AZJ
02/12/2015
Item No. 20B

AN ORDINANCE 2015-02-12-0095

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN APPROXIMATELY 0.055-ACRE PORTION OF ROCHAMBEAU STREET, LOCATED AT THE INTERSECTION OF ROCHAMBEAU STREET AND COTTONWOOD AVENUE IN COUNCIL DISTRICT 5, AS REQUESTED BY THE JMB SA PROPERTIES LLC FOR A FEE OF $16,200.00.

* * * * *

WHEREAS, JMB SA Properties LL has requested the abandonment of this City of San Antonio right-of-way segment; and

WHEREAS, closure of the right-of-way segment will maximize the use of the underlying property and provide economic and employment benefit to the local community; and

WHEREAS, the right-of-way segment is no longer needed for public purposes; and

WHEREAS, it is in the interest of the public that the City of San Antonio be relieved of the obligation to maintain the right-of-way segment; **NOW THEREFORE**,

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

SECTION 1. Subject to the reservation below, as an exercise of its discretion, the City Council closes, vacates, and abandons the right-of-way ("Right-of-Way Segment") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the $16,200.00 fee in accordance with the funding section of this Ordinance.

SECTION 2. The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment are 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 I controls over any discrepancy between it and Attachment II.

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. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having lines or facilities in the segment does so at his own risk. 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. All existing drainage rights in the Right-of-Way Segments are retained by the City. This closure does not give up any right arising other than from the plat or other instrument creating the public street 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 Segments 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 into Fund 11001000, Internal Order 256000000001 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 out of 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 become immediately effective under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this **12th** day of **February, 2015**.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

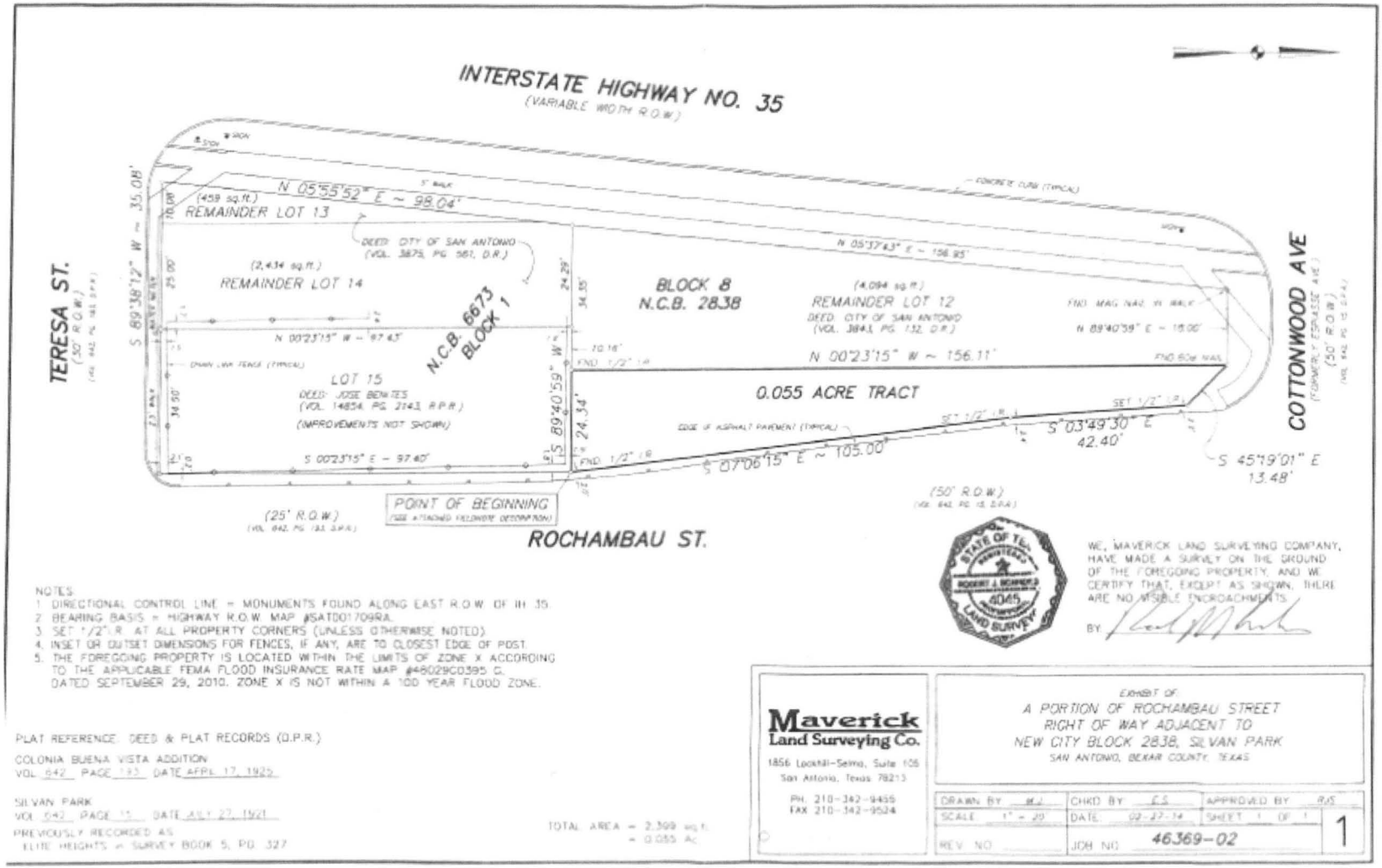
Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for **Martha G. Sepeda, Acting City Attorney**

Attachment I



NOTES:
1. DIRECTIONAL CONTROL LINE = MONUMENTS FOUND ALONG EAST R.O.W. OF IH 35.
2. BEARING BASIS = HIGHWAY R.O.W. MAP #SATD01709RA.
3. SET 1/2" I.R. AT ALL PROPERTY CORNERS (UNLESS OTHERWISE NOTED).
4. INSET OR OUTSET DIMENSIONS FOR FENCES, IF ANY, ARE TO CLOSEST EDGE OF POST.
5. THE FOREGOING PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE X ACCORDING TO THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP #48029C0395 G, DATED SEPTEMBER 29, 2010. ZONE X IS NOT WITHIN A 100 YEAR FLOOD ZONE.

PLAT REFERENCE: DEED & PLAT RECORDS (D.P.R.)

COLONIA BUENA VISTA ADDITION
VOL. 642 PAGE 133 DATE APRIL 17, 1925

SILVAN PARK
VOL. 642 PAGE 15 DATE JULY 27, 1921
PREVIOUSLY RECORDED AS
ELITE HEIGHTS - SURVEY BOOK 5, PG. 327

TOTAL AREA = 2,399 sq.ft.
= 0.055 Ac.

STATE OF TEXAS
ROBERT J. SCHNEIDER
4045
REGISTERED
LAND SURVEYOR

WE, MAVERICK LAND SURVEYING COMPANY, HAVE MADE A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY, AND WE CERTIFY THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

BY: _____

Maverick Land Surveying Co.
1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213
PH. 210-342-9455
FAX 210-342-9524

EXHIBIT OF:
A PORTION OF ROCHAMBAU STREET
RIGHT OF WAY ADJACENT TO
NEW CITY BLOCK 2838, SILVAN PARK
SAN ANTONIO, BEXAR COUNTY, TEXAS

DRAWN BY: WJ	CHKD BY: FS	APPROVED BY: RJS
SCALE: 1" = 20'	DATE: 02-27-14	SHEET 1 OF 1
REV. NO.	JOB NO. 46369-02	1

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213

Maverick
Land Surveying Co.

Tel 210-342-9455 • Fax 210-342-9524
www.mavericklandsurveying.com

February 27, 2014
Job No. 46369-02

0.055 Acre Tract

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE description of a 0.055 acre tract of land situated within the corporate limits of the city of San Antonio, Bexar County, Texas, and being a portion of Rochambau St. as shown by plat of SILVAN PARK, recorded in Volume 642, Page 15, Deed and Plat Records of said county and state; in all said 0.055 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found with orange plastic cap marked, "MLS CO, RPLS 4612" on the west line of Rochambau St. (a 25.00 foot wide public right of way, at this point), same being the northeast corner of Lot 15, Block 1, New City Block 6673, COLONIA BUENA VISTA ADDITION, recorded in Volume 642, Page 193, said Deed and Plat Records;

THENCE, along the north line of said Lot 15, South 89° 40' 59" West, 24.34 feet to a ½" iron rod found with orange plastic cap marked, "MLS CO, RPLS 4612" at the southeast corner of the remainder of Lot 12, Block 8, New City Block 2838, said SILVAN PARK;

THENCE, with the west line of said Rochambau St. (a 50.00 foot wide public right of way, at this point), and along the east line of said remainder of Lot 12, North 00° 23' 15" West, 156.11 feet to a 60-D nail found at the southwest corner of the intersection of Cottonwood Ave. (a 50.00 foot wide public right of way platted as Espiasse Ave.) recorded in said Volume 642, Page 15, and Rochambau St.;

THENCE, across a portion of said Rochambau St., South 45° 19' 01" East, 13.48 feet to a ½" iron rod set; South 03° 49' 30" East, 42.40 feet to a ½" iron rod set; and South 07° 06' 15" East, 105.00 feet to the POINT OF BEGINNING.

CONTAINING in all 0.055 acres, or 2,399 square feet, more or less.

All ½" iron rod set with orange plastic cap marked "MLS CO, RPLS 4612."

A graphic exhibit accompanies this description.

STATE OF TEXAS
REGISTERED
ROBERT J. SCHROEDER
4045
PROFESSIONAL
LAND SURVEYOR

MAVERICK LAND SURVEYING CO.

Robert J. Schroeder, R.P.L.S. Texas No. 4045

Attachment II