AZJ
01/29/2015
Item No. 13 - CORRECTED

AN ORDINANCE 2015-01-29-0064

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN APPROXIMATELY 0.5666-ACRE UNIMPROVED PORTION OF CAPITAL PORT DRIVE, OUT OF NCB 14848 IN COUNCIL DISTRICT 8, AS REQUESTED BY THE SAN ANTONIO WATER SYSTEM FOR A FEE OF $87,800.00.

* * * * *

WHEREAS, the San Antonio Water System has requested the abandonment of this City of San Antonio right-of-way segment; and

WHEREAS, closure of the right-of-way segment will maximize the use of the underlying property and provide economic and employment benefit to the local community; and

WHEREAS, the right-of-way segment is no longer needed for public purposes; and

WHEREAS, it is in the interest of the public that the City of San Antonio be relieved of the obligation to maintain the right-of-way segment; **NOW THEREFORE,**

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

SECTION 1. Subject to the reservation below, as an exercise of its discretion, the City Council closes, vacates, and abandons the right-of-way ("Right-of-Way Segment") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the $87,800.00 fee in accordance with the funding section of this Ordinance.

SECTION 2. The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment are 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 I controls over any discrepancy between it and Attachment II.

SECTION 3. The properties abutting the Right-of-Way Segment are:

Address:	*Description:*	*Owner Listed by Bexar Appraisal District:*
University Oaks	NCB 14848 Block 4 Lot 9	San Antonio Water System Board of Trustees

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 Segments 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 right of way.

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 Segments by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned.

SECTION 7. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 256000000001 and General Ledger 4903101.

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 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 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 **29th** day of **January, 2015**.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

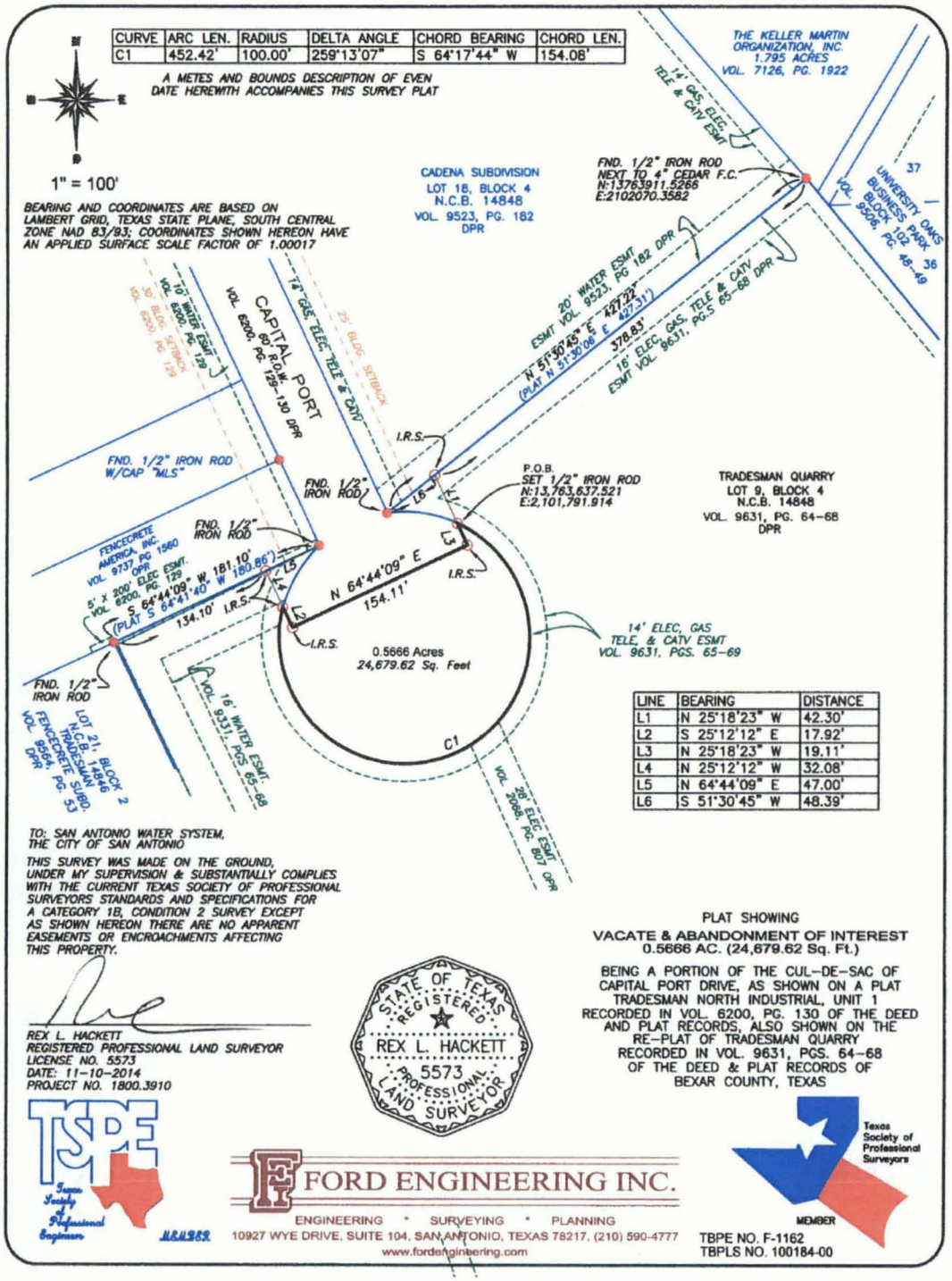
for

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**13 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 27)**
Date:	01/29/2015
Time:	11:23:36 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.5666 acre unimproved portion of the cul-de-sac of Capital Port Drive, in Council District 8, as requested by the San Antonio Water System for construction of its North Service Center, for a fee of $87,800.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	

Attachment I



FORD ENGINEERING, INC.

Date: November 10, 2014
Project No: 1800.3910

FIELD NOTES DESCRIPTION
0.5666 ACRES (24,679.62 sq. ft.)
Vacate and Abandonment of Interest

A 0.5666 acre (24,679.62 sq. ft.) tract of land, being portion of the Cul-De-Sac of Capital Port Drive as shown on a plat of Tradesman North Industrial, Unit 1 in Volume 6200, Page 130 of the Deed and Plat Records, also shown on the Re-Plat of Tradesman Quarry recorded in Volume 9631, Pages 64-68 of the Deed and Plat Records of Bexar County, Texas; being more particularly described as follows:

BEGINNING: at a ½ inch iron rod (N = 13,763,637.521, E = 2,101,791.914) set on a line of the said Cul-De-Sac of Capital Port Drive, a line of Lot 9, Block 4, Tradesman Quarry, N.C.B. 14848 as shown on said plat recorded in Volume 9631, Pages 64-68, from which a ½ inch iron rod (N = 13,763,911.5266, E = 2,102,070.3582) found next to a 4 inch cedar fence corner for the Northeastern corner of Lot 9, Block 4, Tradesman Quarry, the same being the Southeastern corner of the Cadena Subdivision as shown on a plat recorded in Volume 9523, Page 182 of the Deed and Plat Records bears N 25°18'23" W – 42.30 feet to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set on the Northern line of said Lot 9, Block 4, the Southern line of the said Cadena Subdivision and thence N 51°30'45" E – 378.83 feet along said line to ½ inch iron rod found;

THENCE: Along said Cul-De-Sac, a line of said Lot 9, Block 4, a curve to the right (Westerly) having a Delta angle of 259°13'07", a Radius of 100.00 feet, an Arc length of 452.42 feet and a Chord bearing of S 64°17'44" W – 154.08 feet to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for a corner of this tract, from which a ½ inch iron rod found for the Northwestern corner of said Lot 9, Block 4 bears N 25°12'12" W – 32.08 feet to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set on a Northern line of said Lot 9, Block 4, the Southern line of that certain tract of land conveyed to Fencrete America, Inc. recorded in Volume 9737, Page 1562 of the Official Public Records of Real Property of Bexar County, Texas and thence S 64°44'09" W – 134.10 feet along said line to ½ inch iron rod found;

THENCE: S 25°12'12" E – 17.92 feet across the said Cul-De-Sac to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for a corner of this tract;

THENCE: N 64°44'09" E – 154.11 feet across the said Cul-De-Sac to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for a corner of this tract;

FORD ENGINEERING, INC.

THENCE: N 25°18'23" W – 19.11 feet continuing across the said Cul-De-Sac to the **POINT OF BEGINNING** and containing 0.5666 acres (24,679.62 sq. ft.) of land, *according to a survey made on the ground under my supervision*;

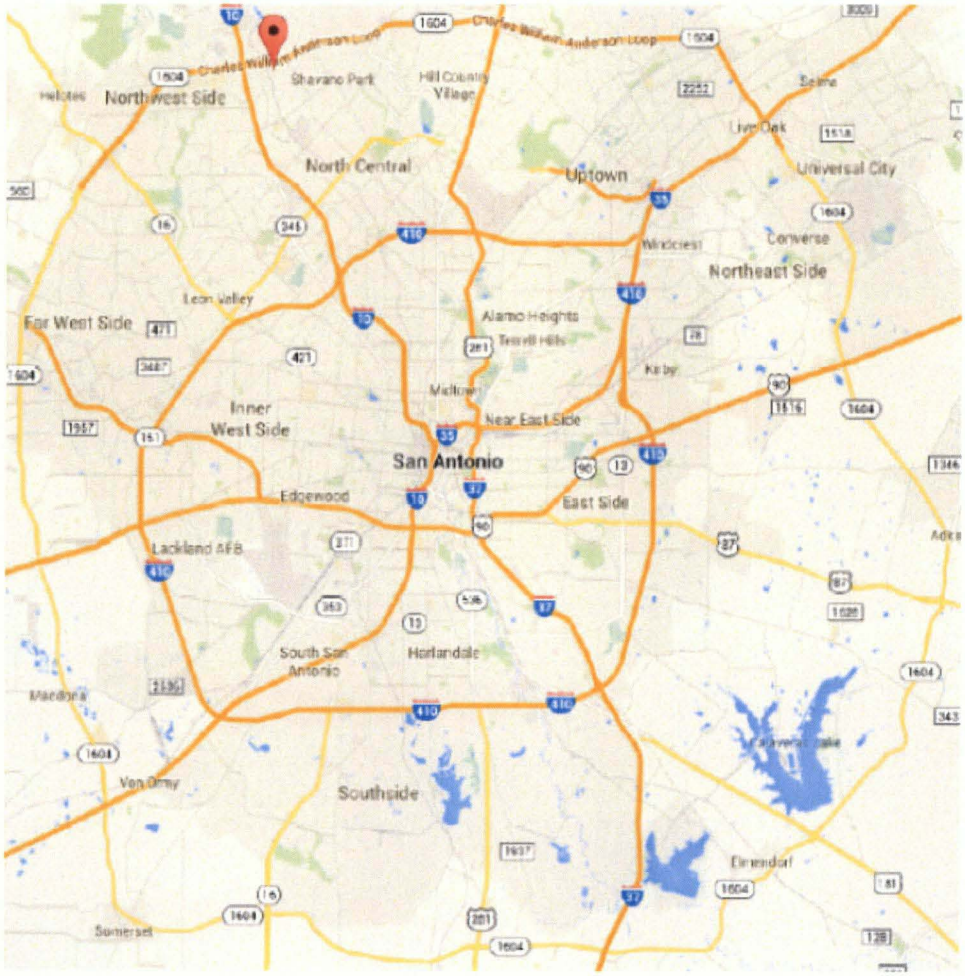
Corresponding plat prepared.
1800.3910 Vacate and Abandoment.docx

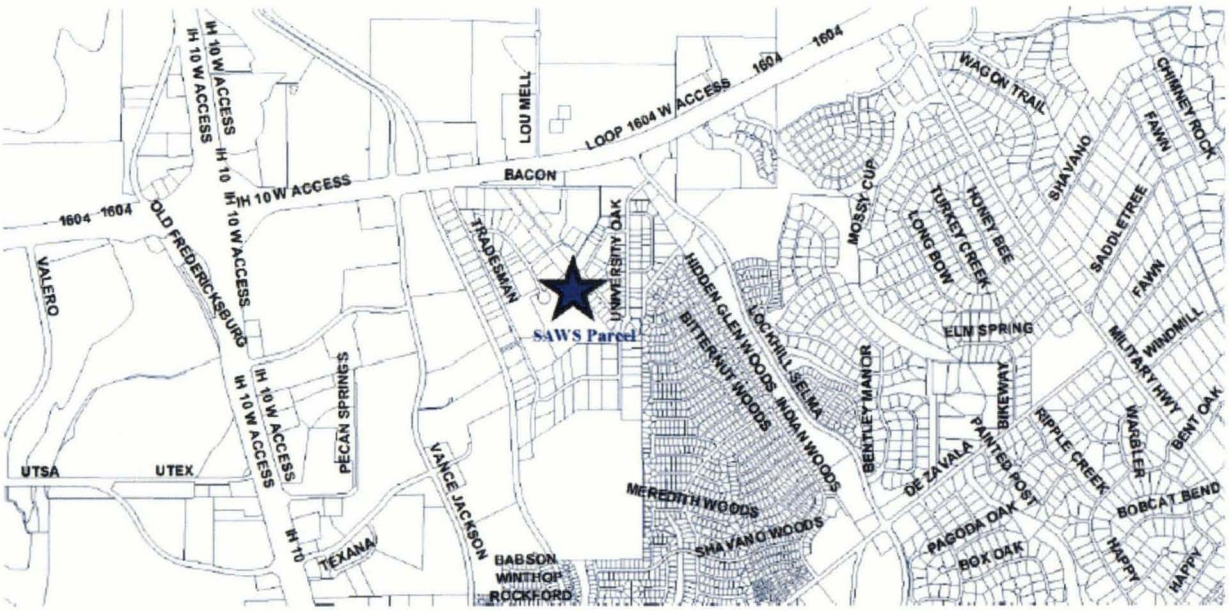
BEARINGS AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017.

STATE OF TEXAS
REGISTERED
REX L. HACKETT
5573
PROFESSIONAL
LAND SURVEYOR

Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

Attachment II





Special Project 1835 – SAWS request to close, vacate and abandon an unimproved cul-de-sac of Capital Port Drive