

AN ORDINANCE

2011-12-08-1009

**AUTHORIZING THE CLOSURE OF WEST PETALUMA BOULEVARD
RIGHT OF WAY ADJACENT TO NCB 9464 TO ESTABLISH A QUIET
ZONE LOCATED IN COUNCIL DISTRICTS 3 AND 4.**

* * * * *

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 a rectangular portion of Petaluma at the Union Pacific tracks.

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 the right to remain in place of all presently existing water and wastewater lines and related facilities, electric transmission and distribution lines and related facilities, gas lines, communication lines and facilities of all types, or any other public utility lines and facilities, if any. Any person wanting removal of an existing utility line or facility must negotiate separately with the utility operating the line or facility. After the date of this ordinance, no additional utility lines or facilities of any type may be placed in the subject tract, but existing ones may continue to be used, repaired, augmented, and maintained in the ordinary course of business. This ordinance does not give up any right arising other than from the plat or other document creating the street or alley.

SECTION 4. 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 5. 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 above.

SECTION 6. Per originating department's RFCA details, there is no fiscal impact to the City of San Antonio; therefore, no fiscal ordinance language is required.

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 8th day of December 2011.

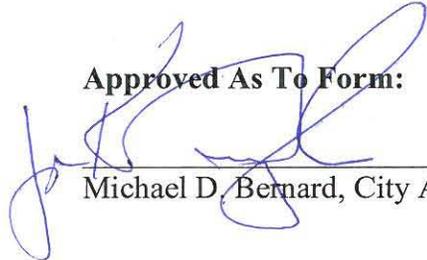

M A Y O R
Julián Castro

Attest:



Leticia M. Vacek, City Clerk

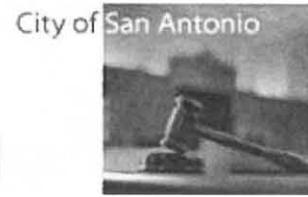
Approved As To Form:



Michael D. Bernard, City Attorney



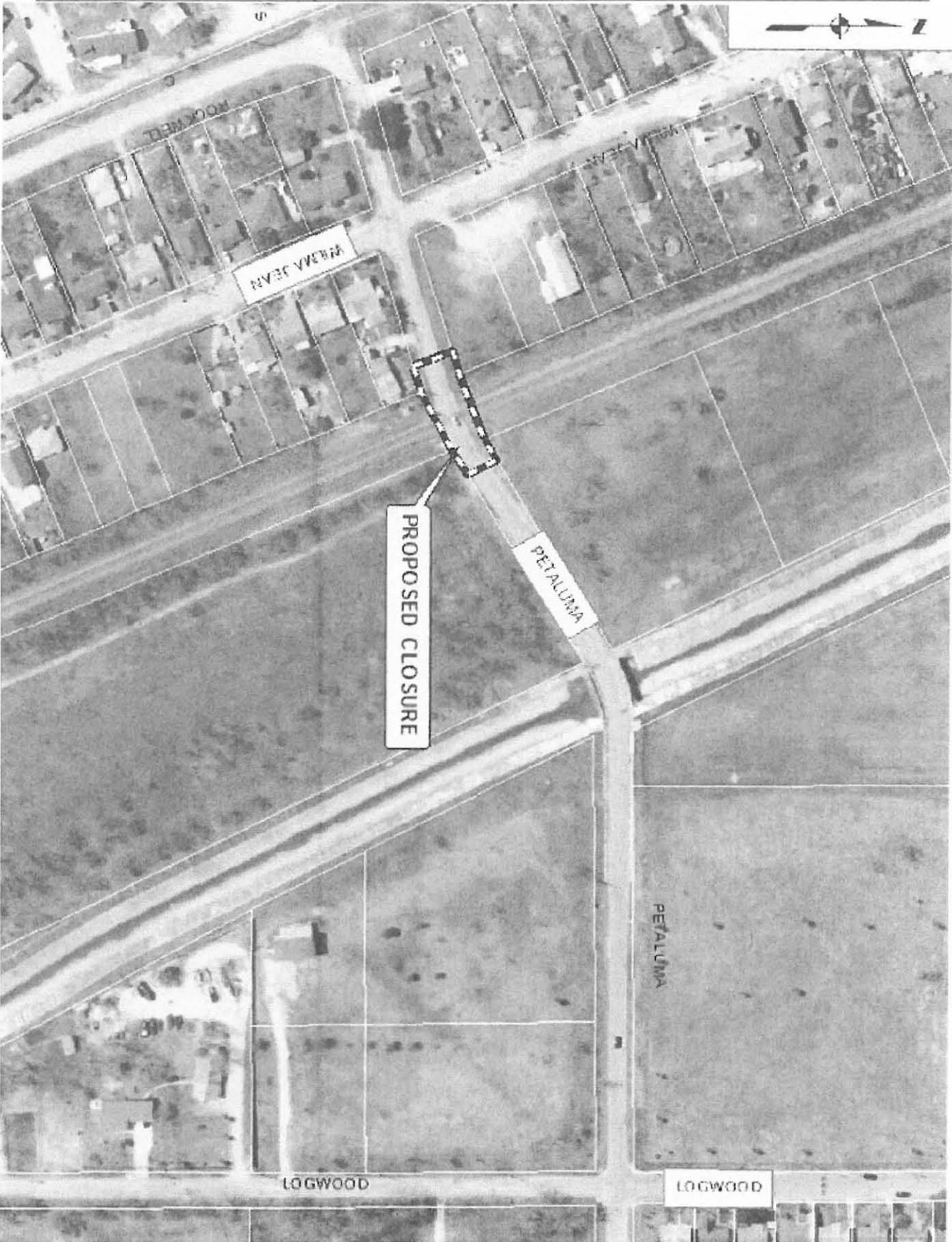
Request for
**COUNCIL
ACTION**



Agenda Voting Results - 9

Name:	9						
Date:	12/08/2011						
Time:	02:57:06 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure of West Petaluma Boulevard right of way adjacent to NCB 9464 to establish a railroad Quiet Zone located in Council Districts 3 and 4. [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				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	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

0.139 ACRE TRACT
(6047 SQ. FT.)
11LAN006.DWG

FN NO. 11LAN006
February 18, 2011
JOB NO. 11LAN006

FIELDNOTE DESCRIPTION

TRACT 4

BEING A 0.139 ACRE TRACT OF LAND LYING NORTHWEST OF LOT 3, BLOCK 106, N.C.B. 9464, HARLANDALE ACRES NO. 8, 3RD FILING SUBDIVISION, RECORDED IN VOLUME 980, PAGE 117, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, AND BEING OUT OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, SAID 0.139 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND ½" IRON ROD MARKING THE NORTHWEST CORNER OF SAID LOT 3 SITUATED AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF PETALUMA BLVD. WITH THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD MARKING THE SOUTHEASTERLY CORNER AND THE **POINT OF BEGINNING** OF THIS TRACT;

THENCE, S 69° 02' 05" W, INTO AND ACROSS SAID UNION PACIFIC RAILROAD RIGHT OF WAY, A DISTANCE OF 100.09 FEET TO POINT SITUATED ON THE SOUTHERLY RIGHT OF LINE OF PETALUMA BLVD. AND THE WESTERLY RIGHT OF WAY LINE OF SAID UNION PACIFIC RAILROAD MARKING THE NORTHERLY CORNER OF LOT 35, BLOCK 77, NCB 11054, JUNE PARK ADDITION, VOLUME 2222, PAGE 186, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, AND MARKING THE SOUTHWESTERLY CORNER OF THIS TRACT;

THENCE, N 23° 20' 17" W, ACROSS PETALUMA BLVD. AND ALONG THE WESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 60.34 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF LOT 51, BLOCK 75, JUNE PARK ADDITION AND MARKING THE NORTHWESTERLY CORNER OF THIS TRACT;

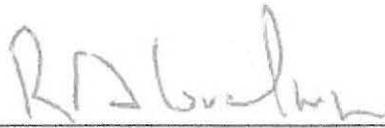
THENCE, N 68° 52' 51" E, INTO AND ACROSS SAID UNION PACIFIC RAILROAD, A DISTANCE OF 100.08 FEET TO POINT SITUATED ON THE NORTHERLY RIGHT OF WAY LINE OF SAID PETALUMA BLVD. AND THE EASTERLY RIGHT OF WAY LINE OF SAID UNION PACIFIC RAILROAD MARKING THE NORTHEASTERLY CORNER OF THIS TRACT;

THENCE, S 23° 20' 17" E, ACROSS SAID PETALUMA BLVD AND ALONG THE EASTERLY RIGHT OF LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 60.61 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 0.139 ACRES OF LAND, MORE OR LESS.

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS NAD 83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE.

SHERWOOD SURVEYING, LLC
P.O. BOX 992
SPRING BRANCH, TEXAS 78070



RICHARD A. GOODWIN 02/21/11
R.P.L.S. #4069 STATE OF TEXAS



City of San Antonio Capital Improvements Management Services Department

**December 8, 2011
Agenda Item #9**

Request to close West Petaluma Boulevard
at railroad crossing

Petitioner: Public Works Department

Council Item

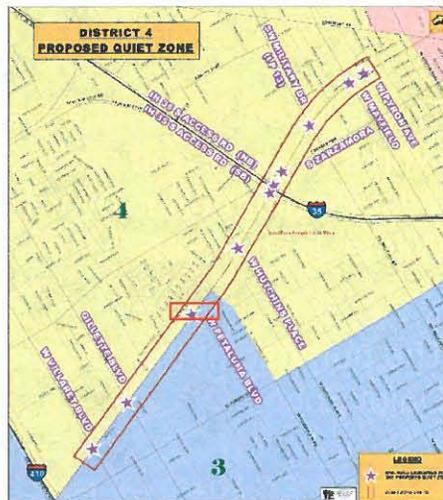
- This is a request by the Department of Public Works to close and prohibit through traffic on west Petaluma Boulevard right-of-way near Wilma Jean Road.
- The purpose of this closure is to establish a Quiet Zone.
- The Project is located in Council District 4.

Purpose

- A Quiet Zone is a railroad crossing where trains are prohibited from sounding their horns unless it is an emergency. Goal is to decrease train noise levels in residential neighborhoods and improve overall quality of life.
- Quiet Zones are governed by rules of the Federal Railroad Administration (FRA), which requires that certain safety measures be put in place in order to establish a Quiet Zone.
- In this case, the City will undertake the following safety measures:
 - Remove the asphalt at the railroad crossing and install sod or grass
 - Install street lights
 - Install guard rails on both sides and
 - Post dead-end signs

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Exhibit 'A'



4

Exhibit 'B'



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Coordination

- The street closure project has been canvassed to all interested city departments and utility agencies.
- Project received conditional approval.
- Staff finds that this right-of-way is no longer essential to the safe and efficient flow of traffic in this area.

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Notification

- Signs have been posted informing public of the proposed closure.
- 25 notices were mailed to property owners within a 500 foot radius of the proposed closure.
- 21 returned in favor.
- 4 returned in opposition.
- Staff held several neighborhood meetings; the most recent Public Meeting was conducted on 10/24/2011.

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Fiscal Impact

- There is no fiscal impact associated with this action.
- Costs associated with the physical closure of the crossing will be covered through the District 4 Quiet Zone Project, which is over \$350,000.00.
- Project is scheduled to begin upon Council approval.

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Issues & Recommendation

- Planning Commission approved the request at its regular meeting of October 26, 2011.
- Staff recommends approval of this request.