOWING:**  
 BEING 0.403 OF AN ACRE (17,539 SQ. FT.) OF LAND, OUT OF A 20 ACRE PORTION OF LAND, N.C.B. A-20, CONVEYED TO THE CITY WATER BOARD, ST. LOUIS UNION TRUST COMPANY OF SAN ANTONIO, RECORDED IN VOLUME 828, PAGE 65, OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

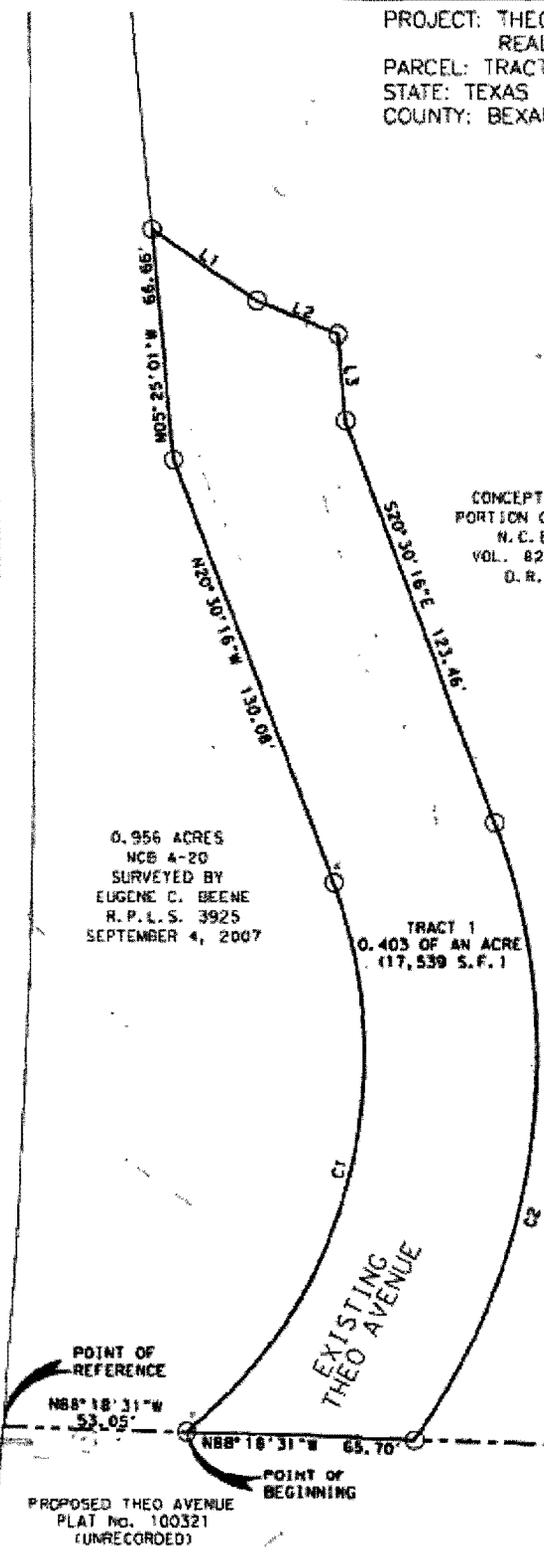
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THIS SURVEY SUBSTANTIALLY COMPLES WITH THE PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS 17th DAY OF NOVEMBER 20 10 A.D.

*E.F. Burkhart*

REGISTERED PROFESSIONAL LAND SURVEYOR  
 JOB NO.: S-5309

PROJECT: THEO AVENUE  
 REALIGNMENT  
 PARCEL: TRACT 1  
 STATE: TEXAS  
 COUNTY: BEXAR



CONCEPTION PARK  
 PORTION OF 20 ACRES  
 N.C.B. A-20  
 VOL. 828, PG. 65  
 D.R.B.C.T.

0.956 ACRES  
 NCB A-20  
 SURVEYED BY  
 EUGENE C. BEENE  
 R.P.L.S. 3925  
 SEPTEMBER 4, 2007

TRACT 1  
 0.403 OF AN ACRE  
 (17,539 S.F.)

POINT OF REFERENCE  
 N88°18'31"W  
 53.09'

N88°18'31"W 65.70'

POINT OF BEGINNING  
 PROPOSED THEO AVENUE  
 PLAT NO. 100321  
 (UNRECORDED)

PREPARED BY:



**BAIN MEDINA BAIN, INC.**  
 ENGINEERS & SURVEYORS  
 7073 San Pedro Ave.  
 San Antonio, Texas 78216  
 210/494-7223  
 TLSF REG No. 100209-00  
 TBPE Registration No. F-1712