

AN ORDINANCE 2008-05-29-0425

CLOSING, VACATING, AND ABANDONING PART OF A 26-FOOT-WIDE UNIMPROVED ALLEY LOCATED BETWEEN WEST HOUSTON AND WEST COMMERCE STREETS, DISTRICT 5, AS REQUESTED BY KARAMS, INC. & P L TRUST FOR A FEE OF \$20,352.00 AND AUTHORIZING THE CITY'S ACCEPTANCE OF A 26-FOOT-WIDE EASEMENT PERMITTING PUBLIC EGRESS AND INGRESS TO THE REMAINING ALLEY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Subject to the reservation below, the City Council, as an exercise of its discretion, closes, vacates, and abandons the following right of way on a condition subsequent. The affected right of way is.

An unimproved alley extending from the south right-of-way line of West Houston St. and the north right-of-way line of West Commerce, in NCB 2289. as more particularly described in Attachment I That portion of Hammond Avenue described generally as extending eastward from the east right-of-way line of Clark Avenue to the east right-of-way line of Anita Avenue.

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**.

SECTION 3. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission 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 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 may wish to replat, but no such replat impairs the rights retained by City in the affected right of way.

SECTION 5. The City Manager or her designee, severally, are authorized and directed to accept on behalf of the City and record a dedication of alley of the property described in **Attachment III**, the dedication to be substantially in the form of **Attachment IV**. Alternatively, the dedication of the alley may be by plat.

SECTION 6. The condition subsequent to the closure, vacation, and abandonment is that, not later than July 15, 2008, the easement referred to in Section 5 above, is either (A) created by a plat duly recorded in the Plat Records of Bexar County, Texas or (b) a separate instrument in a form approved by the City Attorney's Office creating the easement is duly recorded in the real property records of Bexar County, Texas. Failure to timely create the easement as required in the preceding sentence voids the closure, vacation, and abandonment without further action by the City, and the affected area remains open to traffic to the same extent as before this ordinance. The grantor(s) of the easement must provide the City with an opinion of a lawyer licensed to do business in the State of Texas that the grantors are the owners of all interests necessary to grant the easement.

SECTION 7. All Attachments are incorporated into this ordinance for all purposes as if they were fully set forth. 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 8. Funds generated by this ordinance will be deposited into Fund 76002000 Building Maintenance, Internal Order 224000000099 License Agreement In Row, General Ledger 4202410 License Agreements - Use of ROW.

SECTION 9. 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 10. This ordinance becomes effective 10 days after passage.

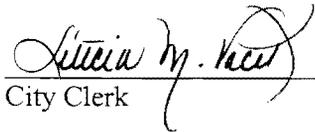
PASSED AND APPROVED this 29th day of May 2008.



M A Y O R

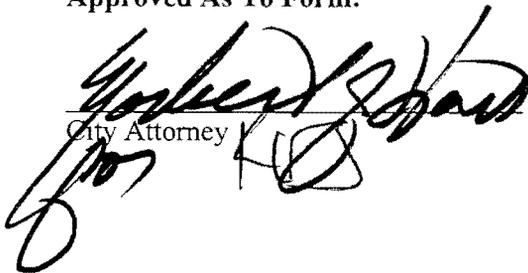
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 5

Name:	5
Date:	05/29/2008
Time:	11:16:36 AM
Vote Type:	Motion to Approve
Description:	Public hearing and consideration of an Ordinance closing, vacating, and abandoning part of a 26-foot-wide unimproved alley located between West Houston and West Commerce Streets, District 5, as requested by Karams, Inc. & P L Trust for a fee of \$20,352.00 and authorizing the City's acceptance of a 26-foot-wide easement permitting public egress and ingress to the remaining alley. [Penny Post oak 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				x
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x			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				

Attachment I



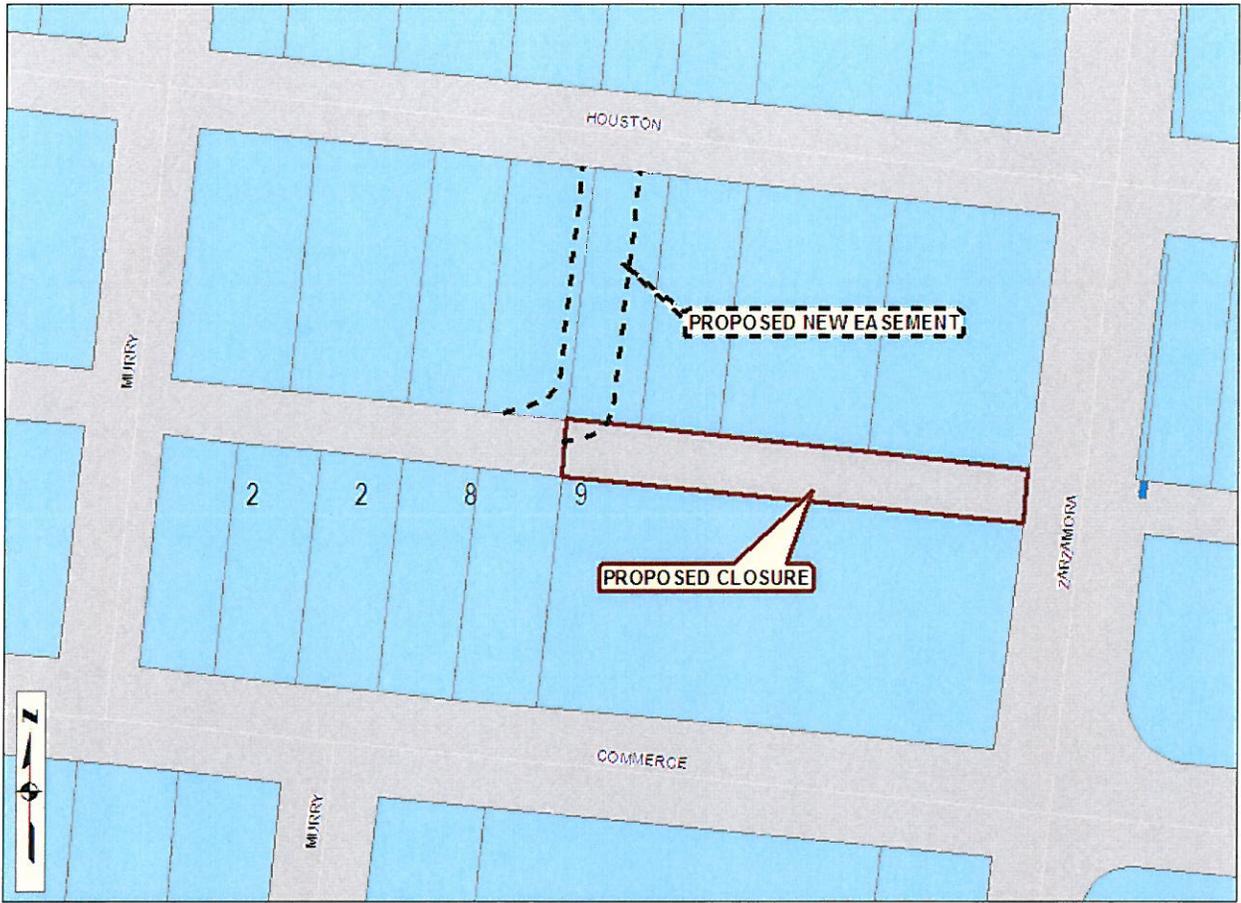
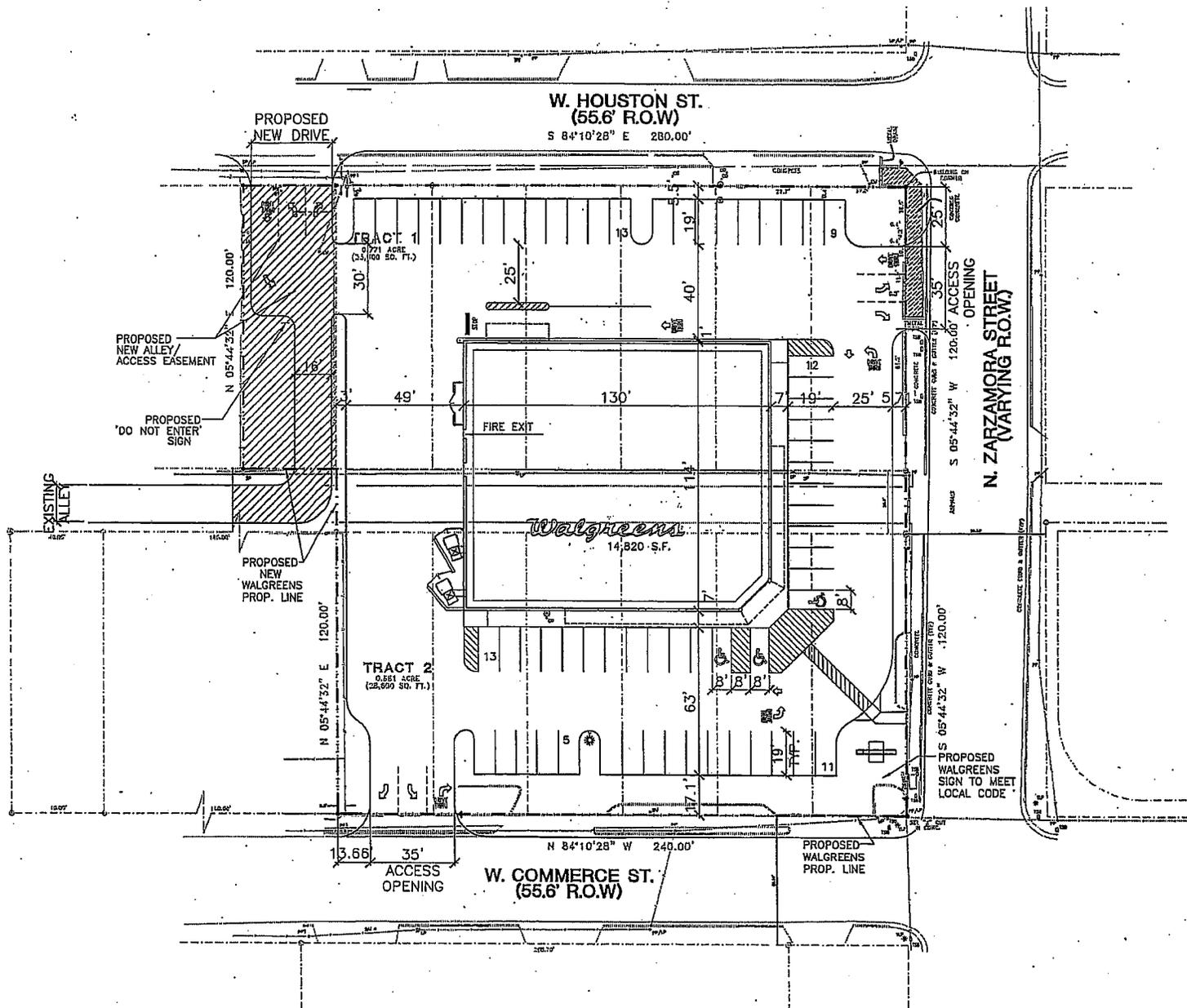


Exhibit "A"



PRELIMINARY

Proposed Walgreens
 W. Commerce & N. Zarzamora
 San Antonio, Texas
 for

Amreit, Inc.
 8 Greenway Plaza
 Suite 824
 Houston, Texas 77046
 Phone: (713) 860-4937
 Fax: (713) 850-0498

Development Synopsis

BUILDING AREA	14,820 S.F.
PARKING PROVIDED	63 CARS
REQUIRED PARKING	74 CARS
(1/200 GSF MAX.)	49 CARS
(1/300 GSF MAX.)	~1000
PARKING RATIO	68,730 S.F.
LAND AREA (± 1.58 AC)	- S.F.
LANDSCAPE PROVIDED	- S.F.
LANDSCAPING REQUIRED	- S.F.

Preliminary Site Plan

09 NOVEMBER 2007
 LA PROJECT NO. 27188.001



FILE: 27188-03.dwg,

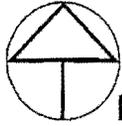
- * PROPERTY LINES NEED VERIFICATION, SURVEY WAS NOT AVAILABLE FOR SITE PLANNING
- * THE SITE LIGHT POLES CURRENTLY SHOWN ON THIS PLAN INDICATE THE LOCATION OF THE BUILDING FLOOD LIGHTS. THE BALANCE OF THE LIGHTING WILL BE DETERMINED BY PHOTOMETRICS.
- * PARKING, LANDSCAPING, AND SETBACK REQUIREMENTS NEED VERIFICATION. CODE RESEARCH IS STILL IN PROGRESS.

REVIEWED BY

WES GUSTIN

Exhibit "B"

Attachment II

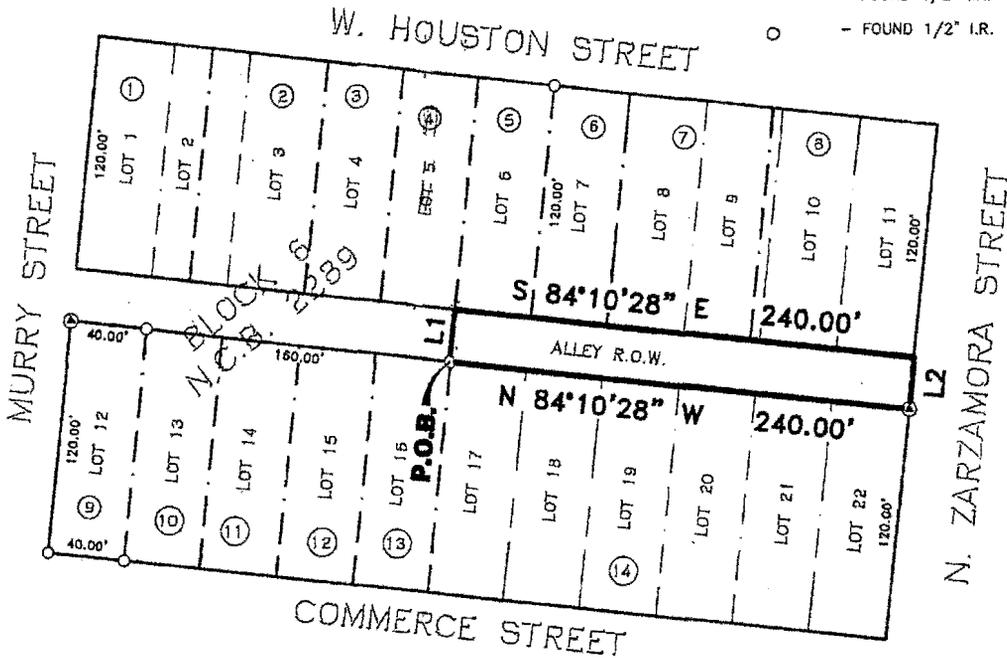


NORTH
SCALE: N.T.S.

EXHIBIT OF
ALLEY VACATION
OUT OF N.C.B. 2289
CITY OF SAN ANTONIO
BEXAR COUNTY, TEXAS

LEGEND

- ⊙ - CONTROL MONUMENT FOUND 1/2" I.R.
- - FOUND 1/2" I.R.



OWNERSHIP INFORMATION

- 1 - FELIPA T. MORENO
LOT 1 & WEST 1/2 OF LOT 2
(VOL. 4709, PG. 543, B.C.O.R.)
- 2 - FELIPA T. MORENO
EAST 1/2 OF LOT 2 & LOT 3
(VOL. 7947, PG. 261, B.C.D.R.)
- 3 - MARGARITA V. RAMOS
LOT 4
(VOL. 1778, PG. 675, B.C.D.R.)
- 4 - KARAM'S INC.
LOT 5
(DOC. #20040292404, B.C.O.P.R.R.P.)
- 5 - P L TRUST
LOT 6
(VOL. 4098, PG. 2001 &
VOL. 4098, PG. 2004, B.C.O.P.R.R.P.)
- 6 - P L TRUST
LOT 7
(VOL. 4098, PG. 2001 &
VOL. 4098, PG. 2004, B.C.O.P.R.R.P.)
- 7 - P L TRUST
LOT 8 & WEST 35' OF LOT 9
(VOL. 4098, PG. 2001 &
VOL. 4098, PG. 2004, B.C.O.P.R.R.P.)
- 8 - KAREN SANDRA KARAM, ET AL
EAST 5' OF LOT 9, LOT 10 & LOT 11
(VOL. 4002, PG. 1863, B.C.O.P.R.R.P.)
- 9 - PRESTO COMMERCIAL #2, LLC
LOT 12
(DOC. #20030013465, B.C.O.P.R.R.P.)
- 10 - JORGE ADAME, ET UX
LOT 13
(VOL. 2039, PG. 259, B.C.O.P.R.R.P.)
- 11 - GUADALUPE RODRIGUEZ, ET UX
LOT 14
(VOL. 6931, PG. 137, B.C.D.R.)
- 12 - OSCAR CHACON
LOT 15
(VOL. 4371, PG. 951, B.C.O.P.R.R.P.)
- 13 - CHARLIE MATA
LOT 16
(VOL. 3253, PG. 264, B.C.O.P.R.R.P.)
- 14 - KARAM'S INC.
LOTS 17 - 22
(VOL. 3984, PG. 706, B.C.O.P.R.R.P.)

LINE TABLE

LINE	DISTANCE	BEARING
L1	26.60'	N 05°44'32" E
L2	26.60'	S 05°44'32" W

BEARING BASIS:

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE BASED ON GRID COORDINATES, TO ADJUST TO SURFACE COORDINATES USE SCALE FACTOR OF 0.99986460.



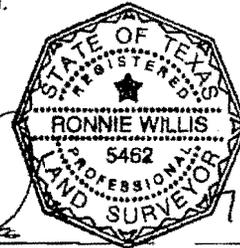
Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744

TEL. (512) 326-2100 FAX (512) 326-2770

©COPYRIGHT 2007 WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

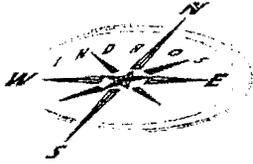
Ronnie Willis

RONNIE WILLIS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5462



DATE

JOB NO. 18173WC
SHEET 1 OF 2



Windrose Land Services Austin Ltd

4120 Commercial Center Dr., Suite 300

Austin, Texas 78744

Phone (512) 326-2100 Fax (512) 326-2770

Professional Surveying Services

LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.1466 ACRE (6,384 SQ. FT.), BEING A PORTION OF THE ALLEY WITHIN BLOCK 6, NEW CITY BLOCK 2289, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS. SAID 0.1466 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND, LYING IN THE SOUTH LINE OF SAID ALLEY, MARKING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE COMMON NORTHERLY CORNER OF LOTS 16 AND 17, BLOCK 6, N.C.B. 2289;

THENCE NORTH 05°44'32" EAST, A DISTANCE OF 26.60' TO A POINT, LYING IN THE NORTH LINE OF SAID ALLEY, MARKING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED, SAME BEING THE COMMON SOUTHERLY CORNER OF LOTS 5 AND 6, OF SAID BLOCK 6, N.C.B. 2289;

THENCE ALONG THE NORTH LINE OF SAID ALLEY, SAME BEING THE SOUTH LINE OF LOTS 6 THROUGH 11, OF SAID BLOCK 6, N.C.B. 2289, SOUTH 84°10'28" EAST, A DISTANCE OF 240.00' TO A POINT LYING IN THE WEST RIGHT-OF-WAY LINE OF N. ZARZAMORA STREET, MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND SAID ALLEY, SAME BEING THE SOUTHEAST CORNER OF LOT 11, OF SAID BLOCK 6, N.C.B. 2289;

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THENCE ALONG THE SOUTH LINE OF SAID ALLEY, SAME BEING THE NORTH LINE OF LOTS 17 THROUGH 22, OF SAID BLOCK 6, N.C.B. 2289, NORTH 84°10'28" WEST, A DISTANCE OF 240.00' TO THE PLACE OF BEGINNING AND CONTAINING 0.1466 ACRE (6,384 SQ. FT.) OF LAND.

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE BASED ON GRID COORDINATES. TO ADJUST TO SURFACE COORDINATES USE SCALE FACTOR OF 0.99986460.

RONNIE WILLIS, RPLS # 5462
JULY 16, 2007
JOB # 18173





SCANNED

AN ORDINANCE

2008-05-29-0425

CLOSING, VACATING, AND ABANDONING PART OF A 26-FOOT-WIDE UNIMPROVED ALLEY LOCATED BETWEEN WEST HOUSTON AND WEST COMMERCE STREETS, DISTRICT 5, AS REQUESTED BY KARAMS, INC. & P L TRUST FOR A FEE OF \$20,352.00 AND AUTHORIZING THE CITY'S ACCEPTANCE OF A 26-FOOT-WIDE EASEMENT PERMITTING PUBLIC EGRESS AND INGRESS TO THE REMAINING ALLEY.



* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Subject to the reservation below, the City Council, as an exercise of its discretion, closes, vacates, and abandons the following right of way on a condition subsequent. The affected right of way is.

An unimproved alley extending from the south right-of-way line of West Houston St. and the north right-of-way line of West Commerce, in NCB 2289, as more particularly described in Attachment I That portion of Hammond Avenue described generally as extending eastward from the east right-of-way line of Clark Avenue to the east right-of-way line of Anita Avenue.

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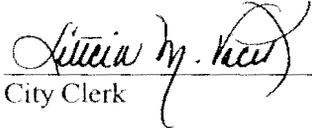
PASSED AND APPROVED this 29th day of May 2008.



M A Y O R

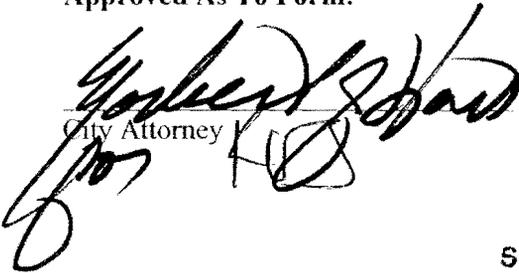
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney

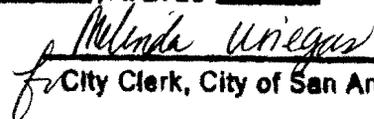
STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

} SS.

CERTIFIED COPY

The undersigned, the City Clerk of the City of San Antonio in the State and County afore said, does by these presents certify that the attached and foregoing is a true and exemplified copy of a part of the records, papers and books in the Office of the City Clerk; and, that I am the custodian of such papers, books and records as an officer of the City of San Antonio.

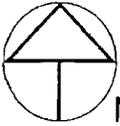
Given under my hand and the official seal of the City of San Antonio, this 2nd day of June, A. D. 20 08
(SEAL)



City Clerk, City of San Antonio.



Attachment II

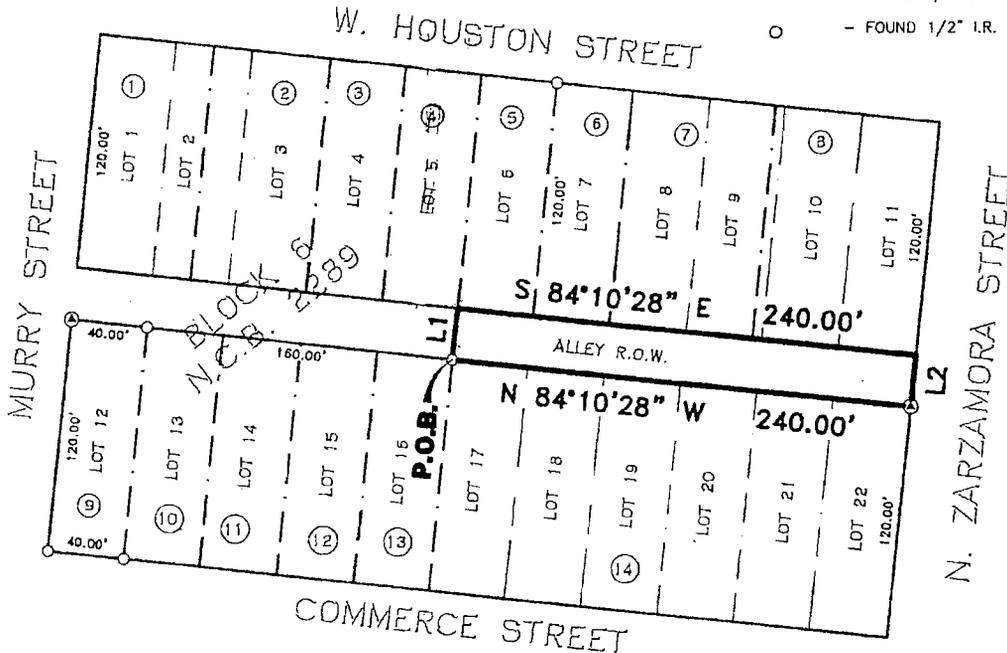


NORTH
SCALE: N.T.S.

EXHIBIT OF
ALLEY VACATION
OUT OF N.C.B. 2289
CITY OF SAN ANTONIO
BEXAR COUNTY, TEXAS

LEGEND

- ⊙ - CONTROL MONUMENT FOUND 1/2" I.R.
- - FOUND 1/2" I.R.



OWNERSHIP INFORMATION

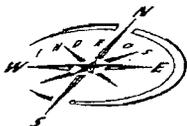
- | | |
|--|--|
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LOTS 17 - 22
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|--|--|

LINE TABLE

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L2	26.60'	S 05°44'32" W

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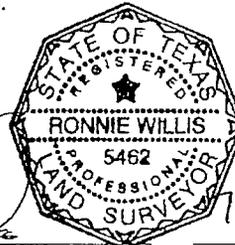


Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744

TEL. (512) 326-2100 FAX (512) 326-2770

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Ronnie Willis
RONNIE WILLIS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5462



DATE

JOB NO. 18173WC
SHEET 1 OF 2



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THENCE ALONG THE NORTH LINE OF SAID ALLEY, SAME BEING THE SOUTH LINE OF LOTS 6 THROUGH 11, OF SAID BLOCK 6, N.C.B. 2289, SOUTH 84°10'28" EAST, A DISTANCE OF 240.00' TO A POINT LYING IN THE WEST RIGHT-OF-WAY LINE OF N. ZARZAMORA STREET, MARKING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND SAID ALLEY, SAME BEING THE SOUTHEAST CORNER OF LOT 11, OF SAID BLOCK 6, N.C.B. 2289;

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RONNIE WILLIS, RPLS # 5462

JULY 16, 2007

JOB # 18173



Attachment III

Sinclair & Associates, Inc.

3201 Cherry Ridge, Suite A101
San Antonio, Texas 78230
210-341-4518

March 4, 2008

0.077 acres out of
Lots 5 and 6 and an Alley, Block 6
New City Block 2289
City of San Antonio

THE STATE OF TEXAS
COUNTY OF BEXAR

FIELDNOTES OF A SURVEY OF

0.077 acres out of Lots 5 and 6 and an Alley, Block 6, New City Block 2289, City of San Antonio, Bexar County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at a point in the south right-of-way line of W. Houston Street and the north boundary line of Lot 5, Block 6, New City Block 2289, City of San Antonio, Bexar County, Texas for the northwest corner of this tract, whence an iron bar found set in the ground, the northwest corner of said Lot 5 and the northeast corner of Lot 4, said Block 6, bears N 84°10'28" W a distance of 37.00 feet;

Thence S 84°10'28" E with the south right-of-way line of W. Houston Street and the north boundary line of said Lot 5 at 3.00 feet a point, the northeast corner of said Lot 5 and the northwest corner of Lot 6, said Block 6 and continuing on the same course and by the same count with the north boundary line of said Lot 6 an overall distance of 26.00 feet to a point for the northeast corner of this tract;

Thence S 5°44'32" W crossing said Lot 6 a distance of 83.00 feet to a point in the arc of a curve having a radius of 63.00 feet for the southeast corner of this tract;

Thence curve right in a southerly direction crossing said Lot 6 and an Alley, said Block 6 along the arc of said curve having a radius of 63.00 feet, through a central angle of 50°30'10", a chord bearing and distance of S 31°04'37" W – 53.75 feet, a distance of 55.53 feet to a point for the south corner of this tract;

Thence N 5°44'32" E crossing said Alley a distance of 11.61 feet to a point in the north margin line of said Alley, the southeast corner of said Lot 5 and the southwest corner of said Lot 6, for a reentrant corner of this tract;

Thence N 84°10'28" W with the north Margin line of said Alley and the south boundary line of said Lot 5 a distance of 40.00 feet to an iron bar found set in the ground, the southwest corner of said Lot 5 and the southeast corner of said Lot 4, for the southwest corner of this tract;

Thence curve left in a northerly direction crossing said Lot 5 along the arc of a curve having a radius of 37.00 feet, through a central angle of 89°55'00", a chord bearing and distance of N 50°47'02" E – 52.29 feet, a distance of 58.07 feet to a point for a corner of this tract;

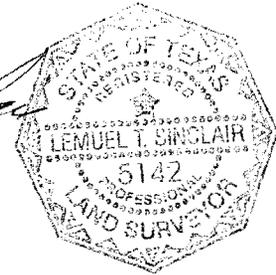
Thence N 5°44'32" E a distance of 83.00 feet to the point of beginning.

Containing 0.077 acres (3,341 square feet) of land, more or less.

SINCLAIR & ASSOCIATES, INC



Lemuel T. Sinclair,
Registered Professional Land
Surveyor No. 5142



LTS

Attachment IV

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
 § **Know All By These Presents:**
County of Bexar §

Public Alley Dedication

Grantor:

Grantor's Address:

Grantee: City of San Antonio

Grantee's Address: P.O. Box 839966, San Antonio, Texas 78283-3966 (Bexar County)

Purpose of Easement: Street purposes, allowing Grantee and the public all rights incident to public streets or alleys. This instrument burdens the Subject Property to the same extent as if it were a platted street or alley.

Subject Property: /?????/ acres, more or less, out of _____, an addition to the City of San Antonio, Bexar County, Texas according to plat thereof filed of record in Volume _____, Pages _____ of the Deed and Plat Records of Bexar County, Texas, the land being more particularly described on **Exhibit A**, which is incorporated by reference for all purposes as if fully set forth.

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of the benefits accruing to Grantor, to Grantor's other property, and to the public, an easement in gross in perpetuity over, across, under, and upon the Subject Property for the Purpose of the Easement. Grantee may construct, maintain, reconstruct, remove, relocate, and replace improvements related to the Purpose of the Easement anywhere within the Subject Property and may inspect, patrol, and police the Subject Property. Grantee may remove all trees and other vegetation and all other natural or artificial obstructions from the Subject Property, and Grantee may further excavate, fill, level, grade, pave, and otherwise improve the Subject Property as may be conducive to the Purpose of the Easement. Grantor covenants for itself, its

heirs, executors, successors, and assigns that no permanent building or obstruction of any kind will be placed on the Subject Property.

To Have and To Hold the above described easement and rights unto the public until its use is abandoned.

Grantors bind itself and its heirs, executors, successors, and assigns, to warrant and forever defend, all and singular, the above described easement and rights unto Grantee and the public against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand, this _____ day of _____, 2008.

/Grantor Name/, a Texas corporation

By: _____

Printed Name: _____

Title: _____

State of Texas §

County of Bexar §

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR I hereby certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

JUN 06 2008



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20080119915 Fees: \$48.00
06/06/2008 2:23PM # Pages 9
Filed & Recorded in the Official Public Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

This instrument was acknowledged before me this date by _____, of /?????????????????????/, a Texas business corporation, in the capacity therein stated and on behalf of that entity.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Accepted under Ordinance: _____

Approved as to Form:

City Attorney

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER ETC