

AN ORDINANCE 2011-01-20-0042

AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF PART OF AN UNIMPROVED 16 FOOT-WIDE ALLEY LOCATED BETWEEN 12TH AND ROY SMITH STREETS ADJACENT TO NCB 466, LOCATED IN COUNCIL DISTRICT 1, AS REQUESTED BY BROADWAY LOFTS, L.P.

* * * * *

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 16-foot-wide alley described generally as extending northward from the 12th Street north right-of-way line to just short of the boundary of Lot 5, Block 47, NCB 466.

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. The City further reserves the right to use the affected segment for fire suppression and other emergency access purposes. If the segment closed by this ordinance is ever gated or otherwise blocked, the owner of abutting property may be fined up to \$500 a day for each day of violation if provision acceptable to the City is not made for ready access to the segment by fire and other emergency responders.

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 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

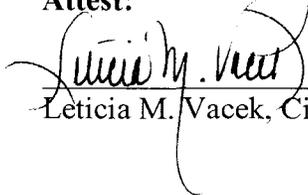
generally, owners of the adjacent property should replat, but no such replat impairs the rights retained by City in the affected right of way.

SECTION 7. 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.

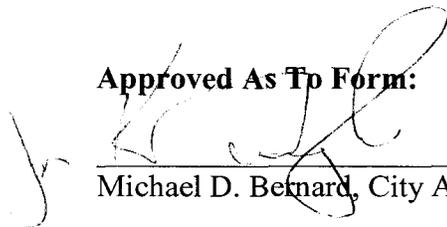

M A Y O R
Julián Castro

Attest:

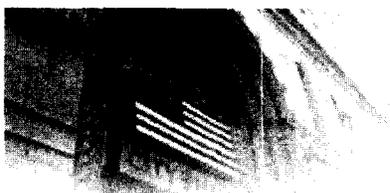


Leticia M. Vacek, City Clerk

Approved As To Form:

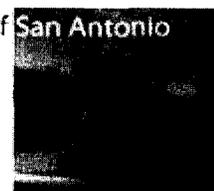


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio

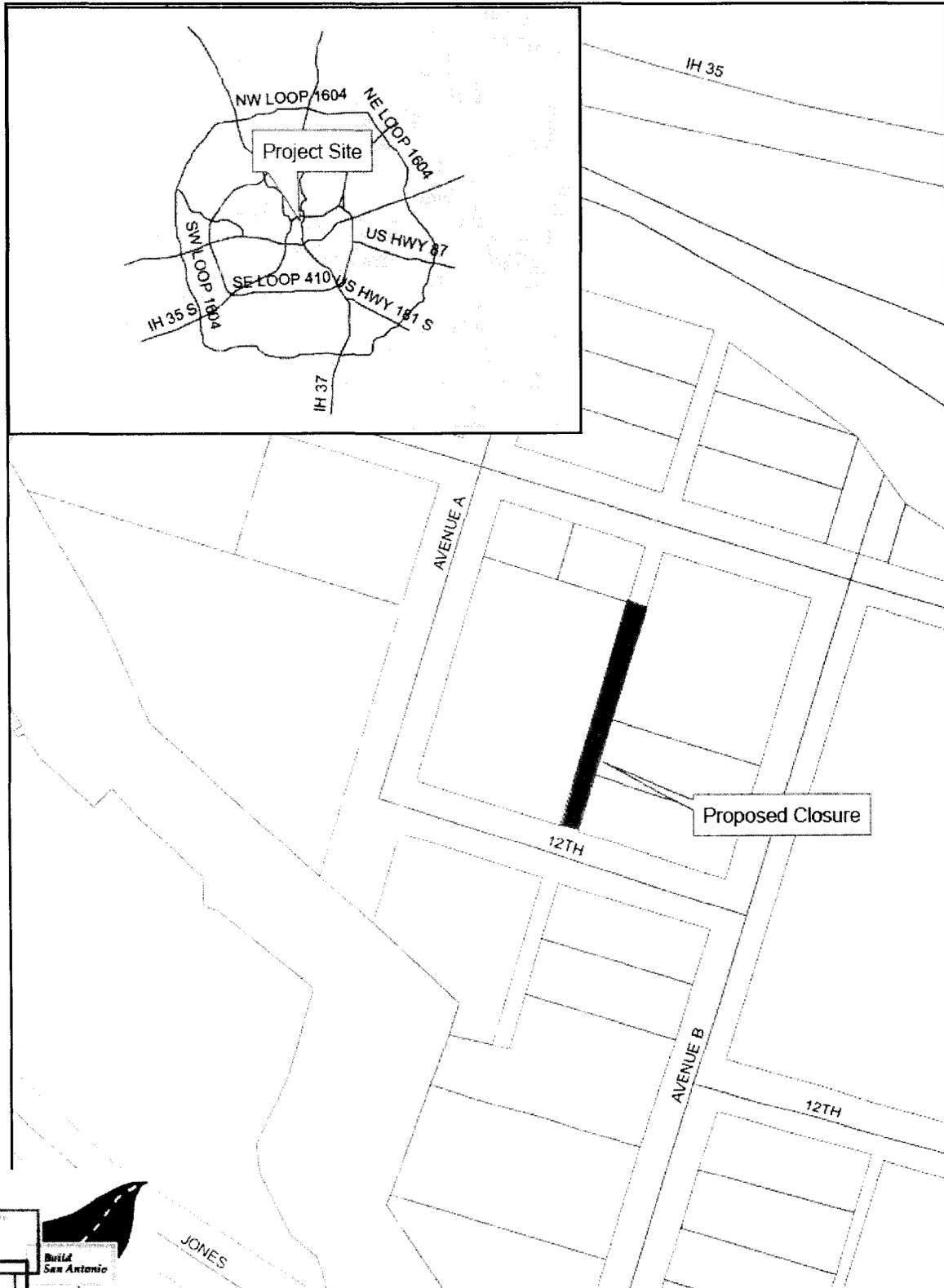


Agenda Voting Results - 22

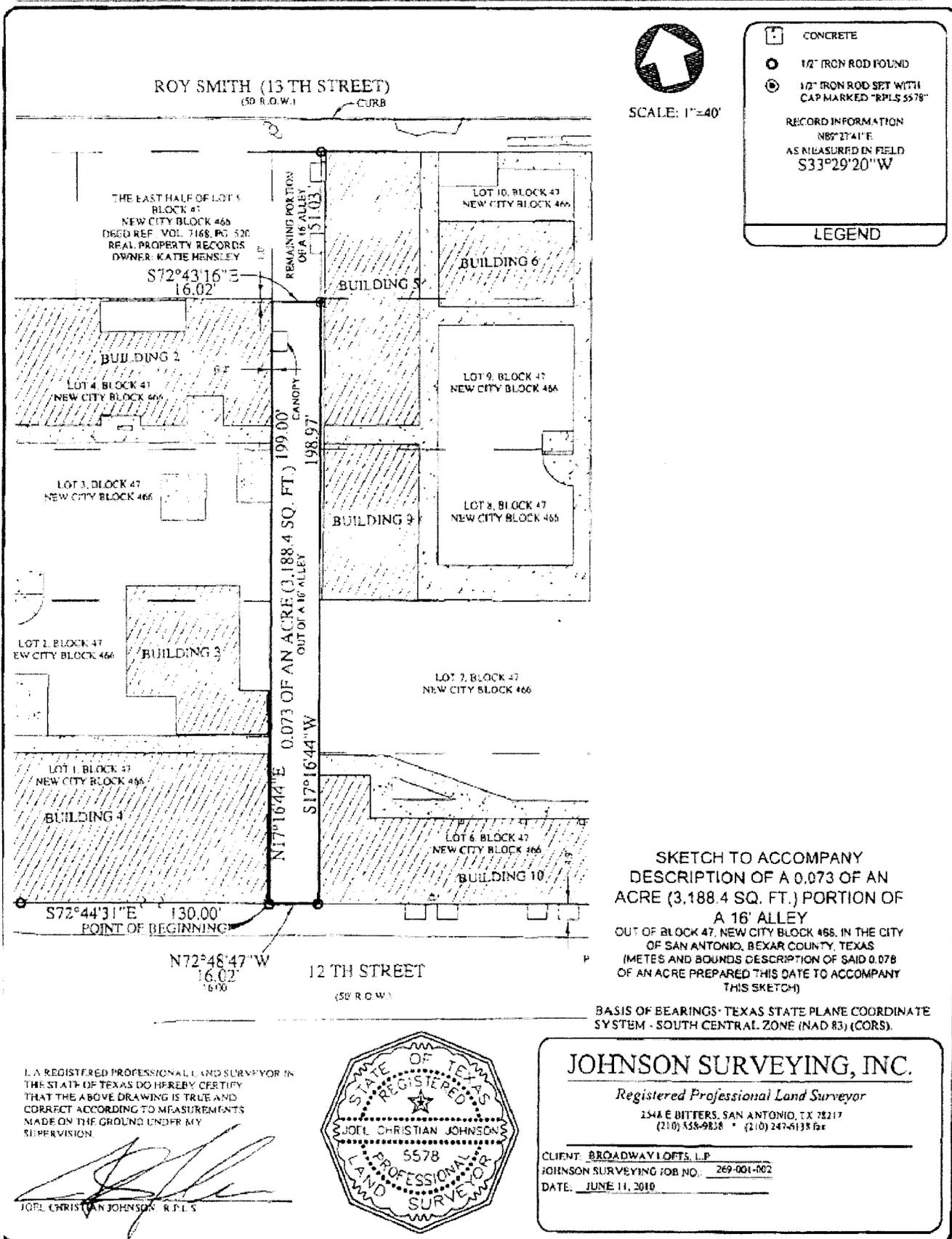
Name:	7, 8, 9, 10, 11, 15, 16, 19A, 19B, 20A, 20B, 21, 22, 23, 25, 27, 28, 29, 30A, 30B, 31, 33, 34						
Date:	01/20/2011						
Time:	10:46:00 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of part of an unimproved 16 foot-wide alley located between 12th and Roy Smith Streets adjacent to NCB 466, located in Council District 1, as requested by Broadway Lofts, L.P. [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. 1185a - Alley Closure Request
Petitioner: Broadway Lofts



Attachment II



I, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THE ABOVE DRAWING IS TRUE AND CORRECT ACCORDING TO MEASUREMENTS MADE ON THE GROUND UNDER MY SUPERVISION.

JOEL CHRISTIAN JOHNSON, R.P.L.S.



JOHNSON SURVEYING, INC.

Registered Professional Land Surveyor

1544 E BITTERS, SAN ANTONIO, TX 78217
(210) 458-9838 • (210) 247-6133 fax

CLIENT: BROADWAY LOFTS, L.P.
JOHNSON SURVEYING JOB NO.: 269-001-002
DATE: JUNE 11, 2010

JOHNSON SURVEYING, INC.

Registered Professional Land Surveyor

METES AND BOUNDS DESCRIPTION

BEING 0.073 OF AN ACRE (3,188.4 SQUARE FEET) OUT OF A 16 FOOT ALLEY OUT OF BLOCK 47, NEW CITY BLOCK 466, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; SAID 0.073 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 1/2" IRON ROD FOUND ON THE NORTH RIGHT-OF-WAY LINE OF 12TH ST MARKING THE SOUTHEAST CORNER OF LOT 1, BLOCK 47, NEW CITY BLOCK 466, SAID POINT BEING SOUTH 72° 44' 31" EAST 130.00' FROM A 1/2" IRON ROD FOUND MARKING THE INTERSECTION BETWEEN THE NORTH RIGHT-OF-WAY LINE OF 12TH ST AND THE EAST RIGHT-OF-WAY LINE OF AVENUE A;

THENCE NORTH 17° 16' 44" EAST 199.00 FEET ALONG THE EAST LINE OF SAID 16' ALLEY TO A POINT IN THE WALL OF AN EXISTING BUILDING MARKING THE NORTHWEST CORNER OF THIS TRACT;

THENCE SOUTH 72° 43' 16" EAST 16.02 FEET CROSSING SAID 16' ALLEY TO A 1/2" IRON ROD SET WITH CAP MARKED "RPLS 5578" ON THE EAST LINE OF SAID 16' ALLEY MARKING THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 17° 16' 44" WEST 198.97 FEET ALONG THE EAST LINE OF SAID 16' ALLEY TO A 1/2" IRON ROD FOUND ON THE NORTH LINE OF 12TH ST MARKING THE SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 72° 48' 47" WEST 16.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.073 OF AN ACRE OF LAND;


JOEL CHRISTIAN JOHNSON, R.P.L.S. #5578

06-11-10
DATE



BASIS OF BEARINGS: TEXAS STATE PLANE COORDINATE SYSTEM - SOUTH CENTRAL ZONE (NAD 83)(CORS)
A SURVEY DRAWING WAS PREPARED THIS DATE TO ACCOMPANY THIS DESCRIPTION
JOB #269-001-002