

AN ORDINANCE **93878**

CLOSING, VACATING, AND ABANDONING AN IMPROVED PORTION OF CHULIE DRIVE RIGHT OF WAY DIRECTLY EAST AND ADJACENT TO U.S. HIGHWAY 281 NORTH, AS REQUESTED BY PETITIONER, JACK GUENTHER, FOR THE CONSIDERATION OF \$21,417.00.

* * * * *

WHEREAS, Jack Guenther, as Petitioner and the owner of the property abutting the property hereinafter described, has requested that the City of San Antonio close, vacate and abandon an improved street known as Chulie Drive consisting of 0.3198 acres, more fully described by Plat and metes and bounds description attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the public welfare will be promoted by consenting to this request; and

WHEREAS, the property will be conveyed in exchange for payment by Petitioner of the total amount of \$21,417.00; and

WHEREAS, Petitioner's request has been circulated through all interested City Departments and utility agencies including the Planning Department, Public Works Department, Building Inspections, City Public Service, Southwestern Bell Telephone, and Texas Department of Transportation, all of whom have imposed specific conditions and/or restrictions to which Petitioner has formally assured compliance; and

WHEREAS, the Planning Department of the City of San Antonio, at its regular meeting on April 19, 2001, and the City Council of the City of San Antonio, following a public hearing on May 3, 2001, approved the request to close, vacate and abandon said improved portion of Chulie Drive; **NOW THEREFORE:**

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

SECTION 1. For the total consideration of \$21,417.00, the improved street known as Chulie Drive, more fully described on Exhibit "A" attached hereto and incorporated herein, consisting of 0.3198 acres, is hereby closed, vacated and abandoned as public right-of-way of the City of San Antonio, Texas.

SECTION 2. This closing, vacating and abandonment is contingent upon Jack Guenther, Trustee, paying to the City of San Antonio the total sum of \$21,417.00 within ten (10) days of City Council approval of this Ordinance and following all the terms and conditions set out in the letter agreement dated February 28, 2001, attached hereto and incorporated herein as Exhibit "B", in which Petitioner formally assures compliance with the specific conditions imposed by the Planning Department, Public Works Department, Building Inspections, City Public Service, Southwestern Bell Telephone, and Texas Department of Transportation.

SECTION 3. The City Manager is hereby authorized to execute all legal documentation, if any, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating and abandonment of this property upon receipt of the above-mentioned consideration.

SECTION 4. The \$21,417.00 in proceeds to be collected from Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled Sale of Land.

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

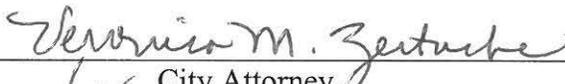
PASSED AND APPROVED this 3rd day of May, 2001.


M A Y O R
Howard W. Peak

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

01 - 18

MEETING OF THE CITY COUNCIL

| |
|--|
| ALAMODOME |
| ARTS & CULTURAL AFFAIRS |
| ASSET MANAGEMENT ✓ |
| AVIATION |
| BUDGET & PERFORMANCE ASSESSMENT ✓ |
| BUILDING INSPECTIONS |
| HOUSE NUMBERING |
| CITY ATTORNEY |
| MUNICIPAL COURT |
| REAL ESTATE (FASNIDGE) |
| REAL ESTATE (WOOD) |
| RISK MANAGEMENT |
| CITY MANAGER |
| SPECIAL PROJECTS |
| CITY PUBLIC SERVICE - GENERAL MANAGER |
| CITY PUBLIC SERVICE - MAPS AND RECORDS ✓ |
| CODE COMPLIANCE |
| COMMERCIAL RECORDER |
| COMMUNITY INITIATIVES |
| COMMUNITY RELATIONS |
| PUBLIC INFORMATION |
| CONVENTION AND VISITORS BUREAU |
| CONVENTION CENTER EXPANSION OFFICE |
| CONVENTION FACILITIES |
| ECONOMIC DEVELOPMENT |
| FINANCE - DIRECTOR |
| FINANCE - ASSESSOR |
| FINANCE - CONTROLLER ✓ |
| FINANCE - GRANTS |
| FINANCE - TREASURY |
| FIRE DEPARTMENT |
| HOUSING AND COMMUNITY DEVELOPMENT |
| HUMAN RESOURCES (PERSONNEL) |
| INFORMATION SERVICES |
| INTERGOVERNMENTAL RELATIONS |
| INTERNAL REVIEW |
| INTERNATIONAL AFFAIRS |
| LIBRARY |
| METROPOLITAN HEALTH DISTRICT |
| MUNICIPAL CODE CORPORATION |
| MUNICIPAL COURT |
| PARKS AND RECREATION |
| MARKET SQUARE |
| YOUTH INITIATIVES |
| PLANNING DEPARTMENT ✓ |
| DISABILITY ACCESS OFFICE |
| LAND DEVELOPMENT SERVICES |
| POLICE DEPARTMENT |
| GROUND TRANSPORTATION |
| PUBLIC WORKS DIRECTOR ✓ |
| CAPITAL PROJECTS |
| CENTRAL MAPPING ✓ |
| ENGINEERING ✓ |
| ENVIRONMENTAL SERVICES |
| PARKING DIVISION |
| REAL ESTATE DIVISION ✓ |
| SOLID WASTE |
| TRAFFIC ENGINEERING |
| PURCHASING AND GENERAL SERVICES |
| SAN ANTONIO WATER SYSTEMS (SAWS) |
| Environmental Services ✓ |
| VIA |

AGENDA ITEM NUMBER: 4B

DATE: MAY 3 2001

MOTION: Perez

ORDINANCE NUMBER: 93878

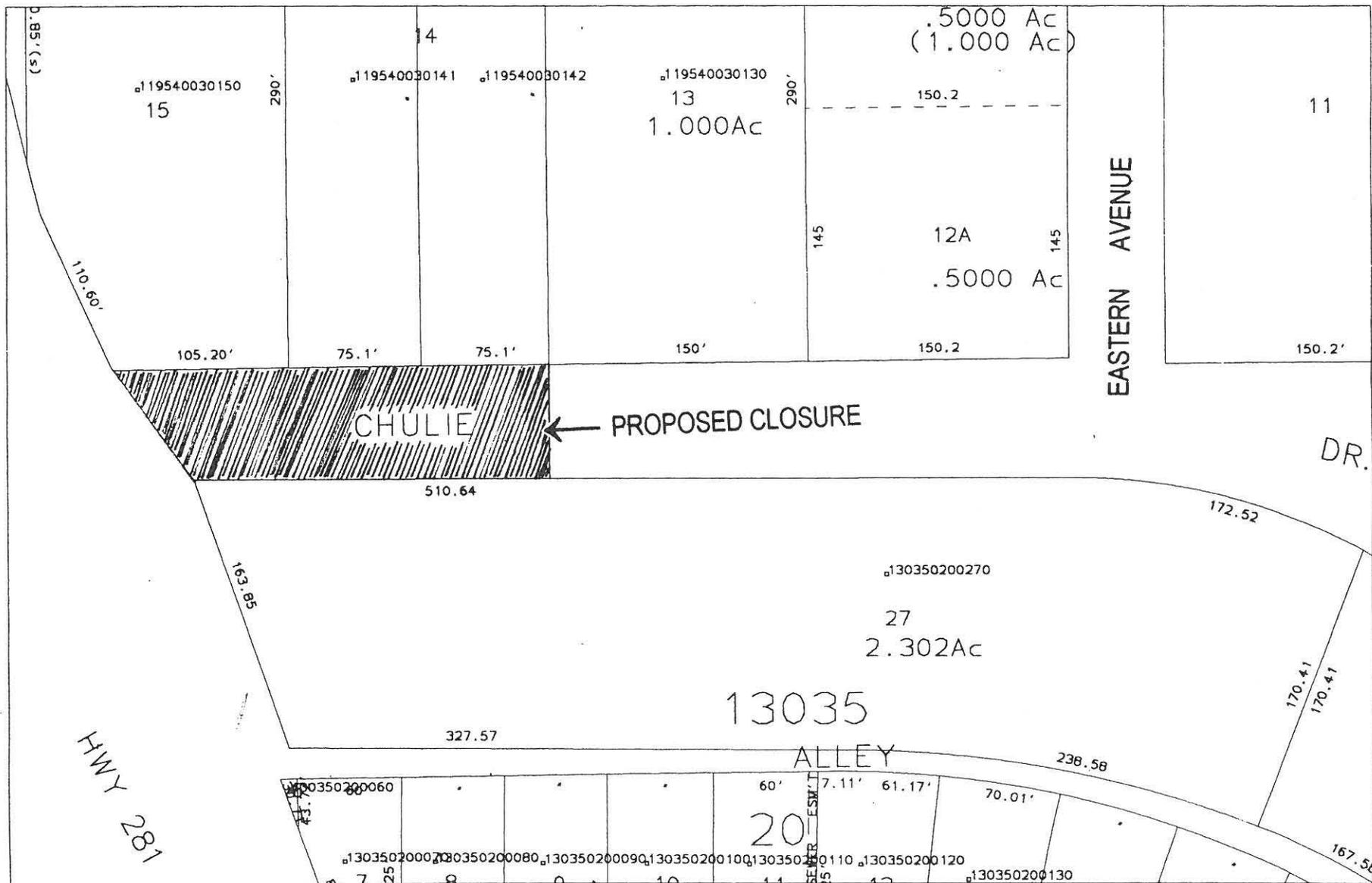
RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

| NAME | ROLL | AYE | NAY |
|--------------------------------|------|-----|-----|
| BOBBY PEREZ District 1 | | ✓ | |
| MARIO SALAS District 2 | - | ✓ | |
| DEBRA GUERRERO District 3 | | ✓ | |
| RAUL PRADO District 4 | | ✓ | |
| DAVID A. GARCIA District 5 | | ✓ | |
| ENRIQUE BARRERA District 6 | | ✓ | |
| ED GARZA District 7 | | ✓ | |
| BONNIE CONNER District 8 | | ✓ | |
| TIM BANNWOLF District 9 | | ✓ | |
| DAVID CARPENTER District 10 | | ✓ | |
| HOWARD W. PEAK Mayor | | ✓ | |

01-18



Not To Scale

EXHIBIT "A"



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT

P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

TEL. 210-207-4032 FAX 210-207-7888

November 9, 2000

Jack Guenther, Trustee
c/o Frank B. Burney
Bank of America Plaza
300 Convent Street, 25th Floor
San Antonio, TX 78205-3789

Re: S. P. No. 2000-45—Request to close, vacate and abandon an improved portion of Chulie Drive

Dear Mr. Burney:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and is in a position to recommend approval to your request subject to the following conditions:

PLANNING DEPARTMENT: "Approved provided the site is platted and assembled with the petitioners property."

PUBLIC WORKS DEPARTMENT: "Approved provided that the right of way be retained as a drainage easement and that all of Applicant's property along with proposed closure be replatted into one new Lot. Further, must provide a cul-de-sac within the new Lot at the proposed west end of Chulie Drive and determine Traffic Impact Analysis."

BUILDING INSPECTIONS DEPARTMENT: "Approved provided proper plans are submitted, permits are secured and setbacks are met."

CITY PUBLIC SERVICE: "Approved provided right of way is retained as an electric and gas easement or facilities be relocated at Applicant's expense."

SOUTHWESTERN BELL TELEPHONE: "Approved provided right of way is retained as an easement or existing facilities be relocated at Applicant's expense."

TEXAS DEPARTMENT OF TRANSPORTATION: "Access will be prohibited to any future frontage road."

Additionally, the property in question has been appraised in-house at \$21,417.00. This consideration will be due and payable within ten (10) days after City Council approval.

Exhibit "B"

Please review the above listed conditions and counter sign this letter in the space provided below if you concur with all requirements, including the payment for this street closure. Upon our receipt of this legal letter agreement, we will continue processing your request.

Sincerely,



Oscar Serrano
Real Estate Manager
Property Disposition

OS/ma

AGREED AS TO TERMS AND CONDITIONS:

Jack Guenther, Trustee

By  _____

Print Name

_____ *Trustee* _____
Title
_____ *2/28/01* _____
Date

CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL MEMORANDUM

PUBLIC HEARING
TIME CERTAIN
ITEM NO 4B

2:00PM

TO: Mayor and City Council
FROM: Rebecca Waldman, Director, Department of Asset Management
COPIES: Christopher J. Brady, Assistant City Manager
Shawn P. Eddy, Special Projects Coordinator, Property Disposition; File
SUBJECT: S. P. No. 2000-45—Request to close, vacate and abandon an improved
portion of Chulie Drive
DATE: April 19, 2001

PETITIONER: Jack Guenther, Trustee
c/o Frank B. Burney
Bank of America Plaza
300 Convent Street, 25th Floor
San Antonio, TX 78205-3789

SUMMARY AND RECOMMENDATION:

This Ordinance will close, vacate and abandon an improved portion of Chulie Drive located directly east and adjacent to U.S. Highway 281 North, as requested by Jack Guenther, Trustee, for the consideration of \$21,417.00.

Staff recommends City Council's approval of this request.

BACKGROUND:

Petitioner is requesting that the City of San Antonio close, vacate and abandon a portion of improved Chulie Drive located directly east and adjacent to U.S. Highway 281 North as shown on attached Exhibit "A." Petitioner owns the abutting property to the south of this right of way and the abutting property owners to the north of this right of way have agreed to convey their interests to the Petitioner. Petitioner plans to incorporate the proposed closure with his abutting property and construct a car dealership on the premises. As a matter of information, Chulie Drive is presently barricaded at its common boundary with U.S. Highway 281 North.

COORDINATION:

In compliance with City procedures, Applicant's request has been canvassed through the below-listed City departments and utility agencies:

1. Planning Department
2. San Antonio Water System
3. Public Works Department
4. Fire Department
5. Building Inspections Department
6. City Public Service
7. Southwestern Bell Telephone
8. Texas Department of Transportation
9. Time Warner Cable
10. City Attorney's Office
11. Police Department

The Departments of Planning, Public Works and Building Inspections along with City Public Service, Southwestern Bell Telephone and Texas Department of Transportation have imposed specific conditions to which the Applicant has assured compliance. A copy of the Legal Letter Agreement executed February 28, 2001 by which Applicant agrees to all conditions is attached.

POLICY ANALYSIS:

The action being taken is consistent with City Ordinance Nos. 58880 and 88490 which regulate street and alley closures within the Corporate Limits of the City of San Antonio.

FINANCIAL IMPACT:

The City will collect \$21,417.00 for this conveyance based on an in-house appraisal and will no longer need to make improvements upon the right of way.

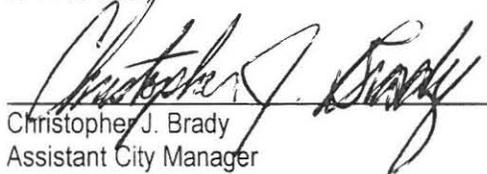
SUPPLEMENTAL COMMENTS:

- a. The City of San Antonio's Planning Commission will consider this request at its regular meeting of April 25, 2001 and its findings will be presented to City Council on May 3, 2001.
- b. Executed Ethics Ordinance Disclosure Statements from Applicants are attached.

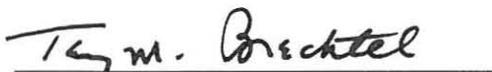


Rebecca Waldman, Director
Department of Asset Management

APPROVED:



Christopher J. Brady
Assistant City Manager



Terry M. Brechtel
City Manager

Proposed Closure of a Portion of Chulie Drive

Petitioner: Jack Guenther, Trustee

Presented By: Department of Asset
Management

HB

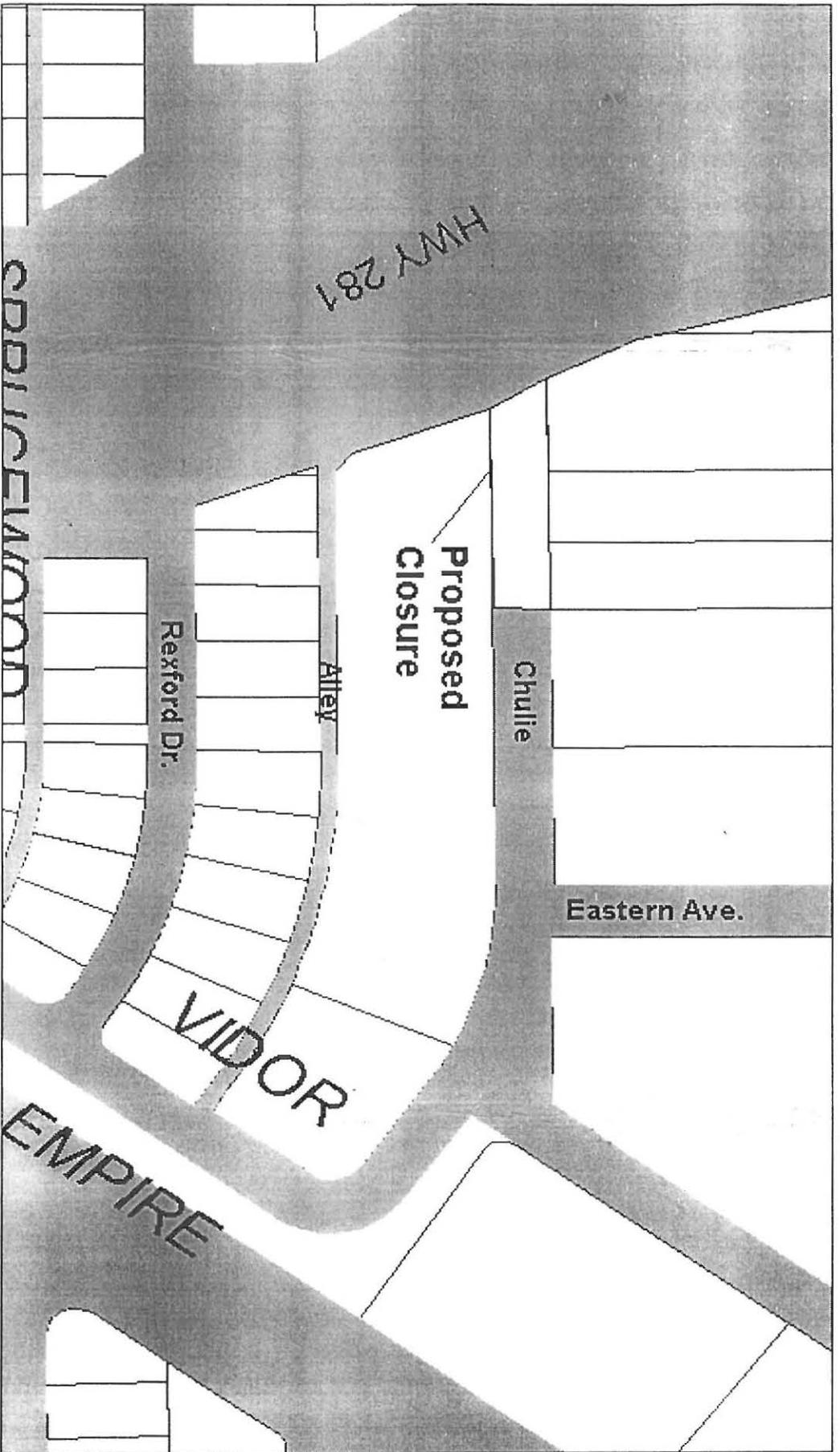
Proposed Closure of Chulie Drive (Cont.)

Issue:

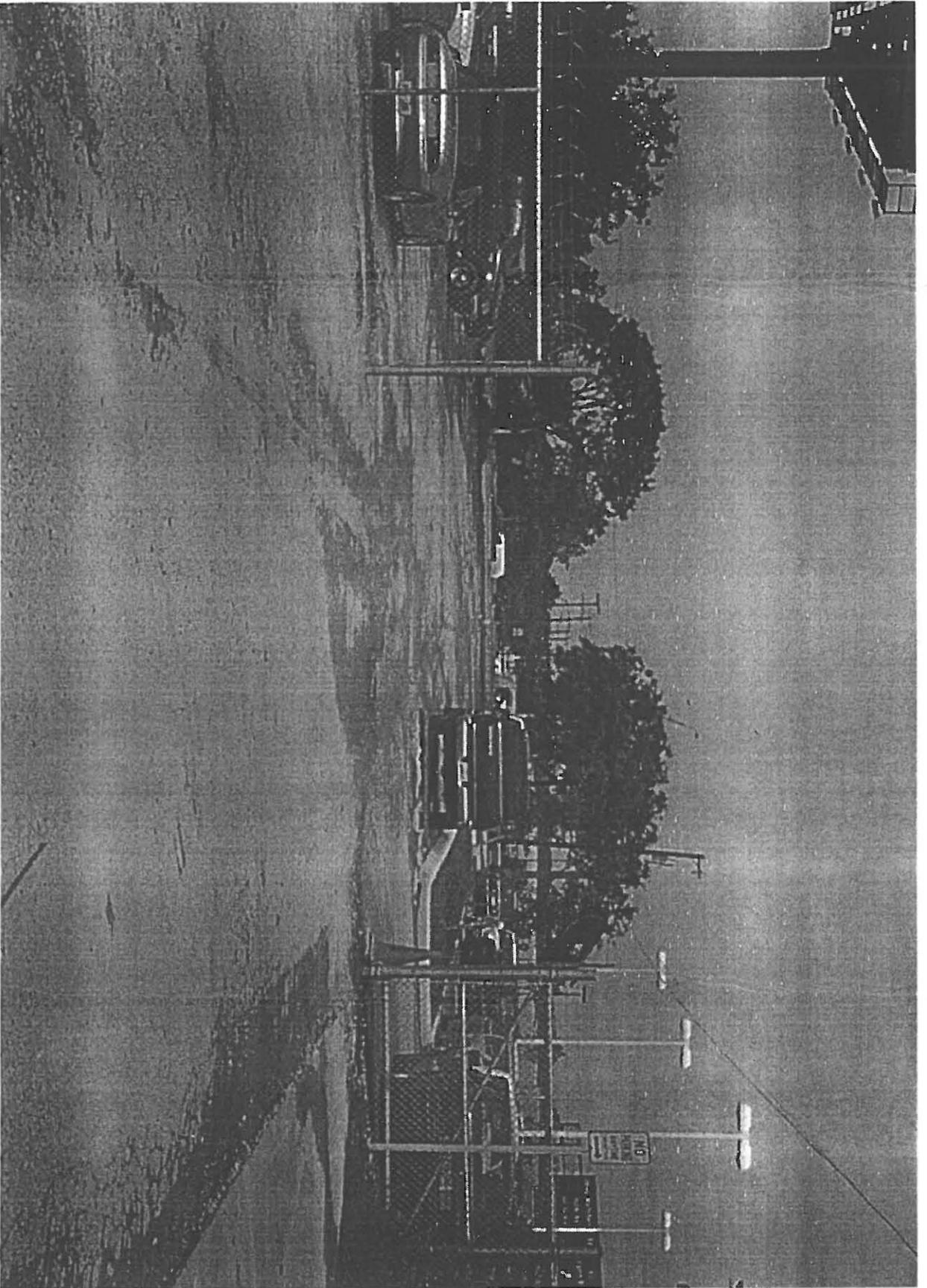
- Proposed closure of a portion of Chulie Drive located directly east & adjacent to U.S. Highway 281 North in Council District 9

Purpose:

- If approved, Petitioner intends to incorporate the proposed closure with his abutting property and construct a car dealership



Map of proposed Chulie Dr. closure



Westerly view of Chulie Dr. from Eastern Avenue

Proposed Closure of Chulie Drive (Cont.)

- Total area involved is 0.3198 acres (13,930 square feet)
- Adjacent property is owned by petitioner & Ironwood Partners, Ltd. which have agreed to Quitclaim their interest in the street to the Petitioner
- Presently, Chulie Drive is barricaded at its common boundary with U.S. Highway 281 North

Proposed Closure of Chulie Drive (Cont.)

Staff Coordination:

- Coordinated through all interested City Departments and Utility Agencies
- Project received Conditional Approval
- Conditions were imposed by City Public Service, SW Bell Telephone & TXDOT and the Departments of Planning, Public Works & Development Services
- Petitioner has agreed to comply to all conditions

Proposed Closure of Chulie Drive (Cont.)

Notification:

- Signs have been posted informing public of proposed closure
- 89 notices were mailed to property owners within a 1000' radius of proposed closure
- 8 notices were returned in favor of the closure
- 3 notices were returned opposed to the closure

Proposed Closure of Chulie Drive (Cont.)

Financial Impact:

- The City will collect \$21,417.00 based on an in-house appraisal of the property
- Petitioner has agreed to pay this amount

Policy Analysis:

- This action is in compliance with existing Ordinances relating to Street/Alley Closures

Recommendation:

- Staff recommends approval

| | | | | |
|---------------------------------------|-------------|---|---|-------------------------------------|
| Approval | | CITY OF SAN ANTONIO Request For Ordinance/Resolution | For CMO use only | |
| Finance | Budget | | Date Considered: | |
| Legal | Coordinator | | Consent <input type="checkbox"/> | Individual <input type="checkbox"/> |
| | | | PUBLIC HEARING <input checked="" type="checkbox"/> | |
| Date: | | Department: | Contact Person/Phone # | |
| April 19, 2001 | | Department of Asset Management | Rebecca Waldman Director / 207-7114 | |
| Date Council Consideration Requested: | | Deadline for Action: | Dept. Head Signature: | |
| May 3, 2001 | | May 3, 2001 | <i>Rebecca Waldman</i> | |

SUMMARY OF ORDINANCE

This Ordinance will close, vacate and abandon an improved portion of improved Chulie Drive Right of Way located directly east and adjacent to U.S. Highway 281 North, as requested by the Jack Guenther, Trustee, for the consideration of \$21,417.00.

Staff recommends approval of this Ordinance.

Council Memorandum Must Be Attached to Original

Other Depts., Boards, Committees Involved (please list):
 The Planning Commission will consider this request at its regular meeting of April 25, 2001 and its findings will be presented to City Council on May 3, 2001.

Contract signed by other party
 Yes No

| FISCAL DATA (If Applicable) | | Budgetary Implications | |
|---|---------------------|--|--|
| Fund No. _____ | Amt. Expended _____ | Funds/Staffing Budgeted: | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Activity No. _____ | SID No. _____ | Positions Currently Authorized | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Index Code _____ | Project No. _____ | Impact on future O & M | _____ |
| Object Code _____ | | If positions added, specify class and no. | _____ |
| Comments: <p style="text-align: center;">Council District No. 9</p> | | _____ _____ <div style="text-align: right;"> Coordinator - White Legal - Green Budget - Canary Finance - Pink Originator - Gold </div> | |

City of San Antonio
Discretionary Contracts Disclosure
For use of this form, see City of San Antonio Ethics Code, Part D, Section 1&2

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any individual who would be a party to the discretionary contract;

Testamentary trusts of Charles F. Urschel, Jr. and Elizabeth H. Urschel for the benefit of Valerie Urschel Guenther, Abigail Guenther Kampmann and Jack E. Guenther, Jr., by Jack Guenther, Trustee

(2) the identity of any business entity that would be a party to the discretionary contract and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract;

None

(B) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract;

None

(3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

Martin, Drought & Torres, Inc.

Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any member of City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, or registered lobbyists of the entity.

| To Whom Made: | Amount: | Date of Contribution: |
|---------------|---------|-----------------------|
| See attached. | | |

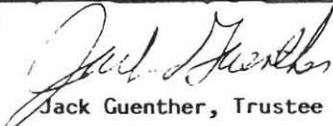
COGA Form 1030-33-2, 1999 Ethics Disclosure Statement, 1/3/99

City of San Antonio Discretionary Contracts Disclosure

For use of this form, see City of San Antonio, Ethics Code, Part D, Sections 1&2

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question¹ as to whether any city official would violate Section 1 of Part B by participating in official action relating to the discretionary contract.

| | |
|---|----------------------------------|
| None | |
| <p>Signature:  Jack Guenther, Trustee</p> | <p>Date: 04/12/01</p> |

¹ For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require removal or require official consideration of whether or not removal is required.

MARTIN, DROUGHT & TORRES, INC.
Political Contributions

1999

| | | |
|----------|-----------------|--------|
| 04/19/99 | Robert Marbut | 500.00 |
| 07/12/99 | Howard Peak | 500.00 |
| 08/13/99 | Raul Prado | 500.00 |
| 09/10/99 | Debra Guerrero | 100.00 |
| 09/10/99 | Tim Bannwolf | 500.00 |
| 09/24/99 | David Carpenter | 250.00 |
| 12/08/99 | Jose Menendez | 250.00 |

2000

| | | |
|----------|-------------------------------|--------|
| 03/22/00 | Tim Bannwolf | 250.00 |
| 03/23/00 | Jose Menendez | 500.00 |
| 05/23/00 | David Carpenter | 500.00 |
| 05/25/00 | Bobby Perez | 500.00 |
| 08/14/00 | District 5 Comm. for Progress | 500.00 |
| 09/27/00 | Raul Prado | 250.00 |
| 10/18/00 | Debra Guerrero | 250.00 |
| 11/09/00 | Enrique Barrera | 500.00 |

2001

| | | |
|----------|-----------------|--------|
| 01/23/01 | Tim Bannwolf | 250.00 |
| 01/23/01 | David Garcia | 250.00 |
| 01/23/01 | David Carpenter | 500.00 |
| 01/31/01 | Bonnie Conner | 500.00 |
| 03/21/01 | Bobby Perez | 500.00 |
| 04/09/01 | David Garcia | 250.00 |
| 04/09/01 | David Carpenter | 250.00 |
| 04/11/01 | Enrique Barrera | 250.00 |