

AN ORDINANCE 2010-12-09-1017

**AUTHORIZING CLOSURE, VACATION, AND ABANDONMENT OF
IMPROVED PORTIONS OF EAST HOUSTON AT 3RD STREET
ADJACENT TO N.C.B 115 IN CITY COUNCIL DISTRICT 1.**

* * * * *

WHEREAS, a segment of East Houston Street at its intersection with 3rd Street is used only for purposes other than passage of traffic.

WHEREAS, the segment abuts the Alamo.

WHEREAS, there's a plan to use the segment as part of a new building project, which is to be funded through donations.

WHEREAS, for the segment to be so used, the City would have to relinquish its public-street right-of-way easement.

WHEREAS, the City is amenable on the terms and conditions expressed in this ordinance.

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

SECTION 1. On the conditions below, the City Council is willing to close, vacate, and abandon that portion of East Houston Street along the south right-of-way line of East Houston near East Houston's intersection with Third Street ("Segment").

SECTION 2. A picture of the Segment is set forth at **Attachment I**. The detailed description of the 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 conditions to closure, vacation, and abandonment are:

- (a) That unless the State and the City agree in writing to a different design, dimension, or floor plan, any proposed building will substantially be of the same design, dimension, and floor plan as that depicted on **Attachment III**.
- (b) That no less than \$16,564,000 is raised for construction by the Alamo managers and custodians at no cost to the State; and
- (c) That all local, state, and federal permits and approvals necessary to propose and to build a new building on the Alamo grounds are obtained at no cost to the State.

SECTION 4. The \$16,564,000 is to be measured in 2010 dollars, adjusted for inflation as shown by the Consumer Price Index—All Urban Consumers, CUUR0000SA0, Not Seasonally Adjusted, U.S. city average, All items, 1982-84=100. If the Department of Labor ceases publishing that index, the City Manager may specify an alternative index.

SECTION 5. If the City Manager finds that each of the above conditions is satisfied, the City Manager or her designee is authorized and directed to execute and deliver a recordable certificate referencing this ordinance and closing, vacating, and abandoning the Segment. They or either of them are further authorized and directed to execute all other documents and to do all other things conducive to reflect this closure, abandonment, and vacation. Without limiting the generality of the foregoing, the City Manager or her designee, severally, are authorized and directed to execute and deliver to the State of Texas the deed without warranty shown at **Attachment IV**, which is incorporated into this ordinance for all purposes as if fully set forth.

SECTION 6. The City Manager or her designee may waive any of the above conditions upon a finding that doing so will accord the City substantially the same benefits as would be obtained by the conditions.

SECTION 7. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission 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.

SECTION 8. 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 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 9th day of December 2010.

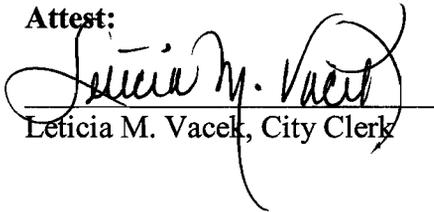


for

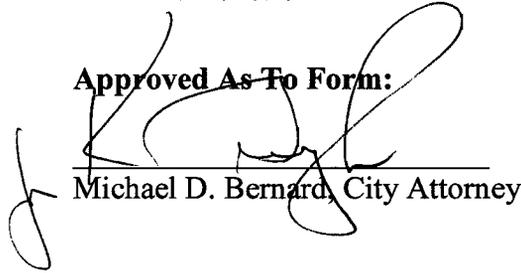
M A Y O R

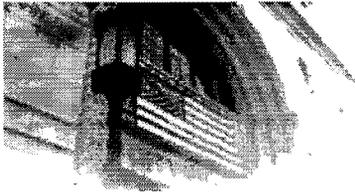
Julián Castro

Attest:

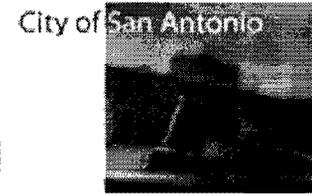

Leticia M. Vacek, City Clerk

Approved As To Form:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 13

Name:	6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23A, 23B, 25, 27A, 27B, 29, 30, 31, 34, 35, 36, 37, 38A, 38B, 39A, 39B, 39C, 40A, 40B, 41, 42						
Date:	12/09/2010						
Time:	10:12:31 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the conditional closure, vacation, and abandonment of improved portions along East Houston at 3rd Streets Public Rights of Way located between Alamo Plaza and Bonham Street adjacent to N.C.B 115 in City Council District 1, as requested by the Daughters of the Republic of Texas. [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				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				x
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	



Aerial Photograph of Proposed Closures



Easterly View of Proposed Closures

SURVEYOR'S NOTES

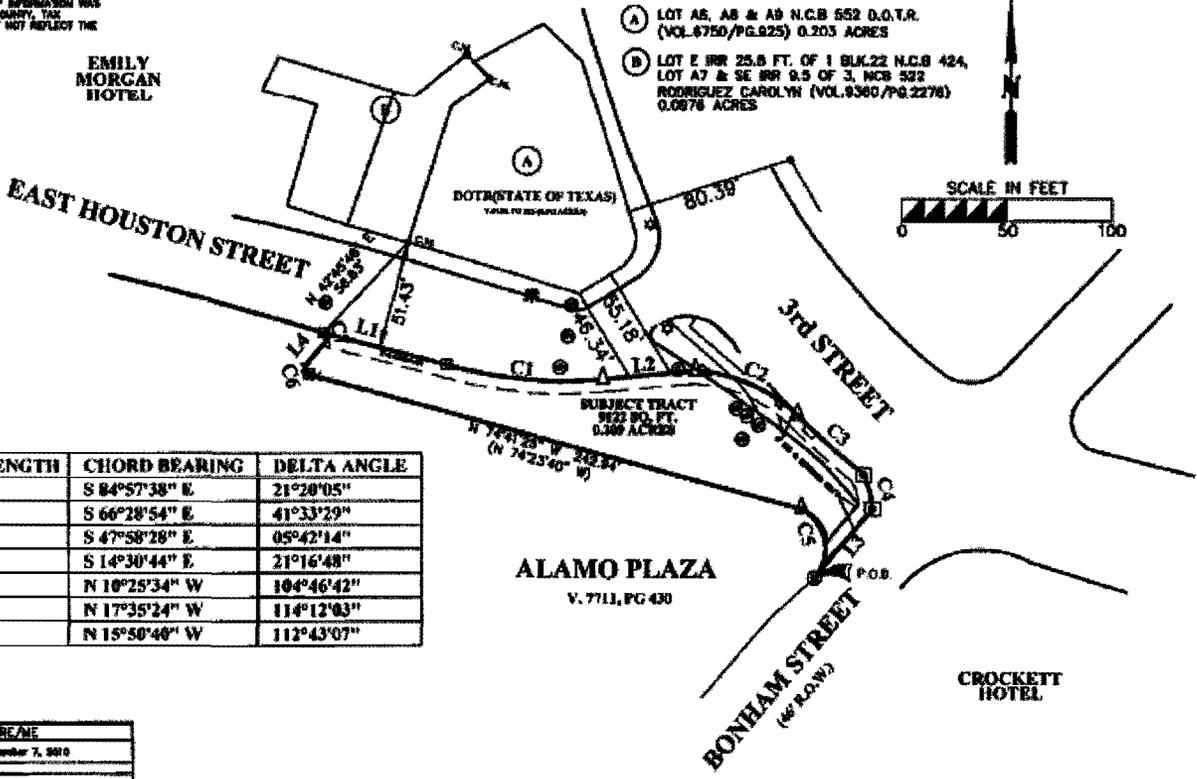
1. OWNERSHIP OF THIS PROPERTY IS SUBJECT TO OPINION OF TITLE AND IS NOT EXPRESSED OR IMPLIED BY THIS SURVEY.
 2. THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A COMMITMENT OF TITLE PROVIDED THE UNDISCOVERED SURVEYOR CONDUCTED RESEARCH OF PUBLIC RECORDS THAT WAS FURNISHED ON THE BOUNDARY OF THE SUBJECT TRACT OF LAND. NO RESEARCH WAS CONDUCTED FOR EASEMENTS, EGRESS, EGRESSION OR ANY OTHER CONVEYANCES WHICH MIGHT AFFECT THE PRESENT TITLE OF THIS PROPERTY. IT IS POSSIBLE THAT THERE ARE RECORDED INSTRUMENTS WHICH MAY AFFECT THIS PROPERTY.
 3. ALL STATEMENTS WITHIN THE CERTIFICATION AND OTHER REFERENCES LOCATED ELSEWHERE HEREON THAT ARE RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, FENCES, EASEMENTS, EGRESSION AND ENCROACHMENTS ARE BASED ON VISUAL APPROPRIATE EVIDENCE UNLESS OTHERWISE NOTED. NO UNDERGROUND SURVEYING WAS CONDUCTED.
 4. BEARING BASE FOR THIS SURVEY IS TEXAS STATE PLANE SOUTH CENTRAL ZONE AND IS AS DETERMINED BY GPS FROM STATE CENTER TO COUNTY CENTER. ALL BEARINGS CALLS TO FOUND CORNERS AS DETERMINED BY GPS OBSERVATIONS.

A. THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE UNDISCOVERED SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
 B. THE ADDRESSING INFORMATION WAS OBTAINED FROM THE BROWN COUNTY, TEXAS APPRAISAL DISTRICT AND MAY NOT REFLECT THE CURRENT OWNERSHIP STATUS.

EMILY MORGAN HOTEL

LEGAL DESCRIPTION

- (A) LOT A6, A8 & A9 N.C.B 552 D.O.T.R. (VOL.8750/P.G.825) 0.203 ACRES
- (B) LOT E IRR 25.8 FT. OF 1 BLK.22 N.C.B 424, LOT A7 & SE IRR 9.5 OF 3, NCB 522 RODRIGUEZ CAROLYN (VOL.9360/P.G.2276) 0.0876 ACRES



LINE	BEARING	DISTANCE
L1	S 75°27'17" E	68.26'
L2	N 85°10'34" E	44.23'
L3	S 39°59'02" W	42.92'
L4	N 39°30'37" E	14.91'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	261.94'	75.19'	74.76'	S 84°57'38" E	21°28'05"
C2	74.71'	54.19'	53.01'	S 66°28'54" E	41°33'29"
C3	421.12'	41.92'	41.98'	S 47°58'28" E	05°42'14"
C4	45.47'	16.85'	16.79'	S 14°30'44" E	21°16'48"
C5	21.89'	38.40'	33.27'	N 10°25'34" W	104°46'42"
C6	2.50'	4.98'	4.20'	N 17°35'24" W	114°12'03"
C7	2.47'	4.86'	4.12'	N 15°50'48" W	112°43'07"

DISCLAIMER: THIS IS A PRELIMINARY FINAL APPROVED COPY OF THESE INSTRUMENTS BY THE SURVEYOR AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

THIS IS A PRELIMINARY FINAL APPROVED COPY OF THESE INSTRUMENTS BY THE SURVEYOR AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE TRACT AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCROACHMENTS, OR OTHER INTERESTS THAT MAY AFFECT THE TITLE OF THIS PROPERTY. THE SURVEYOR HAS ALSO CONDUCTED A VISUAL INSPECTION OF THE TRACT AND HAS FOUND NO EVIDENCE OF ANY EASEMENTS, ENCROACHMENTS, OR OTHER INTERESTS THAT MAY AFFECT THE TITLE OF THIS PROPERTY.

DRAWN BY: JW/RE/ME
 DATE: September 7, 2010
 JOB NO.: N/A
 OF 1 N/A

ALAMO ADJOINER TRACT

300 E. HOUSTON STREET
 SAN ANTONIO, TEXAS

Being 0.209 acres of land, more or less, and consisting of public Right-of-Way of East Houston Street out of New City Block 115, in the City of San Antonio, Bexar County, Texas, along with a portion of the public Right-of-Way of 3rd Street, said 0.209 acres being subject to a six (6) foot wide sidewalk and utility easement adjoining all Right-of-Ways and being more particularly described by metes and bounds attached hereto.

- LEGEND**
- △ - CALCULATED POINT
 - - SET MONUMENT
 - - PIN 1/2 INCH ROD
 - ✕ - PIN 2" ON CONCRETE
 - () - RECORD INFORMATION
 - D.L. - BUILDING SETBACK
 - ⊙ - MARKER
 - ⊕ - FIRE HYDRANT
 - ⊖ - WATER VALVE
 - ⊙ - GAS
 - ☆ - LIGHT POST
 - ⊙ - PIN PUNCHED HOLE
 - ⊙ - PIN NAIL



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plot represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

Mark J. Ewald
 MARK J. EWALD
 Registered Professional Land Surveyor
 Texas Registration No. 5095



P.O. BOX 1436 MILFORD, TEXAS 79853-1436
 PHONE (214) 572-0888 FAX (214) 572-0888
 SURVEYING DIV. 4121288 & 4121289-4121290

METES AND BOUNDS

Being 0.209 acres of land, more or less, and consisting of public Right-of-Way of East Houston Street out of New City Block 115, in the City of San Antonio, Bexar County, Texas, along with a portion of the public Right-of-Way of 3rd Street, said 0.209 acres being subject to a six (6) foot wide sidewalk and utility easement adjoining all Right-of-Ways and being more particularly described by metes and bounds as follows:

BEGINNING at a punched hole found in the northwest Right-of-Way line of Bonham Street, same being a northeasterly corner of Alamo Plaza (Volume 7711, Page 340) and a southeasterly corner of this 0.209 acres, same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 0.209 acres and said Alamo Plaza the following courses and distances:

Along a curve to the left having a radius of 21.00 feet, an arc length of 38.40 feet, a chord length of 33.27 feet, a chord bearing of North 10 degrees 25 minutes 34 seconds West, and a delta angle of 104 degrees 46 minutes 42 seconds to a nail found for the point of tangency;

North 74 degrees 41 minutes 25 seconds West (called North 74 degrees 23 minutes 40 seconds West), at a distance of 239.19 feet pass an "X" found on the concrete, and continuing for a total distance of 242.94 feet to a monument set for an angle corner;

Along a curve to the right having a radius of 2.50 feet, an arc length of 4.98 feet, a chord length of 4.20 feet, a chord bearing of North 17 degrees 35 minutes 24 seconds West, and a delta angle of 114 degrees 12 minutes 03 seconds to an "X" found on the concrete for the West Corner of this 0.209 acres;

North 39 degrees 30 minutes 37 seconds East, a distance of 14.91 feet to an "X" found on the concrete at a point of curvature;

and,

Along a curve to the left having a radius of 2.47 feet, an arc length of 4.86 feet, a chord length of 4.12 feet, a chord bearing of North 15 degrees 50 minutes 40 seconds West, and a delta angle of 112 degrees 43 minutes 07 seconds to a monument set for the point of tangency, same being in the southwest Right-of-Way line of said East Houston Street and the northwest corner of this 0.209 acres;

THENCE along the southwest Right-of-Way line of Houston Street, South 75 degrees 27 minutes 17 seconds East, a distance of 60.26 feet to a monument set for the point of curvature;

THENCE along a curve to the left having a radius of 201.94 feet, an arc length of 75.19 feet, a chord length of 74.76 feet, a chord bearing of South 84 degrees 57 minutes 38 seconds East, and a delta angle of 21 degrees 20 minutes 05 seconds to a calculated point for the point of tangency;

THENCE continuing along southwest Right-of-Way line of Houston Street, North 85 degrees 10 minutes 34 seconds East, a distance of 44.23 feet to a calculated point for the point of curvature, same being in the southwest Right-of-Way line of said 3rd Street;

THENCE along a curve to the right having a radius of 74.71 feet, an arc length of 54.19 feet, a chord length of 53.01 feet, a chord bearing of South 66 degrees 28 minutes 54 seconds East, and a delta angle of 41 degrees 33 minutes 29 seconds to a calculated point for the point of tangency and the point of curvature;

THENCE along a curve to the left having a radius of 421.12 feet, an arc length of 41.92 feet, a chord length of 41.90 feet, a chord bearing of South 47 degrees 58 minutes 28 seconds East, and a delta angle of 05 degrees 42 minutes 14 seconds to a monument set for the point of tangency and the point of curvature of a non-tangent curve to the right;

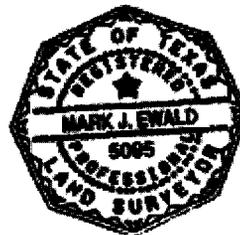
THENCE along the non-tangent curve to the right having a radius of 45.47 feet, an arc length of 16.89 feet, a chord length of 16.79 feet, a chord bearing of South 14 degrees 30 minutes 44 seconds East, and a delta angle of 21 degrees 16 minutes 48 seconds to a monument set for Easternmost corner of this 0.209 acres, same being in the northwest Right-of-Way of said Bonham Street;

THENCE along the northwest Right-of-Way line of said Bonham Street, South 39 degrees 59 minutes 02 seconds West, a distance of 42.92 feet to the **POINT OF BEGINNING**, and containing 0.209 acres of land, more or less.

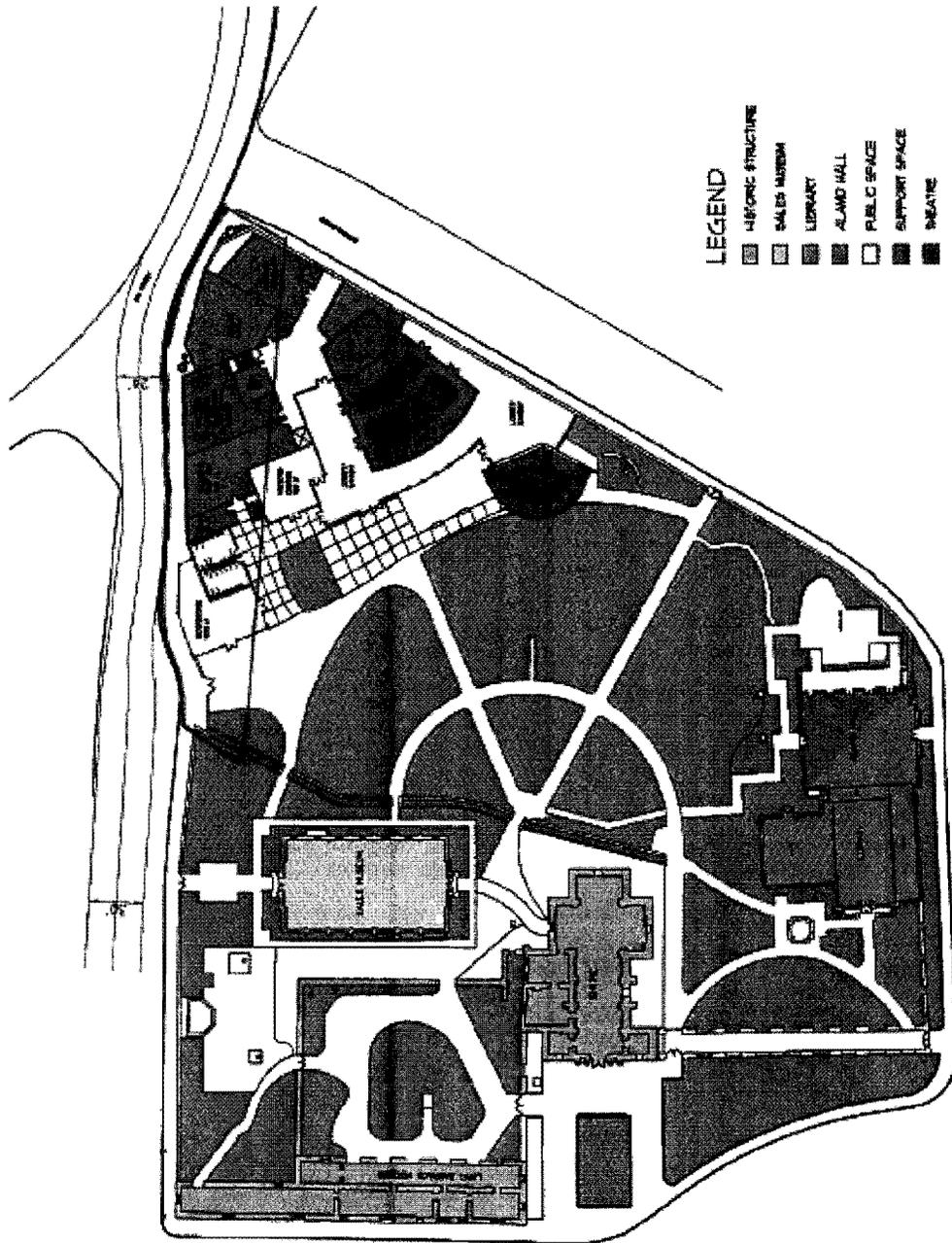
I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All monuments set are "PK" nails pending final acceptance of Brass Monuments by the Daughters of the Republic. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
September 9, 2010



Attachment III



ALAMO MASTER PLAN 

THE ALAMO COMMITTEE OF THE
DAUGHTERS OF THE REPUBLIC OF TEXAS

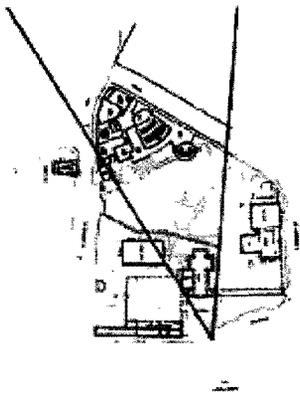
ALAMO PLAZA

SAN ANTONIO, TEXAS

FORD
POWELL
& CAISON

3001 Commerce Street
San Antonio, Texas 78207
214-521-1104
214-521-1468

Date: 10.27.2010



SCALE: 1/8" = 1'-0"

ENLARGED SECTION

ALAMO VIEWSHED PROTECTION DISTRICT



CHOCQUET HOTEL

PROTECTION DISTRICT
BELLOW THE DESIGNATED
PROTECTION DISTRICT

SCALE: 1/8" = 1'-0"

ALAMO VIEWSHED

FORD
POWELL
& CARLSON
1111 Redwood Street
San Antonio, TX 78204
214.541.1111

THE ALAMO COMMITTEE OF THE
DAUGHTERS OF THE REPUBLIC OF TEXAS

ALAMO PLAZA
SAN ANTONIO, TEXAS

Date: 11.15.2010

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 }
 }
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:

Grantor: City of San Antonio

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Texas
78283-3966 (Attn: City Clerk)

Grantor's Street Address: City Hall, 100 Military Plaza, San Antonio, Texas 78205
(Bexar County)

Grantee: State of Texas

Grantee's Mailing Address:

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: 0.029 acres, more or less, consisting of former public right of way of East Houston and Third Streets, San Antonio, Bexar County, Texas, the Property being more particularly described on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes as if fully set forth.

Grantor, for the Consideration, Grants, Bargains, and Conveys the Property to Grantee, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise.

In Witness Whereof, Grantor has caused its representative to set its hand:

Grantor:

City of San Antonio, a Texas municipal corporation

By: _____

Printed Name: _____

Title: _____

Date: _____

Attest:

By: _____
City Clerk

Approved As To Form:

By: _____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission Expires: _____

After Recording, Return To: