

AN ORDINANCE 2014 - 06 - 05 - 0390

AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.218 ACRE, 22-FOOT WIDE ALLEY PUBLIC RIGHT OF WAY, LOCATED BETWEEN NORTH BRAZOS STREET AND FREDERICKSBURG ROAD (NCB 2022), IN COUNCIL DISTRICT 1, AS REQUESTED BY HIGGS CARTER KING G/T CHARTER ACADEMY, FOR A FEE OF \$25,100.00.

* * * * *

WHEREAS, Higgs Carter King GT Charter Academy, as Petitioner and owner of majority of the property abutting the 22 foot wide alley is requesting that the CITY OF SAN ANTONIO close, vacate and abandon the 22 foot wide alley Public Right of Way located between North Brazos Street and Fredericksburg Road; and

WHEREAS, the one other abutting property owner is in agreement to the proposed closure; and

WHEREAS, the alley is undeveloped that is not open to public travel and this closure will allow the petitioner to provide a safe environment for the students and staff by controlling on site traffic circulation and parking; and

WHEREAS, this Ordinance will authorize the closure, vacation and abandonment of a 0.218 acre, 22-foot wide alley Public Right of Way, located between North Brazos Street and Fredericksburg Road (NCB 2022), in Council District 1 for a fee of \$25,100.00; **NOW THEREFORE**,

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

SECTION 1. Subject to the reservation below, the City finds the right-of-way (“Right-of-Way Segment”) shown on **Attachment I** and described on **Attachment II** 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 Segment. 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.

SECTION 2. 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. The properties abutting the Right of Way Segment are:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
2010 Brazos	NCB 2022 BLK 8 LOT N 50 FT OF 1 & W19 FT OF N50 FT OF 2	Youth Empowerment Services Inc.

2016 N BRAZOS ST	2022 BLK 8 LOT S 50 FT OF 9 & 10 & S 50 FT OF W 2 FT OF 11	Youth Empowerment Services Inc.
141 University	NCB 2022 BLK 8 LOT E 36.6 FT OF N 50 FT & S 105.6 FT OF 2	Youth Empowerment Services Inc.
131 University	NCB 2022 BLK 8 LOT 17	Youth Empowerment Services Inc.
137 University	NCB 2022 BLK 8 LOT 3	Youth Empowerment Services Inc.
537 Fredericksburg	NCB 2022 BLK 8 LOT 16	Youth Empowerment Services Inc.
551 Fredericksburg	NCB 2022 BLK 8 LOT 15	Alauddin Investment, Inc.

The listing above is made solely to facilitate indexing this Ordinance in the real property records. If the listing is inaccurate or not comprehensive, it does not affect the validity of the closure

SECTION 4. 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 Segment 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 or alley right of way. Neither does this Ordinance create new easement rights.

SECTION 5. 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 6. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment 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. 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 7. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

SECTION 8. 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 9. 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.

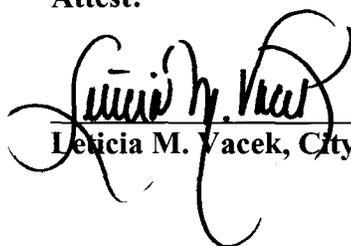
SECTION 10. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 5th day of June, 2014.



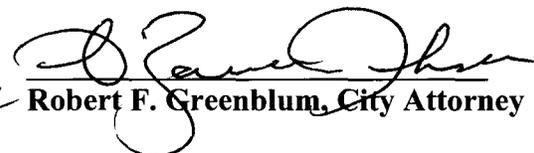
M A Y O R
Julián Castro

Attest:



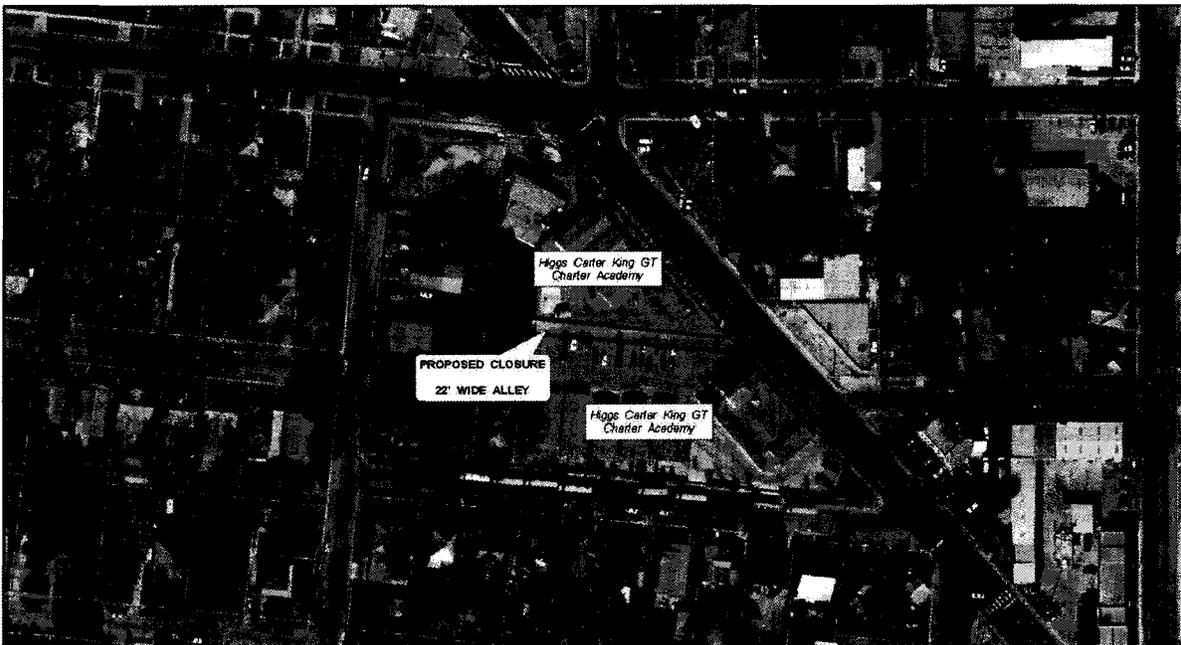
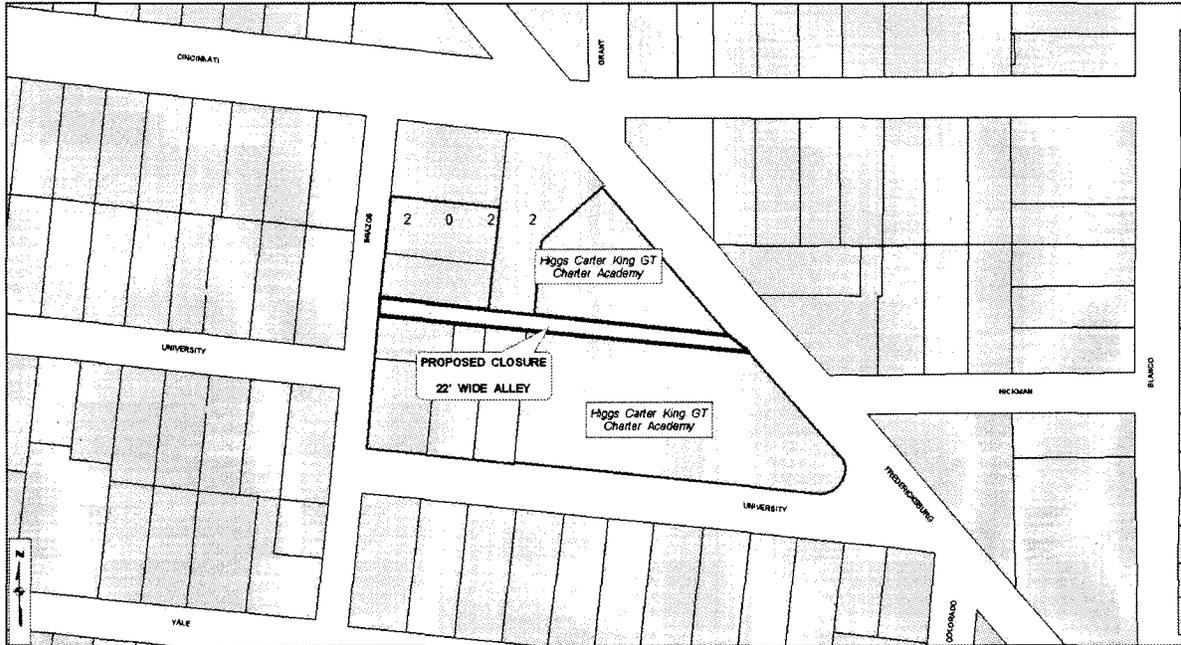
Leticia M. Vacek, City Clerk

Approved As To Form:


for _____
Robert F. Greenblum, City Attorney

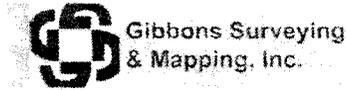
Agenda Item:	11 (in consent vote: 5, 8, 10, 11, 12, 13, 16A, 16B)						
Date:	06/05/2014						
Time:	09:25:51 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.218 acre, 22-foot wide alley Public Right of Way, located between North Brazos Street and Fredericksburg Road (NCB 2022), in Council District 1, as requested by Higgs Carter King GT Charter Academy, for a fee of \$25,100.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, EastPoint & Real Estate Services Office]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x			x	
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Attachment I



S. P. No. 1758 Petitioner: Higgs Carter King GT Charter Academy

Attachment II



FIELD NOTES FOR AN ALLEY CLOSING

A 0.218 ACRE (9,499 SQUARE FOOT) TRACT BEING THE ENTIRE ALLEY IN BLOCK 8, NEW CITY BLOCK 2022, SAN ANTONIO, BEXAR COUNTY, TEXAS, BOUNDED BY BRAZOS ST. ON THE WEST AND FREDERICKSBURG ROAD ON THE EAST, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING:** At a set ½" iron rod stamped "GIBBONS" at the intersection of the southwest right of way line of Fredericksburg Road (62.8' wide public right of way), and the south line of said Alley, the southeast corner hereof, same being the northeast corner of Lot 17, Block 8, NCB 2022, HIGGS CARTER AND KING, according to the plat thereof recorded in Volume 9562, Page 66 of the Deed and Plat Records of Bexar County, Texas;
- THENCE:** North 83°50'26" West 250.54' with the south line of the Alley to a set ½" iron rod stamped "GIBBONS", the northwest corner of Lot 17;
- THENCE:** North 05°30'29" East 0.95' to a set ½" iron rod stamped "GIBBONS", the northeast corner of Lot 3 as recorded in Volume 12345, Page 1071 of the Real Property Records of Bexar County, Texas;
- THENCE:** North 83°50'26" West 171.61' with the south line of the Alley to a set ½" iron rod stamped "GIBBONS" at the intersection of the east right of way line of Brazos St. (55.6' wide public right of way), the southwest corner hereof, same being the northwest corner of Lot 1 as recorded in Volume 13767, Page 2463 of the Real Property Records of Bexar County, Texas;
- THENCE:** North 05°30'29" East 22.10' with the east right of way line of Brazos St. to a set ½" iron rod stamped "GIBBONS" at the intersection of the north line of the Alley, the northwest corner hereof, same being the southwest corner of Lot 9 as recorded in Volume 8742, Page 996 of the Real Property Records of Bexar County, Texas;
- THENCE:** South 83°50'26" East 169.07' with the north line of the Alley to a set ½" iron rod stamped "GIBBONS", the southeast corner of Lot 15, CIRCLE K SUBDIVISION-UNIT 1, as recorded in Volume 7000, Page 173 of the Deed and Plat Records of Bexar County, Texas;
- THENCE:** North 05°41'51" East 0.95' to a set ½" iron rod stamped "GIBBONS", the southwest corner of Lot 16, of the aforementioned HIGGS CARTER AND KING subdivision;
- THENCE:** South 83°50'26" East 227.32' with the north line of the Alley to a set ½" iron rod stamped "GIBBONS" at the intersection of the aforementioned southwest right of way line of Fredericksburg Road, the northeast corner hereof, the southeast corner of Lot 16;

Alley closing in NCB 2022
Page 2 of 2

THENCE: South 41°09'49" East 35.41' with the southwest right of way line of Fredericksburg Road to the **POINT OF BEGINNING** of this tract.

THESE FIELD NOTES TOGETHER WITH A SURVEY MAP WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY EMPLOYEES OF GIBBONS SURVEYING & MAPPING, INC. WHO WERE WORKING UNDER MY SUPERVISION AND DIRECTION.

Gary A. Gibbons

Gary A. Gibbons, R.P.L.S. #4716
GIBBONS SURVEYING & MAPPING, INC.

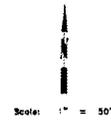
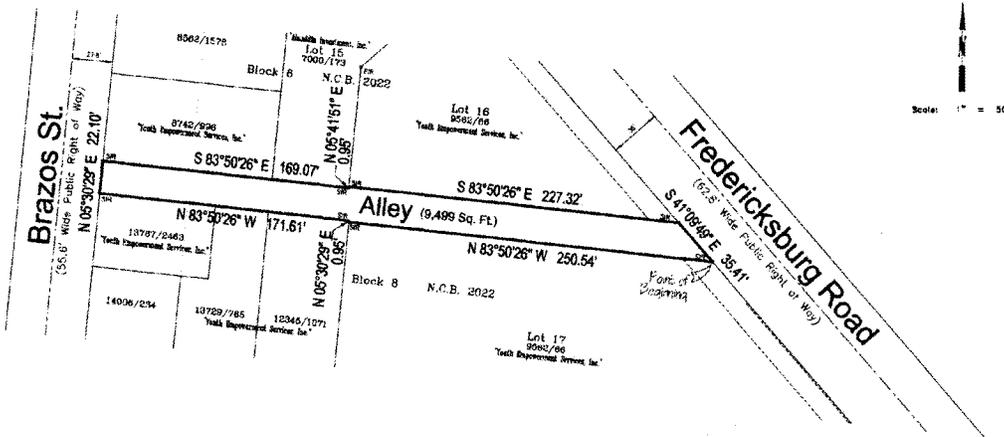


Date: April 9, 2013
Job No.: 13-4365-01 D
Doc I.D.: fn Cesar Chavez swr esmt

GIBBONS SURVEYING & MAPPING, INC.
10000 West Loop West, Suite 1000, Houston, TX 77042
Tel: 281-416-1100 Fax: 281-416-1101

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JOB NO. 13-4377-01.B



A Standard Land Survey of:

9,499 Square Feet, being the entire Alley in Block 8,
New City Block 2022, San Antonio, Bexar County, Texas.

The survey substantially complies with the current
Texas Society of Professional Surveyors Standards and
Specifications for a Category 19, Creation of a Survey.

Survey file work completed on:
THE 5th DAY OF MAY, 2013 A.D.

Jay A. Gibbons
JAY A. GIBBONS
Registered Professional Land Surveyor License #7116



NOTES:

- 1.) This survey was prepared without the benefit of a 90% commitment and may not show all matters of record affecting the property.
- 2.) Accuracy notation is based on GPS observations. Datum is NAD 83.
- 3.) Found monuments used as the bearings and distance were taken from the previous record survey.

REFERENCES:
RECORDED IN VOL. 52562 PG. 58 VOL. 7000 PG. 123

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