

AN ORDINANCE

2013-01-17-0025

CLOSURE, VACATION AND ABANDONMENT OF 0.261 ACRES OF HUMPHREY AVENUE PUBLIC RIGHT-OF-WAY, LOCATED BETWEEN MARGARET STREET AND PINE STREET, ADJACENT TO NCB 1066, IN COUNCIL DISTRICT 2, AS REQUESTED BY SAN ANTONIO'S CHILDREN'S MUSEUM.

* * * * *

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. The Right-of-Way Segment is identified below.

That portion of Humphrey Avenue described generally as extending southward from the south right-of-way line of Margaret Avenue.

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>
1102 E. Mulberry Avenue	Lots 6 through 11, Block 13, NCB 3867 and Lots 25 through 28, Block 12, NCB 1066	San Antonio Children's Museum
2822 Broadway	Lot 18, Block 15, NCB 3869	San Antonio Children's Museum
122 Humphrey	Lot 20, Block 15, NCB 3869	San Antonio Children's Museum

126 Humphrey

Lot 21, Block 15, NCB 3869

San Antonio Children's
Museum

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. The disposition of surplus 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.

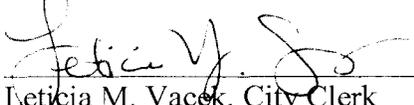
SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 9. 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.

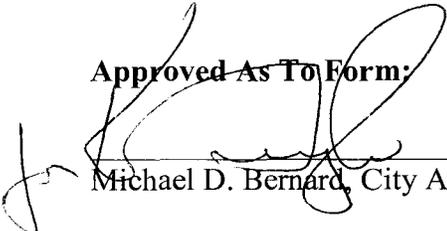
PASSED AND APPROVED this 17th day of January 2013.

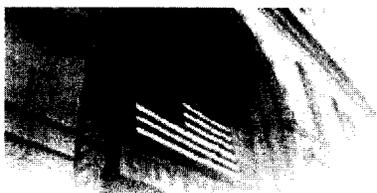

M A Y O R
Julián Castro

Attest:


for Leticia M. Vacek, City Clerk

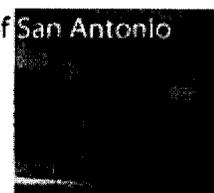
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

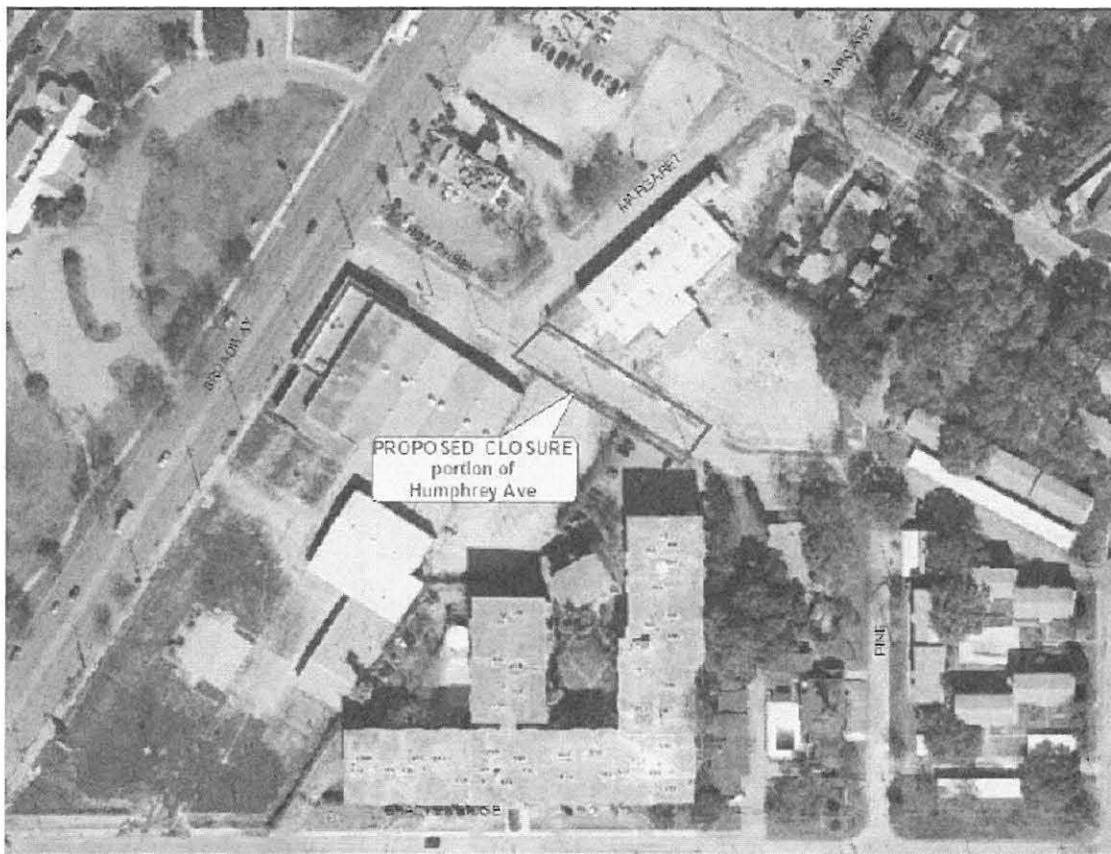
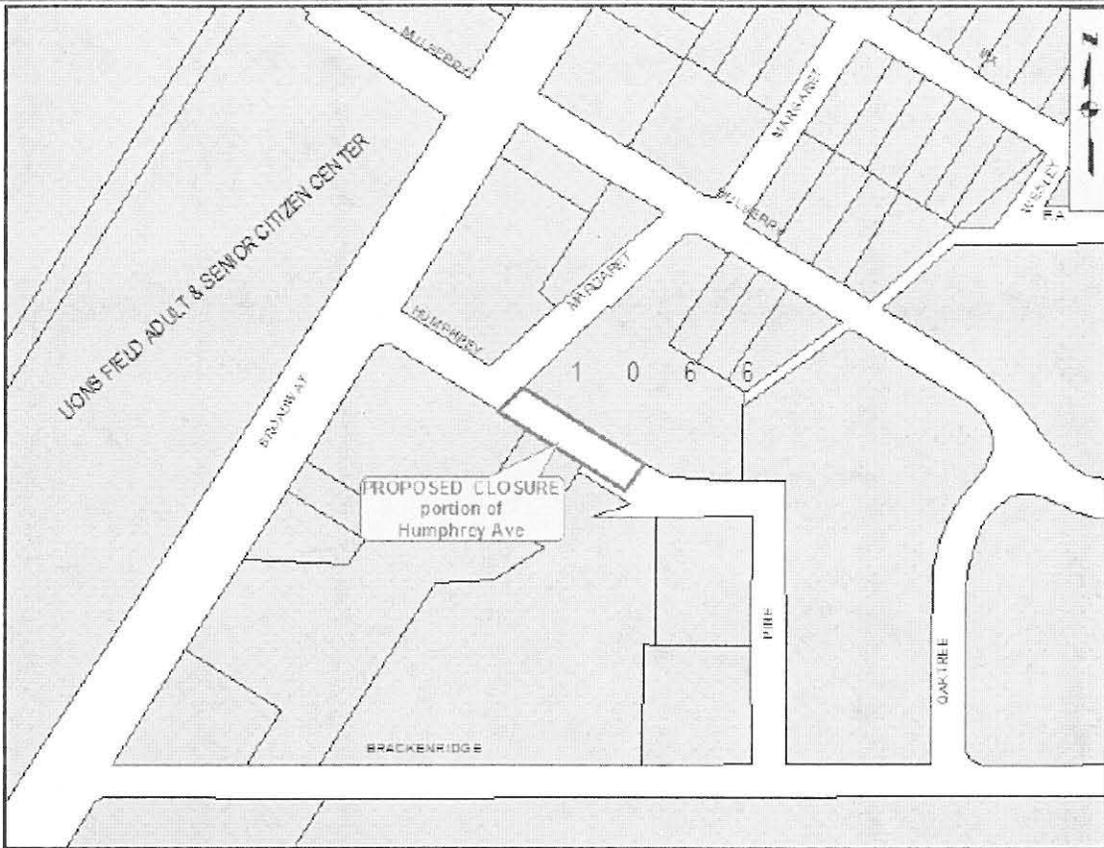
City of San Antonio



Agenda Voting Results - 10D

Name:	4, 5, 6, 7, 8, 10A, 10B, 10C, 10D, 12A, 12B, 13, 15, 16, 17						
Date:	01/17/2013						
Time:	09:25:30 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of 0.261 acres of Humphrey Avenue Public Right-of-Way, located between Margaret Street and Pine Street, adjacent to NCB 1066, in Council District 2, as requested by San Antonio Children's Museum.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

Attachment I



Attachment II

Johnson Surveying, Inc.

Registered Professional Land Surveyor

METES AND BOUNDS DESCRIPTION

A 0.261 OF AN ACRE OF LAND OUT OF THE HUMPHREY AVE RIGHT-OF-WAY IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; SAID 0.261 OF AN ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found marking the intersection between the Northeast Right-of-Way line of Humphrey Ave and the Southeast Right-of-Way line of Margaret Ave. marking the most Westerly corner Lot 10, Block 13, New City Block 3867, Brackenridge Place Subdivision, Volume 105, Page 248, Deed and Plat Records, Bexar County, Texas;

THENCE South 57° 50' 51" East 205.00 feet along the Northeast Right-of-Way line of Humphrey Ave. to a ½" iron rod set with cap marked "RPLS 5578" marking the most Easterly corner of this tract;

THENCE South 31° 58' 34" West 54.39 feet crossing said Humphrey Ave. to a ½" iron rod set with cap marked "RPLS 5578" marking the most Southerly corner of this tract;

THENCE North 58° 01' 26" West 68.60 feet along the Southwest Right-of-Way line of Humphrey Ave. to a ½" iron rod found marking the most Easterly corner of Lot 21, Block 15, New City Block 3859, Brackenridge Place Subdivision, according to plat recorded in Volume 7300, Page 15, Deed and Plat Records, Bexar County, Texas;

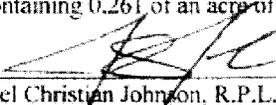
THENCE North 58° 01' 26" West 49.74 feet along the Southwest Right-of-Way line of Humphrey Ave. to a nail found marking the most Northerly corner of said Lot 21;

THENCE South 58° 01' 26" West 49.98 feet along the Southwest Right-of-Way line of Humphrey Ave. to a ½" iron rod found marking the most Northerly corner of Lot 20, Block 15, New City Block 3859, Brackenridge Place Subdivision, according to plat recorded in Volume 7300, Page 15, Deed and Plat Records, Bexar County, Texas;

THENCE North 32° 25' 04" East 4.92 feet to a ½" iron rod found marking the most Easterly corner of Lot 18, New City Block 3859, according to plat thereof recorded in Volume 4500, Page 216, Deed and Plat Records, Bexar County, Texas;

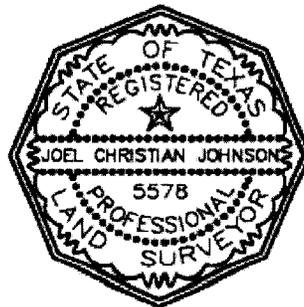
THENCE North 57° 51' 50" West 50.68 feet along the Southwest Right-of-Way line of Humphrey Ave. to a mag nail set with washer marked "RPLS 5578" marking the most Westerly corner of this tract;

THENCE North 47° 35' 46" East 51.87 feet crossing the Humphrey Ave. Right-of-Way to the **POINT OF BEGINNING** and containing 0.261 of an acre of land.


Joel Christian Johnson, R.P.L.S.

Date

05/07/12



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 No.: 440-001-000

