

AN ORDINANCE

2009-06-11-0483

AUTHORIZING A PROPERTY EXCHANGE INVOLVING A CLOSURE AND ACQUISITION NEAR GATE #2 OF BRACKENRIDGE PARK ON AVENUE B FOR THE CITY WIDE BIKE GROUP III-AVENUE B CONSTRUCTION PROJECT, COUNCIL DISTRICT 1.

* * * * *

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 it. A condition of the closure, vacation, and abandonment is City's receipt of an adjacent, unimproved tract of land.

SECTION 2. A picture of the subject right of way is set forth at **Exhibit A**. The detailed description of the right of way to be closed is set forth on **Exhibit B** and the detailed description of the right-of-way to be acquired is set forth on **Exhibit C**. Exhibits A, B, and C 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 right of way to be closed.

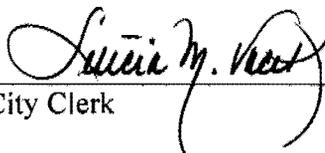
SECTION 4. The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this acquisition and closure, abandonment, and vacation.

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 rights of way.

SECTION 6. This ordinance becomes effective 10 days after passage.

PASSED AND APPROVED this 11th day of June 2009.

Attest:



City Clerk


M A Y O R
JULIÁN CASTRO

Approved As To Form:



City Attorney

Agenda Item:	5						
Date:	06/11/2009						
Time:	09:21:38 AM						
Vote Type:	Motion to Approve						
Description:	A Public Hearing and consideration of an Ordinance authorizing a property exchange involving a closure and acquisition near Gate #2 of Brackenridge Park on Avenue B for the City Wide Bike Group III-Avenue B construction project, located in Council District 1. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvement Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julian Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				

SITE MAP

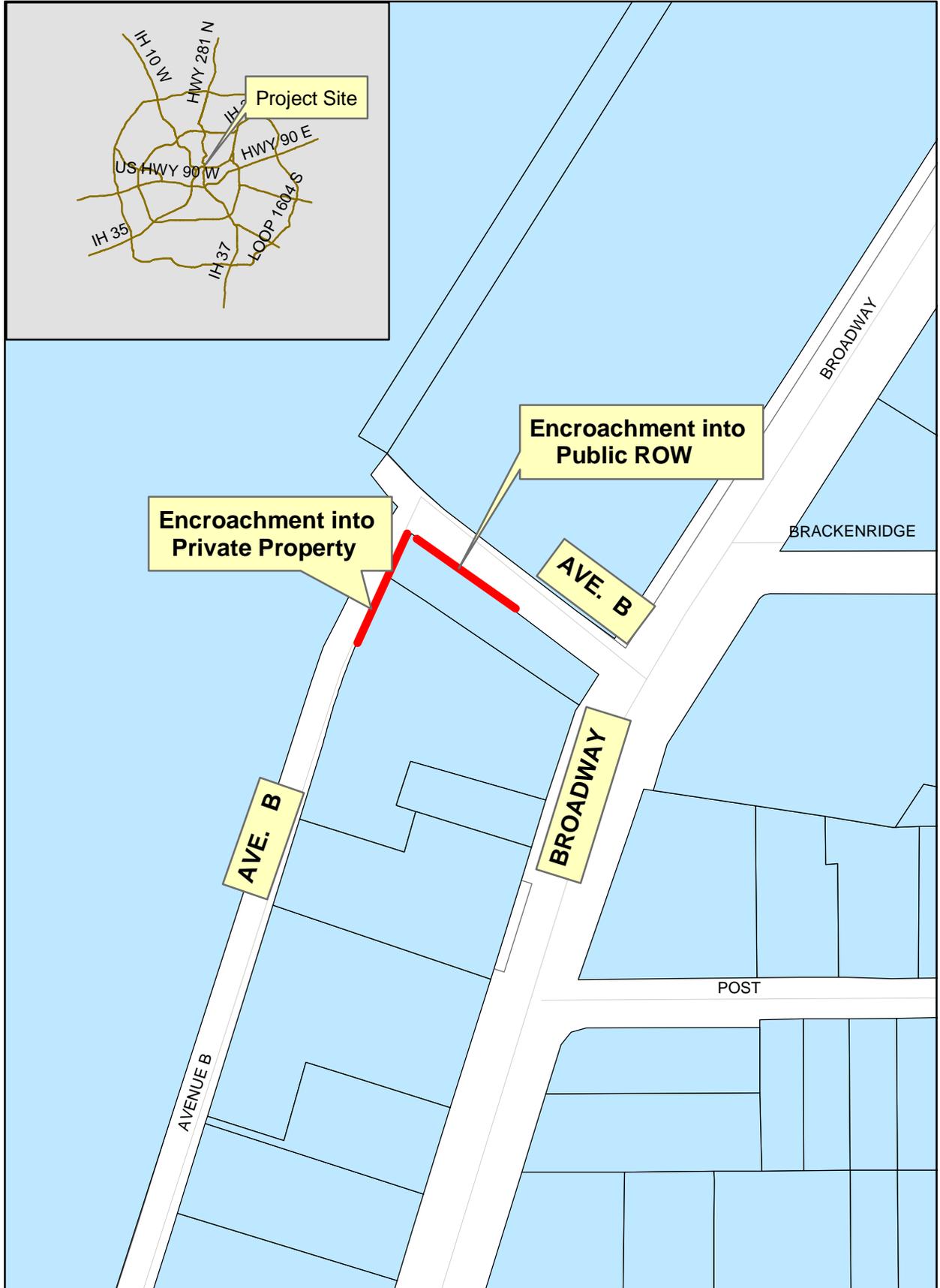


Exhibit "A"

Exhibit B

FEE SIMPLE TRACT

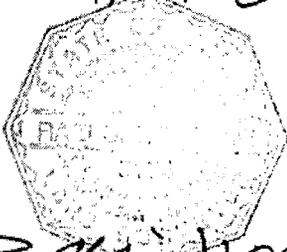
Field notes for a tract of land containing 2,620.70 square feet (0.060 Acres) being out of Gate No. 2 to Brackenridge Park as described in Volume 289, Pages 482 – 491 of the Deed and Plat Records of Bexar County, Texas and being adjacent to Lot 98, Block 2, N.C.B. 6296, City of San Antonio, Bexar County, Texas as recorded in Volume 3741, Pages 454-459, Real Property Records of Bexar County, Texas and being more particularly described by metes and bounds as surveyed as follows:

BEGINNING: at a P-K nail set in a concrete curb being along the southwest right-of-way line of Gate No. 2 to Brackenridge Park as described in Volume 289, Page 482 – 491 of the Deed and Plat Records of Bexar County, Texas, said point also being along the north boundary line of Lot 97, Block 2, N.C.B. 6296 for the southeast corner of this tract and said point being N 65°21'18" W – 62.24 feet from the point of intersection of the southwest right-of-way line of Gate No. 2 and the west right-of-way line of Broadway, said point also being the northeast corner of a 1.107 Acre Tract described in Volume 3741, Pages 454 - 459, Real Property Records, Bexar County, Texas;

THENCE: N 65°21'18" W with the southwest right-of-way line of Gate No. 2 to Brackenridge Park and the northeast boundary line of Lot 97 and Lot 98, Block 2, N.C.B. 6296 a distance of 168.00 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt for the northwest corner of this tract;

THENCE: S 76°08'54" E a distance of 166.60 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt for the northeast corner of this tract;

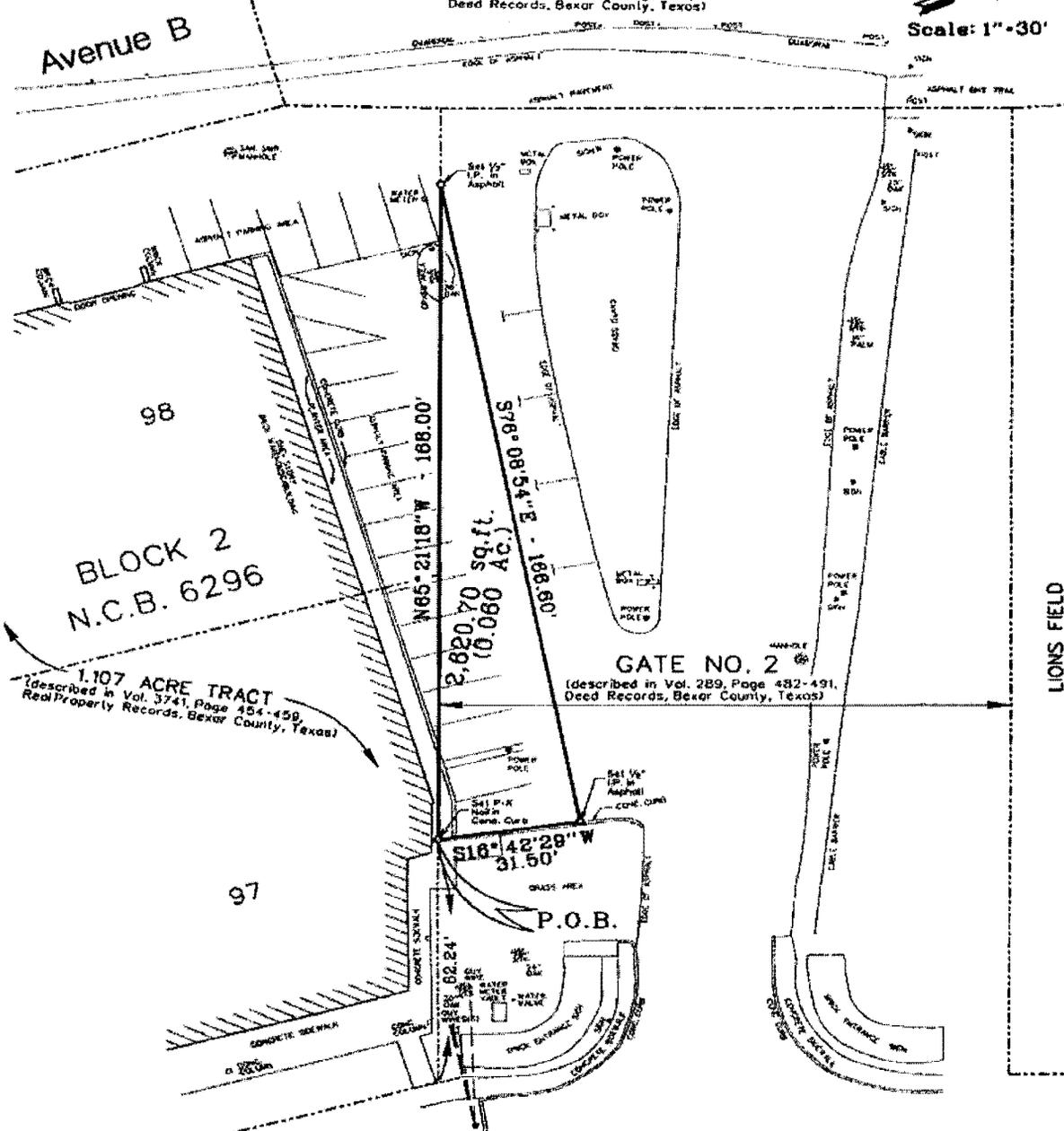
THENCE: S 16°42'29" W a distance of 31.50 feet to the POINT OF BEGINNING for this tract of land containing 2,620.70 square feet (0.060 Acres), more or less.

11/13/08

Ray Hester

FREE SIMPLE TRACT

BRACKENRIDGE GOLF COURSE
 (described in Vol. 185, Page 183,
 Deed Records, Bexar County, Texas)

Scale: 1"=30'



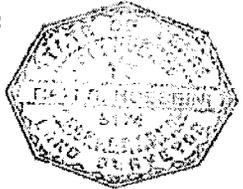
NOTE:
 1/2" Iron Pin with Orange Plastic Cap
 marked COBA-CIMS set at each corner,
 except as shown.

STATE OF TEXAS
 COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT
 IS TRUE AND CORRECT ACCORDING TO AN
 ACTUAL SURVEY MADE ON THE GROUND
 UNDER MY SUPERVISION AND THAT THERE
 ARE NO VISIBLE ENCROACHMENTS OR
 EASEMENTS EXCEPT AS SHOWN.

THIS 13TH DAY OF NOV., 2008.

Razi Hosseini
 RAZI S. HOSSEINI
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5174



SURVEY OF:

A TRACT OF LAND CONTAINING
 2,820.70 SQ.FT. (0.080 AC.) OUT OF
 GATE NO. 2 TO BRACKENRIDGE
 PARK ADJACENT TO N.C.B. 6296,
 SAN ANTONIO, BEXAR COUNTY,
 TEXAS

CITY OF SAN ANTONIO
 CAP. IMPR. MGMT. SERV. DEPT.
 TECHNICAL SERVICES DIVISION
 DATE: OCTOBER 10, 2008
 SURVEYOR: C. GALLAGHER, BK#2

Exhibit C

FEE SIMPLE TRACT

Field notes for a tract of land containing 2,620.70 square feet (0.060 Acres) being out of Lots 94, 96 and 98, Block 2, N.C.B. 6296, City of San Antonio, Bexar County, Texas as recorded in Volume 3741, Pages 454-459, Real Property Records of Bexar County, Texas and being more particularly described by metes and bounds as surveyed as follows:

BEGINNING: at a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt along the east right-of-way line of Avenue B, said point also being along the west boundary line of Lot 94, Block 2, N.C.B. 6296 for the southernmost corner of this tract, and said point being N 8°21'00" E – 66.40 feet from a ½" iron pin found for the southwest corner of a 1.107 Acre Tract described in Volume 3741, Pages 454-459, Real Property Records, Bexar County, Texas;

THENCE: N 8°21'00" E with the east right-of-way line of Avenue B and the west boundary line of Lot 94, Lot 96 and Lot 98, Block 2, N.C.B. 6296 a distance of 183.42 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt for an angle point of this tract;

THENCE: N 25°36'30" E a distance of 33.85 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt at a point being the northernmost corner of Lot 98, Block 2, N.C.B. 6296 and said point also being the westernmost corner of Gate No. 2 to Brackenridge Park, described in Volume 289, Pages 482 – 491 of the Deed Records of Bexar County, Texas for the northernmost corner of this tract;

THENCE: S 65°21'18" E with the northern boundary line of Lot 98, Block 2, N.C.B. 6296 and the southwest right-of-way line of Gate No. 2 to Brackenridge Park a distance of 19.76 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt for the northeast corner of this tract;

THENCE: S 20°34'57" W crossing Lot 98, Block 2, N.C.B. 6296 a distance of 46.24 feet to a ½" iron pin with an orange plastic cap marked COSA-CIMS set in asphalt for a corner of this tract;

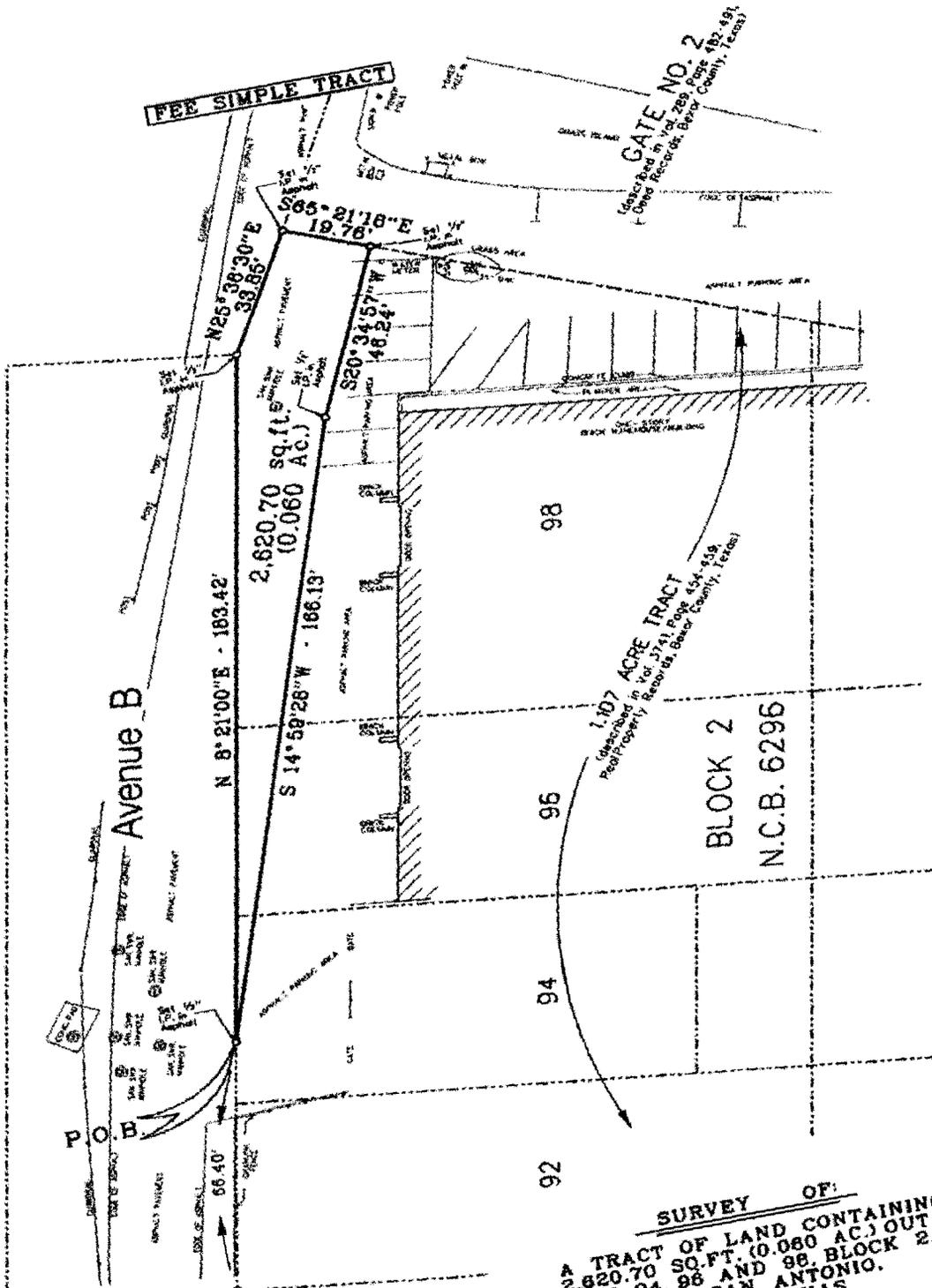
THENCE: S 14°59'28" W crossing Lot 98, Lot 96 and Lot 94, Block 2, N.C.B. 6296 a distance of 166.13 feet to the POINT OF BEGINNING for this tract of land containing 2,620.70 square feet (0.060 Acres), more or less.

11-13-08

RAZI S. HADJIPI

Scale: 1" = 30'

BRACKENRIDGE GOLF COURSE
 (described in Vol. 385, Page 103,
 Deed Records, Bexar County, Texas)



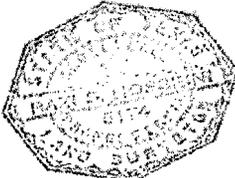
NOTE:
 1/2" Iron Pin with
 Orange Plastic Cap
 marked CGSA-CIMS
 set at each corner.

STATE OF TEXAS
 COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR BASEMENTS EXCEPT AS SHOWN.

THIS 17th DAY OF NOV., 2008.

Razi Hosseini
 RAZI S. HOSSEINI
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5174



SURVEY OF:
 A TRACT OF LAND CONTAINING
 2,620.70 SQ. FT. (0.060 AC.) OUT OF
 LOTS 94, 98 AND 98, BLOCK 2,
 N.C.B. 6296, SAN ANTONIO,
 BEXAR COUNTY, TEXAS

CITY OF SAN ANTONIO
 CAP. IMPR. MGMT. SERV. DEPT.
 TECHNICAL SERVICES DIVISION
 DATE: OCTOBER 10, 2008
 SURVEYOR: C. GALLEGOS, BK-2



OPTION #1

PRIVATE PROPERTY

LIONS FIELD

ANTONIO

GOLF OPERATIONS BOUNDARY
AREA ACQUIRED
APPROXIMATELY 2,585,397 S.F.
0.059 AC.

Avenue B

AREA ACQUIRED
APPROXIMATELY 2,585,397 S.F.
0.059 AC.

90

92

94

96

98

AREA RELEASED
APPROXIMATELY 2,585,397 S.F.
0.059 AC.

1707 ACRE TRACT

91

93

95

AVE. B

PUBLIC RIGHT OF WAY

Broadway

CITY OF S...
S... WATER SUPPLY...
CONSERVATION...
GATE NO. 2

EXHIBIT "B"

Proposed closure of an unimproved portion of Avenue "B"

Agenda Item 5
June 11, 2009

Background

Issue

- City of San Antonio is requesting the closure, vacation & abandonment of an unimproved portion of Avenue "B," located in Council District 1.
- During the construction of the Avenue "B" project, it came to City's attention that an improved portion of Avenue "B" has been on abutting private property for several years.
- A subsequent survey found a portion of same property owner's parking lot on an unimproved portion of Avenue "B."

Background (cont.)

The two parcels of land are equal in lot area (0.059 ac.). As a result, the City is requesting to close, vacate and abandon that unimproved portion of Avenue "B" to the abutting property owner for parking use in exchange for that portion of private property currently used as Public Right of Way by the City.

3

Background (cont.)

Purpose

- The approval of this request will cure the encroachments created inadvertently by both parties allowing for the project to continue and the property owner continued use of existing parking area.

4

Coordination

Staff Coordination:

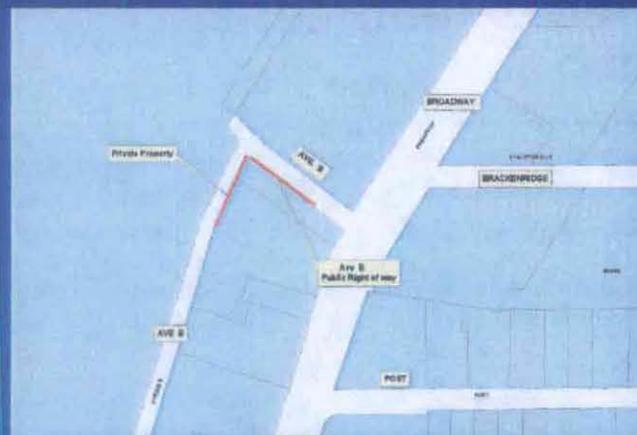
- This request was coordinated through all interested City Departments and Utility Agencies and received conditional approval
- Petitioners have agreed to comply with all imposed conditions

Supplemental Comments:

- Planning Commission recommended approval at May 27, 2009 meeting.

5

Map of Proposed Closure and Acquisition



6

Fiscal Impact

Financial Impact:

- There is no Fiscal impact

7

Analysis & Recommendation

Policy Analysis:

- Request is in compliance with City's policies on closure, vacation & abandonment of Public ROW

Recommendation:

- Staff recommends approval.

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