

AN ORDINANCE      2011-04-21-0317

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN UNIMPROVED PORTION OF A 13-FEET-WIDE ALLEY LOCATED BETWEEN THE UNION PACIFIC RAILROAD TRACK AND ST. ANN STREET ADJACENT TO NCB 2020 IN CITY COUNCIL DISTRICT 1, AS REQUESTED BY SAMUEL DEAN SHEET METAL, INC. FOR A FEE OF \$7,448.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Subject to the reservation below, the City finds the alley segment described below is no longer essential to the safe and efficient flow of traffic in the area in which it 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 \$7,448 fee.

**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.

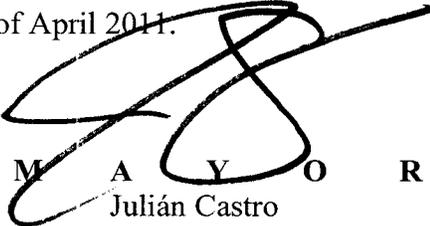
**SECTION 6.** Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060, General Ledger 4903101.

**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO 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.

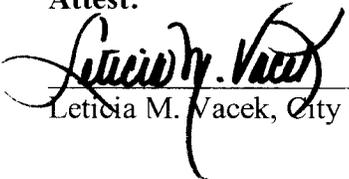
**SECTION 8.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

**PASSED AND APPROVED** this 21<sup>st</sup> day of April 2011.



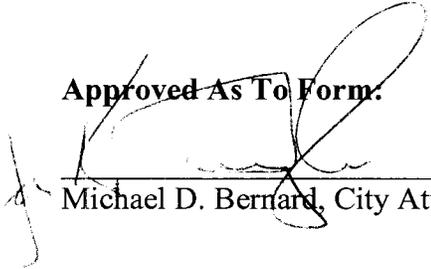
M A Y O R  
Julián Castro

**Attest:**

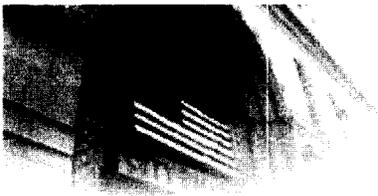


\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**Approved As To Form:**

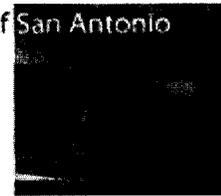


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Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**

City of San Antonio



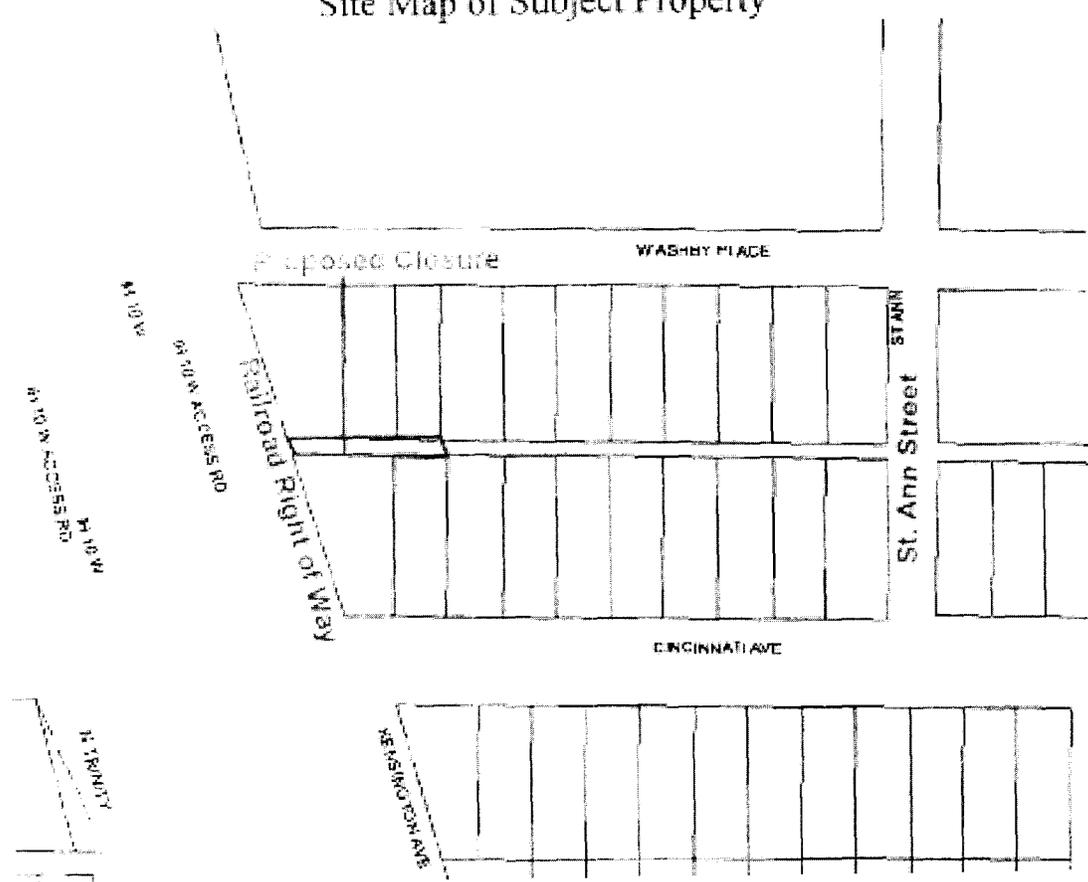
## Agenda Voting Results - 12

<b>Name:</b>	5, 6, 7A, 7B, 10, 11, 12, 14, 15, 16, 18A, 18B, 18C, 19, 21, 22, 23, 24						
<b>Date:</b>	04/21/2011						
<b>Time:</b>	10:13:59 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation, and abandonment of an unimproved portion of a 13-foot wide alley on public right of way, located between the Union Pacific Railroad right of way and St. Ann Street adjacent to NCB 2020 in City Council District 1, as requested by Samuel Deen Sheet Metal, Inc. for a fee of \$7,448.00. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				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



Site Map of Subject Property





Aerial Photograph of Subject Property

## Attachment II

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Being 0.041 of an acre tract of land, more or less, and being a portion of a 13 foot wide alley, Block 9, New City Block 2020, City of San Antonio, Texas, said 0.041 of an acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a ½ inch iron rod found in the South Right-of-Way line of W. Ashby Place for the northeast corner of the West 40 feet of Lot 9, same being the northwest corner of the East 10 feet of Lot 9 and the **POINT OF COMMENCEMENT**;

**THENCE** along the line common to said West 40 feet of Lot 9 and said East 10 feet of Lot 9, South 00 degrees 00 minutes 00 seconds East, a distance of 144.85 feet to a 1/2 inch iron rod set for the southeast corner of said West 40 feet of Lot 9, same being the southwest corner of said East 10 feet of Lot 9 and in the North line of said 13 foot wide alley;

**THENCE** along the North line of said 13 foot wide alley, North 90 degrees 00 minutes 00 seconds West, a distance of 1.36 feet to a calculated point for the northeast corner of this 0.041 of an acre tract, same being the **POINT OF BEGINNING**;

**THENCE** along the East line of this 0.041 of an acre tract, South 00 degrees 07 minutes 32 seconds West, a distance of 13.02 feet to a calculated point for the southeast corner of this 0.041 of an acre tract, same being in the South line of said 13 foot wide alley and in the North Line of Lot 13;

**THENCE** along the South line of said 13 foot wide alley, South 90 degrees 00 minutes 00 seconds West, a distance of 135.63 feet to calculated point for the southwest corner of this 0.041 of an acre tract, same being in the West line of Block 9, New City Block 2020 and the northwest corner of Lot 12;

**THENCE** along the West line of said Block 9, North 17 degrees 20 minutes 36 seconds West, a distance of 13.64 feet to a calculated point for the northwest corner of this 0.041 of an acre tract, same being the southwest corner of Lot 11 and in the North line of said 13 foot wide alley;

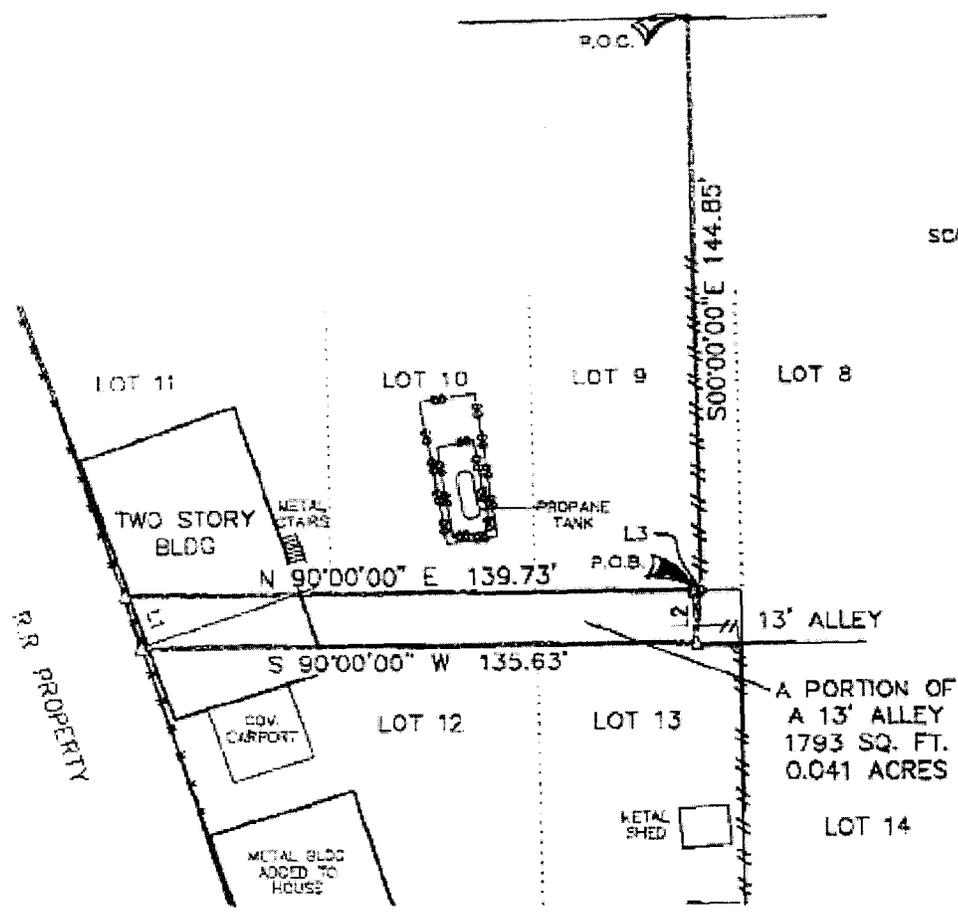
**THENCE** along the North line of said 13 foot wide alley, North 90 degrees 00 minutes 00 seconds East, a distance of 139.73 feet to the **POINT OF BEGINNING**, and containing 0.041 of an acre of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are 1/2 inch rebar. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.



Mark J. Ewald  
Registered Professional Land Surveyor  
Texas Registration No. 5095  
July 14, 2010





NOTE: BEARINGS SHOWN HEREON ARE ASSUMED.  
 NOTE: TITLE REPORT INDICATES THERE ARE NO RESTRICTIONS OR COVENANTS OF RECORD.  
 NOTE: PRIOR SURVEY (NESTAR JOB #47475) WAS USED FOR REFERENCE.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 480280, Panel No. 0435 F, which is dated 08/18/2007. By stating that this FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONE, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the local's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found on <http://www.fema.gov/index.htm>.



Property Address:  
 429 CINCINNATI AVENUE  
 Property Description:  
 BEING A PORTION OF A 13' ALLEY, BLOCK 9, NEW CITY  
 BLOCK 2020, CITY OF SAN ANTONIO, BEXAR COUNTY,  
 TEXAS.  
 Owner:  
 SAMUEL DEAN SHEETMETAL, INC.

**Westar Alamo**  
 LAND SURVEYORS, LLC.  
 P.O. BOX 1038 HELIXES, TEXAS 78023-1038  
 PHONE (214) 372-8500 FAX (214) 372-8500

**LEGEND**

- - 1/2" IRON ROD TO BE SET
- - 5/8" 1/2" IRON ROD
- △ - CALCULATED POINT
- ( ) - RECORD INFORMATION
- B.S. - BUILDING SETBACK
- C.M. - CONTROLLING MONUMENT
- - WOOD FENCE
- - METAL SHEET FENCE

DRAWN BY: JC  
 TITLE COMPANY: N/A

STATE OF TEXAS  
 REGISTERED  
 MARK J. EWALD  
 5095  
 PROFESSIONAL  
 LAND SURVEYOR

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plot represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or city encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

*Mark J. Ewald*  
 MARK J. EWALD  
 Registered Professional Land Surveyor  
 Texas Registration No. 5095