

AN ORDINANCE 2009-03-19-0196

**AUTHORIZING THE CLOSURE OF AN IMPROVED PORTION OF FUNSTON PLACE LOCATED BETWEEN N. NEW BRAUNFELS AVENUE AND OLD AUSTIN ROAD, LOCATED IN COUNCIL DISTRICT 9, AS REQUESTED BY THE SAN ANTONIO BOTANICAL SOCIETY, FOR A FEE OF \$192.**

\* \* \* \* \*

**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 section of this Ordinance. The affected right of way is identified below.

That portion of Funston Place described generally as extending eastward from the east right-of-way line of North New Braunfels St. to the west right-of-way line of Austin Street.

**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**. Both Exhibits A and B are incorporated into this ordinance for all purposes as if they were fully set forth.

**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.

**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.

**SECTION 6.** Funds generated by this ordinance will be deposited as per the table below:

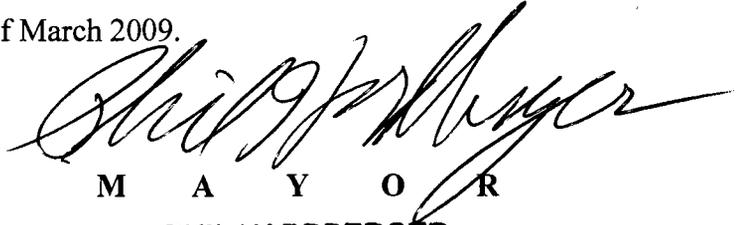
Amount	General Ledger	Fund	Internal Order
\$192.00	4202410	11001000	240000000060

**SECTION 7.** 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 8.** This ordinance becomes effective 10 days after passage.

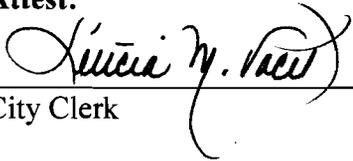
**PASSED AND APPROVED** this 19<sup>th</sup> day of March 2009.



M A Y O R

**PHIL HARDBERGER**

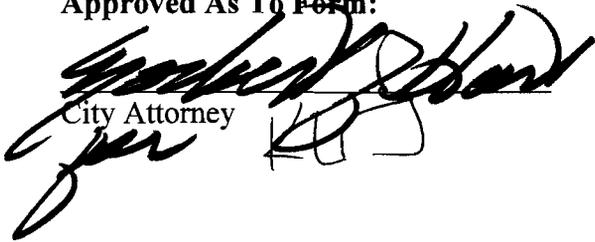
**Attest:**



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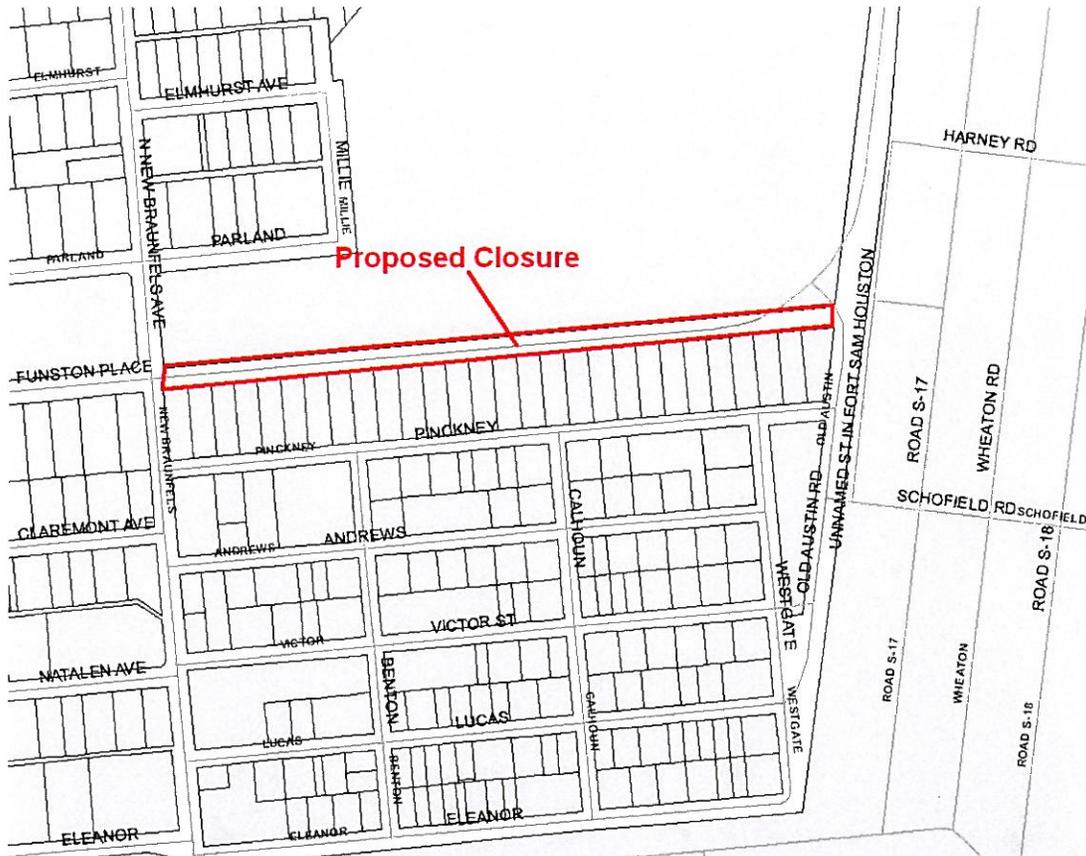
City Clerk

**Approved As To Form:**



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City Attorney



Map of Proposed Closure



Aerial Photograph of Proposed Closure

# Exhibit "A"

## Attachment B

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FIELD NOTES  
FOR  
A 1.790 ACRES

A 1.790 acres or 77,962 square feet more or less, tract of land, out of the San Antonio Town Tract, Bexar County, Texas and being known as Funston Place, a 50 foot right of way, situated in the City of San Antonio and being more particularly described by metes and bounds as follows:

**BEGINNING:** At a found 1/2" iron rod at the northwest intersection of Funston Place and Old Austin Road, a 60 foot right of way, for the southeast corner of the San Antonio Botanical Gardens and the remainder of Lot 1, Block 3, N.C.B. A-50, Mahnehke Park Subdivision of record in Volume 9510 Page 46-48, Deed and Plat Records of Bexar County, for the northeast corner of the tract described herein and from which a found iron pipe in the northwest right of way line of Old Austin Road, for the northeast corner of the San Antonio Botanical Gardens and Lot 1, Block 3, bears N11°58'09"E a distance of 1117.42 feet.

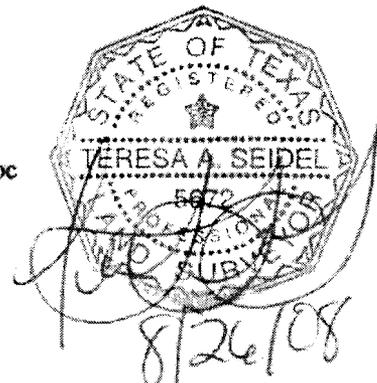
**THENCE:** S06°17'23"W across Funston Place, a distance of 50.32 feet to a found 1/2" iron rod with "MLSCO" Cap at the southwest corner of the intersection, for the northeast corner of Lot 28, N.C.B. 7186, Hilltop Terraces, a subdivision of record in Volume 1625, Page 163 Deed and Plat Records of Bexar County, Texas, for the southeast corner of the tract described herein.

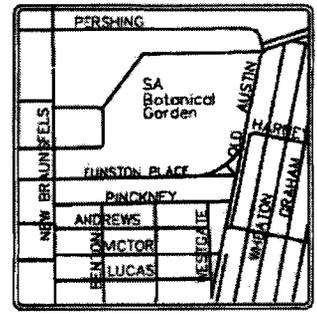
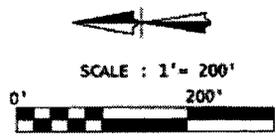
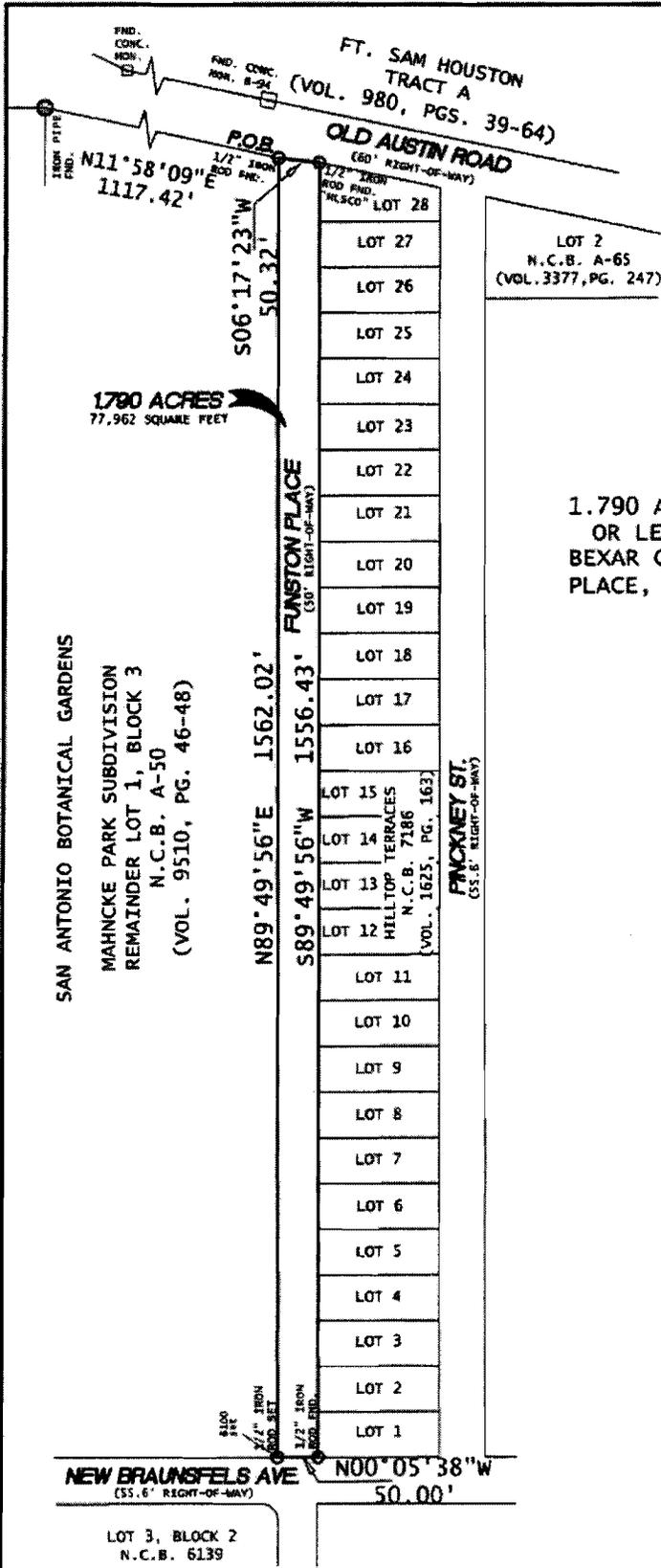
**THENCE:** S89°49'56"W with the south right of way line of Funston Place and the north line of Lot 28 through Lot 1 of the Hilltop Terraces subdivision, a distance of 1556.43 feet to a found 1/2" iron rod at the southeast intersection of Funston Place and New Braunsfels Avenue, a 55.6 foot right of way, for the northwest corner of Lot 1 and the southwest corner of the tract described herein.

**THENCE:** N00°05'38"W across the intersection of Funston Place and New Braunsfels Avenue, a distance of 50.00 feet to a 1/2" iron rod set with a blue plastic cap stamped "KFW SURVEYING" for the northeast corner of the intersection and being the southwest corner of the remainder of Lot 1, Block 3, for the northwest corner of the tract described herein.

**THENCE:** N89°49'56"E with the north right of way line of Funston Place and the south line of the remainder of Lot 1, Block 3 and the San Antonio Botanical Gardens, a distance of 1562.02 feet to the **POINT OF BEGINNING** and containing 1.790 acres. Said tract being described in accordance with a survey prepared by KFW Surveying.

Job No.: 08-094  
Prepared by: KFW Surveying  
Date: August 20, 2008  
File: S:\Draw 2008\08-094 SA Botanical Gardens\1.790 ACRES.doc





**BOUNDARY SURVEY OF**

1.790 ACRES OR 77,962 SQUARE FEET OF LAND MORE OR LESS, OUT OF THE SAN ANTONIO TOWN TRACT, BEXAR COUNTY, TEXAS AND BEING KNOWN AS FUNSTON PLACE, A 50 FOOT RIGHT OF WAY, SITUATED IN THE CITY OF SAN ANTONIO.

- NOTES**
1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM (NAD) OF 1983.
  2. METES AND BOUNDS WERE PREPARED FOR THIS SURVEY.



STATE OF TEXAS:  
 COUNTY OF BEXAR:  
 I, TERESA A. SEIDEL, DO HEREBY CERTIFY THAT THIS A STANDARD LAND SURVEY WAS PREPARED TO CATEGORY 1B STANDARDS FROM AN ACTUAL SURVEY MADE ON THE GROUND BY PERSONS WORKING UNDER MY SUPERVISION.

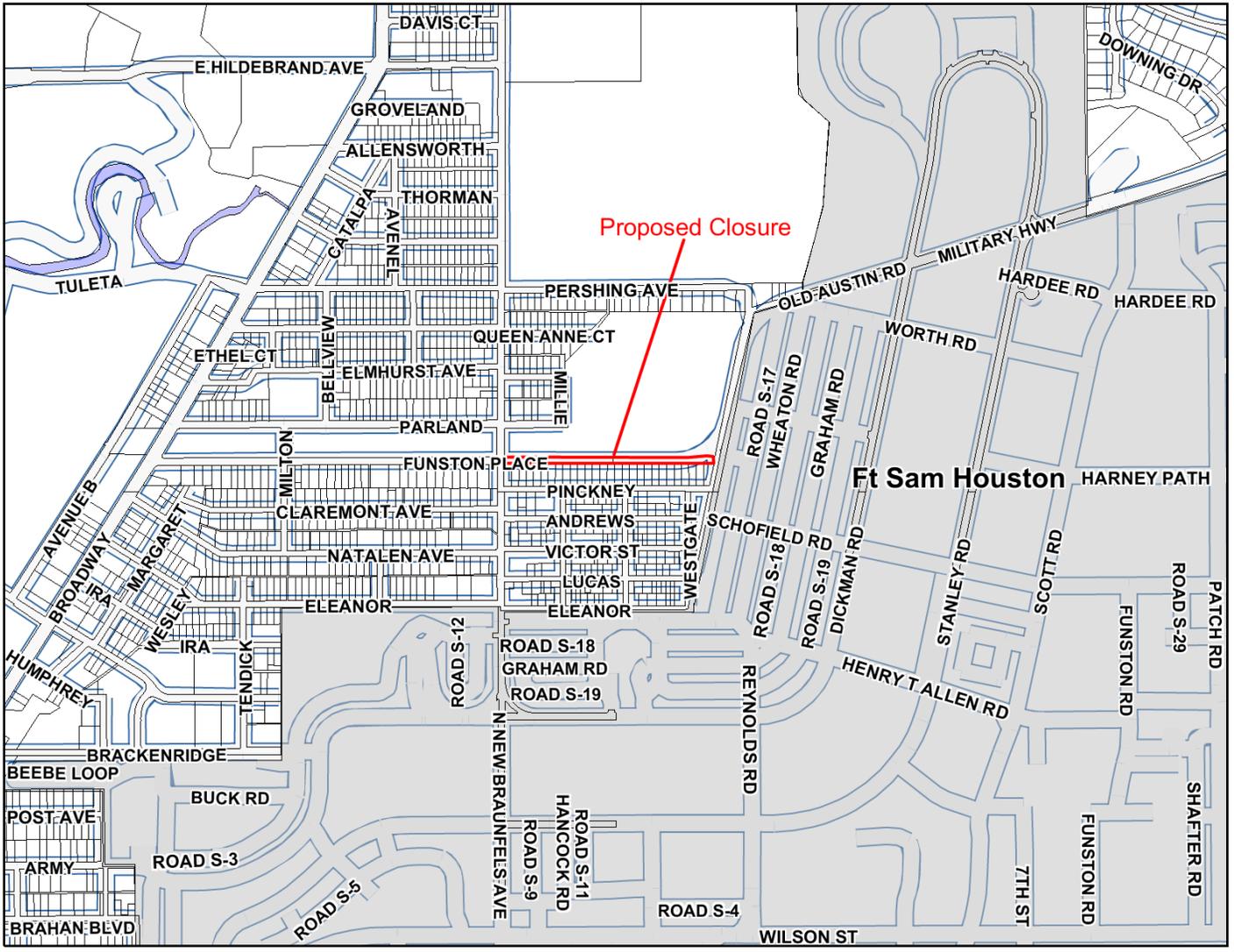
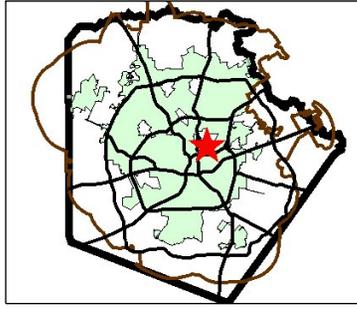
TERESA A. SEIDEL  
 RPLS NO. 5672  
 PREPARED: AUGUST 20, 2008  
 REVISED: FEBRUARY 13, 2009

**KFW**  
 SURVEYING  
 7400 BLANCK ST. SUITE 200  
 SAN ANTONIO, TEXAS 78228  
 PHONE (210) 879-8444  
 FAX (210) 879-8489

**EXHIBIT OF:**  
 FUNSTON PLACE FROM NEW BRAUNSFELS AVE. TO  
 OLD AUSTIN ROAD

REVISIONS CERTIFICATION	ISSUE DATE: 02/13/09
JOB NO. 08-094	DESIGNER:
DATE: 8-20-08	CHECKED: TAC
DRAWN: MP	

# SP 1390 Proposed Closure of Funston Place



### Legend

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



Map center: 2140901, 13714224



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.

# **Request to close, vacate and abandon an improved portion of Funston Place**

**Agenda Item 7:  
March 19, 2009**

## **City Council Item**

- The San Antonio Botanical Society (petitioner) is requesting closure, vacation and abandonment of an improved portion of Funston Place Public Right of Way in City Council District No. 9.
- This right of way is located between N. New Braunfels Avenue and Old Austin Road.

## **Background**

### Purpose:

- The City of San Antonio (COSA) owns all of abutting property to proposed closure.
- Petitioner has indicated that this closure will protect the Lucile Halsell Conservatory from further vandalism by creating a buffer zone.

3

## **Background (cont.)**

### Purpose:

- Petitioner has also indicated proposed closure will complement further master planning.
- Petitioner has also indicated that through traffic will diminish significantly with proposed closure.

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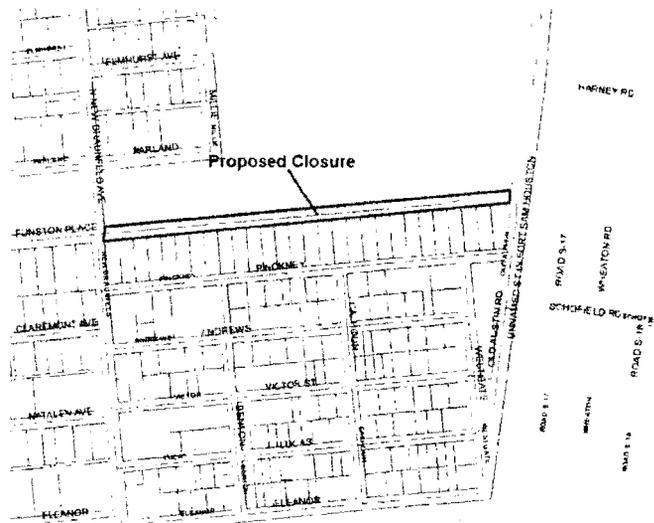
## Background (cont.)

### Purpose:

- If approved, petitioner proposes to incorporate proposed closure with the abutting properties to expand the current campus.
- The Mahncke Neighborhood Association and Fort Sam Houston support this closure.

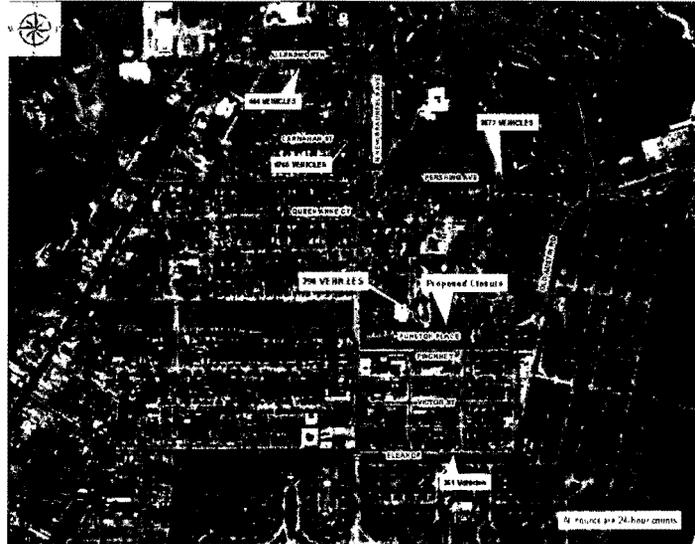
5

## Map of Proposed Closure



6

## Aerial Map of Proposed Closure



7

## Background (cont.)

### Coordination:

- Project has been canvassed through all interested City Departments and Utility Agencies.
- Project received conditional approval from City Departments and Utility Agencies.
- Petitioner has agreed to comply with all conditions.

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## **Background (cont.)**

### Notification:

- Signs have been posted informing public of proposed closure.
- 112 notices were mailed to property owners within a 500 foot radius of proposed closure.
  - 9 notices were returned in favor.
  - No notices were returned in opposition.

9

## **Fiscal Impact**

### Financial Impact:

- There is no financial impact for this closure, vacation and abandonment of this right of way since the City of San Antonio owns all of abutting property.

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## **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 March 11, 2009 meeting.

### Recommendation:

- Staff recommends approval.