AZJ
05/21/2015
Item No. 20

AN ORDINANCE 2015-05-21-0438

AN ORDINANCE CLOSING A PORTION OF HOEFGEN AVENUE CROSSING RAILROAD TRACKS ADJACENT TO NCB 3519 AND JUST NORTH OF ESSEX STREET LOCATED IN COUNCIL DISTRICT 2.

* * * * *

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.

> A segment of Hoefgen Avenue described generally as that part of the street that crosses railroad tracks and is adjacent to NCB 3519.

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. There is no fiscal language associated with this ordinance.

SECTION 4. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission and distribution 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. The City expressly reserves all rights not released.

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. If the owners of the adjacent property replat, the replat does not impair 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 **21st** day of **May, 2015**.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

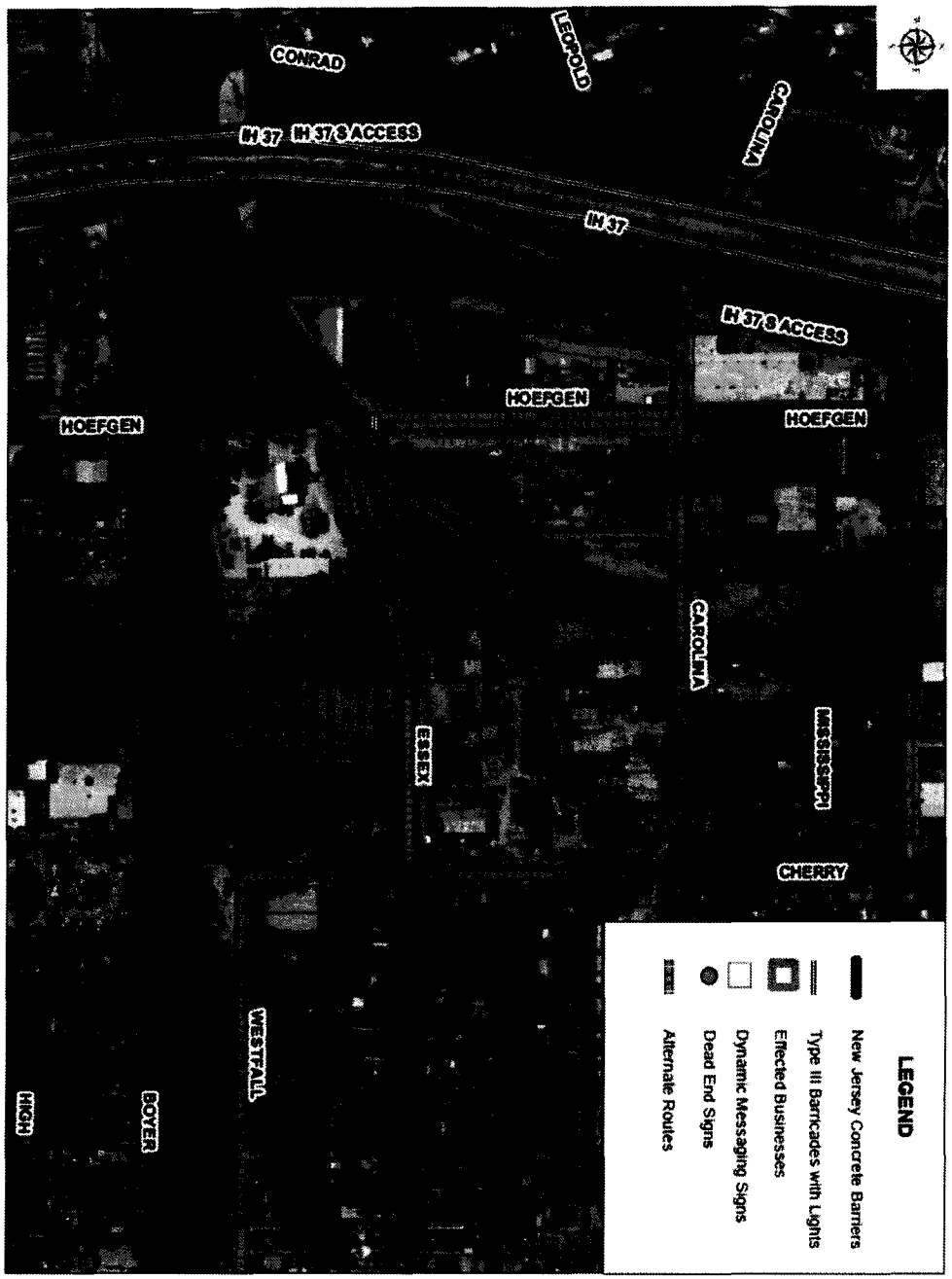
APPROVED AS TO FORM:

for **Martha G. Sepeda, Acting City Attorney**

Agenda Item:	**20**
Date:	05/21/2015
Time:	10:44:36 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the permanent closure of a railroad crossing at Hoefgen Avenue and Essex Street, located in Council District 2, as approved by Union Pacific Railroad. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		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



Attachment II

Field notes for a tract of land containing 4,183.60 square feet (0.0960 Acres) being a portion of Hoefgen Avenue north of Essex Street, City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds as surveyed as follows:

BEGINNING: at a ½" iron pin with an orange plastic cap marked COSA CIMS set in the ground at the point of intersection of the east right-of-way line of Hoefgen Avenue with the north right-of-way line of Essex Street, said point also being the southwest corner of Parcel A3, N.C.B. 7057 described in deed from W & H Investment Company to Edgar G. Lozano recorded in Volume 5134, Page 1607, Real Property Records, Bexar County, Texas, for the southeast corner of this tract;

THENCE: S 41°41'34" W crossing Hoefgen Avenue a distance of 79.31 feet to a ½" iron pin with an orange plastic cap marked COSA CIMS set in the ground along the west right-of-way line of Hoefgen Avenue at the northernmost corner of Parcel P-102, N.C.B. A27, said point also being along the east boundary line of the remaining portion of a 2 Acre Tract described in deed from Eliza Gallagher and A. Ryan to the Galveston, Harrisburg & San Antonio Railway Company recorded in Volume 19, Page 270, Deed Records, Bexar County, Texas, for the southwest corner of this tract;

THENCE: N 0°08'29" E with the west right-of-way line of Hoefgen Avenue and the east boundary line of the remaining portion of the aforementioned 2 Acre Tract a distance of 103.92 feet to a magnetic nail with a 1 ½" aluminum disk stamped COSA CIMS set concrete at the southeast corner of Parcel A, N.C.B. 3519, owned by Sara Mindez and referenced in Deed of Trust recorded in Volume 1202, Page 75, Deed Records of Bexar County, Texas for the northwest corner of this tract;

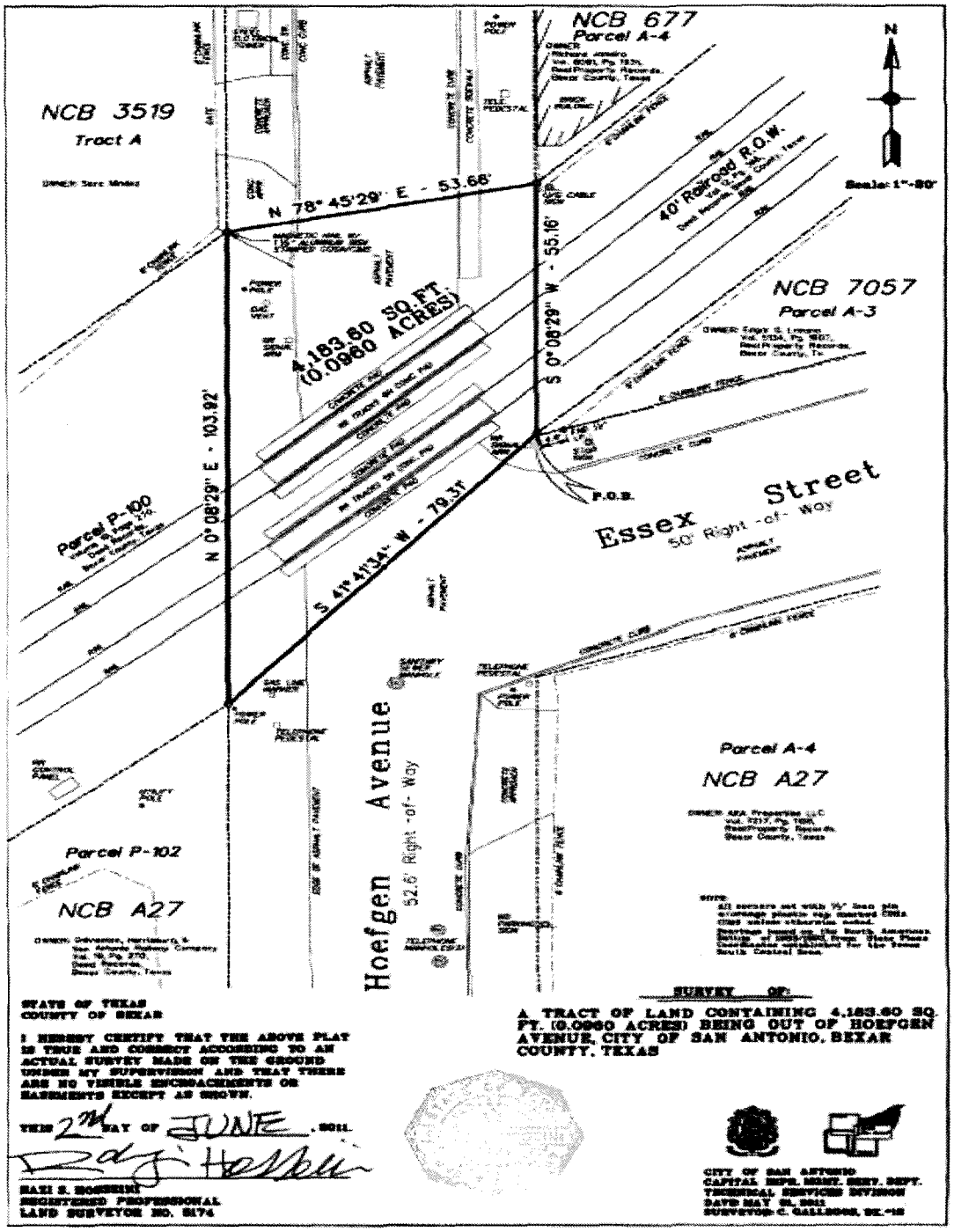
THENCE: N 78°45'29" E crossing Hoefgen Avenue a distance of 53.66 feet to a ½" iron pin with an orange plastic cap marked COSA CIMS set in the ground along the east right-of-way line of Hoefgen Avenue, said point also being the southwest corner of Parcel A-4, N.C.B. 677 described in deed from Bobby Ray Mickler and Gretchen Mickler to Richard M. Janeiro recorded in Volume 8081, Page 1931, Real Property Records, Bexar County, Texas, said point also being along the northwest right-of-way line of a 40' Railroad right-of-way described in deed from Henry and Elizabeth Koerber to the Galveston, Harrisburg & San Antonio Railway Company recorded in Volume 12, Page 366, Deed Records, Bexar County, Texas, for the northeast corner of this tract;

THENCE: S 0°08'29" W with the east right-of-way line of Hoefgen Avenue and crossing the aforementioned 40' Railroad right-of-way a distance of 55.16 feet to the POINT OF BEGINNING for this tract of land containing 4,183.60 square feet (0.0960 Acres), more or less.

NOTE: Bearings for this survey are based on the North American Datum of 1983/1993, from State Plane Coordinates established for the Texas South Central Zone.

6/2/11

Ray Hossain



STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.

THIS 2nd DAY OF JUNE, 2011.

HAZI S. HOSSEINI
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5174

SURVEY OF:

A TRACT OF LAND CONTAINING 4,183.60 SQ. FT. (0.0960 ACRES) BEING OUT OF HOEFGEN AVENUE, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

CITY OF SAN ANTONIO
CAPITAL IMPR. MGMT. SERV. DEPT.
TECHNICAL SERVICES DIVISION
DATE: MAY 31, 2011
SURVEYOR: C. GALLEGOS, RL-145

City of San Antonio

Hoefgen Avenue Crossing Closure
Agenda Item # 20

A Session
May 21, 2015
Presented by: Terry Bellamy,
Assistant Director

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

Action Requested

- Approval of the permanent railroad crossing at Hoefgen Avenue near Essex in Council District 2

2

Issue

- Crossing at Hoefgen presents vehicle safety issues
- Tracks are configured in a large curve which obstructs sight distance for trains
- Track is higher than the roadway approaches and can cause vehicles to get stuck

3

Background

- On September 4, 2014, City Engineer authorized temporary closure of the Hoefgen Avenue railroad crossing due to life safety concerns
- Crash History
  - 10 crashes took place between 2010 and 2014
  - Other incidents of vehicles stuck on the tracks without train collisions

4

Alternate Route

- The permanent closure will not isolate the neighborhood from alternate travel routes
- Alternate routes include:

  North to South
  - Cherry
  - Hackberry
  - IH-37
  - Fern

  East to West
  - Carolina
  - Essex
  - Westfall

5

Recommendation

- Permanent closure of the Hoefgen Avenue railroad crossing is recommended for the following reasons:
  - To ensure the safety of our residents
  - Prevent further accidents in the future
  - Provide safe roadways and railroad crossings

6

City of San Antonio

Hoefgen Avenue Crossing Closure
Agenda Item # 20

A Session
May 21, 2015
Presented by: Terry Bellamy,
Assistant Director

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS