

2009-05-14-0372

AN ORDINANCE

CLOSING, VACATING, AND ABANDONING SEGMENTS OF SEGUIN ROAD, RUNNELS AVENUE, RULLMAN AVENUE, HINES AVENUE, AND GIDDINGS AVENUE, LOCATED IN COUNCIL DISTRICT 2, FOR REDEVELOPMENT OF THE SUTTON HOMES MULTI-FAMILY DEVELOPMENT

* * * * *

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 rights of way are no longer essential to the safe and efficient flow of traffic in the area in which the rights of way are located. As an exercise of its discretion, the City Council closes, vacates, and abandons the rights 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 rights of way are identified below.

That portion of Hines Avenue described generally as extending northward from the north right-of-way line of Bethune to the south right-of-way line of Runnels Avenue.

That portion of Giddings Avenue described generally as extending northward from the north right-of-way line of Bethune to the south right-of-way line of Seguin Road.

That portion of Rullman Avenue described generally as extending eastward from the east right-of-way line of Locke to a straight line that joins the southeast corner of NCB 1210 to the northeast corner of NCB 1224.

That portion of Runnels Avenue described generally as extending eastward from the east right-of-way line of Hines Avenue to a straight line that joins the southeast corner of NCB 1209 to the northeast corner of NCB 1210.

A triangular portion of Seguin Road, one side of which runs along the south right-of-way line of Seguin Road between the Hines Avenue and Giddings Avenue rights of way, another side of which extends generally northward along the eastern right-of-way line of Hines Avenue to the south right-of-way line of the Interstate 35 frontage road, and the third side of which runs diagonally across the Seguin road right of way to the intersection of Seguin Road's south right-of-way line and Giddings Avenue's east right-of-way line.

SECTION 2. A picture of the subject right of way is set forth at **Attachment A**. The detailed description of the right-of-way subject to this ordinance is set forth on **Attachment B**. Both Exhibits A and B are incorporated into this ordinance for all purposes as if they were fully set forth. The metes and bounds description controls over any discrepancy between it and the summary description above.

SECTION 3. 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.

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. Funds generated by this ordinance will be deposited as per the table below:

Amount	General Ledger	Fund	Internal Order
\$503	4202410	11001000	240000000060

SECTION 7. 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 8. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

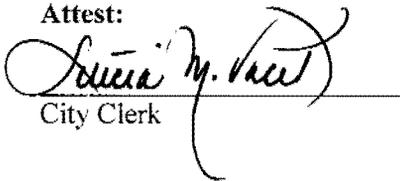
PASSED AND APPROVED this 14th day of May 2009.



M A Y O R

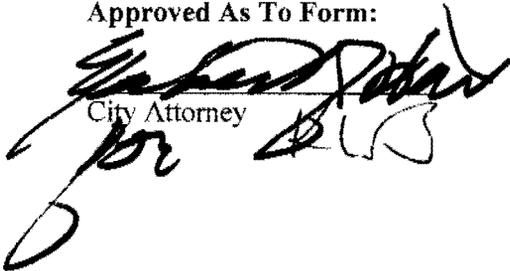
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney

Agenda Item:	8						
Date:	05/14/2009						
Time:	05:01:07 PM						
Vote Type:	Motion to Approve						
Description:	A Public Hearing and consideration of an Ordinance closing, vacating, and abandoning segments of Seguin Road, Runnels Avenue, Rullman Avenue, Hines Avenue, and Giddings Avenue, located in Council District 2, for redevelopment of the Sutton Homes multi-family development. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x			x	
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10	x					

PROPOSED STREET CLOSURES

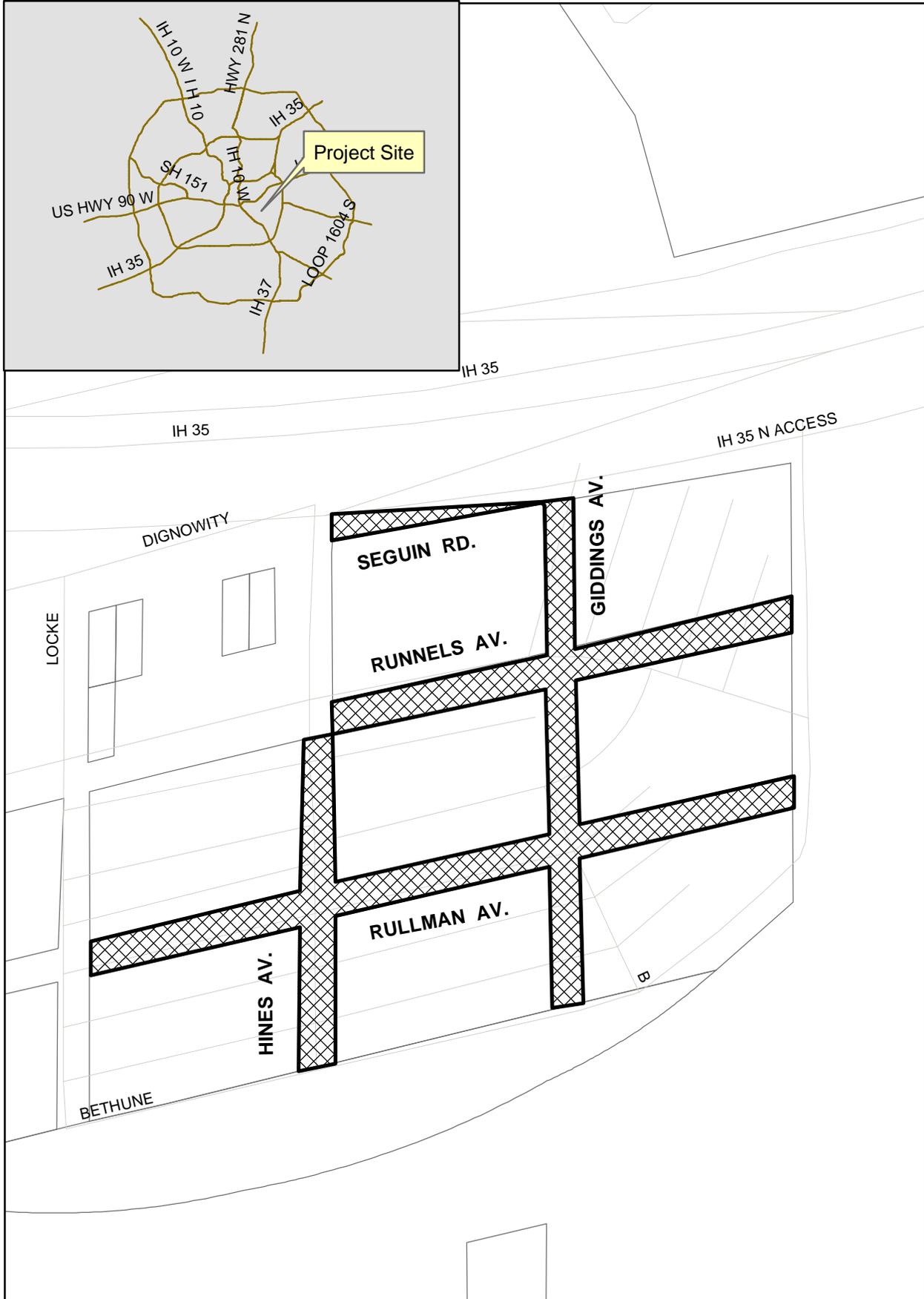


Exhibit "A"

Attachment B

Sinclair & Associates, Inc.

3201 Cherry Ridge, Suite A101

San Antonio, Texas 78230

210-341-4518

February 23, 2009

3.753 acres consisting of
Portions of Runnels Ave., Rullman Ave., Seguin Rd., Hines Ave. and Giddings Ave
City of San Antonio

THE STATE OF TEXAS
COUNTY OF BEXAR

FIELDNOTES OF A SURVEY OF

3.753 acres consisting of portions of Runnels Ave., Rullman Ave., Seguin Rd., Hines Ave. and Giddings Ave, City of San Antonio, Bexar County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at an ½" iron bar with an orange cap marked "Sinclair and Associates" set in the ground at the point of intersection of the east right-of-way line of Hines Ave. and the south right-of-way line of Runnels Ave., the northwest corner of New City Block 1211, City of San Antonio, Bexar County, Texas, for a corner of this tract, whence an ½" iron bar with an orange cap marked "Sinclair and Associates" set in the ground at the point of intersection of the east right-of-way line of Locke Ave. and the south right-of-way line of Runnels Ave., the northwest corner of New City Block 1213, City of San Antonio, Bexar County, Texas, bears S 76°53'52" W a distance of 411.36 feet;

Thence N 0°05'31" E crossing said Runnels Ave. a distance of 51.36 feet to a point, the southwest corner of New City Block 1208, City of San Antonio, Bexar County, Texas, for a corner of this tract;

Thence N 76°53'52" E with the north right-of-way line of Runnels Ave. and the south boundary line of said New City Block 1208 a distance of 360.00 feet to a point at the point of intersection of the north right-of-way line of Runnels Ave. and the west right-of-way line of Giddings Ave., the southeast corner of said New City Block 1208, for a reentrant corner of this tract;

Thence N 0°05'31" E with the west right-of-way line of Giddings Ave. and the east boundary line of said New City Block 1208 a distance of 240.00 feet to a point at the point of intersection of the west right-of-way line of Giddings Ave. and the south right-of-way line of Seguin Rd., the northeast corner of said New City Block 1208, for a reentrant corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Seguin Rd. and the north boundary line of said New City Block 1208 a distance of 360.00 feet to a point at the point of intersection of the south right-of-way line of Seguin Rd. and the east right-of-way line of Hines Ave., the northwest corner of said New City Block 1208, for a southwest corner of this tract;

Thence N 0°05'31" E crossing said Seguin Rd. a distance of 28.28 feet to a concrete monument found set in the ground at the point of intersection of the east right-of-way line of Hines Ave. and the south right-of-way line of Interstate Highway 35 for the northwest corner of this tract;

Thence N 80°42'42" E crossing said Seguin Rd. with the south right-of-way line of Interstate Highway 35 a distance of 413.91 feet a point in the north boundary line of New City Block 1209, City of San Antonio, Bexar County, Texas, for the northeast corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Seguin Rd. and the north boundary line of said New City Block 1209 a distance of 8.09 feet to a point at the point of intersection of the south right-of-way line of Seguin Rd. and the east right-of-way line of Giddings Ave., the northwest corner of said New City Block 1209, for a reentrant corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Giddings Ave. and the west boundary line of said New City Block 1209 a distance of 240.00 feet to a point at the point of intersection of the east right-of-way line of Giddings Ave. and the north right-of-way line of Runnels Ave., the southwest corner of said New City Block 1209, for a reentrant corner of this tract;

Thence N 76°53'52" E with the north right-of-way line of Runnels Ave. and the south boundary line of said New City Block 1209 a distance of 360.00 feet to a point in the west boundary line of Lot 1, Block 1, New City Block 12839, Sullivan Dignowity Subdivision as shown by plat of record in Volume 4080 at pages 107 and 108 of the Plat Records of Bexar County, Texas, the northeast corner of Runnels Ave. and the southeast corner of said New City Block 1209, for a corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Runnels Ave. and the west boundary line of said Lot 1 a distance of 51.36 feet to a point , the southeast corner of Runnels Ave. and the northeast corner of New City Block 1210, City of San Antonio, Bexar County, Texas, for a

corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Runnels Ave. and the north boundary line of said New City Block 1210 a distance of 360.00 feet to a point at the point of intersection of the south right-of-way line of Runnels Ave. and the east right-of-way line of Giddings Ave., the northwest corner of said New City Block 1210, for a reentrant corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Giddings Ave. and the west boundary line of said New City Block 1210 a distance of 240.00 feet to a point at the point of intersection of the east right-of-way line of Giddings Ave. and the north right-of-way line of Rullman Ave., the southwest corner of said New City Block 1210, for a reentrant corner of this tract;

Thence N 76°53'52" E with the north right-of-way line of Rullman Ave. and the south boundary line of said New City Block 1210 a distance of 360.00 feet to a point in the west boundary line of said Lot 1, the northeast corner of Rullman Ave. and the southeast corner of said New City Block 1210, for a corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Rullman Ave. and the west boundary line of said Lot 1 a distance of 51.36 feet to a point , the southeast corner of Rullman Ave. and the northeast corner of New City Block 1224, City of San Antonio, Bexar County, Texas, for a corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Rullman Ave. and the north boundary line of said New City Block 1224 a distance of 360.00 feet to a point at the point of intersection of the south right-of-way line of Rullman Ave. and the east right-of-way line of Giddings Ave., the northwest corner of said New City Block 1224, for a reentrant corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Giddings Ave. and the west boundary line of said New City Block 1224 a distance of 240.00 feet to a point in the north boundary line of Lot 2, said Block 1, the southeast corner of Giddings Ave. and the southwest corner of said New City Block 1224, for the southeast corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Giddings Ave. and the north boundary line of said Lot 2 a distance of 51.36 feet to a point, the southwest corner of Giddings Ave. and the southeast corner of New City Block 1223, City of San Antonio, Bexar County, Texas, for a corner of this tract;

Thence N 0°05'31" E with the west right-of-way line of Giddings Ave. and the east boundary line of said New City Block 1223 a distance of 240.00 feet to a point at the point of intersection of the

west right-of-way line of Giddings Ave. and the south right-of-way line of Rullman Ave., the northeast corner of said New City Block 1223, for a reentrant corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Rullman Ave. and the north boundary line of said New City Block 1223 a distance of 360.00 feet to a point at the point of intersection of the south right-of-way line of Rullman Ave. and the east right-of-way line of Hines Ave., the northwest corner of said New City Block 1223, for a reentrant corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Hines Ave. and the west boundary line of said New City Block 1223 a distance of 240.00 feet to a point in the north boundary line of said Lot 2, the southeast corner of Hines Ave. and the southwest corner of said New City Block 1223, for a corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Hines Ave. and the north boundary line of said Lot 2 a distance of 51.36 feet to a point, the southwest corner of Hines Ave. and the southeast corner of New City Block 1222, City of San Antonio, Bexar County, Texas, for the southwest corner of this tract;

Thence N 0°05'31" E with the west right-of-way line of Hines Ave. and the east boundary line of said New City Block 1222 a distance of 240.00 feet to a point at the point of intersection of the west right-of-way line of Hines Ave. and the south right-of-way line of Rullman Ave., the northeast corner of said New City Block 1222, for a reentrant corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Rullman Ave. and the north boundary line of said New City Block 1222 a distance of 360.00 feet to a point at the point of intersection of the south right-of-way line of Rullman Ave. and the east right-of-way line of Locke Ave., the northwest corner of said New City Block 1222, for a corner of this tract;

Thence N 0°05'31" E crossing Rullman Ave. a distance of 51.36 feet to a point at the point of intersection of the north right-of-way line of Rullman Ave. and the east right-of-way line of Locke Ave., the southwest corner of New City Block 1213, City of San Antonio, Bexar County, Texas, for a corner of this tract;

Thence N 76°53'52" E with the north right-of-way line of Rullman Ave. and the south boundary line of said New City Block 1213 a distance of 360.00 feet to a point at the point of intersection of the north right-of-way line of Rullman Ave. and the west right-of-way line of Hines Ave., the southeast corner of said New City Block 1213, for a reentrant corner of this tract;

Thence N 0°05'31" E with the west right-of-way line of Hines Ave. and the east boundary line of

said New City Block 1213 a distance of 240.00 feet to a point at the point of intersection of the west right-of-way line of Hines Ave. and the south right-of-way line of Runnels Ave., the northeast corner of said New City Block 1213, for a corner of this tract;

Thence N 76°53'52" E crossing Hines Ave. a distance of 51.36 feet to an ½" iron bar with an orange cap marked "Sinclair and Associates" set in the ground at the point of intersection of the south right-of-way line of Runnels Ave. and the east right-of-way line of Hines Ave., the northwest corner of said New City Block 1211, for a corner of this tract;

Thence S 0°05'31" W with the east right-of-way line of Hines Ave. and the west boundary line of said New City Block 1211 a distance of 240.00 feet to a point at the point of intersection of the east right-of-way line of Hines Ave. and the north right-of-way line of Rullman Ave., the southwest corner of said New City Block 1211, for a reentrant corner of this tract;

Thence N 76°53'52" E with the north right-of-way line of Rullman Ave. and the south boundary line of said New City Block 1211 a distance of 360.00 feet to a point at the point of intersection of the north right-of-way line of Rullman Ave. and the west right-of-way line of Giddings Ave., the southeast corner of said New City Block 1211, for a reentrant corner of this tract;

Thence N 0°05'31" E with the west right-of-way line of Giddings Ave. and the east boundary line of said New City Block 1211 a distance of 240.00 feet to a point at the point of intersection of the west right-of-way line of Giddings Ave. and the south right-of-way line of Runnels Ave., the northeast corner of said New City Block 1211, for a reentrant corner of this tract;

Thence S 76°53'52" W with the south right-of-way line of Runnels Ave. and the north boundary line of said New City Block 1211 a distance of 360.00 feet to the point of beginning.

Containing 3.753 acres (163,477 square feet) of land, more or less.

SINCLAIR & ASSOCIATES, INC.



Lemuel T. Sinclair,
Registered Professional Land
Surveyor No. 5142

LTS

Proposed closure of Public Right of Ways within Sutton Homes multi-family Development

Agenda Item 8:
May 14, 2009

Background

Issue

- San Antonio Housing Authority (SAHA) is requesting closure, vacation & abandonment of Public Right of Ways (ROW) within Sutton Homes multi-family Development located in Council District 2. Closure affects in particular Runnels, Rullman, Hines, Giddings Avenues and Seguin Road.

Background (cont.)

Purpose

- SAHA owns all abutting property
- Total area involved is 3.75 ac. (163,350 s.f.) will be assimilated with petitioner's adjacent property through the platting process
- Redevelopment will entail demolition of present structures and construction of a new affordable multi-family complex having over 100 housing units

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Coordination

Staff Coordination:

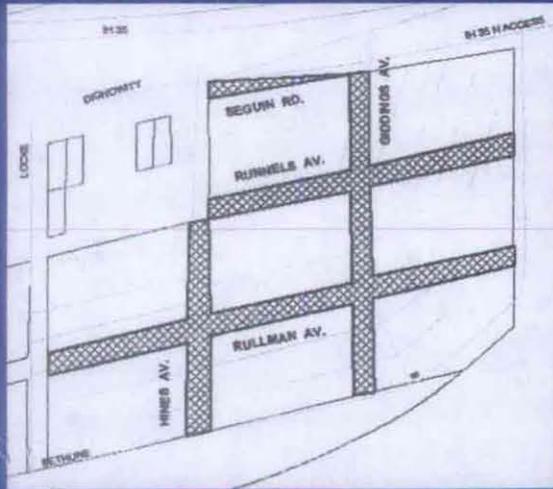
- This request was coordinated through all interested City Departments and Utility Agencies and received conditional approval
- Petitioner has agreed to comply with all imposed conditions

Supplemental Comments:

- Planning Commission recommended approval at May 13, 2009 meeting.

4

Map of Proposed Closure



5

Map of Proposed Development Plan



6

Fiscal Impact & Notification

Financial Impact:

- SAHA applied to Economic Development Department for project consideration under Incentive Scorecard System & qualified for 100% waiver of Public ROW closure fees.

Notification:

- 4 signs were posted & 36 Notices informing the public of proposed closures were mailed out.
 - 4 notices received in favor; none were received opposed

Analysis & Recommendation

Policy Analysis:

- Request is in compliance with City's policies on closure, vacation & abandonment of Public ROW

Recommendation:

- Staff recommends approval.