

AN ORDINANCE

2012-06-21-0489

**CLOSING, VACATING, AND ABANDONING 0.710 ACRES OF OAKTREE DRIVE AND BRACKENRIDGE AVENUE, LOCATED NORTH OF FORT SAM HOUSTON AND ADJACENT TO NCB 9019, IN COUNCIL DISTRICT 2, AS REQUESTED BY EMBREY PARTNERS, LTD., FOR A FEE OF \$92,897.**

\* \* \* \* \*

**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.

That portion of OakTree described generally as extending southward from the south right-of-way line of Mulberry to the North right-of-way line of Brackenridge, together with a strip of Brackenridge right-of-way westward from Oak Tree along the northern edge of Brackenridge.

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

**SECTION 7.** The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

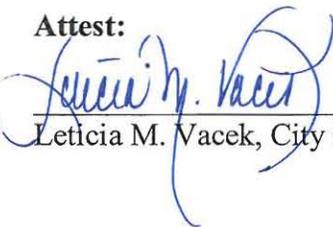
**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.

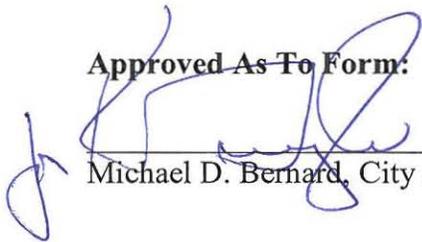
**PASSED AND APPROVED** this 21<sup>st</sup> day of June 2012.

  
M A Y O R  
Julián Castro

**Attest:**

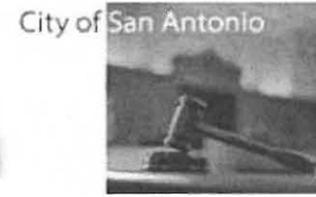
  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**Approved As To Form:**

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



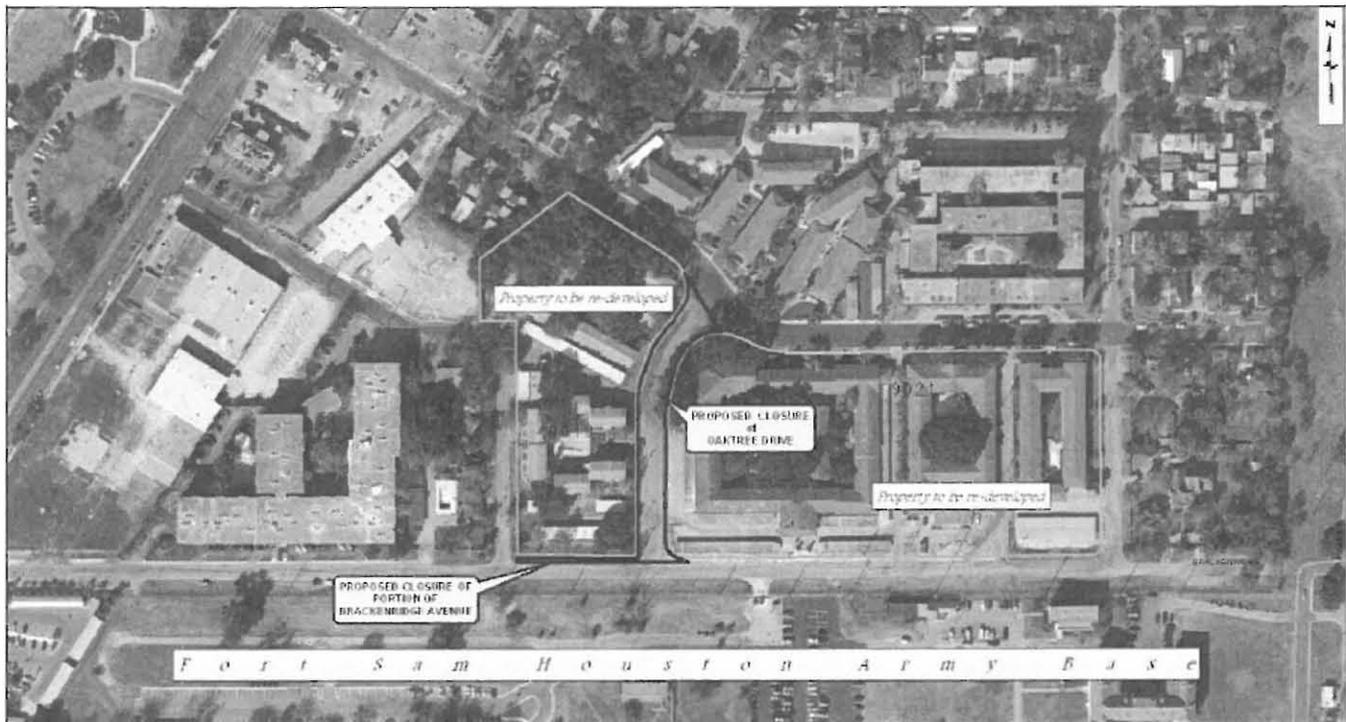
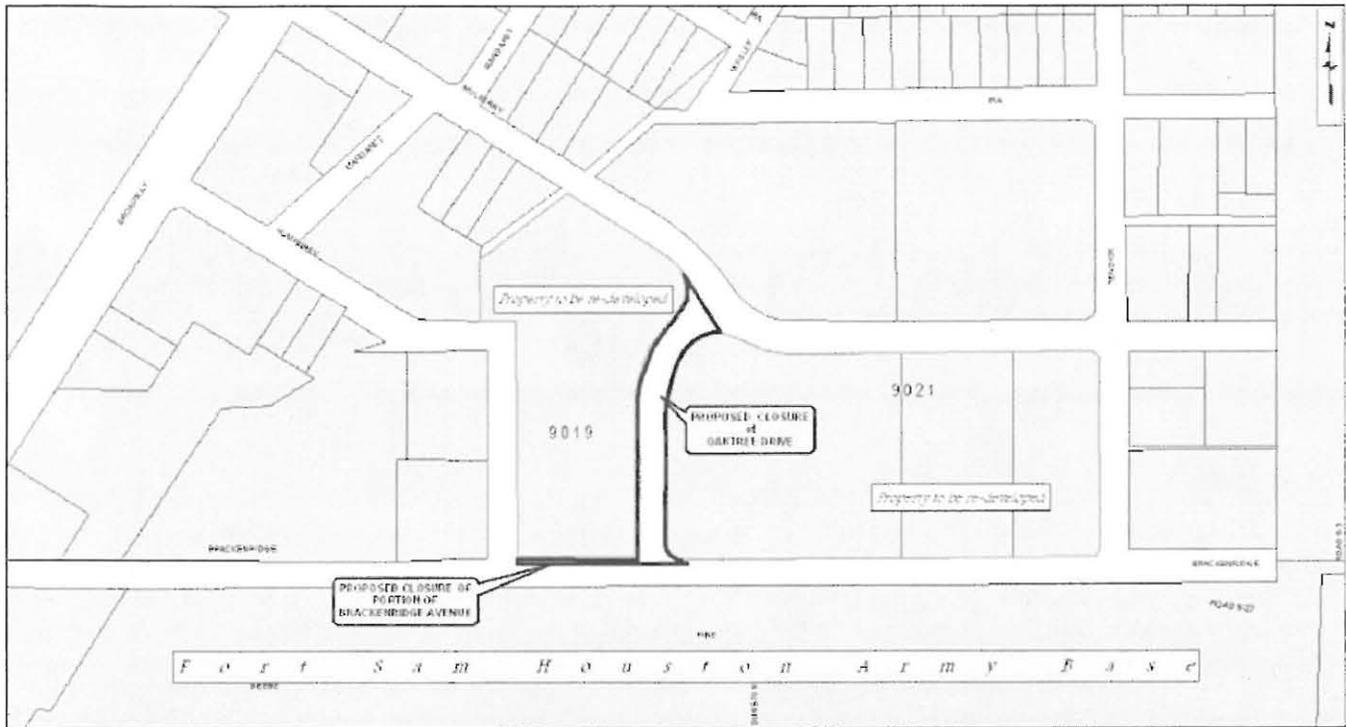
Request for  
**COUNCIL  
ACTION**



## Agenda Voting Results - 35

<b>Name:</b>	5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25A, 25B, 26, 27, 28, 30, 31, 32A, 32B, 32C, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 62, 63, 65A, 65B						
<b>Date:</b>	06/21/2012						
<b>Time:</b>	10:01:34 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation and abandonment of 0.710 acres of Oaktree Drive and Brackenridge Avenue Public Rights of Way, located north of Fort Sam Houston Army Base and adjacent to NCB 9019, in Council District 2, as requested by Embrey Partners, Ltd., for a fee of \$92,897.00. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	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			x	
Leticia Ozuna	District 3	x					
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

# Attachment I



## Attachment II

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A 0.710 of an acre, or 30,946 square feet more or less, tract of land, being all of Oaktree Drive, between Brackenridge Avenue and East Mulberry Avenue and a portion of Brackenridge Avenue between Oaktree Drive and North Pine Street in the City of San Antonio, Bexar County, Texas. Said 0.710 of an acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone;

- BEGINNING: At a found ½ inch iron rod with a yellow cap stamped "Pape Dawson" at the northeast corner of the intersection of Brackenridge Avenue, an 80 foot right-of-way, and North Pine Street, a 55.6 foot right-of-way, the southwest corner of Block 1, New City Block 9019, The Oaks Apartments Subdivision recorded in Volume 3535, Page 88-89 of the Deed and Plat Records of Bexar County, Texas;
- THENCE: N 89°51'52" E, along the north right-of-way line of said Brackenridge Avenue, the south line of said Block 1, a distance of 205.00 feet to a found ½ inch iron rod with a yellow cap stamped "Pape Dawson" at the northwest corner of the intersection said Brackenridge Avenue and Oaktree Drive, a 55 foot right-of-way;
- THENCE: N 00°07'26" W, along the west right-of-way line of said Oaktree Drive, the east line of said Block 1, a distance of 230.16 feet to a found ½ inch iron rod with a yellow cap stamped "Pape Dawson";
- THENCE: Continuing along the west right-of-way line of said Oaktree Drive, the east line of said Block 1, along a tangent curve to the right, said curve having a radius of 250.86 feet, a central angle of 43°55'56", a chord bearing and distance of N 21°50'32" E, 187.67 feet and an arc length of 192.35 feet to a found ½ inch iron rod with a yellow cap stamped "Pape Dawson";
- THENCE: Continuing along the west right-of-way line of said Oaktree Drive, the east line of said Block 1, along a reverse curve to the left, said curve having a radius of 60.00 feet, a central angle of 63°12'44", a chord bearing and distance of N 12°12'08" E, 62.89 feet and an arc length of 66.20 feet to a set ½ inch iron rod with a yellow cap stamped "Pape Dawson";

- THENCE: Departing the west right-of-way line of said Oaktree Drive, the east line of said Block 1, over and across said Oaktree Drive, along a non-tangent curve concave to the southwest, said curve having a radial bearing of S 49°58'15" W, a radius of 249.07 feet, a central angle of 02°54'19", a chord bearing and distance of S 38°34'35" E, 12.63 feet and an arc length of 12.63 feet to a set "X" in concrete;
- THENCE: Continuing over and across said Oaktree Drive, S 37°07'26" E, a distance of 70.19 feet to a set Mag Nail and washer stamped "Pape Dawson";
- THENCE: Continuing over and across said Oaktree Drive, along a tangent curve to the left, said curve having a radius of 160.37 feet, a central angle of 18°48'56", a chord bearing and distance of S 46°31'54" E, 52.43 feet and an arc length of 52.66 feet to a set "X" in concrete on the north line of Lot 5, Block 3, New City Block 9021, The Oak Apartments Subdivision recorded in Volume 8200, Page 144 of the Deed and Plat Records of Bexar County Texas. Said set "X" being at the east end of a curve at the south corner of the intersection of East Mulberry Drive and said Oaktree Drive;
- THENCE: Along the east right-of-way line of Oaktree Drive, the west line of said Lot 5, along a curve concave to the south, said curve having radial bearing of S 34°03'38" W, a radius of 55.00 feet, a central angle of 85°34'34", a chord bearing and distance of S 81°16'21" W, 74.72 feet and an arc length of 82.15 feet to a set ½ inch iron rod with a yellow cap stamped "Pape Dawson";
- THENCE: Continuing along the east right-of-way line of Oaktree Drive, the west line of said Lot 5, along a compound curve to the left, said curve having a radius of 195.86 feet, a central angle of 38°36'30", a chord bearing and distance of S 19°10'49" W, 129.50 feet and an arc length of 131.98 feet to a set ½ inch iron rod with a yellow cap stamped "Pape Dawson";
- THENCE: Continuing along the east right-of-way line of Oaktree Drive, the west line of said Lot 5, S 00°07'26" E, a distance of 228.00 feet to a set "X" in concrete;
- THENCE: Continuing along the east right-of-way line of Oaktree Drive, the west line of said Lot 5, S 45°07'24" E, a distance of 31.32 feet to a set "X" in concrete at the south most southwest corner of said Lot 5 on the north right-of-way line of Brackenridge Avenue, a 60 foot right-of-way;
- THENCE: Departing the south most southwest corner of said Lot 5, over and across Brackenridge Avenue, an 80 foot right-of-way, S 89°51'52" W, a distance of 282.15 feet to a set ½ inch iron rod with a yellow cap stamped "Pape Dawson";

THENCE: N 00°07'26" W, a distance of 20.00 feet to the POINT OF BEGINNING, and containing 0.710 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape Dawson Engineers, Inc.  
DATE: March 22, 2012  
JOB NO. 9156-11  
DOC. ID. N:\Survey11\11-9100\9156-11\WORD\FN 0.710 AC.doc

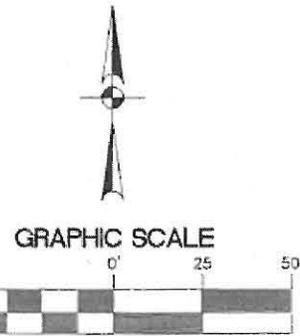
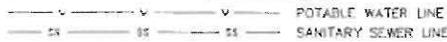




**LEGEND:**  
 OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS  
 DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS  
 FIR FOUND 1/2" IRON ROD (P.D.)  
 SXC SET "X" IN CONCRETE

**NOTES:**  
 1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.  
 2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

**LINE LEGEND**



**LOCATION MAP**

617 B1  
NOT TO SCALE

**SYMBOL LEGEND**

▣	TPED	COMMUNICATION, TELEPHONE, CABLE PEDESTAL
□	EBOX	ELECTRIC BOX
⊕	FP	FIRE HYDRANT
⊕	FP	FLAGPOLE
⊕	GATE	GUY ANCHOR
⊕	SPV	ADVERTISING/ROAD/UTILITY SIGN WITH DESCRIPTION
⊕	SPV	SPRINKLER VALVE
⊕	SSM	SANITARY SEWER MANHOLE
⊕	TRP	TRAFFIC SIGNAL POLE
⊕	UKP	UNKNOWN PIPE
⊕	UP	UTILITY POLE
⊕	UPT	UTILITY POLE W/TRANSFORMER
⊕	UV	WATER VALVE

(55.6' R.O.W.)

MATCHLINE SEE SHEET 2



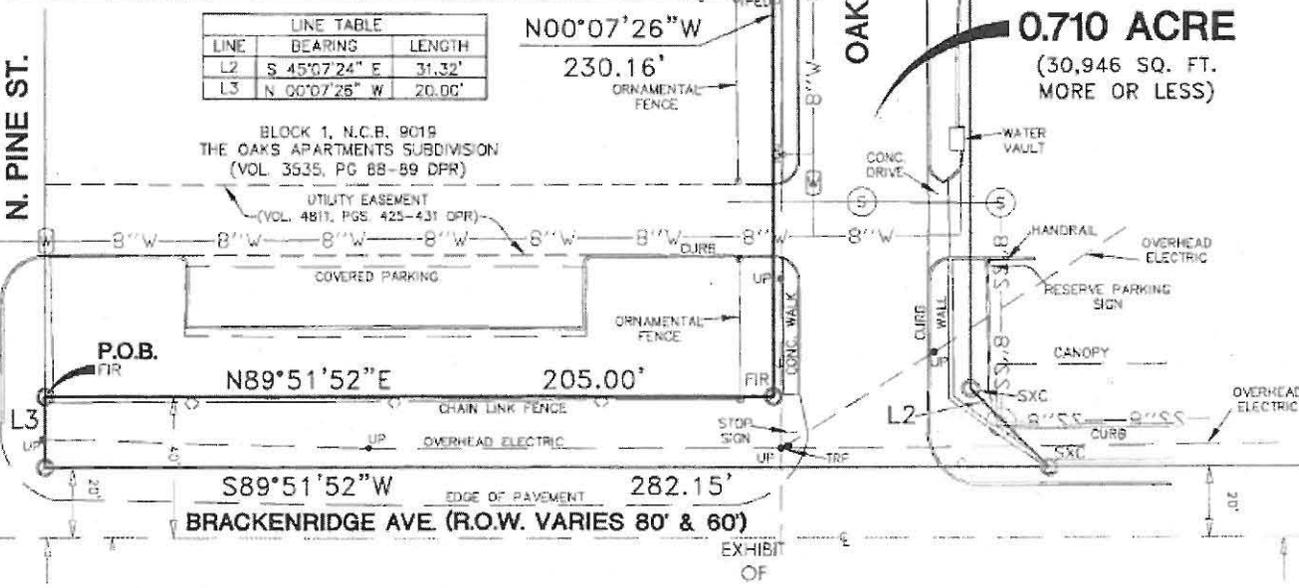
LOT 5, BLOCK 3, N.C.B. 9021  
THE OAKS APARTMENTS SUBDIVISION  
(VOL. 8200, PG 144 DPR)

**CURVE TABLE**

CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE	CURVE LENGTH
C1	250.86	43°55'58"	N 21°50'32" E	187.67'	192.35'
C6	195.85	38°26'30"	S 19°10'49" W	129.50'	131.98'

**LINE TABLE**

LINE	BEARINGS	LENGTH
L2	S 45°07'24" E	31.32'
L3	N 00°07'26" W	20.00'



S00°07'26"E  
228.00'

**0.710 ACRE**  
(30,946 SQ. FT. MORE OR LESS)

A 0.710 OF AN ACRE, OR 30,946 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING ALL OF OAKTREE DRIVE, BETWEEN BRACKENRIDGE AVENUE AND EAST MULBERRY AVENUE AND A PORTION OF BRACKENRIDGE AVENUE BETWEEN OAKTREE DRIVE AND NORTH PINE STREET IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.



225 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.575.2000  
FAX: 210.575.9240  
MEMBER BOARD OF PROFESSIONAL ENGINEERS, CIVIL REGISTRATION # 476  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, REG. # 040886-00  
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MARCH 22, 2012

SHEET 1 OF 2  
JOB No.: 9156-11



LOCATION MAP  
617 81  
NOT-TO-SCALE

**LEGEND:**

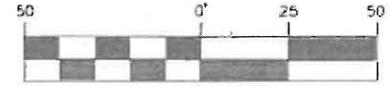
- OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- FIR FOUND 1/2" IRON ROD (P.D.)
- SMAGW SET MAG NAIL AND WASHER
- SXC SET "X" IN CONCRETE

**NOTES:**

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.



**GRAPHIC SCALE**



1 inch = 50

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 37°07'26" E	70.19'

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE	CURVE LENGTH
C1	250.86	43°55'56"	N 21°50'32" E	187.57'	192.35'
C2	60.00	63°12'44"	N 12°12'08" E	62.89'	66.20'
C3	249.07	2°54'19"	S 38°34'35" E	12.63'	12.63'
C4	160.37	18°48'56"	S 46°31'54" E	52.43'	52.66'
C5	55.00	85°34'34"	S 81°16'21" W	74.72'	82.15'
C6	195.86	38°36'30"	S 19°10'49" W	129.50'	131.98'

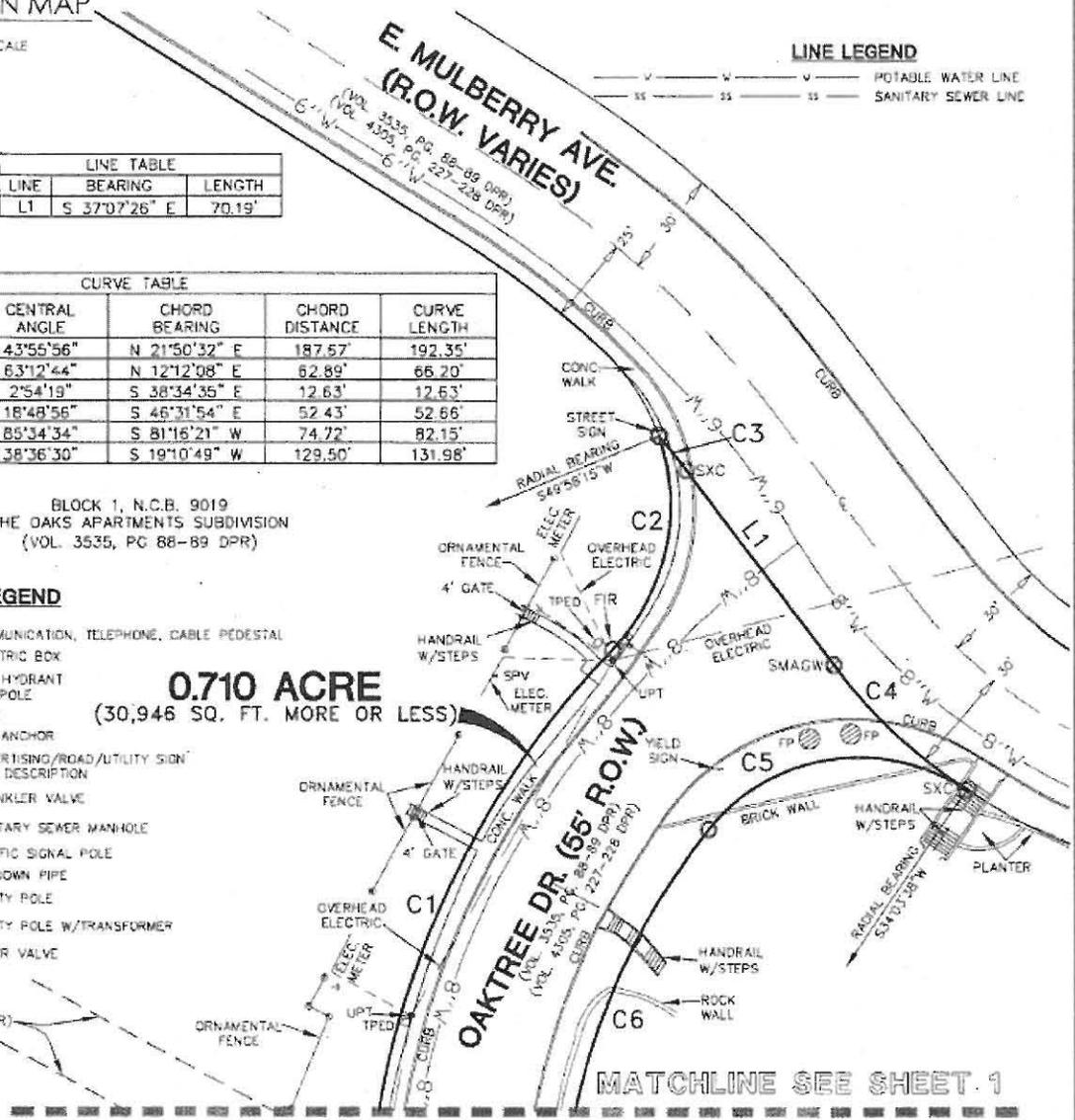
BLOCK 1, N.C.B. 9019  
THE OAKS APARTMENTS SUBDIVISION  
(VOL. 3535, PG 88-89 DPR)

**SYMBOL LEGEND**

- TPED COMMUNICATION, TELEPHONE, CABLE PEDESTAL
- EBOX ELECTRIC BOX
- FP FIRE HYDRANT FLAGPOLE
- GATE GATE
- GUY ANCHOR GUY ANCHOR
- ADVERTISING/ROAD/UTILITY SIGN WITH DESCRIPTION ADVERTISING/ROAD/UTILITY SIGN WITH DESCRIPTION
- SPV SPRINKLER VALVE
- S SANITARY SEWER MANHOLE
- TRP TRAFFIC SIGNAL POLE
- URP UNKNOWN PIPE
- UP UTILITY POLE
- UPT UTILITY POLE W/TRANSFORMER
- W WATER VALVE

**0.710 ACRE**  
(30,946 SQ. FT. MORE OR LESS)

UTILITY EASEMENT  
(VOL. 4811, PGS. 425-431 DPR)



MATCHLINE SEE SHEET 1

EXHIBIT  
OF



585 EAST RANNEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000  
FAX: 210.375.9010  
TEXAS BOARD OF PROFESSIONAL ENGINEERS, P.E. REGISTRATION # 430  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, P.L.S. REGISTRATION # 180500-01  
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A 0.710 OF AN ACRE, OR 30,946 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING ALL OF OAKTREE DRIVE, BETWEEN BRACKENRIDGE AVENUE AND EAST MULBERRY AVENUE AND A PORTION OF BRACKENRIDGE AVENUE BETWEEN OAKTREE DRIVE AND NORTH PINE STREET IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

MARCH 22, 2012

JOB No.: 9156-11

SHEET 2 OF 2-