

AN ORDINANCE **2013-08-29-0563**

CLOSING, VACATING, AND ABANDONING A 2.14-ACRES SEGMENT OF OLD DWYER ROAD BETWEEN SW LOOP 410 AND RAY ELLISON BOULEVARD, ADJACENT TO NCB 15228, IN COUNCIL DISTRICT 4, AS REQUESTED BY S & K DEVELOPMENT COMPANY, INC., JAMES M. SCHNEIDER, CF LAND, LLC, QWEST COMMUNICATIONS CORP. AND SAMNANI PROPERTIES, LTD., FOR A FEE OF \$44,350

* * * * *

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 (“Right-of-Way Segment”) 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. A picture of the Right-of-Way Segment is set forth at **Attachment I**. The detailed description of the Right-of-Way Segment 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. The properties abutting the Right-of-Way Segment are:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
Ray Ellison Blvd.	LOT P-2A (12.9902 acres) & P-44 (13.27 acres), NCB 15228	James M. Schneider
Southwest Loop 410	Lot P-2C, NCB 15228	CF Land, LLC
Ray Ellison Blvd.	Lot P-3, NCB 15228	S&K Development Company, 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 property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

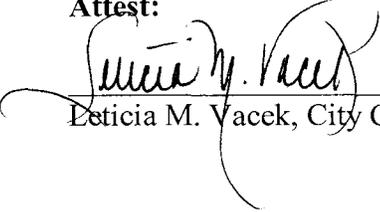
SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.

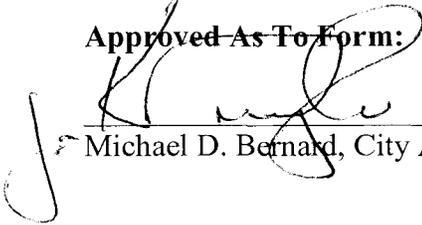
PASSED AND APPROVED this 29th day of August 2013.

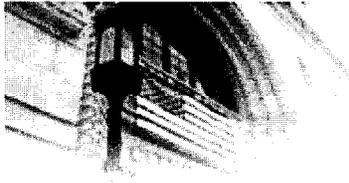
M  O R
Julián Castro

Attest:

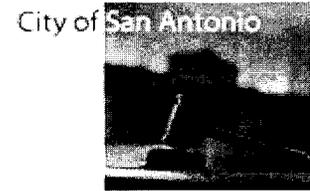

Leticia M. Vacek, City Clerk

Approved As To Form:


Michael D. Bernard, City Attorney



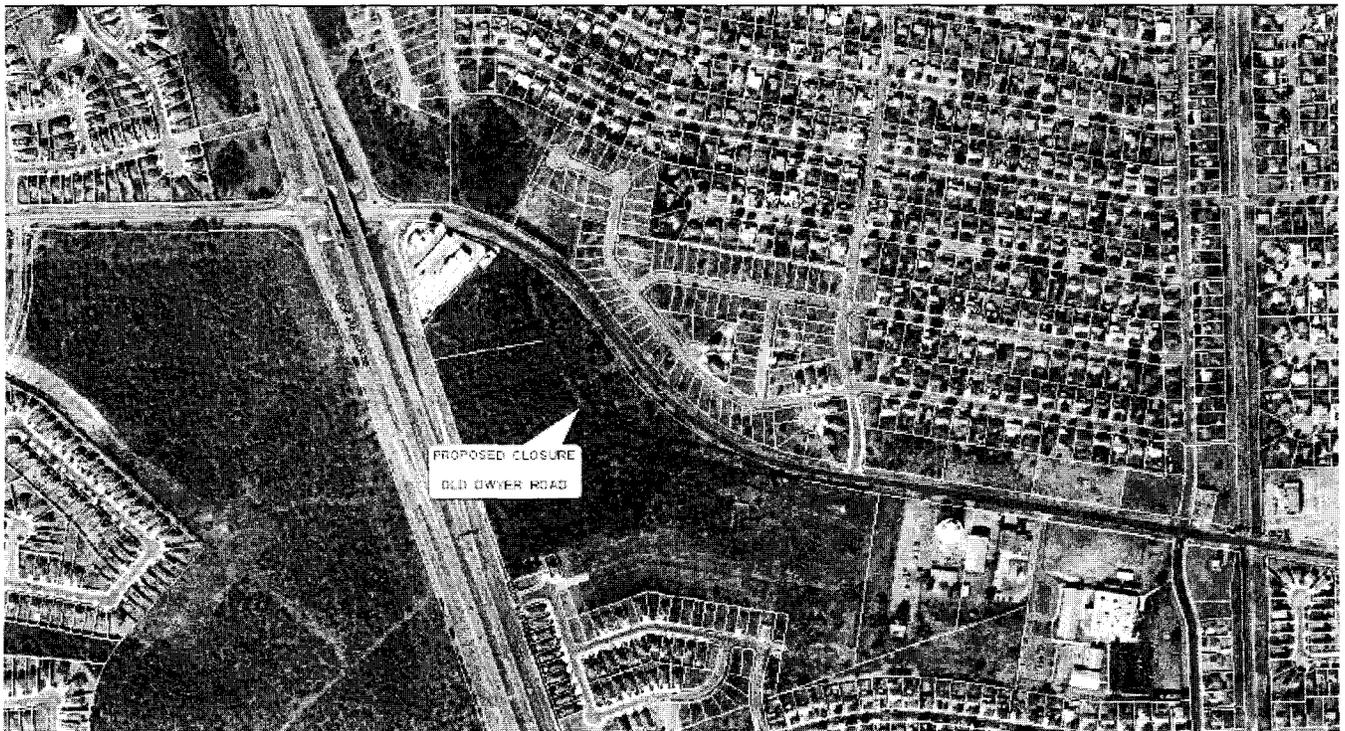
Request for
COUNCIL
 ACTION



Agenda Voting Results - 10

Name:	7, 8, 9, 10, 11, 12, 13A, 13B, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16I, 16J, 16K, 16L, 16M, 16N, 18, 19, 20, 22, 23, 24, 25, 26						
Date:	08/29/2013						
Time:	09:42:14 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of 2.14 acres of Old Dwyer Road Public Right of Way, located between SW Loop 410 and Ray Ellison Boulevard, adjacent to NCB 15228, in Council District 4, as requested by S & K Development Company, Inc., James M. Schneider, CF Land, LLC, Qwest Communications Corp. and Samnani Properties, Ltd., for a fee of \$44,350.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
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				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

Attachment I



Attachment II

METES AND BOUNDS DESCRIPTION FOR

0.09 ACRES

0.09 ACRE TRACT OF LAND BEING A PORTION OF OLD DWYER ROAD AND ADJACENT TO LOT 28, NEW CITY BLOCK 15228, EXXON SUBDIVISION, UNIT 2, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AS RECORDED IN VOLUME 7800, PAGE 159, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found at the east corner of said Lot 28 and the north corner of a 0.0511 acre tract as recorded in Volume 8982, Page 990, Real Property Records of Bexar County, Texas;

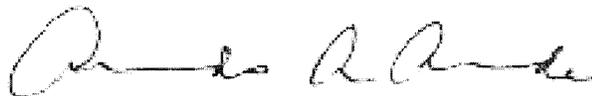
THENCE: N 64°18'27" W, a distance of 214.48 feet to a point at the intersection of Lot 28 and the south right-of-way of Ray Ellison Drive for the west corner of this tract;

THENCE: a curve to the right, whose radius is 904.94 feet, central angle of 09°08'51", tangent length of 72.39 feet, arc length of 77.79 feet, chord bearing of S 66°44'19" E, chord length of 144.48 feet to a point for the northeast corner of this tract;

THENCE: S 69°12'05" E, a distance of 3.18 feet to a point of curvature of a curve to the right;

THENCE: along said curve to the right, whose radius is 904.94 feet, central angle of 04°55'30", tangent length of 38.92 feet, arc length of 77.79 feet, chord bearing of S 66°44'19" E, chord length of 77.76 feet to a point for the northeast corner of this tract;

THENCE: S 43°26'33" W, a distance of 28.68 feet to the POINT OF BEGINNING and containing 0.09 acres of land.

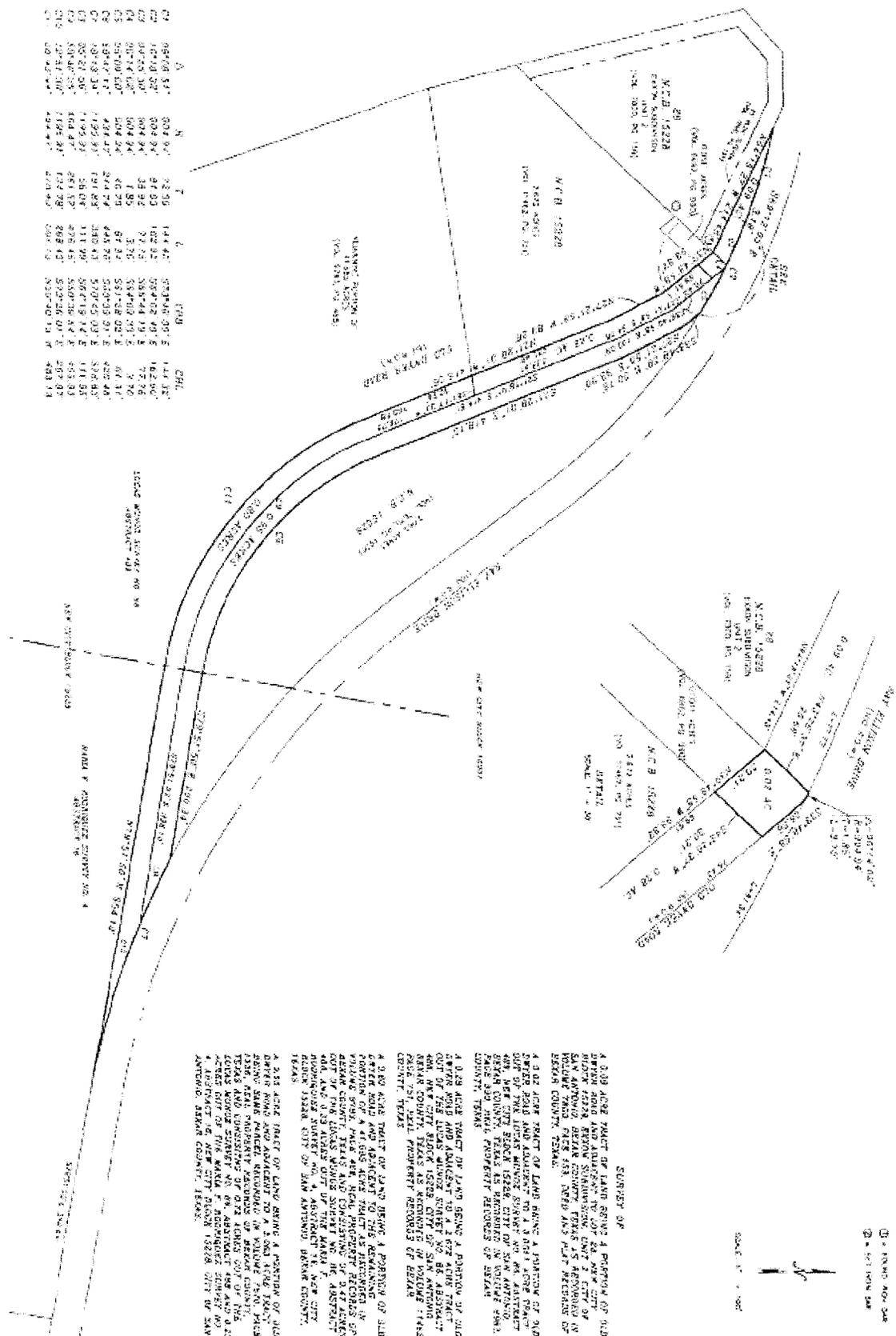


Armando A. Aranda
Registered Public Land Surveyor No. 1398

1519
January 29, 2007
AAA/amg

STATION	N	T	L	FROM	CHL
1	804.94	72.93	144.42	578°46'09" E	144.38
2	804.94	97.03	182.82	58°40'02" E	182.80
3	804.94	38.92	57.73	58°44'39" E	57.74
4	804.94	1.85	3.76	58°40'02" E	3.76
5	504.24	40.20	87.34	58°40'02" E	87.31
6	504.24	40.20	531.98	58°40'02" E	532.00
7	433.47	244.79	444.78	520°35'03" E	433.46
8	433.47	191.83	340.43	570°25'03" E	340.43
9	433.47	28.63	111.29	56°17'19" E	111.31
10	433.47	28.63	211.29	56°17'19" E	211.31
11	433.47	28.63	288.43	520°25'03" E	288.43
12	433.47	28.63	502.24	51°13'51" E	502.27
13	433.47	28.63	502.24	51°13'51" E	502.27
14	433.47	28.63	502.24	51°13'51" E	502.27
15	433.47	28.63	502.24	51°13'51" E	502.27

PLAT NUMBER
DATE
BY
SCALE
ACROSS



SURVEY OF
 A 0.08 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD, BEING SHARPSBURG TRACT 2, CITY OF
 SAN ANTONIO, BEXAR COUNTY, TEXAS, AS REFERRED TO
 IN A CERTAIN DEED RECORDED IN PUBLIC RECORDS OF
 BEXAR COUNTY, TEXAS, IN BOOK 152, PAGE 152.
 A 0.02 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD AND ADJACENT TO A 0.01 ACRE TRACT
 OF LAND BEING A PORTION OF OLD BROWN ROAD,
 BEING SHARPSBURG TRACT 2, CITY OF SAN ANTONIO,
 BEXAR COUNTY, TEXAS, AS REFERRED TO IN A
 CERTAIN DEED RECORDED IN PUBLIC RECORDS OF BEXAR
 COUNTY, TEXAS.
 A 0.28 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD AND ADJACENT TO A 0.02 ACRE TRACT
 OF LAND BEING A PORTION OF OLD BROWN ROAD,
 BEING SHARPSBURG TRACT 2, CITY OF SAN ANTONIO,
 BEXAR COUNTY, TEXAS, AS REFERRED TO IN A
 CERTAIN DEED RECORDED IN PUBLIC RECORDS OF BEXAR
 COUNTY, TEXAS.
 A 0.09 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD AND ADJACENT TO THE REMAINING
 PORTION OF A 0.08 ACRE TRACT AS REFERRED TO IN
 A CERTAIN DEED RECORDED IN PUBLIC RECORDS OF
 BEXAR COUNTY, TEXAS, AND CONSISTING OF 0.07 ACRES
 OUT OF THE LANDS MOORE SURVEY NO. 10, ADJACENT
 TO AND ON THE NORTH SIDE OF THE MAIN FERRY ROAD
 AND ADJACENT TO THE MAIN FERRY ROAD, NEW CITY
 PLAZA, CITY OF SAN ANTONIO, BEXAR COUNTY,
 TEXAS.
 A 0.55 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD AND ADJACENT TO A 0.08 ACRE TRACT
 BEING SHARPSBURG TRACT 2, CITY OF SAN ANTONIO,
 BEXAR COUNTY, TEXAS, AS REFERRED TO IN A
 CERTAIN DEED RECORDED IN PUBLIC RECORDS OF BEXAR
 COUNTY, TEXAS, IN BOOK 152, PAGE 152.
 A 0.01 ACRE TRACT OF LAND BEING A PORTION OF OLD
 BROWN ROAD AND ADJACENT TO A 0.02 ACRE TRACT
 OF LAND BEING A PORTION OF OLD BROWN ROAD,
 BEING SHARPSBURG TRACT 2, CITY OF SAN ANTONIO,
 BEXAR COUNTY, TEXAS, AS REFERRED TO IN A
 CERTAIN DEED RECORDED IN PUBLIC RECORDS OF BEXAR
 COUNTY, TEXAS.

1. THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACTS OF THE STATE OF TEXAS.

2. I, THE SURVEYOR, AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

3. I HEREBY CERTIFY THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACTS OF THE STATE OF TEXAS.

4. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

5. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

6. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

7. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

8. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

9. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

10. I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS.

