

AN ORDINANCE 2011-08-04-0605

**AUTHORIZING CLOSURE, VACATION AND ABANDONMENT OF A 0.027 ACRE PORTION OF MACDONA STREET, NCB 8951 LOCATED IN COUNCIL DISTRICT 4, AS REQUESTED BY THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT.**

\* \* \* \* \*

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

**SECTION 1.** Subject to the reservation below, the City finds the right of way described in the following section 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. The affected right of way is identified below.

**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 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 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 in the affected right of way.

**SECTION 6.** There is no fiscal impact to the General Fund for this street closure. The fee of \$1,736 is waived since the request was initiated by the Public Works Department. The cost to complete the construction of Phase II is approximately \$53,000 and will be funded from HUD 108 Loan Program Funds and CDBG-R Funds.

**SECTION 7.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the 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.

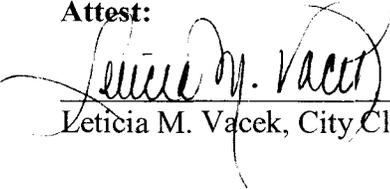
**SECTION 8.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

**PASSED AND APPROVED** this 4<sup>th</sup> day of August 2011.



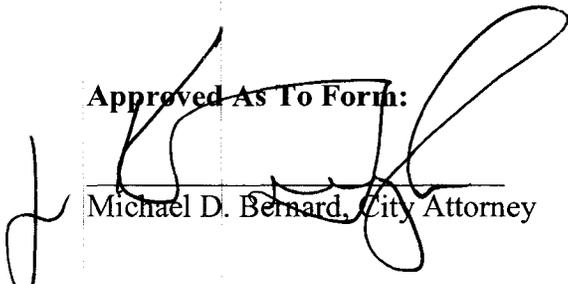
M A Y O R  
Julián Castro

**Attest:**

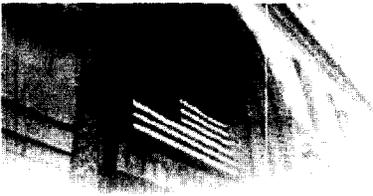


Leticia M. Vacek, City Clerk

**Approved As To Form:**

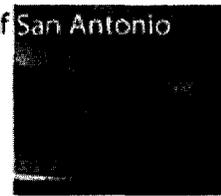


Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 12

<b>Name:</b>	4, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 20, 23, 24, 25, 26						
<b>Date:</b>	08/04/2011						
<b>Time:</b>	11:24:23 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure of a 0.027 acre portion of Macdona Street, NCB 8951 located in Council District 4, as requested by the City of San Antonio Public Works Department. [Peter Zanoni, Assistant City Manager; Mike Frisbie , Director, Capital Improvements Management Services]						
<b>Result:</b>	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				
Jennifer V. Ramos	District 3		x			x	
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				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 II

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Boundary Description of a portion land being within Macdona Street at Panam Access Road and being north of the intersection of Macdona Street and Southcross Blvd. containing 1,210.90 square feet (0.027 Acres), City of San Antonio, Bexar County, Texas and being more particularly described as follows:

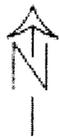
BEGINNING: at a point on top of the west curb line of Macdona Street, said point being opposite and to the east of the common boundary line between Lot 9 and Lot 39, Block 2, N.C.B. 8951; said point can be described as N 13,671,951.8916, E 2,116,810.4324 in respects to the State Plane Coordinate System (SPCS) in NAD 83 datum.

THENCE: N 50° 36' 04.25" E crossing Macdona Street a distance of 45.69 feet to a point on top of the east curb line of Macdona Street, said point being on a curb return for the northern most corner of this street closure;

THENCE: S 59° 04' 26.10" E along the curb line return a distance of 8.05 feet to a point on top of the curb for a corner of this street closure;

THENCE: S 29° 32' 28.36" W crossing Macdona Street a distance of 84.83 feet to point on top of the west curb line of Macdona Street for a corner of this street closure;

THENCE: N 0° 26' 52.72" W along the top of the west curb line for Macdona Street a distance of 48.95 feet to the POINT OF BEGINNING for this street closure containing 1,210.9 square feet (0.027 Acres) more or less;



Scale: 1"=30'

