

AN ORDINANCE 2009-04-16-0284

AUTHORIZING CLOSURE, VACATION, AND ABANDONMENT OF A PAPER PORTION OF ANITA STREET BETWEEN RIGSBY AND KAYTON AVENUES ADJACENT TO NCB 3186, COUNCIL DISTRICT 3, AS REQUESTED BY TEK-SA, LTD., RAMON QUINTERO AND RICARDO QUINTERO FOR A FEE OF \$13,030

* * * * *

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 Anita Street described generally as extending northward from the north right-of-way line of Kayton Avenue to the south right-of-way line of Rigsby Avenue.

SECTION 2. Pictures of the subject right of way are shown at **Attachment A**. The detailed description of the right-of-way subject to this ordinance is on **Attachment B**. Both Exhibits A and B 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, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

SECTION 4. The City Manager or her designee, severally, is 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 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.

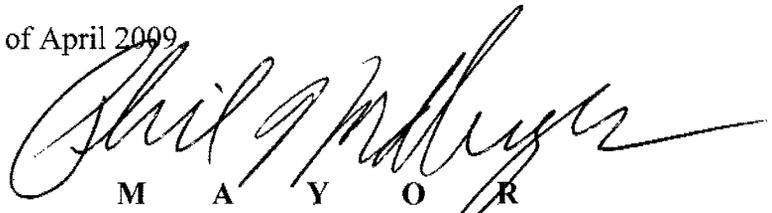
SECTION 6. Funds generated by this ordinance will be deposited as per the table below:

Amount	General Ledger	Fund	Internal Order
\$13,030	4903101	11001000	240000000060

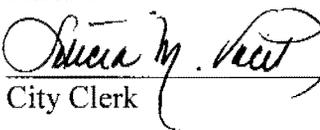
SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance becomes effective 10 days after passage.

PASSED AND APPROVED this 16th day of April 2009.

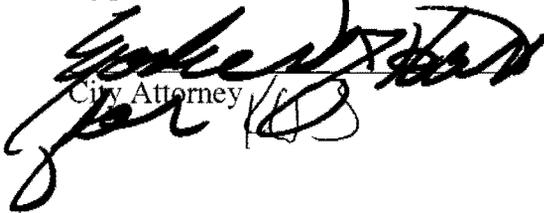

M A Y O R
PHIL HARDBERGER

Attest:



City Clerk

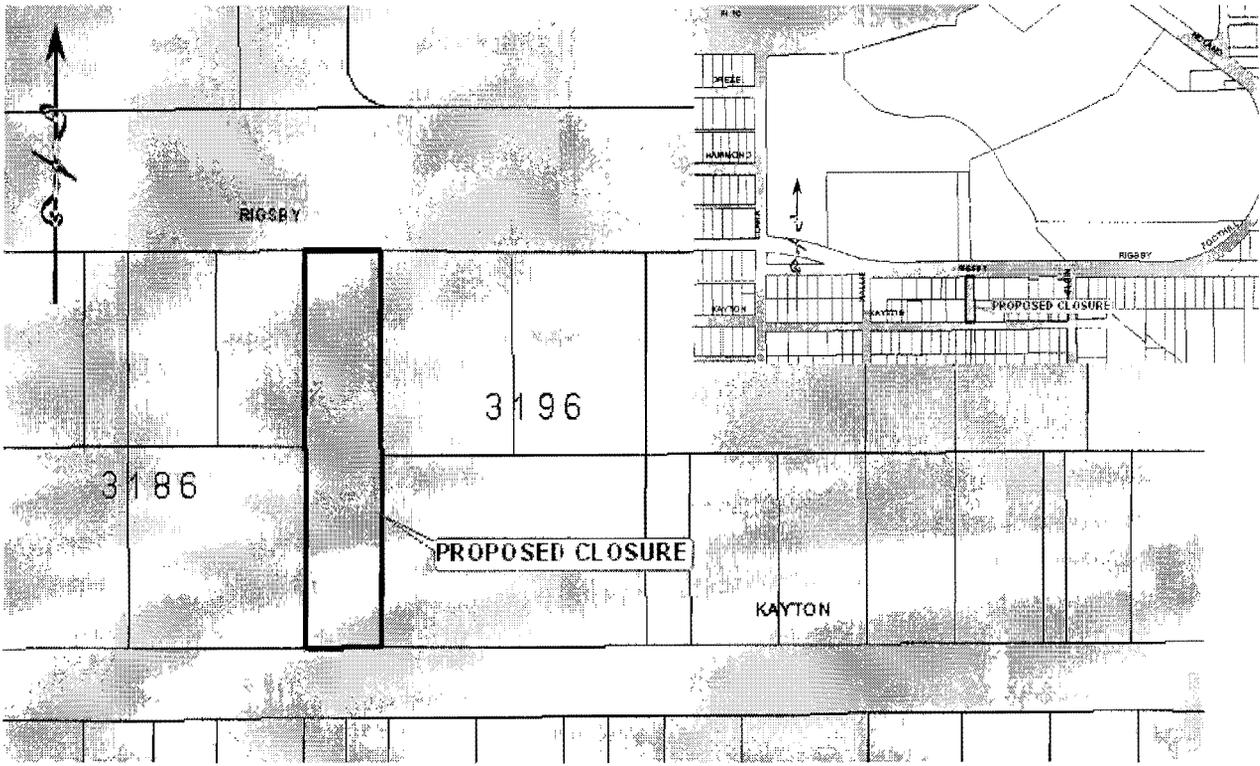
Approved As To Form:



City Attorney

Agenda Item:	5						
Date:	04/16/2009						
Time:	10:27:22 AM						
Vote Type:	Motion to Approve						
Description:	Public hearing and consideration of an Ordinance authorizing the closure, vacation, and abandonment of a paper portion of Anita Street between Rigsby and Kayton Avenues adjacent to NCB 3186, Council District 3, as requested by Tek-SA, Ltd., Ramon Quintero and Ricardo Quintero for a fee of \$13,030.00. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6	x					
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x

Attachment A



Attachment B

**Metes & Bounds
0.0556 Acre Tract
out of Anita Avenue
Sunny Slope Addition
February 26, 2009**

Being a portion of land out of Anita Avenue (50' R.O.W.), as shown on the Sunny Slope Addition plat recorded in Volume 105, Page 134 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows:

BEGINNING; at a found ½" inch iron rod on the south right-of-way line of Rigsby Avenue (120' R.O.W.) and the west R.O.W. line of said Anita Avenue marking the northeast corner of Lot 19, Block 11, New City Block 3186, of said Sunny Slope Addition, being approximately 475.00 feet east of the intersection of said R.O.W. line and the east R.O.W. line of Hallie Street (50' R.O.W.) for the northwest corner of this tract described herein;

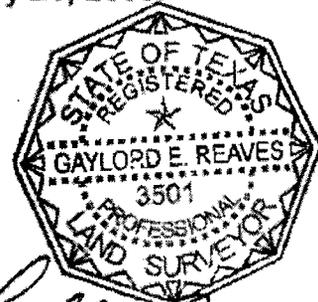
THENCE; North 89°48'30" East, 25.02 feet along the south R.O.W. line of said Rigsby Avenue to a set ½" iron rod for the northeast corner of this tract described herein;

THENCE; South 00°00'45" East, 96.93 feet, departing the south R.O.W. line of said Rigsby Avenue, to a set ½" iron rod for the southeast corner of this tract described herein;

THENCE; South 89°56'23" West, 25.00 feet to a found ½" iron rod on the west R.O.W. line of said Anita Avenue, being a common corner of said Lot 19 and a 0.02 acre tract as recorded in Volume 12062, Page 1996, for the southwest corner of this tract described herein;

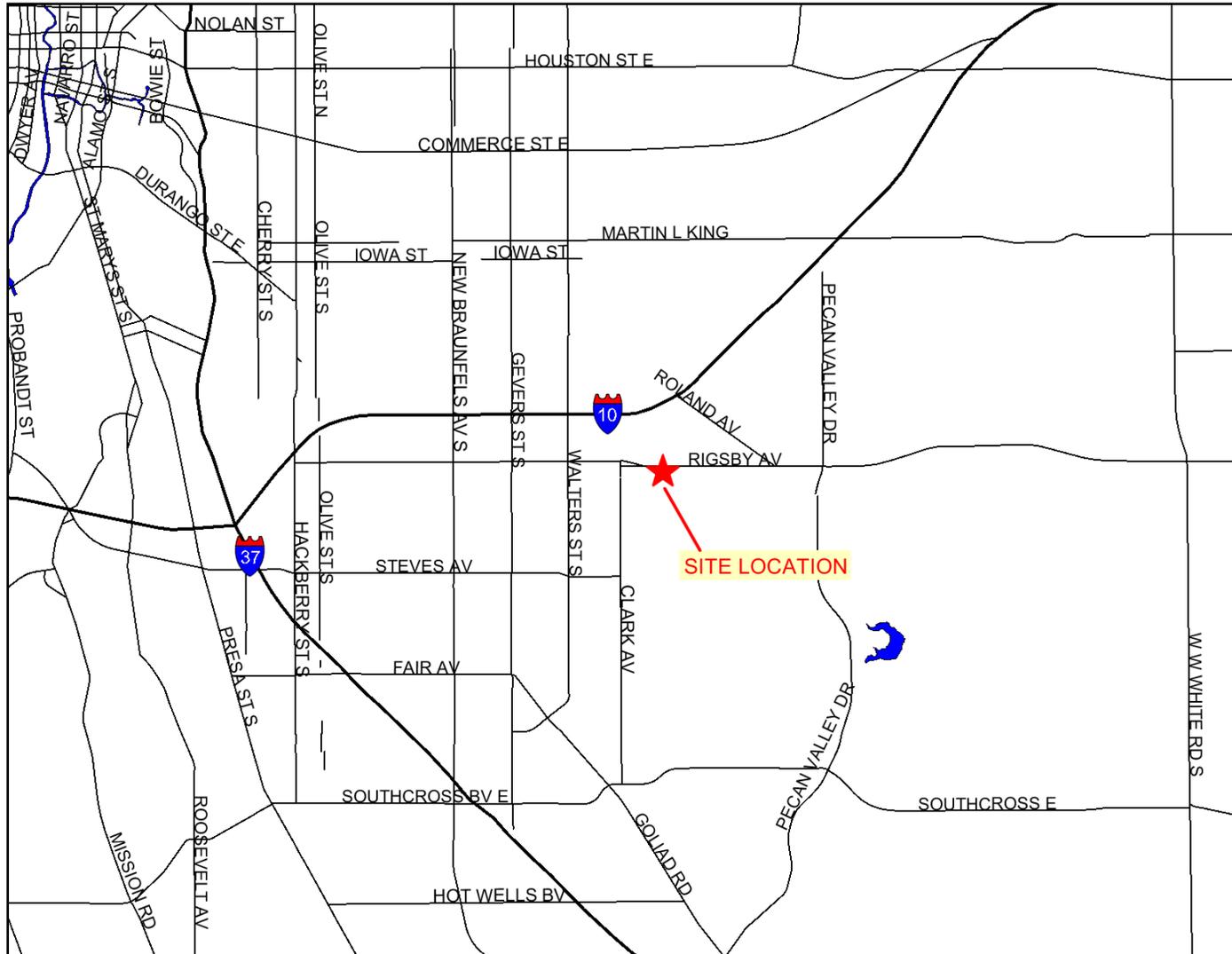
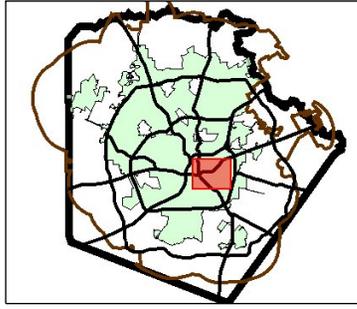
THENCE; North 00°00'59" West, 96.85 feet along the east line of said Lot 19, being the west R.O.W. line of said Anita Avenue to the **POINT OF BEGINNING** and containing 0.0556 of an acre, more or less, according to a survey performed on the ground by G.E. Reaves Engineering, Inc. on February 25, 2009.

Gaylord E. Reaves, RPLS 3501



Gaylord E. Reaves 2/27/09

Site Location



- ### Legend
- Major Highways
 - Minor Highways
 - Lakes
 - Military Bases
 - San Antonio City Limits
 - Incorporated Towns
 - Bexar County



Map center: 2144319, 13692341



Scale: 1:50,000

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

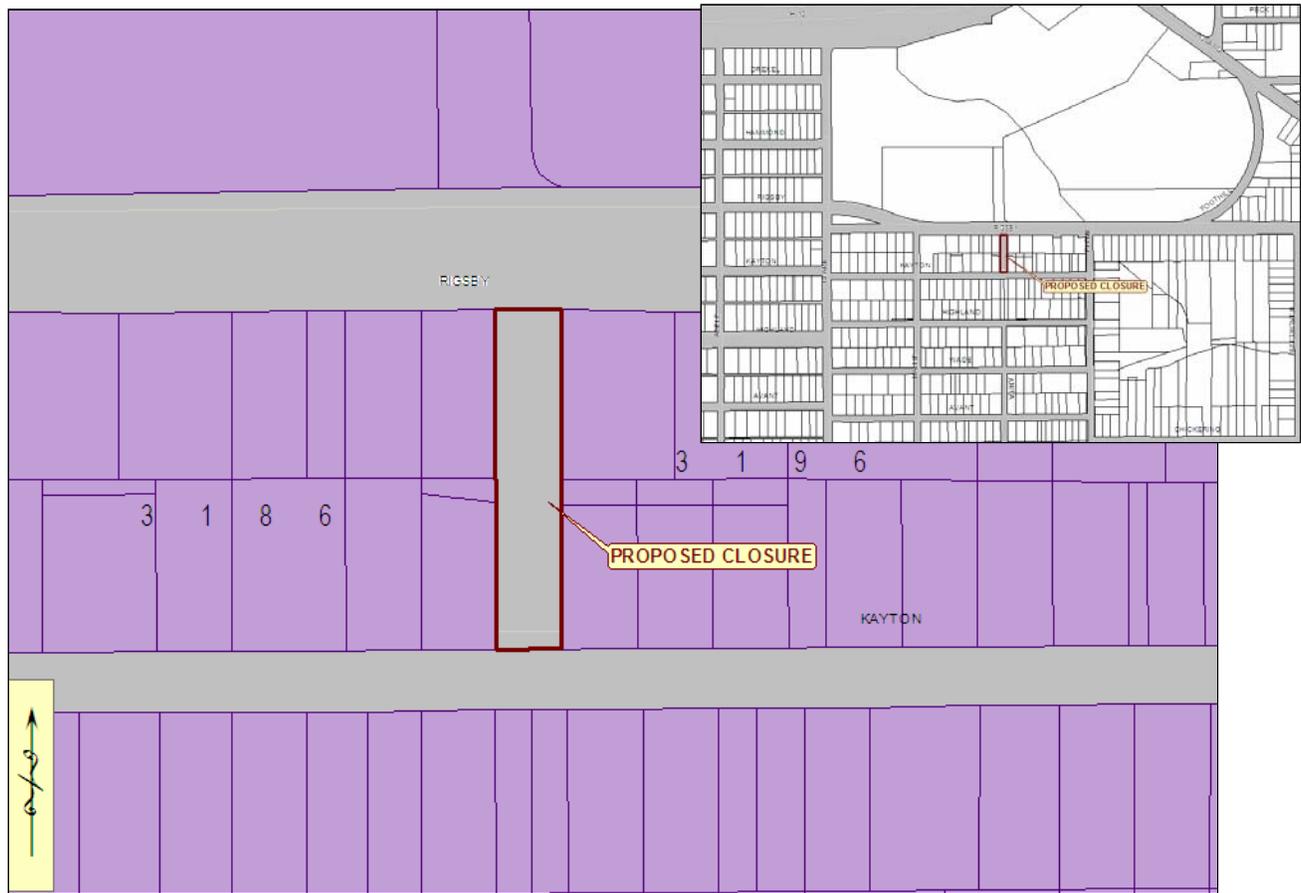


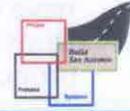
Exhibit "A"

**City of San Antonio
Capital Improvements Management
Services Department**

**April 16, 2009
Agenda Item 5:**

Request to close, vacate and abandon a
portion of Anita St. (paper street)

Petitioner: Tek-SA, Ltd., Ramon Quintero &
Ricardo Quintero



Council Item

- Tek-SA, Ltd., Ramon Quintero & Ricardo Quintero are requesting the closure, vacation and abandonment of 0.245 acres (10,676 sq ft) of an unimproved portion of Anita St. Public Right of Way, adjacent to NCB 3186, located in Council District 3.
- This right of way is located between Rigsby and Kayton Avenues.

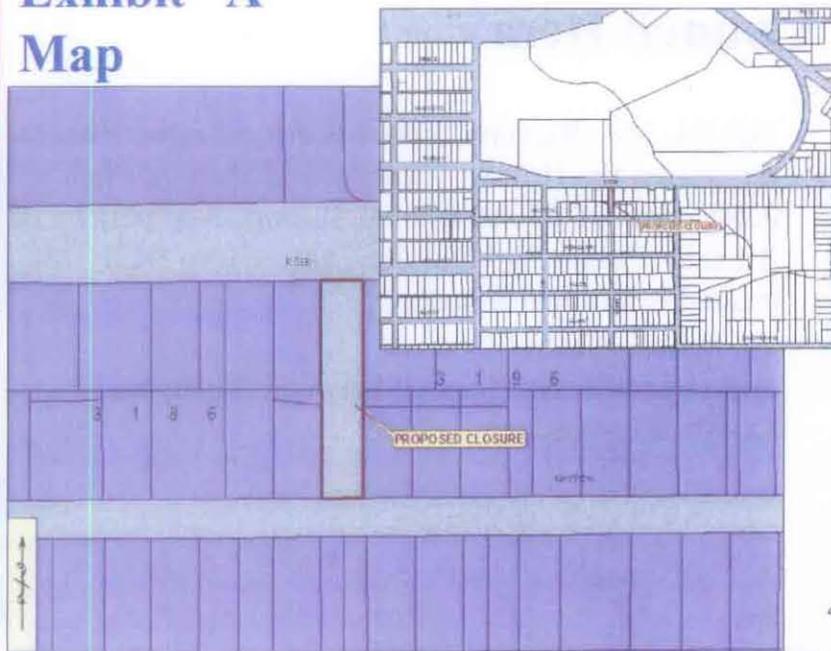
Background

Purpose:

- The petitioner, Tek-SA had begun construction of a house when it was realized that construction was on the subject right of way.
- The house is now finished; therefore, in order to remedy this encroachment, the proposed vacation of Anita Street is necessary.
- All abutting property owners have consented to this closure.
- The abutting property owners fronting Kayton Ave. have quitclaimed their interests to Tek-SA & owners fronting Rigsby Ave. will be entitled to their proportionate share of the right of way.

3

Exhibit "A" Map



4

Exhibit "B" (cont.)

Aerial



5

Background (cont)

Coordination:

- Project has been canvassed to all interested city departments and utility agencies.
- Project received conditional approval.
- Petitioners have agreed to comply with all conditions.

6



Background (cont)

Notification:

- 72 notices were mailed to property owners within a 500 foot radius of the proposed closure.
- 1 notice was returned in favor.
- 1 notice was returned in opposition.

7



Fiscal Impact

Financial Impact:

- The City will collect \$13,030 as consideration for closure, vacation and abandonment of this Public Right of Way.

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Issues & Recommendation

Policy Analysis:

- This action is consistent with City Code and Ordinances relative to closing Public Rights of Way.

Supplemental Comments:

- The Planning Commission recommended approval of this request at its meeting of April 8, 2009.

Recommendation:

- Staff recommends approval of this request.