

AN ORDINANCE 2012-11-01-0850

CLOSING A SMALL PORTION OF ELLIS BEAN STREET AT THE RAILROAD CROSSING NEAR LONE STAR BOULEVARD LOCATED IN COUNCIL DISTRICT 5, IN CONNECTION WITH THE DISTRICT 5 - LONE STAR DEL RIO QUIET ZONE, AND RATIFYING ACQUISITION OF A 0.114-ACRE TRACT OF REAL PROPERTY ALONG ELLIS BEAN TO FACILITATE THE CLOSURE.

* * * * *

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 Ellis Bean Street described generally as extending southward from the north right-of-way line of the Union Pacific Railroad to the south right-of-way line of the Union Pacific Railroad.

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>
133 Ellis Bean	South 49.8 feet of Lots 8 through 12 and the South 49.8 feet of the east 11.95 feet of Lot 7, Block 4, NCB 2583	Bean Ellis, LLC
136 Ellis Bean	South irregularly-shaped 46.6 feet of Lot 5, NCB 2584	George O. Paz, Jr. and Edna Denise Paz
138 Ellis Bean	North 83 feet of Lot 30, NCB 2585	De Vargas, Inc.
255 Lone Star Boulevard	Lot 28, NCB 2585	Roy and Anita Mendoza

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 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 6. The acquisition of the property described in **Attachment III** for a total of \$16,899.40 is hereby ratified and affirmed as the duly authorized act of the City.

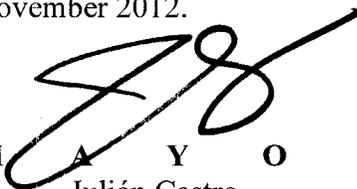
SECTION 7. The City Manager or her designee, severally, are authorized and directed to execute and deliver all agreements and other documents and to do all other things conducive to reflect this closure, the acquisition of property described in Attachment III, and any agreement to pave the property described in Attachment III to mitigate any adverse effects of the closure on owners of property abutting the closure.

SECTION 8. Payment in the amount of \$16,899.40 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00251, District 5 Quiet Zones, is ratified to Alamo Title Company for cost associated with the acquisition of 0.114-acre tract of real property along Ellis Bean.

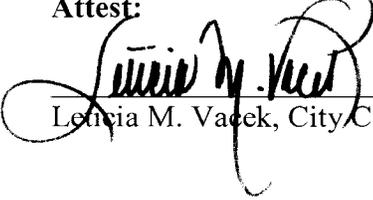
SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 10. 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.

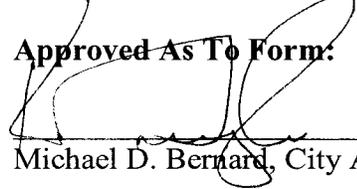
PASSED AND APPROVED this 1st day of November 2012.

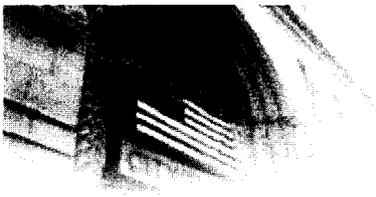

M A Y O R
Julián Castro

Attest:


Leticia M. Vacek, City Clerk

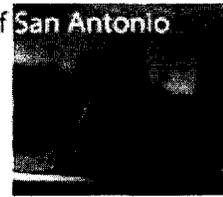
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 8

Name:	4, 5, 6, 7A, 7B, 7C, 7D, 7E, 8, 9, 10, 11, 13, 14, 16, 17, 18, , 16, 17, 18						
Date:	11/01/2012						
Time:	09:34:05 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure of a small portion of Ellis Bean Street at the railroad crossing near Lone Star Boulevard located in Council District 5 in connection with the District 5 - Lone Star Del Rio Quiet Zone, and ratifying the acquisition of a 0.114-acre tract of real property along Ellis Bean to facilitate the closure. [Ed Belmares, Assistant City Manager; Majed A. Al Ghafry, Director, Public Works]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x			x	
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				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

UNION PACIFIC AT ELLIS BEAN

A metes and bounds description of a 0.084 acre (3644 sq. ft.) tract of land situated in the City of San Antonio, Bexar County, Texas:

Beginning at a "+" on concrete set for the most northerly corner of the herein described tract, said corner being the most southerly corner of the Ellis Bean, LLC, property described as the south 49.8 feet of Lots 8-12 and the south 49.8 feet of the east 11.95 feet of Lot 7, Block 4, N.C.B. 2583, and the point of intersection of the north right-of-way line of the Union Pacific right-of-way and the west right-of-way line of Ellis Bean Street;

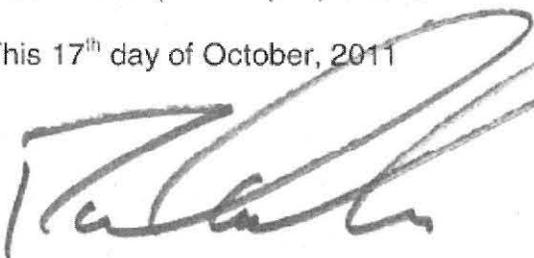
Thence S 71° 07' 10" E, 63.16 feet, along the north line of the herein described tract, along the north line of the Union Pacific Railroad right-of-way, crossing Ellis Bean, to an iron pin set for the most easterly corner of the herein described tract, said corner being the most westerly corner of the George O. Paz property described as the south irregular 46.6 feet of Lot 5, N.C.B. 2584, said corner also being the point of intersection of the north right-of-way line of the Union Pacific right-of-way and the east right-of-way line of Ellis Bean Street;

Thence S 08° 40' 39" W, 61.66 feet, along the east line of the herein described tract, crossing the Union Pacific Railroad right-of-way, to an iron pin set for the most southerly corner of the herein described tract, said corner being the most northerly corner of the De Vargas, Inc. property, described as the north 83 feet of Lot 30, N.C.B. 2585, said corner also being the point of intersection of the south right-of-way line of the Union Pacific Railroad right-of-way and the east right-of-way line of Ellis Bean Street;

Thence N 72° 28' 10" W, 50.00 feet, along the north line of the herein described tract, along the north line of the Union Pacific Railroad right-of-way, crossing Ellis Bean Street, to an iron pin set for the southwest corner of the herein described tract, said corner being the most easterly corner of the Roy & Anita Mendoza property, described as Lot 28, N.C.B. 2585, said corner also being the point of intersection of the south right-of-way line of the Union Pacific Railroad right-of-way and the west right-of-way line of Ellis Bean Street;

Thence N 01° 55' 21" W, 69.34 feet, along the west line of the herein described tract, crossing the Union Pacific Railroad right-of-way, to the point of beginning and containing 0.084 acres (3644 sq. ft.) of land.

This 17th day of October, 2011



Paul A. Wilkinson, R.P.L.S.
Project: S-5376.01

A corresponding survey plat of even date herein accompanies this metes & bounds
All bearings are based on NAD 83 State Plane Coordinates, Texas, South Central Zone
Copyright 2011. BAIN MEDINA BAIN, INC.
U:\My Documents\BW-CADD\S-5376.01\Metes&Bounds\EllisBean-24Oct11.doc

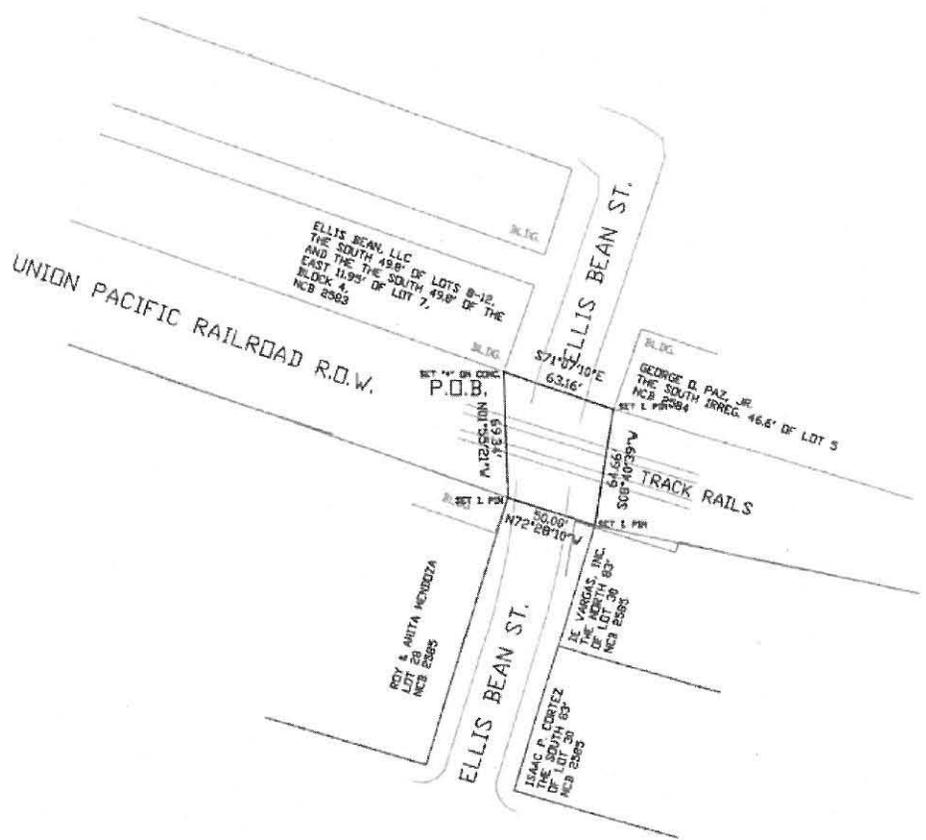
STATE OF TEXAS
COUNTY OF BEXAR
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL
SURVEY MADE ON THE GROUND UNDER MY SUPERVISION,
AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE
PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY
THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.



THIS 17TH DAY OF OCTOBER 20 11 A.D.



REGISTERED PROFESSIONAL LAND SURVEYOR
S-5376.01



A SURVEY PLAT OF A 0.084 ACRE(3644 SQ.FT.) TRACT OF LAND
SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS,
BEING THE INTERSECTION OF THE RAILROAD RIGHT-OF-WAY
AND ELLIS BEAN STREET

MB BAIN MEDINA BAIN, INC.
ENGINEERS & SURVEYORS
7073 San Pedro Avenue
San Antonio, Texas 78216
210/494-7223

A METES AND BOUNDS DESCRIPTION OF EVEN DATE
HEREWITH ACCOMPANIES THIS SURVEY PLAT.
ALL SET IRON PINS ARE 1/2" REBAR WITH A PLASTIC CAP

Attachment III

FIELD NOTES
for a 0.114 of an Acre (4,950 SQ. FT.)
Parcel of Land

BEING A 0.114 OF AN ACRE (4,950 SQ. FT.) TRACT OF LAND, MORE OR LESS, SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF LOT 3, BLOCK 5, NCB 2584 (AN UNRECORDED SUBDIVISION), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at a found 1/2" iron rod on the east Right-of-Way line of Ellis Bean Street, for the southwest corner of Lot 2, Block 5, NCB 2584, an unrecorded subdivision, conveyed to Alfredo C. Ortiz, Jr. in Volume 1682, Page 140 of the Official Public Records of Real Property, Bexar County, Texas, the northwest corner of Lot 3, Block 5, NCB 2584, an unrecorded subdivision, conveyed to Marshall White Lasswell and wife, Dolores D. Lasswell in Volume 2678, Page 805 of the Official Public Records of Real Property, Bexar County, Texas and being the northwest corner of the herein described parcel;

(1) THENCE S. 70°48'26" E., 102.19 feet; leaving the east Right of Way line of Ellis Bean Street with the common line of Lots 2 and 3, Block 5, NCB 2584, to a set 1/2" iron rod with a orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the northeast corner of the herein described tract;

(2) THENCE S. 21°46'55" W., 51.50 feet; leaving the south line of said Lot 2, Block 5, NCB 2584 and crossing Lot 3, Block 5, NCB 2584, to a set 1/2" iron rod with a orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", from which a building located at 134 Ellis Bean bears S. 21°46'55" W., 1.00 foot, for the southeast corner of the herein described tract;

(3) N. 68°13'05" W., 99.02 feet; along a line, 1.00 foot from and parallel to, said building, to a set 1/2" iron rod with a orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the southwest corner of the herein described tract, in the east Right-of-Way line of Ellis Bean Street and the west line of said Lot 3, from which the southwest corner of said Lot 3 bears S. 18°02'29" W., 1.0 foot;

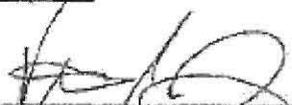
THENCE: N. 18°02'29" E., 46.98 feet; with the east Right-of-Way line of Ellis Bean Street and the west line of said Lot 3, to the **POINT OF BEGINNING** containing 4,950 square feet or 0.114 of an acre of land, more or less.

Bearings based on NAD 83(93), Texas South Central Zone, Surface Coordinates, Scale Factor 1.00017.

All distances are surface.

A plat of even date herewith accompanies this metes and bounds description.

Surveyed on the ground the 25th day of April, 2012


Victor Mendez, Jr., R.P.L.S. 6056

Revised August 20, 2012

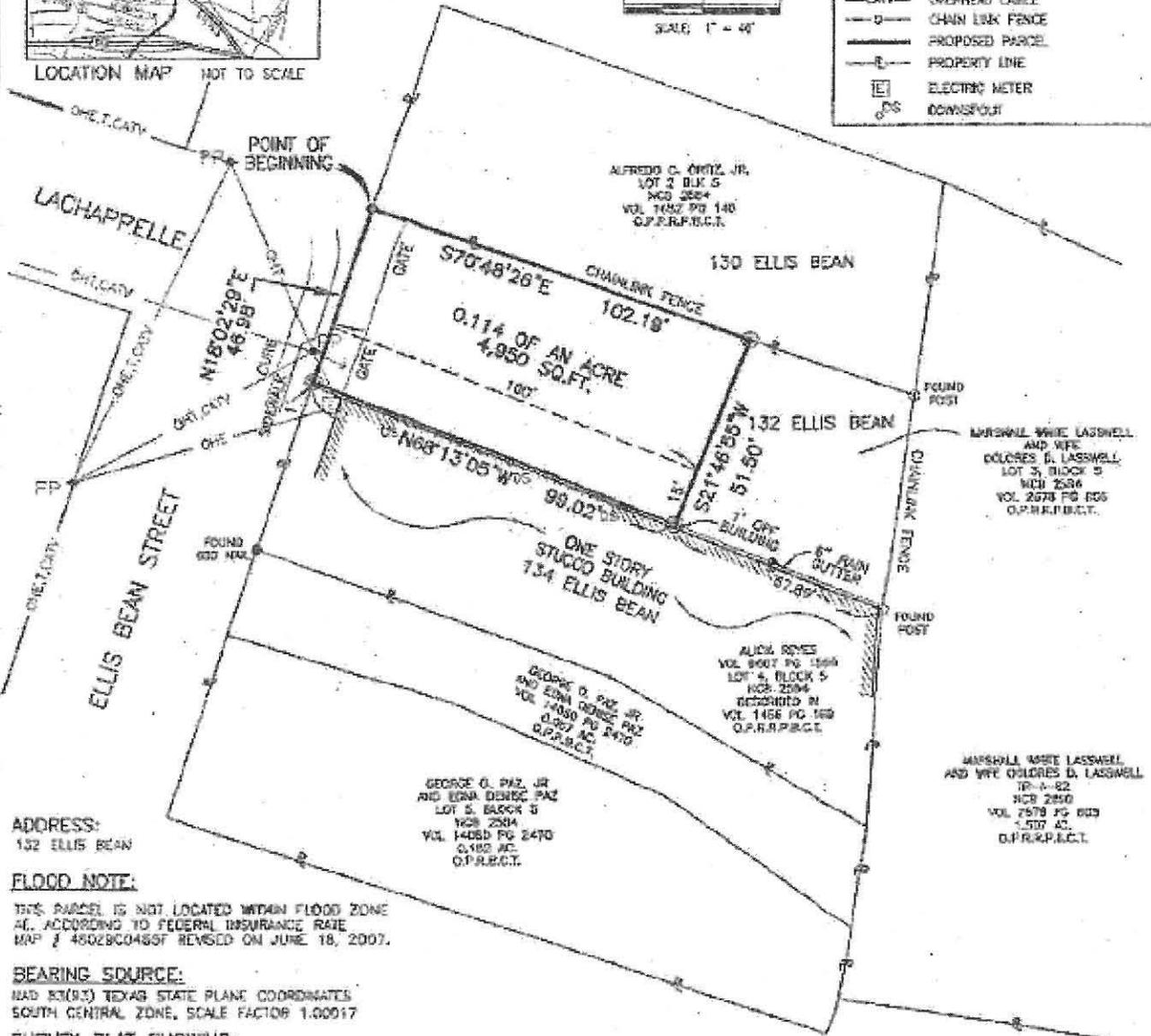


Project: Council District #5 Loop Star Quiet Zone
Parcel # 10905

O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS
O.P.R.P.B.C.T. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS



LEGEND	
●	FOUND 1/2" IRON ROD
⊙	SET 1/2" IRON ROD WITH ORANGE PLASTIC CAP STAMPED "BAIN MEDINA BAIN INC, PROP COR"
PP	POWER POLE
—O—	OVERHEAD ELECTRIC
—T—	OVERHEAD TELEPHONE
—C—	OVERHEAD CABLE
—□—	CHAIN LINK FENCE
—	PROPOSED PARCE
—E—	PROPERTY LINE
EM	ELECTRIC METER
OS	CONDUIT



ADDRESS:
132 ELLIS BEAN

FLOOD NOTE:
THIS PARCEL IS NOT LOCATED WITHIN FLOOD ZONE A1, ACCORDING TO FEDERAL INSURANCE RATE MAP # 48029C0485F REVISED ON JUNE 18, 2007.

BEARING SOURCE:
NAD 83(11) TEXAS STATE PLANE COORDINATES SOUTH CENTRAL ZONE, SCALE FACTOR 1.00017

SURVEY PLAT SHOWING:
BEING A 0.114 OF AN ACRE (4,950 SQ.FT.) TRACT OF LAND, MORE OR LESS, SITUATED IN THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS, OUT OF LOT 3, BLOCK 5, NCD 2584 (AN UNRECORDED SUBDIVISION).

PREPARED BY:
 BAIN MEDINA BAIN, INC.
ENGINEERS & SURVEYORS
7073 San Pedro Ave.
San Antonio, Texas 78216
210/494-7223
VLS# REG No. 100206-00



STATE OF TEXAS }
COUNTY OF BEAR }
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

THIS 28 DAY OF APRIL, 2012, A.D.

Victor Mendez, Jr.
Registered Professional Land Surveyor
No. 6055 - State of Texas