

AN ORDINANCE      2012-06-21-0485

**AUTHORIZING CLOSURE, VACATION, AND ABANDONMENT OF A  
0.594 ACRE IMPROVED SEGMENT OF GROVE AVENUE IN  
CONNECTION WITH THE MISSION ROAD REALIGNMENT  
PROJECT.**

\* \* \* \* \*

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

**SECTION 1.** Subject to the reservation below and as an exercise of its discretion, the City Council authorizes the City Manager or her designee to execute and record in the real property records a certificate closing, vacating, and abandoning the Right-of-Way Segment described below upon completion of sufficient Mission Road realignment work so that traffic can continue to flow freely from Roosevelt down Mission Road.

**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.

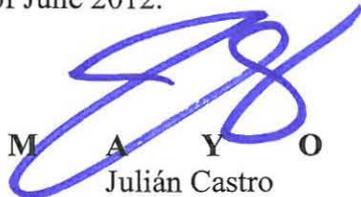
**SECTION 5.** The parties believe the City owns the Right-of-Way Segment in fee simple. Accordingly, in addition to unburdening the Right-of-Way Segment from a public-street right-of-way easement, the City will give a deed to the Right-of-Way Segment to the owner(s) of abutting property. For purposes 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.** 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.

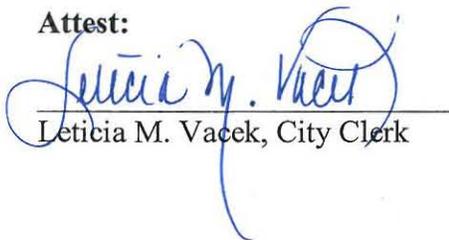
**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 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.

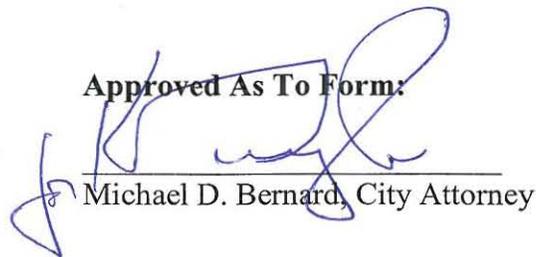
**PASSED AND APPROVED** this 21<sup>st</sup> day of June 2012.

  
M A Y O R  
Julián Castro

**Attest:**

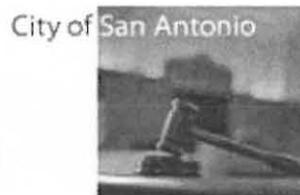
  
Leticia M. Vacek, City Clerk

**Approved As To Form:**

  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**



**Agenda Voting Results - 32B**

<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 closing, vacating and abandoning 0.594 acres of improved segments of Grove Avenue as requested by the City of San Antonio.						
<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				
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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Being 0.2403 hectares [0.594 acres], 2,403 sq. mtrs. [25,866 sq. ft.] out of N.C.B. A-20, City of San Antonio, Bexar County, Texas, and being out of Mission Road and Grove Avenue said 0.2403 hectares [0.594 acres] being more particularly described by metes and bounds as follows:

**COMMENCING** at an "X" in concrete found at the southwest intersection of Roosevelt Ave. and Grove Avenue, said "X" being 30.959m left of and at a right angle to the proposed Mission Road centerline station 12+612.095, for the northeast corner of Lot 31, N.C.B. A-20, as recorded in Volume 3377, Page 219, Plat Records, Bexar County, Texas, thence, North  $78^{\circ} 37' 57''$  West, a distance of 2.222m [7.29'] to a  $\frac{1}{2}$ " iron rod with "CEC" cap set for the **POINT OF BEGINNING** of the herein described tract;

**Thence**, North  $78^{\circ} 37' 57''$  West, a distance of 8.373m [27.47'], along the south R.O.W. line of said Grove Avenue and the north boundary line of said Lot 31, to a  $\frac{1}{2}$ " iron rod with "CEC" cap found for an angle point of the herein described tract, said  $\frac{1}{2}$ " iron rod found being 33.179m left of and at a right angle to the proposed Mission Road centerline station 12+601.735;

**Thence**, North  $78^{\circ} 37' 39''$  West, continuing along said south R.O.W. line of Grove Avenue, a distance of 50.445m [165.50'], to a  $\frac{1}{2}$ " iron rod with "CEC" cap found for the northwest corner of Lot 31, N.C.B. A-20, as recorded in Volume 3377, Page 219, Plat Records, Bexar County, Texas, and the northeast corner of an approximate one acre tract of land conveyed to Martin Linen Supply Company, and an angle point of the herein described tract, said  $\frac{1}{2}$ " iron rod set being 43.749m left of and at a right angle to the proposed Mission Road centerline station 12+552.410;

**Thence**, North  $78^{\circ} 04' 10''$  West, continuing along said south R.O.W. line of Grove Avenue and the north line of said approximate one acre tract of land, a distance of 52.563m [172.45'] to a  $\frac{1}{2}$ " iron rod with "CEC" cap set, for an angle point of the herein described tract;

**Thence**, South  $30^{\circ} 45' 43''$  West, along the east R.O.W. line of Mission Road and the west line of said approximate one acre tract of land, a distance of 36.548m [119.91'], to a  $\frac{1}{2}$ " iron rod with "CEC" cap found, for the southeast corner of the herein described tract and a Point of Curvature of a curve to the left having a central angle of  $27^{\circ} 49' 30''$ , a radius of 49.300m [161.74'], and a chord bearing and distance of South  $64^{\circ} 19' 59''$  West, 23.707m [77.78'];

**Thence**, along said curve to the left, a distance of 23.942m [78.55'], to a  $\frac{1}{2}$ " iron rod with "CEC" cap set for the southwest corner of the herein described tract;

**Thence**, North 30° 45' 56" East, along the east boundary line of Lot A-2, and the west R.O.W. line of said Mission Road, a distance of 67.291m [220.77'], to a ½" iron rod with "CEC" cap set for the northwest corner of the herein described tract;

**Thence**, North 78° 37' 58" East, along the north R.O.W. line of said Grove Avenue and the south boundary line of Lot 43, N.C.B. A-20, Martin Linen Subdivision, as recorded in Volume 9513, Page 2, Plat Records, Bexar County, Texas, a distance of 105.850m [347.28'], to a ½" iron rod with "CEC" cap set for a Point of Curvature of a curve to the left having a central angle of 104° 38' 33", a radius of 8.422m [27.63], and a chord bearing and distance of North 49° 02' 15" East, 13.330m [27.63'];

**Thence**, along said curve to the left, a distance of 15.382m [50.47'], to a ½" iron rod with "CEC" cap set for the northeast corner of the herein described tract;

**Thence**, South 01° 55' 41" East, crossing said Grove Avenue, a distance of 26.502m [86.95'] to the **POINT OF BEGINNING** and containing 0.2403 hectares [0.594 acres] 2,403 sq. mtrs. [25,866 sq. ft.] of land, more or less.

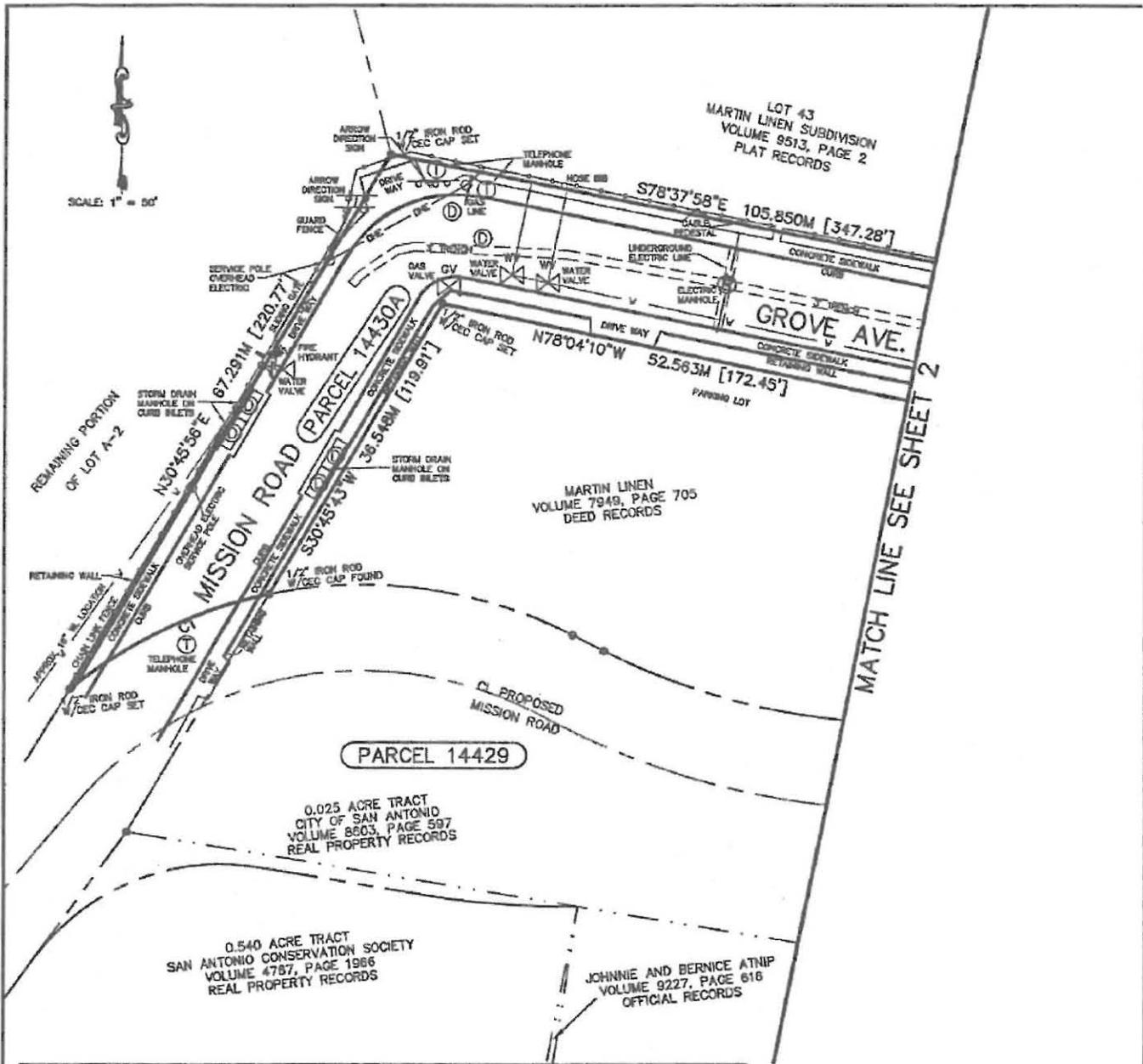
A plat of even date herein accompanies this legal description.

NOTE: English units are provided for information only.

NOTE: The herein before described tract of land was prepared from a survey made on the ground under my supervision on this the 6<sup>th</sup> day of March, 2012.

*Chester A. Varner, R.P.L.S. 3/13/2012*  
Chester A. Varner, Registered Professional Land Surveyor, #4812





CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	23.942M [78.55']	49.300M [161.74']	27°49'30"	S94°18'59"W	23.707M [77.78']
C2	15.382M [50.47']	8.422M [27.63']	104°36'33"	N49°02'15"E	13.330M [43.73']

NOTE: ENGLISH UNITS ARE PROVIDED FOR INFORMATION ONLY

A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREIN ACCOMPANIES THIS PLAT

 <p>CIVIL ENGINEERING CONSULTANTS DON DURDEX, INC. 11050 L.H. JOE WEST, SUITE 306 SAN ANTONIO, TEXAS 78230 P) 210.541.9999 F) 210.541.8660 TEXAS FIRM REGISTRATION NUMBER: ENGINEERING: F-2814 SURVEYING: 406410-09 Email: cec@cectexas.com</p>			DIST:	BEING 0.2403 HECTARES (0.594 ACRES) OUT OF LOT 43, N.C.B. A-20, MARTIN LINEN SUBDIVISION, AS RECORDED IN VOLUME 9513, PAGE 2, PLAT RECORDS, BEXAR COUNTY, TEXAS	COUNTY: BEXAR
			ACCOUNT NO.		DATE OF SURVEY: MARCH 6, 2012
PARCEL 14430A		SHEET 1 OF 2			

