

AN ORDINANCE 2008-11-20-1021

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT
OF PUBLIC RIGHTS OF WAY FOR THE IMPROVEMENT OF THE
SAN JUAN HOMES PUBLIC HOUSING PROJECT 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 rights of way are 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 rights of way. The affected right of way is identified below.

Ladyet St. from the east right of way line of Calaveras St. to the west right of way line of S. Cibolo St.

Service St. from the north right of way line of Ladyet St. to the south right of way line of Brady St.,

Sinkin St., from the east right of way line of Service Street to the west right of way line of S. Cibolo St.

SECTION 2. A picture of the subject rights of way is set forth at **Exhibit A**. The detailed description of the rights-of-way subject to this ordinance is set forth on **Exhibit 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, 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.

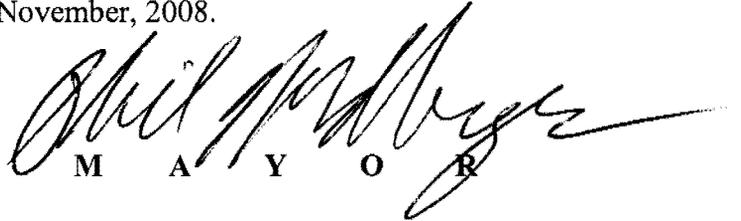
SECTION 5. The affected rights of way exist by easement. The underlying fee ownership of the affected rights of way by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat, but no such replat impairs the rights retained by City in the affected right of way.

SECTION 6. Funds generated by this ordinance will be deposited in Fund 11001000 General Fund, Internal Order 240000000060 Sales - Land, General Ledger 4202410 License Agreements - Use of ROW.

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.

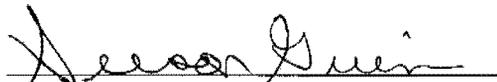
PASSED AND APPROVED this 20th day of November, 2008.


M A Y O R

Attest:


City Clerk

Approved As To Form:


City Attorney
for



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 8

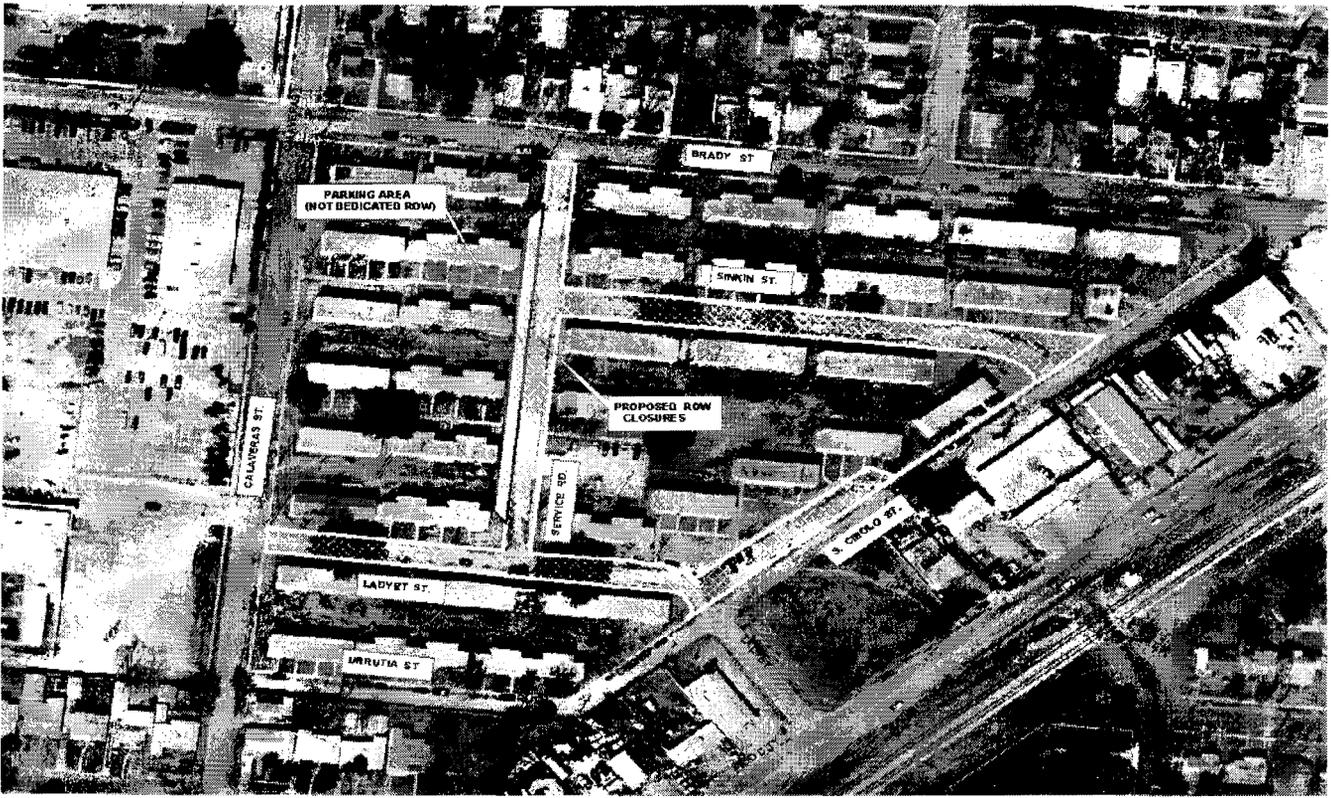
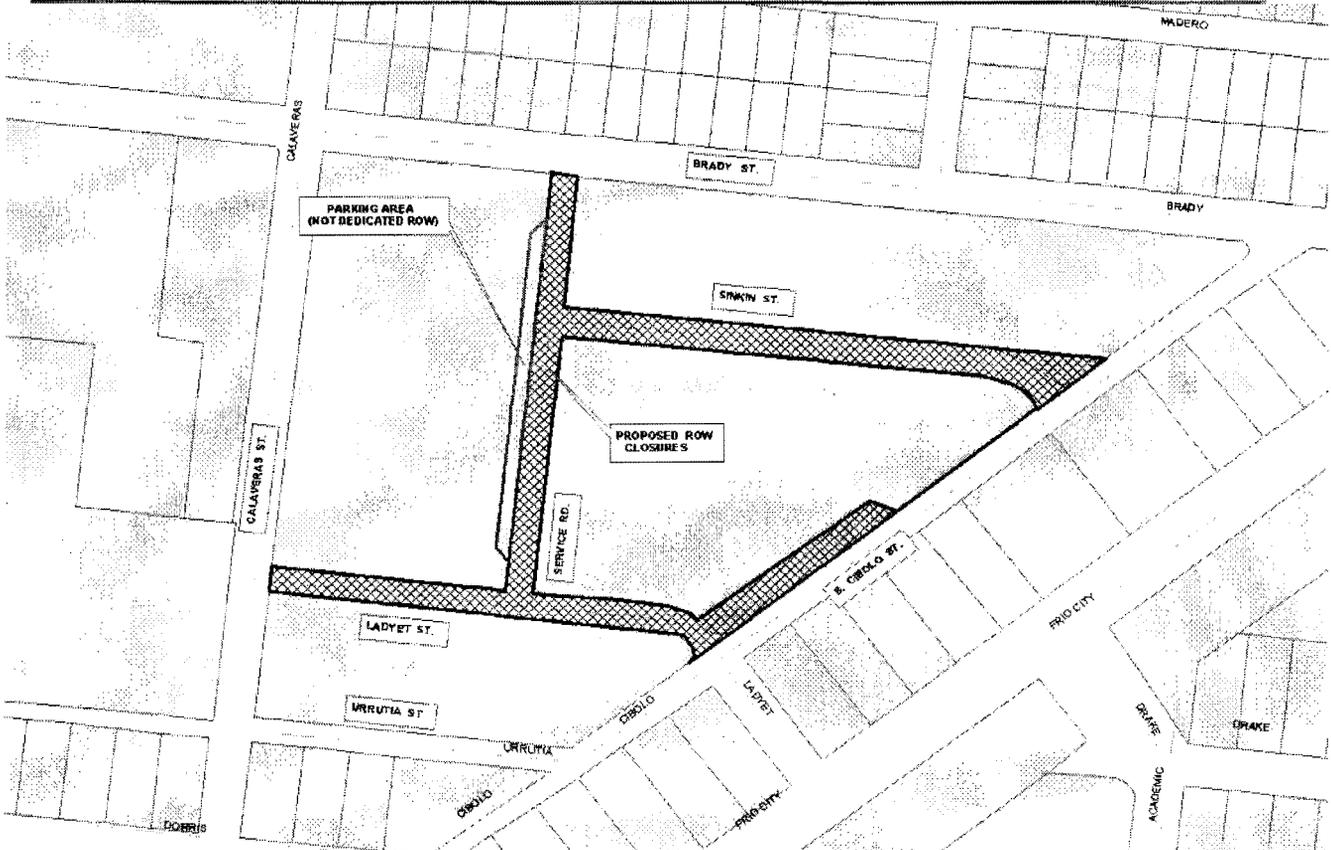
Name:	8
Date:	11/20/2008
Time:	05:24:28 PM
Vote Type:	Motion to Approve
Description:	A Public Hearing and consideration of an Ordinance authorizing the closure, vacation, and abandonment of public rights of way for the improvement of the San Juan Homes Public Housing Project in Council District 5. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]
Result:	Passed

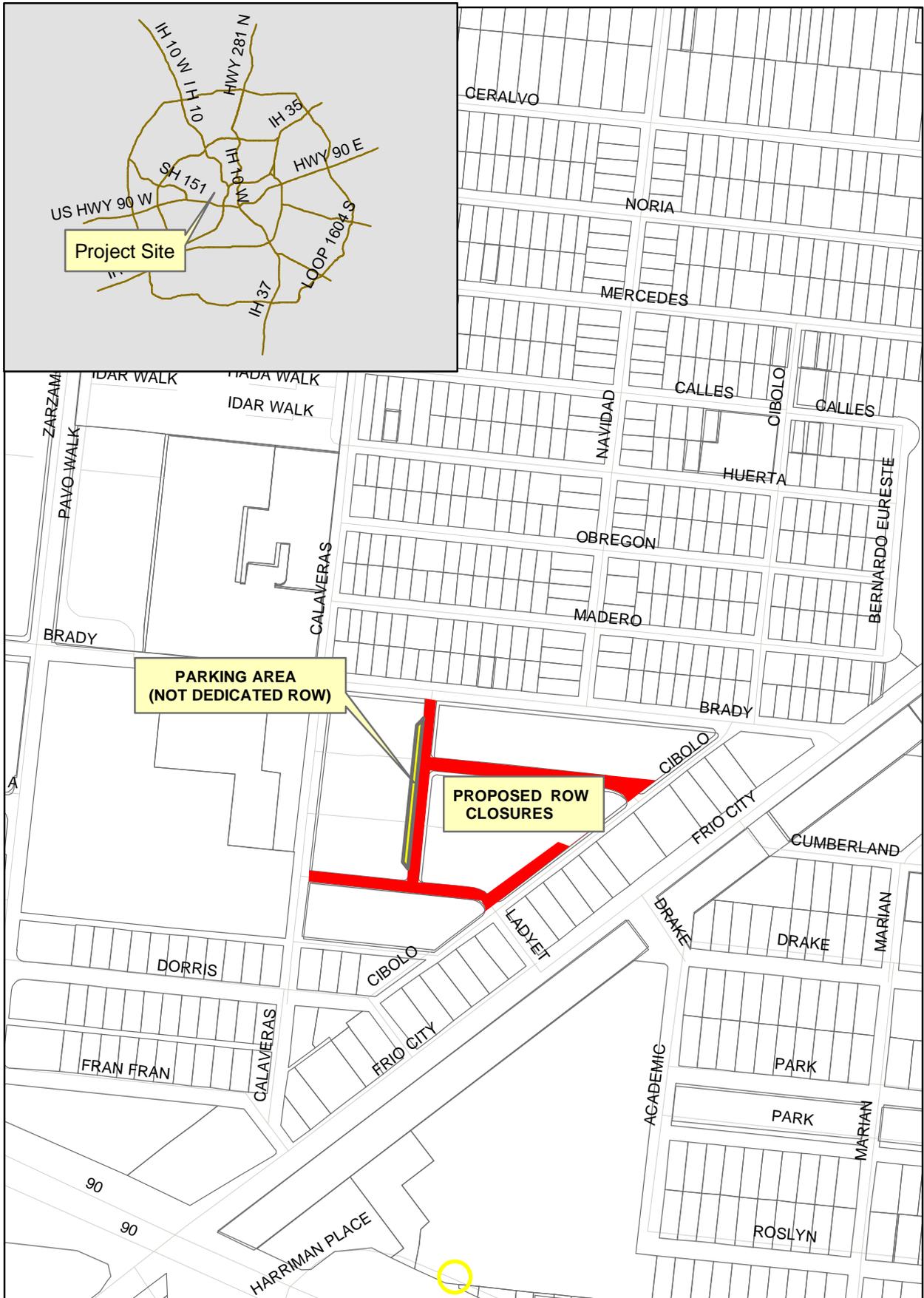
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x			x	
Delicia Herrera	District 6		x				x
Justin Rodriguez	District 7	x					
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				



EXHIBIT "A"

Exhibit A





Site Map

ADDITION NO. 8 SECTION 2
3RD FILING
VOLUME 1625, PAGE 183
N.C.B. 6880 D.P.R.B.C.T.

COLIMA ADDITION NO. 8 SECTION 2
VOLUME 980, PAGE 46
N.C.B. 6881 D.P.R.B.C.T.

LOT 19

HOUSING AUTHORITY OF THE
CITY OF SAN ANTONIO, TEXAS
CALLED 11.89 ACRES
A-82
VOLUME 3107, PAGE 287
D.R.B.C.T.

SAVE AND EXCEPT TRACT
2.55 ACRES

BRADY GARDENS UNIT 7
VOLUME 3850, PAGE 283
N.C.B. 7588 D.P.R.B.C.T.

BRADY GARDENS UNIT 1
VOLUME 2575, PAGE 258
D.P.R.B.C.T.

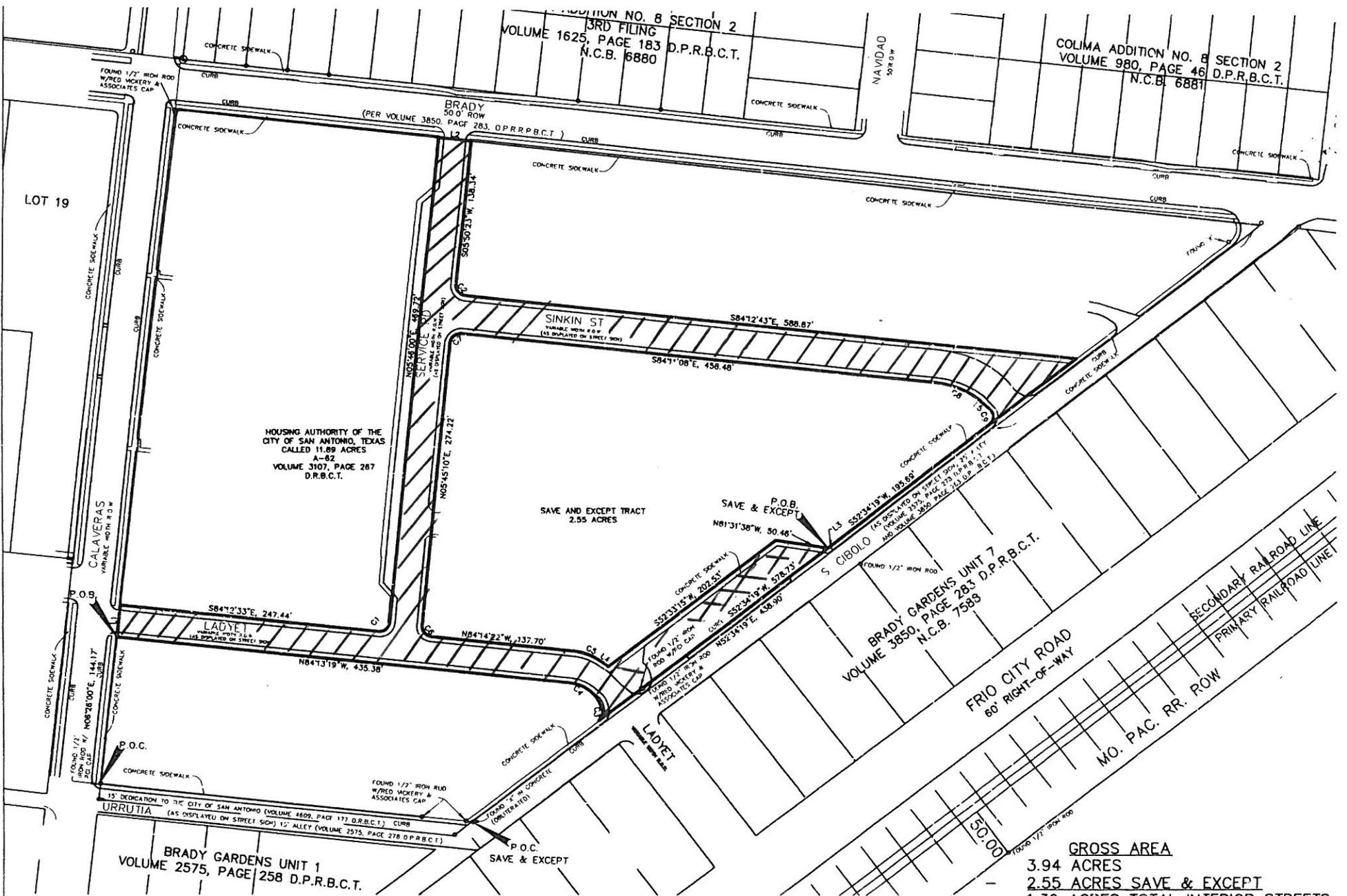
GROSS AREA
3.94 ACRES
2.55 ACRES SAVE & EXCEPT
1.39 ACRES TOTAL INTERIOR STREETS



EXHIBIT "B"

STATE OF TEXAS)
COUNTY OF BEXAR)
I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM
STANDARDS SET FORTH BY THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYING
ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION
THIS DAY IN MARCH, 2008 A.D.

Juan E. Galvan 02/19/08
Juan E. Galvan, Registered Professional Land Surveyor #4011



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Exhibit B

April 15, 2008
Job number 60041796
Interior Streets

Metes and Bounds Description

3.94 acres of land being out of a called 11.89 acre tract conveyed to the Housing Authority of the City of San Antonio, Texas in Volume 3107, Page 267, of the Deed Records of Bexar County, Texas (D.R.B.C.T.) out of the northeast part of City Block A-62, and being out of the Original City Lots 3 and 4, Range 1, District 7, situated in the City of San Antonio, Bexar County, Texas and being a portion of a dedication to the City of San Antonio for a housing project called San Juan Homes, also known as TEX-6-8-13 and described in Volume 4609, Page 177 of the D.R.B.C.T. save and except a 2.547 acre tract of land out of said called 11.89 acre tract and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod with cap stamped "PCI" at the intersection of the north right-of-way line of Urrutia (30 foot right-of-way) and the east right-of-way line of Calaveras (a variable width right-of-way);

Thence North $06^{\circ} 26' 00''$ East, 144.17 feet to the intersection of the said east right-of-way line of Calaveras and the south right-of-way line of Ladyet (variable width right-of-way) for the **POINT OF BEGINNING**;

Thence North $06^{\circ} 26' 00''$ East, crossing said Ladyet and with the said east right-of-way line of Calaveras for a distance of 31.17 feet to the intersection of said east right-of-way line of Calaveras and the north right-of-way line of said Ladyet;

Thence South $84^{\circ} 12' 33''$ East departing the said east right-of-way line of Calaveras and with the said north right-of-way line of Ladyet, a distance of 247.44 feet to the intersection of the said north-right-of-way line of Ladyet and the west right-of-way line of Service Rd. for the beginning of a curve to the left;

Thence with the said west right-of-way line of Service Rd. the following two (2) courses and distances:

15.71 feet along the arc of said curve to the left having a radius of 10.00 feet, a delta angle of $90^{\circ} 01' 27''$ and a chord bearing and distance of North $50^{\circ} 46' 43''$ East, 14.15 feet;

North $05^{\circ} 46' 00''$ East for a distance of 469.72 feet to the intersection of the said west right-of-way line of Service Rd. and the south right-of-way line of Brady (50 foot right-of-way);

Thence South $84^{\circ} 05' 06''$ East, crossing said Service Rd and with the said south right-of-way line of Brady, a distance of 31.19 feet to the intersection of the said south-right-of-way line of Brady and the east right-of-way line of said Service Rd;

April 15, 2008
Job number 60041796
Interior Streets

Thence South $05^{\circ} 50' 23''$ West, with the said east right-of-way line of Service Rd. to the intersection of said east right-of-way line of Service Rd. and the north right-of-way line of Sinkin St. (variable width right-of-way), a distance of 138.34 feet for the beginning of a curve to the left;

Thence with the said north right-of-way line of Sinkin St. the following two (2) courses and distances;

15.72 feet along the arc of said curve to the left having a radius of 10.00 feet, a delta angle of $90^{\circ} 03' 06''$ and a chord bearing and distance of South $39^{\circ} 11' 10''$ East, 14.15 feet;

South $84^{\circ} 12' 43''$ East for a distance of 588.87 feet to the intersection of the said north right-of-way line of Sinkin St. and the said existing northwest right-of-way line of S. Cibolo ;

Thence South $52^{\circ} 34' 19''$ West along the said west right-of-way line of S. Cibolo for a distance of 578.73 feet to the intersection of the said south right-of-way line of Laydet for the beginning of a curve to the left;

Thence with the said south right-of-way line of Ladyet the following three (3) courses and distances:

11.59 feet along the arc of said curve to the left having a radius of 10.00 feet, a delta angle of $66^{\circ} 23' 42''$ and a chord bearing and distance of North $19^{\circ} 22' 28''$ East, 10.95 feet to the beginning of a compound curve to the left;

43.00 feet along the arc of said curve to the left having a radius of 35.00 feet, a delta angle of $70^{\circ} 23' 56''$, a chord bearing and distance of North $49^{\circ} 01' 21''$ West, 40.35 feet;

Thence North $84^{\circ} 13' 19''$ West for a distance of 435.38 feet to the intersection of the said east right-of-way line of Calaveras and the existing northwest right-of-way line of S. Cibolo for the **POINT OF BEGINNING** and containing 3.94 acres of land Save and Except the following description.

Bearings Based on Texas State Plane Coordinate system, South Central Zone, US Foot.

SAVE AND EXCEPT

2.55 acres of land being out of a called 11.89 acre tract conveyed to the Housing Authority of the City of San Antonio, Texas in Volume 3107, Page 267, of the Deed Records of Bexar County, Texas (D.R.B.C.T.) out of the northeast part of City Block A-62, and being out of the Original City Lots 3 and 4, Range 1, District 7, situated in the City of San Antonio, Bexar County, Texas, same being called San Juan Homes, also known as TEX-6-8-13 and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod on the north right-of-way line of Urrutia (30 foot right-of-way), as shown by plat of Brady Gardens Unit 1 recorded in Volume 2575, Page 278 Deed and Plat Records of Bexar County, Texas, (D.P.R.B.C.T.) and by dedication to the City of San Antonio for a housing project called San Juan Homes, also known as TEX-6-8-13 and described in Volume 4609, Page 177 D.R.B.C.T., and the original northwest right-of-way line of S. Cibolo (25 foot alley) as shown by plat of Brady Gardens, Unit 7 recorded in Volume 3850, Page 283 of the Deed and Plat Records of Bexar County, Texas (D.P.R.B.C.T.) and with the said original northwest right-of-way line of S. Cibolo North $52^{\circ} 34' 19''$ East, a distance of 438.90 feet;

Thence North $81^{\circ} 31' 38''$ West, departing the said original west right-of-way line of S. Cibolo 6.96 feet, to the intersection of the existing northwest right-of-way line of S. Cibolo as shown in Volume 4609, Page 177, D.R.B.C.T. and the south right-of-way line of Sinkin St. (variable width right-of-way) for the **POINT OF BEGINNING**;

Thence with the said existing northwest right-of-way line of S. Cibolo the following two (2) courses and distances:

North $81^{\circ} 31' 38''$ West, a distance of 50.46 feet;

South $52^{\circ} 33' 15''$ West, a distance of 202.53 feet to the intersection of the said existing northwest right-of-way line of S. Cibolo and the north right-of-way line of Ladyet (variable width right-of-way);

Thence departing the said existing northwest right-of-way line of S. Cibolo and with the said north right-of-way line of Ladyet the following three (3) courses and distances:

North $53^{\circ} 15' 06''$ West, a distance of 8.80 feet to the beginning of a curve to the left;

27.04 feet along the arc of said curve to the left having a radius of 50.00 feet, a delta angle of $30^{\circ} 59' 16''$ and a chord bearing and distance of North $68^{\circ} 44' 44''$ West, 26.71 feet;

April 15, 2008
Job number 60041796
Interior Streets

North $84^{\circ} 14' 22''$ West, a distance of 137.70 feet to the intersection of the said north right-of-way line of Ladyet and the east right-of-way line of Service Rd. (variable width right-of-way) for the beginning of a curve to the right;

Thence departing the said north right-of-way line of Ladyet and with the said east right-of-way line of Service Rd the following two (2) courses and distances:

15.71 feet along the arc of said curve to the right having a radius of 10.00 feet, a delta angle of $89^{\circ} 59' 33''$ and a chord bearing and distance of North $39^{\circ} 14' 36''$ West, 14.14 feet;

North $05^{\circ} 45' 10''$ East, a distance of 274.22 feet to the intersection of the said east right-of-way line of Service Rd. and the south right-of-way line of Sinkin St. (variable width right-of-way) for the beginning of a curve to the right,

Thence with the said south right-of-way line of Sinkin St. the following five (5) courses and distances:

15.72 feet along the arc of said curve to the right having a radius of 10.00 feet, a delta angle of $90^{\circ} 03' 41''$ and a chord bearing and distance of North $50^{\circ} 47' 01''$ East, 14.15 feet;

South $84^{\circ} 11' 08''$ East, a distance of 458.48 feet to the beginning of a curve to the right;

45.90 feet along the arc of said curve to the right having a radius of 75.00 feet. a delta angle of $35^{\circ} 03' 41''$ and a chord bearing and distance of South $66^{\circ} 39' 18''$ East, 45.18 feet;

South $49^{\circ} 07' 27''$ East, a distance of 12.98 feet to the beginning of a curve to the right;

15.71 feet along the arc of said curve to the right having a radius of 10.00 feet, a delta angle of $90^{\circ} 00' 42''$, and a chord bearing and distance of South $07^{\circ} 33' 58''$ West, 14.14 feet to the intersection of the said south right-of-way line of Sinkin St. and the said existing right-of-way line of S. Cibolo;

South $52^{\circ} 34' 19''$ West, a distance of 195.69 feet; to the **POINT OF BEGINNING** and containing 2.55 acres of land.

Bearings Based on Texas State Plane Coordinate system, South Central Zone, US Foot.

Prepared by
Survcon Inc.
Job number 60041796



Juan E. Galvan
4/15/08



CITY OF SAN ANTONIO

September 16, 2008

P. O. BOX 839966
SAN ANTONIO, TEXAS 78283-3966

Housing Authority of the City of San Antonio
Attn: General Alfred A. Valenzuela, President / CEO
919 S. Main St.
San Antonio, Texas 78204

Re: S. P. No. 1388 - Request to close, vacate and abandon Public Rights of Way within San Juan Homes II Housing Project

Dear General Valenzuela:

With reference to the above captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of this request subject to the following conditions:

PUBLIC WORKS DEPARTMENT:

Storm Water Utility/Engineering Division- "Must provide a drainage plan to Storm Water Engineering."
Traffic Engineering Division-"Right of Way shall be dedicated from the property along Cibolo and Urrutia Streets to allow for a minimum street right of way of 50 feet".

SAN ANTONIO WATER SYSTEM:

"Petitioner must acknowledge perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with San Antonio Water System and at the sole expense of the petitioner".

CITY PUBLIC SERVICE ENERGY:

Overhead Engineering- "Petitioner must acknowledge perpetual easement for all existing electrical and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service and at the sole expense of the petitioner".

DEVELOPMENT SERVICES DEPARTMENT:

"Provided the subject right-of-ways are assembled and platted with petitioners' adjacent properties. Additionally, petitioner shall obtain all necessary permits and conform to all requirements of the City of San Antonio UDC (Unified Development Code)".

CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT:

The closure, vacation and abandonment of these Public Right of Ways will be authorized by a City Ordinance. Petitioner asserts that all evidence of ownership of all property abutting the public right of way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner agrees to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the public right of way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioner agrees to allow perpetual access to any such utilities or may seek the relocation of a specific utility with the express permission and coordination of the respective owner of the utility and at the sole expense of the petitioner.

Additionally, the fee established for these closures is \$102,175.00. In view of a 50% wavier and fee reduction in accordance with the Incentive Scorecard Program passed and approved by City Council on February 4, 2008, Housing Authority of the City of San Antonio agrees to pay to City a one-time, lump sum "Closure Fee" of Fifty One Thousand Eighty Eight dollars (\$51,088.00), plus a fee of \$288.00 for the posting of four signs notifying the public of the proposed street closure and City Ordinance recording fee of \$35.00. A total fee of Fifty One Thousand Four Hundred Eleven dollars (\$51,411.00) for these closures will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the closures are not approved by City Council, the closure fee will be refunded to petitioner.

This Letter of Conditions is being offered by City of San Antonio only to the petitioner named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

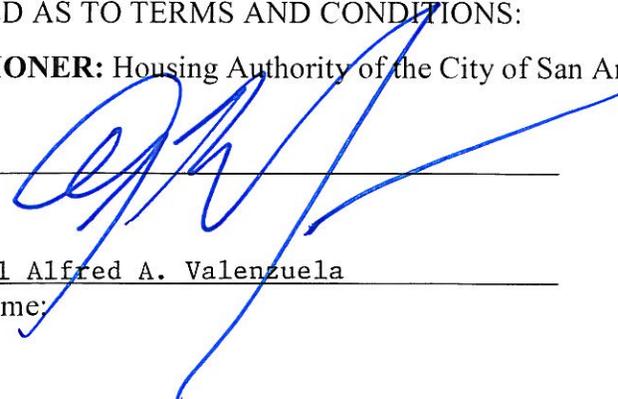
If you concur with the above mentioned conditions please countersign this letter in the spaces provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

Sincerely,


George H. Rodriguez, Assistant Director
Capital Improvements Management Services Department

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER: Housing Authority of the City of San Antonio

By: 
General Alfred A. Valenzuela
Print Name:

Interim President & CEO
Title:
Date: 9-19-08



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 8
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4114

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 5

SUBJECT:
Request to close Public Right of Ways in San Juan Homes Public Housing Project

SUMMARY:
This ordinance will authorize the closure, vacation and abandonment of Public Right of Ways for the improvement of the San Juan Homes Public Housing Project in Council District 5.

BACKGROUND INFORMATION:
The San Antonio Housing Authority is requesting the closure, vacation and abandonment of Public Right of Ways within the San Juan Homes Public Housing Project. In particular are Service Road, Ladyet, Sinkin Street and an improved portion of South Cibolo Street presently used for parking in the location as shown on attached Exhibits "A" & "B." If approved, these Right of Ways which total approximately 1.39 acres will be assimilated with the adjacent properties through the platting process.

The San Antonio Housing Authority plans to completely demolish the present housing facility and relocate existing utilities. This is to accommodate the new design and redevelopment of the site with new buildings and infrastructure over the existing right of ways.

ISSUE:

This action is consistent with City Code and Ordinance which requires City Council approval for the sale of any property owned by the City.

ALTERNATIVES:

City Council could choose not to approve this item. This would prevent the progress of the redevelopment of the San Juan Homes Public Housing Project.

FISCAL IMPACT:

The fee established for these closures is \$102,175.00. The Economic Development Department granted a 50% wavier and fee reduction in accordance with the Incentive Scorecard Program approved on February 4, 2008. The San Antonio Housing Authority

agrees to pay to the City a one-time lump sum "Closure Fee" of \$51,088.00 dollars in accordance with the 50% reduction per score card. An additional \$288.00 is added for the posting of four signs notifying the public of the proposed street closure and City Ordinance recording fee of \$35.00. A total fee of \$51,411.00 dollars for these closures will be due and deposited into the General Fund for Facility Maintenance.

In compliance with Chapter 37 of the City Code, Section 37-2, fair market value of subject property is based upon an average of the per square foot land value assessed by the Bexar Appraisal District. An independent professional appraisal may be obtained at the expense of the petitioner. This estimated value was prepared on September 15, 2008.

RECOMMENDATION:

The City of San Antonio's Planning Commission approved this request at its regular meeting of October 22, 2008. Staff recommends the closure, vacation and abandonment of the Public Right of Ways for the improvement of the San Juan Homes Public Housing Project.

ATTACHMENT(S):

File Description	File Name
Exhibit B	Exh B.pdf
Letter of Agreement	Letter of Agreement.pdf
Exhibit A	EXH A.doc
Disclosure Statement	Disclosure Statement.pdf
Site Map of Property	Site Map.pdf
Voting Results	
Ordinance/Supplemental Documents	200811201021.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

George Rodriguez Assistant Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager