

AN ORDINANCE 2011-01-20-0043

AUTHORIZING CLOSURE, VACATION AND ABANDONMENT OF AN UNIMPROVED 15 FOOT-WIDE ALLEY LOCATED BETWEEN ADDAX AND MINK STREETS ADJACENT TO NCB 10184, LOCATED IN COUNCIL DISTRICT 1, AS REQUESTED BY LA FOGATA RESTAURANT FOR A FEE OF \$6,050.

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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 the right of way. 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 affected right of way is identified below.

That portion of 15-foot-wide alley described generally as extending northward from the Mink Street north right-of-way line to south right-of-way line of Addax.

SECTION 2. A picture of the subject right of way is set forth at **Attachment I**. The detailed description of the right-of-way subject to this ordinance 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. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. Neither does this ordinance give up any right arising other than from the plat or other document creating the street or alley.

SECTION 4. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

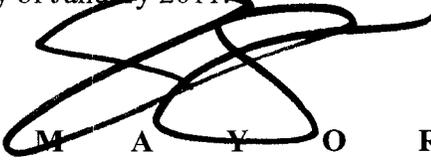
SECTION 5. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. 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.

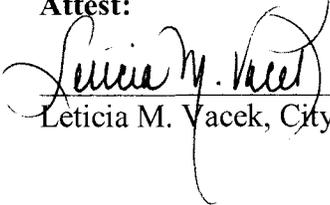
SECTION 7. The affected rights of way exist by easement. The underlying fee ownership of the affected rights of way by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat, but no such replat impairs the rights retained by City in the affected right of way.

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 20th day of January 2011.

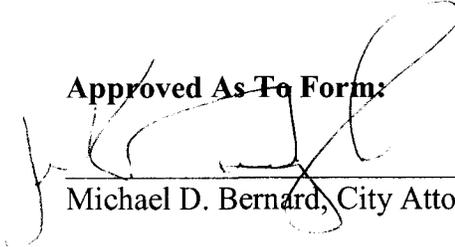

M A Y O R
Julián Castro

Attest:

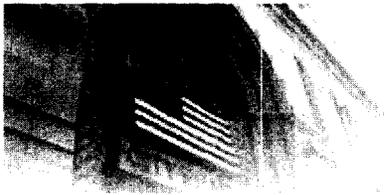


Leticia M. Vacek, City Clerk

Approved As To Form:

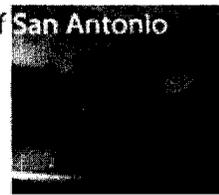


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio

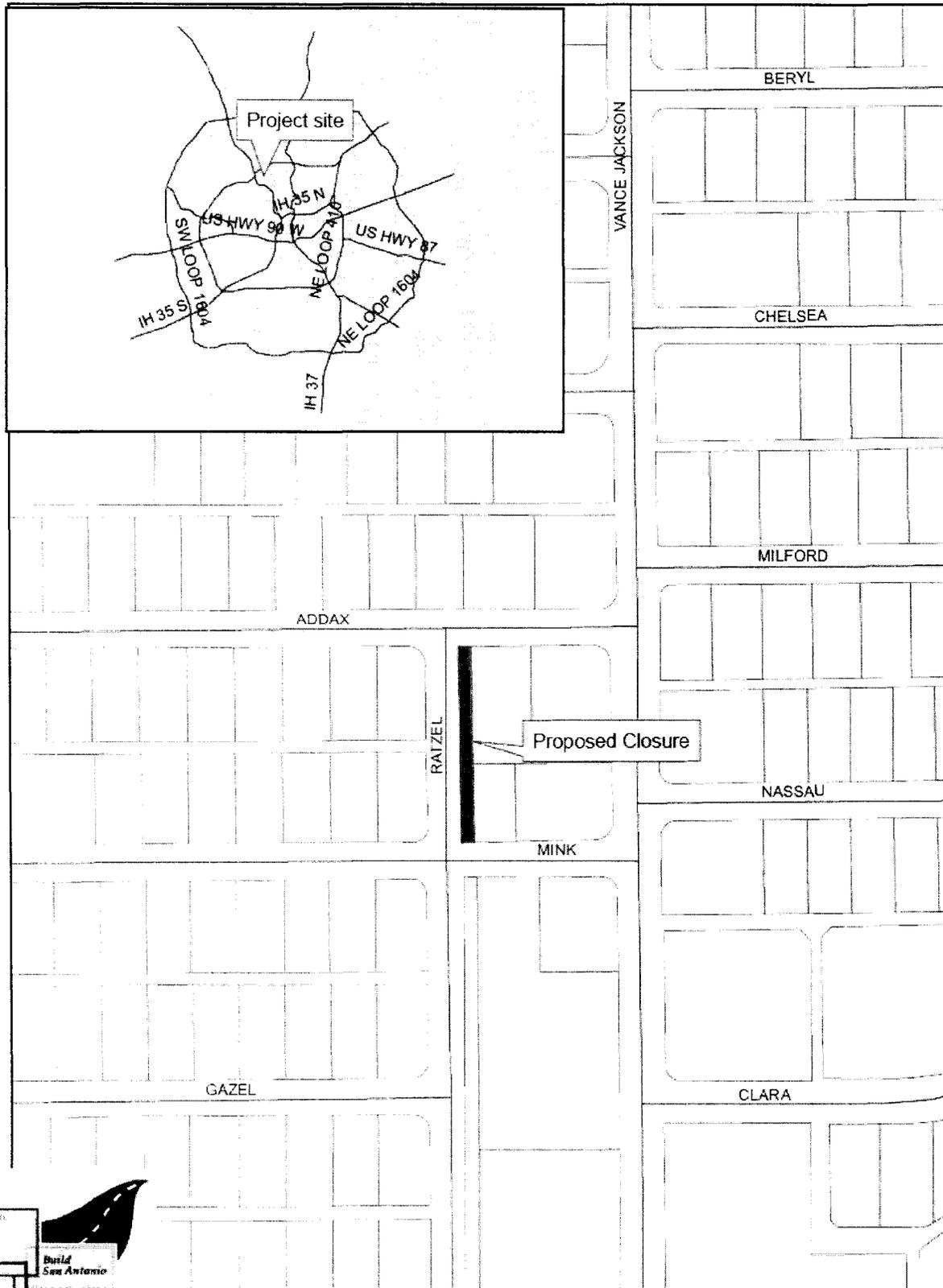


Agenda Voting Results - 23

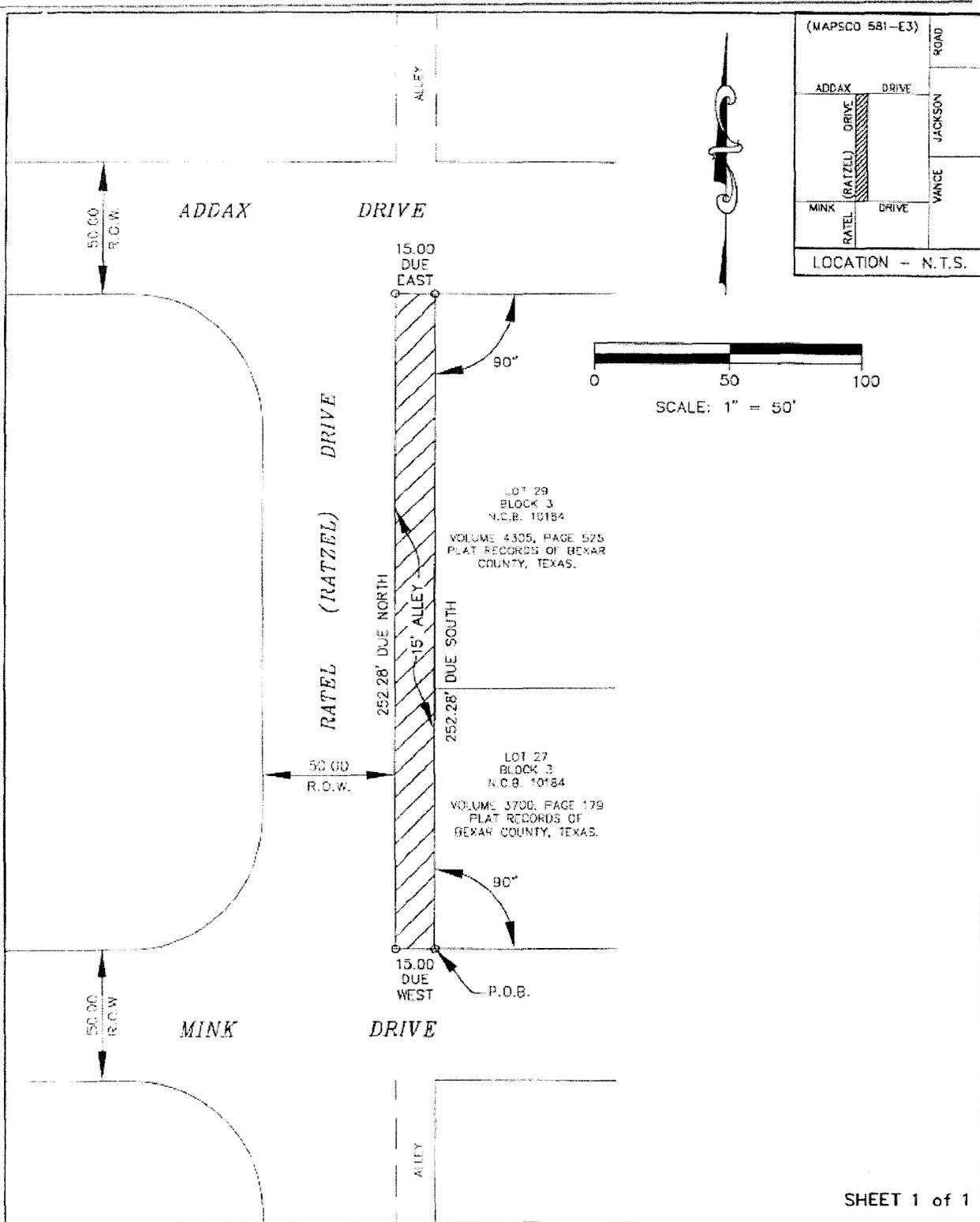
Name:	7, 8, 9, 10, 11, 15, 16, 19A, 19B, 20A, 20B, 21, 22, 23, 25, 27, 28, 29, 30A, 30B, 31, 33, 34						
Date:	01/20/2011						
Time:	10:46:00 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of an unimproved 15 foot-wide alley located between Addax and Mink Streets adjacent to NCB 10184, located in Council District 1, as requested by La Fogata Restaurant for a fee of \$6,050.00. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				

Attachment I

S.P. No. 1491 - Alley Closure Request
Petitioner: La Fogata Restaurant



Attachment II



SHEET 1 of 1

<p>SCALE: 1" = 50'</p> <p>DESIGNED BY: R. E. F. DRAWN BY: G. J. L. CHECKED BY: D. R. F.</p>	<p>SUN BELT ENGINEERS, INC. CIVIL ENGINEERS & SURVEYORS SAN ANTONIO, TEXAS</p>	<p>DELL-VIEW, UNIT 1 15' ALLEY BEXAR COUNTY, TEXAS</p>	<p>DATE: SEPT., 2010</p> <p>PROJECT NO. 09042</p>
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METES AND BOUNDS DESCRIPTION
FOR A
15.0 Foot Alley

9-24-10

BEGINNING at the southwest corner of Lot 27, Block 3, NCB 10184, as shown on Subdivision Plat of Lot 27 and Lot 28, Block 3, NCB 10184 as recorded in Vol. 3700, Page 179, Plat Records of Bexar County, Texas said point being located on the north right-of-way line of Mink Drive (50 foot R.O.W.) and also being 176.92 feet from the west R.O.W. of Vance Jackson; said point also being on the east R.O.W. line of a 15.0 foot alley;

THENCE along the north R.O.W. line of Mink Drive, said line also being the south line of said 15 foot alley, due west 15.0 feet to a point on the west line of said 15.0 foot alley, also being the east R.O.W. line of Ratel (Ratzel) Drive (50 foot R.O.W.);

THENCE due north along the east R.O.W. line of Ratel (Ratzel) Drive, said line also being the west R.O.W. line of said 15.0 foot alley, a distance of 252.28 feet to a point on the south R.O.W. line of Addax Drive (50 foot R.O.W.);

THENCE due east 15.0 feet to the northwest corner of Lot 29, Block 3, NCB 10184, as shown on Subdivision Plat of Lot 29, as recorded in Vol. 4305, Page 252, Plat Records of Bexar County, Texas;

THENCE along the west line of Lot 29, also being the east line of said 15.0 foot alley, due south 152.28 feet, to the southwest corner of Lot 29, said point also being the northwest corner of said Lot 27;

THENCE continuing along the east line of said 15.0 foot alley, the west line of Lot 27, due south 100.00 feet to the southwest corner of Lot 27, also being the **POINT OF BEGINNING**, and containing 3,784 square feet or 0.087 acres, more or less.

STATE OF TEXAS §

COUNTY OF BEXAR §

It is hereby certified that the above description was prepared from recorded data and prepared under my supervision.

Don R. Frazor, R.P.L.S. Sept 25, 2010
D.R. Frazor, Registered Professional Land Surveyor No. 2366

