

AN ORDINANCE **9 8 8 4 1**

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SAN LUIS STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH CALAVERAS AND SOUTH CHUPADERAS STREETS ADJACENT TO NCB 2384 IN COUNCIL DISTRICT 5, FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT DE ZAVALA ELEMENTARY SCHOOL, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$10,033.00.

* * * * *

WHEREAS, the San Antonio Independent School District, (“Petitioner”), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of San Luis Public Right of Way (“Subject Property”) located between South Calaveras and South Chupaderas Streets adjacent to New City Blocks 2384 and 2398 for the expansion and redevelopment of the De Zavala Elementary School; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of January 28, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on February 5, 2004, which public hearing was continued until February 12, 2004 and at such later date, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

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

SECTION 1. The improved portion of San Luis Public Right of Way (“Subject Property”) located between South Calaveras and South Chupaderas Streets adjacent to New City Blocks 2384 and 2398, is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated and abandoned as City of San Antonio public right of way, as requested by the San Antonio Independent School District, the abutting property owner, as Petitioner, and such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. The City acknowledges receipt from the Petitioner of \$10,033.00 for the closing, vacating and abandoning (“closing”); however such closing is contingent on the Petitioner's complying with the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

SECTION 3. The City Manager or her designee is hereby authorized to execute any and all legal documents if and only if deemed necessary by the City Attorney’s Office, to facilitate the closing of this property.

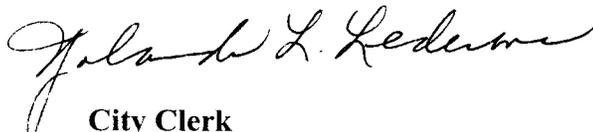
SECTION 4. The \$10,033.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

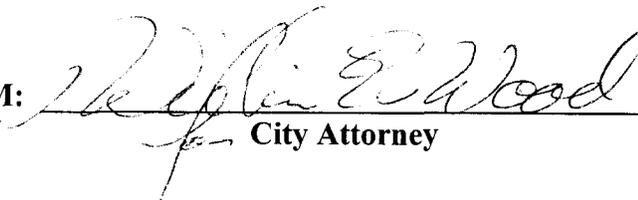
SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 22nd day of February 2004.

PASSED AND APPROVED this 12th day of February, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

04-00 7

PUBLIC HEARING & ORDINANCE

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE – GENERAL MANAGER
CITY PUBLIC SERVICE – MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE – ASSESSOR
FINANCE – CONTROLLER
FINANCE – GRANTS
FINANCE – PUBLIC UTILITIES SUPERVISOR
FINANCE-TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 4B

DATE: FEB 12 2004

MOTION: Radle Pez

ORDINANCE NUMBER: 98841

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1		/	
JOEL WILLIAMS District 2		/	
RON SEGOVIA District 3		/	
RICHARD PEREZ District 4		/	
PATTI RADLE District 5		/	
ENRIQUE M. BARRERA District 6		/	
JULIAN CASTRO District 7		/	
ART A. HALL District 8		/	
CARROLL SCHUBERT District 9		<i>absent</i>	
CHRISTOPHER "CHIP" HAASS District 10		/	
EDWARD D. GARZA Mayor		/	

04-06

SCANNED

AN ORDINANCE **98841**

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SAN LUIS STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH CALAVERAS AND SOUTH CHUPADERAS STREETS ADJACENT TO NCB 2384 IN COUNCIL DISTRICT 5, FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT DE ZAVALA ELEMENTARY SCHOOL, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$10,033.00.

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WHEREAS, the City Planning Commission considered this request at its regular meeting of January 28, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on February 5, 2004, which public hearing was continued until February 12, 2004 and at such later date, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

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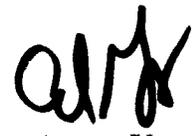
Book 10573 Page 78

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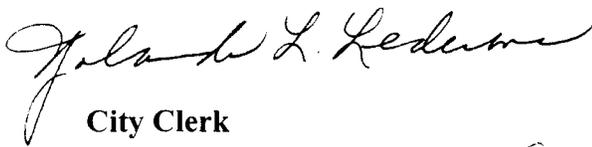
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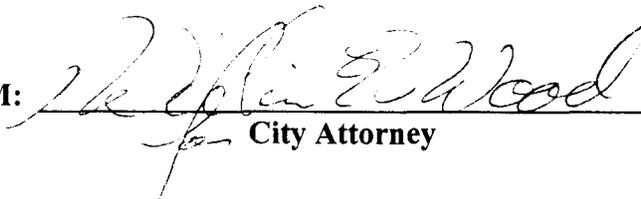
PASSED AND APPROVED this 12th day of February, 2004.



M A Y O R
EDWARD D. GARZA

Book 10573 Page 79

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney



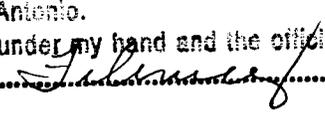
STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

}

SS.

CERTIFIED COPY

The undersigned, the City Clerk of the City of San Antonio in the State and County afore said, does by these presents certify that the attached and foregoing is a true and exemplified copy of a part of the records, papers and books in the Office of the City Clerk; and, that I am the custodian of such papers, books and records as an officer of the City of San Antonio.

Given under my hand and the official seal of the City of San Antonio, this 12th day of February, A. D. 2004
(SEAL)  City Clerk, City of San Antonio.



**METES AND BOUNDS DESCRIPTION
OF
0.419 OF AN ACRE**

0.419 of an acre of land, more or less, being a portion the San Luis Street 60 foot right-of-way located between Chupaderas Street and Calaveras Street in the City of San Antonio, Bexar County, Texas. Said 0.419 of an acre being more particularly described as follows:

BEGINNING at a set ½ inch iron pin with a red cap stamped Overby Descamps at the North end of a curve located at the Northwest corner of the intersection of San Luis Street and Chupaderas Street. Said iron pin also being Northern most Southeast corner of Lot 15, Block 2, New City Block 2384, De Zavala Elementary School Subdivision in the City of San Antonio, Bexar County, Texas as recorded in Volume 9526, Page 97 of the Deed and Plat Records of Bexar County, Texas;

THENCE crossing San Luis Street, S 06°16'20" W, a distance of 70.00 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps at the South end of a curve at the Northeast corner of Lot 31, Block 7, New City Block 2398, De Zavala Elementary Elementary Parking Subdivision as recorded in Volume 9557, Page 29 of the Deed and Plat Records of Bexar County, Texas;

THENCE along a curve to the left having a radius of 5.00 feet, a central angle of 90°36'05", a tangent length of 5.05 feet, the long chord of which bears N 39°02'02" W for a distance of 7.11 feet with a radial line in of N 83°44'00" W and a radial line out of N 05°39'55" E for an arc length of 7.91 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps on the South right-of-way line of San Luis Street, the North line of said Lot 31;

THENCE along said South right-of-way line, N 84°20'05" W, 293.78 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps at a point of curvature;

THENCE along a curve to the left with a radius of 5.00 feet, a tangent length of 4.95 feet, a central angle of 89°23'55", the radius of which bears S 05°39'55" W, the chord of which bears S 50°57'57" W for a distance of 7.03 feet and having an arc length of 7.80 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps;

THENCE crossing San Luis Street, N 06°16'00" E, 70.00 feet to a set ½ inch iron pin at the North end of a curve at the at the Northeast corner of the intersection of Calaveras Street and San Luis Street, said iron pin also being the Northern most Southwest corner of said Lot 15;

Exhibit A

To Ordinance No. 98841
Passed and Approved on
February 12, 2004

Metes and Bounds Description

0.419 of an Acre

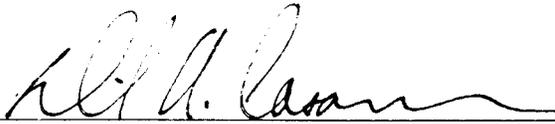
THENCE along a curve to the left with a radius of 5.00 feet, a tangent length of 5.05 feet, a central angle of $90^{\circ}36'04''$, the radius of which bears $S 83^{\circ}44'00'' E$, the chord of which bears $S 39^{\circ}02'02'' E$ for a distance of 7.11 feet and having an arc length of 7.91 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps on the North right-of-way line of San Luis Street, also being the South line of said Lot 15;

THENCE along said North right-of-way line, $S 84^{\circ}20'05'' E$, 293.79 feet to a set ½ inch iron pin with a red cap stamped Overby Descamps at a point of curvature;

THENCE along a curve to the left with a radius of 5.00 feet, a tangent length of 4.95 feet, a central angle of $89^{\circ}23'56''$, the radius of which bears $N 05^{\circ}39'55'' E$, the chord of which bears $N 50^{\circ}57'58'' E$ for a distance of 7.03 feet and having an arc length of 7.80 feet to the **POINT OF BEGINNING** and containing 0.419 acres, (18,248 square feet) of land, more or less.

Bearings are based on the Texas State Plane Coordinate System, South Central Zone, N.A.D. 83.

December 19, 2003

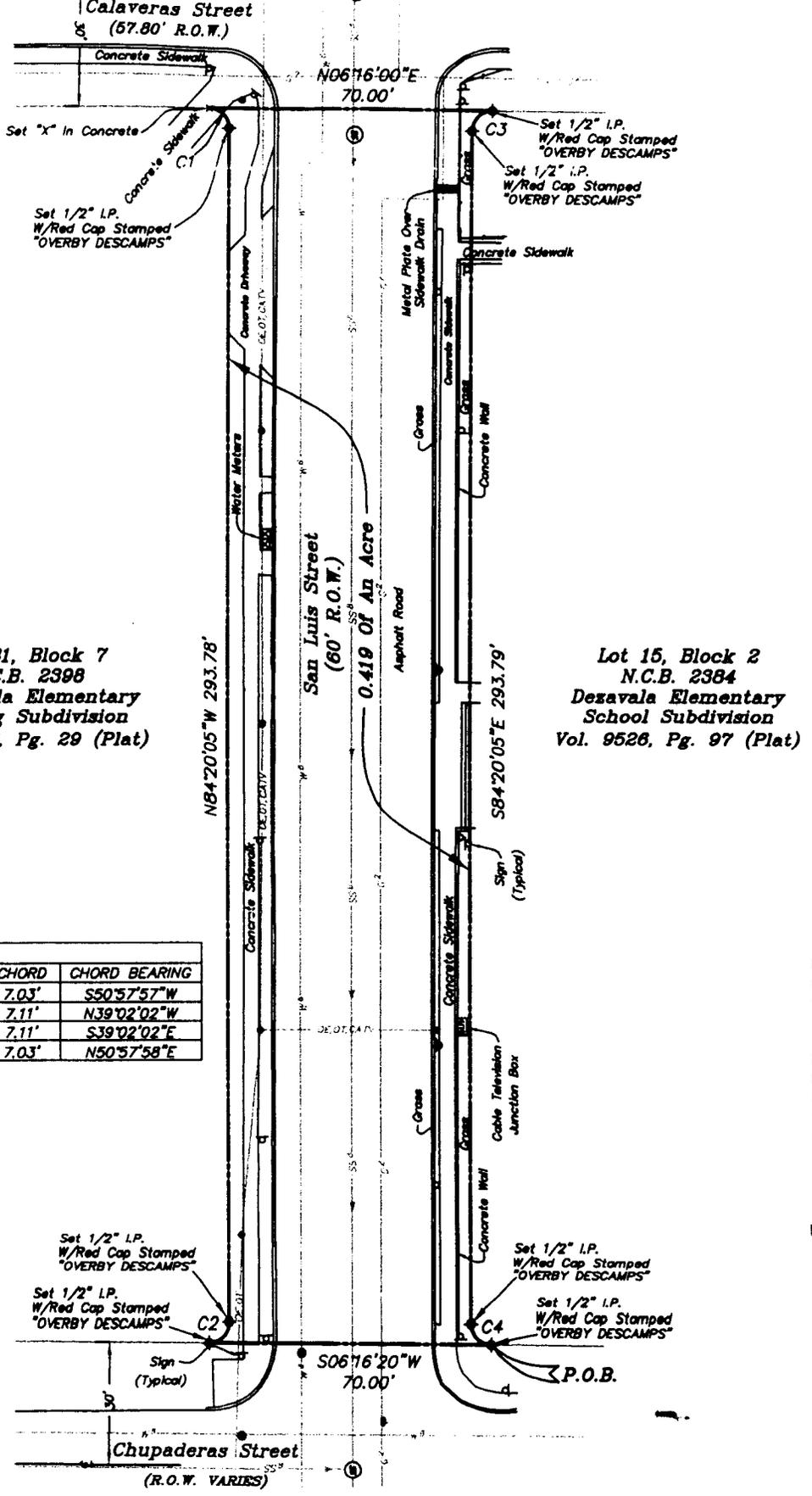


David A. Casanova
Registered Professional Land Surveyor No. 4251





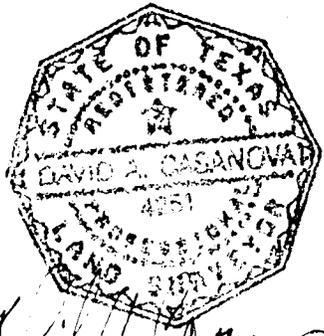
SCALE: 1" = 40'



Lot 31, Block 7
N.C.B. 2398
De Zavala Elementary
Parking Subdivision
Vol. 9557, Pg. 29 (Plat)

Lot 15, Block 2
N.C.B. 2384
De Zavala Elementary
School Subdivision
Vol. 9526, Pg. 97 (Plat)

CURVE TABLE						
NO.	RADIUS	DELTA	TANGENT	LENGTH	CHORD	CHORD BEARING
C1	5.00'	89°23'55"	4.95'	7.80'	7.03'	S50°57'57"W
C2	5.00'	90°36'05"	5.05'	7.91'	7.11'	N39°02'02"W
C3	5.00'	90°36'04"	5.05'	7.91'	7.11'	S39°02'02"E
C4	5.00'	89°23'56"	4.95'	7.80'	7.03'	N50°57'58"E



David A. Casanova
12-19-03

Book 10573 Page 82



**OVERBY
DESCAMPS
ENGINEERS**
CIVIL • ENVIRONMENTAL • SURVEYING

11815 WARFIELD
SAN ANTONIO, TX 78216
Tel: (210) 828-3520
Fax: (210) 828-3599
ode@overbydescamps.com

**PROPOSED STREET CLOSURE
SAN LUIS STREET**



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

January 2, 2004

San Antonio Independent School District
Attn: Kamal Elhabr, P.E.
Bond Construction Associate Superintendent
1702 N. Alamo, Suite 307
San Antonio, TX 78215-1213

Re: S. P. No. 1099—Request to close, vacate and abandon an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets

Dear Mr. Elhabr:

With reference to the captioned project, please be advised that the City of San Antonio has completed the canvassing process and will recommend approval of your request subject to the following conditions:

PLANNING DEPARTMENT

Approved provided all future improvements to the property be done in accordance with Article IV Procedures, Division 4 Subdivisions of the Unified Development Code (UDC) for the City of San Antonio.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided the proposal does not create a land lock condition and the area is assembled and platted with the petitioner's property.

CITY PUBLIC SERVICE BOARD

Approved provided the petitioner agrees to reserve a perpetual easement for all existing electrical and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service and at the sole expense of the petitioner.

SAN ANTONIO WATER SYSTEM

Approved provided petitioner agrees to reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner.

DEPARTMENT OF ASSET MANAGEMENT:

- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.

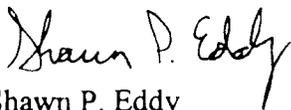
Exhibit B
To Ordinance No. 98841
Passed and Approved on
February 12, 2004

- Petitioner asserts that all evidence of ownership of all property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- The petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the public right of way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioner agrees to allow perpetual access to any such utilities or may seek the relocation of a specific utility with the express permission and coordination of the respective owner of the utility and at the sole expense of the petitioner.
- Petitioner agrees to remit a closure fee of \$10,033.00, which includes the assessed value of \$9,854.00 for the Public Right of Way, a fee of \$144.00 for posting of signs notifying the public of the proposed street closure and \$35.00 for recording documents. This closure fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner, less the fee for posting of the notification signs.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, including the payment of the assessed closure fee, please countersign this letter in the spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement and the fee we will continue processing your request.*

Sincerely,



Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:


By Kamal ElHabr
Print Name

Associate Superintendent
Title
January 6, 2004
Date

PUBLIC HEARING
TERRILL
ITEM NO 48

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition

DATE: Thursday, February 12, 2004

SUBJECT: S.P. No. 1099—Request to close, vacate and abandon an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets

PETITIONER: San Antonio Independent School District
Attn: Kamal Elhabr, P.E.
1702 N. Alamo St., Suite 307
San Antonio, TX 78215-1213

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets adjacent to NCB 2384, in Council District No. 5, for the expansion and redevelopment of the adjacent De Zavala Elementary School, as requested by San Antonio Independent School District, for the consideration of \$10,033.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets as shown on attached Exhibit "A." The petitioner owns all of the abutting properties. SAISD intends to renovate the adjacent De Zavala Elementary School and construct an Early Childhood Learning Center, and would like to incorporate the proposed closure as a pedestrian only access between facilities. The closure is being requested to accommodate the continued expansion and redevelopment of the De Zavala Elementary School campus as approved in the 1997 Bond Construction Program.

This request was continued until February 12, 2004 in order to give the San Antonio Independent School District an opportunity to meet with the community after normal working hours as requested by Councilwoman Patti Radle.

POLICY ANALYSIS

This action is consistent with City Ordinances regulating the closure, vacation and abandonment of Public Right of Way within the Corporate Limits of the City of San Antonio.

FISCAL IMPACT

The City will collect \$10,033.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 1/28/2004 and its finding was presented to City Council on 2/5/2004; request was continued until 2/12/04.

The petitioner is exempt from filing a Discretionary Contracts Disclosure Statement.

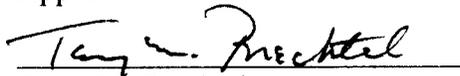


Rebecca Waldman, Director
Department of Asset Management

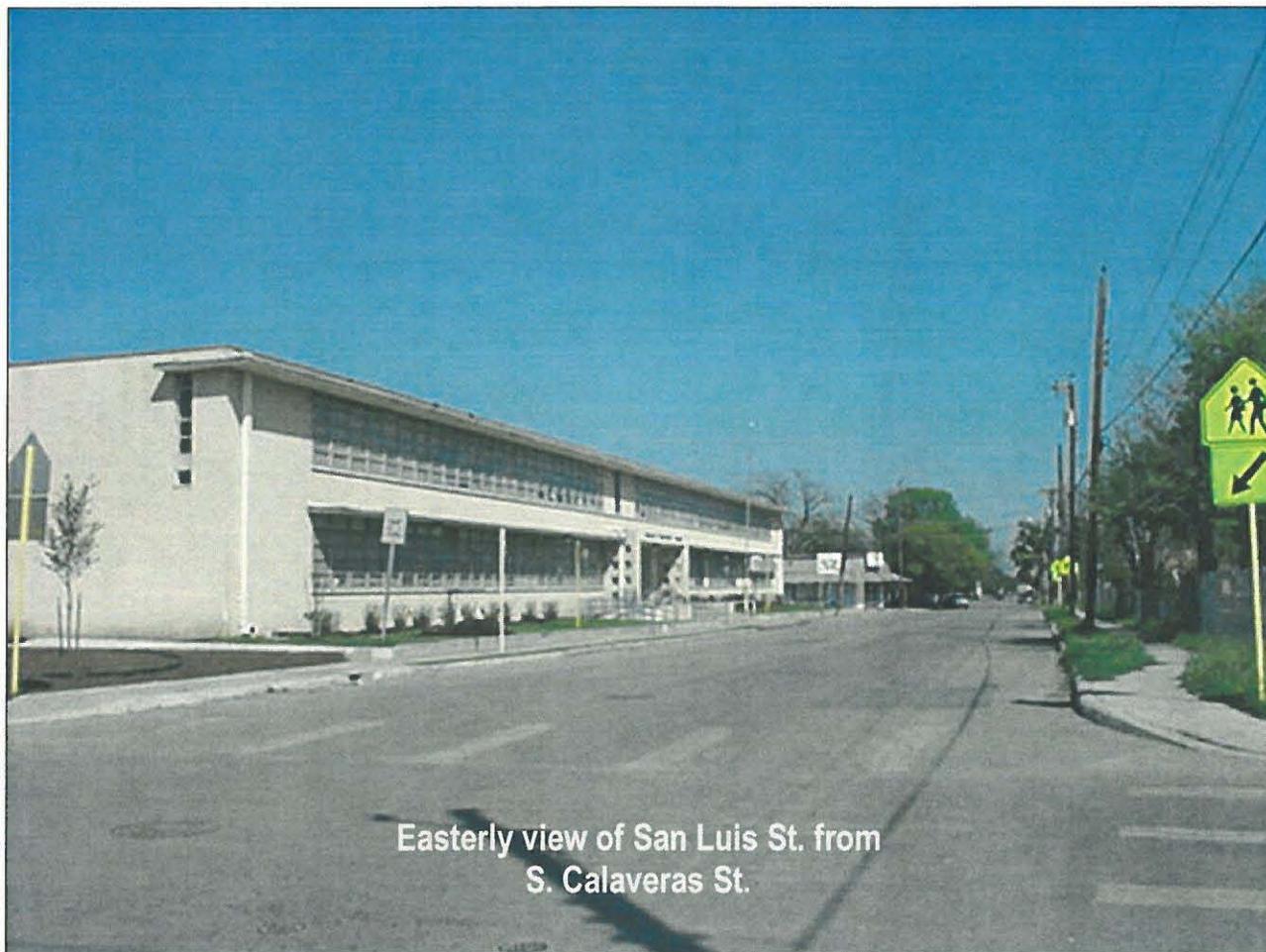
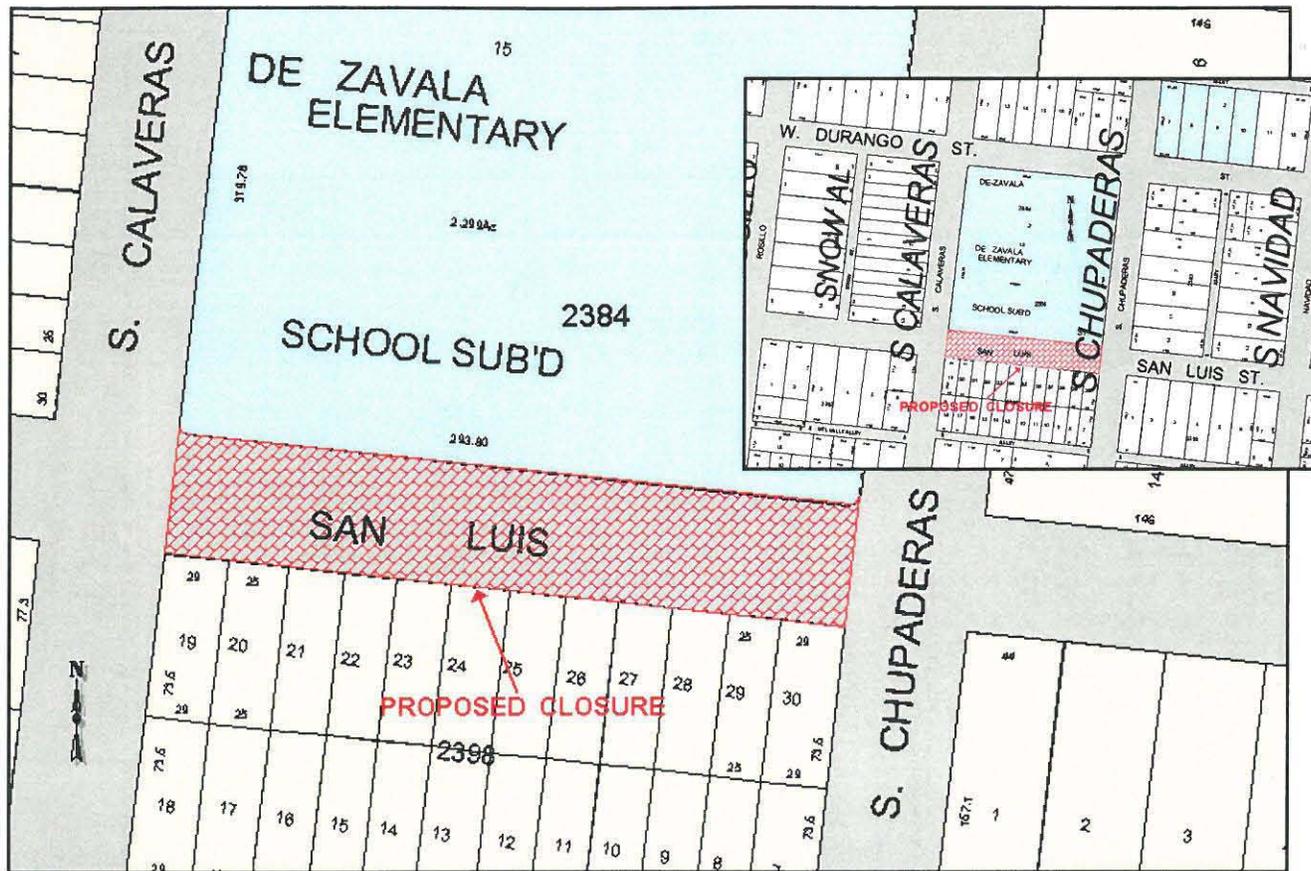


Erik J. Walsh
Assistant to the City Manager

Approved:



Terry M. Brechtel
City Manager



Easterly view of San Luis St. from
S. Calaveras St.

Exhibit "A"

Canvassing Checklist

SPNo

Request: Petitioner is requesting the closure, vacation and abandonment of an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets as shown on attached Exhibit "A." The petitioner owns all of the abutting properties. SAISD intends to renovate the adjacent De Zavala Elementary School and construct an Early Childhood Learning Center, and would like to incorporate the proposed closure as a pedestrian only access between facilities. The closure is being requested to accommodate the continued expansion and redevelopment of the De Zavala Elementary School campus as approved in the 1997 Bond Construction Program.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	3/27/2003	4/23/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	3/27/2003	12/2/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	3/27/2003	4/22/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	3/27/2003	4/3/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	3/27/2003	4/2/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	3/27/2003	5/20/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	3/27/2003	4/11/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input checked="" type="checkbox"/>	3/27/2003	3/31/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input checked="" type="checkbox"/>	3/27/2003	4/10/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input checked="" type="checkbox"/>	3/27/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

AVENIDA GUADALUPE ASSN., INC.; ATTN: ROGER CARRILLO; 1327 GUADALUPE ST., 78207 - RESPONSE NOT RECEIVED.



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

January 2, 2004

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Attn: Kamal Elhabr, P.E.
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Approved provided all future improvements to the property be done in accordance with Article IV Procedures, Division 4 Subdivisions of the Unified Development Code (UDC) for the City of San Antonio.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided the proposal does not create a land lock condition and the area is assembled and platted with the petitioner's property.

CITY PUBLIC SERVICE BOARD

Approved provided the petitioner agrees to reserve a perpetual easement for all existing electrical and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service and at the sole expense of the petitioner.

SAN ANTONIO WATER SYSTEM

Approved provided petitioner agrees to reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner.

DEPARTMENT OF ASSET MANAGEMENT:

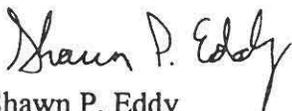
- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.

- Petitioner asserts that all evidence of ownership of all property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- The petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the public right of way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioner agrees to allow perpetual access to any such utilities or may seek the relocation of a specific utility with the express permission and coordination of the respective owner of the utility and at the sole expense of the petitioner.
- Petitioner agrees to remit a closure fee of \$10,033.00, which includes the assessed value of \$9,854.00 for the Public Right of Way, a fee of \$144.00 for posting of signs notifying the public of the proposed street closure and \$35.00 for recording documents. This closure fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner, less the fee for posting of the notification signs.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, including the payment of the assessed closure fee, please countersign this letter in the spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement and the fee we will continue processing your request.*

Sincerely,



Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:


By Kamal Elhabr
Print Name

Associate Superintendent
Title
January 6, 2004
Date

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO Request for Ordinance/Resolution	For CMO Use Only	
Approval			Date Considered	
Finance	Budget		Consent <input type="checkbox"/> Individual <input type="checkbox"/>	
Legal	Coordinator		Public Hearing <input checked="" type="checkbox"/>	
			Item No.	Ord. No.

Date: 29-Jan-04	Department: Asset Management	Contact Person/Phone No.: Rebecca Waldman Ext. 7114
Date Council Consideration Requested: 12-Feb-04	Deadline for Action: 12-Feb-04	Dept. Head Signature: <i>Rebecca Waldman</i>

SUMMARY OF ORDINANCE

This Ordinance will close, vacate and abandon an improved portion of San Luis Street Public Right of Way located between South Calaveras and South Chupaderas Streets adjacent to NCB 2384, in Council District No. 5, for the expansion and redevelopment of the adjacent De Zavala Elementary School, as requested by San Antonio Independent School District, for the consideration of \$10,033.00.

Staff recommends approval of this Ordinance.

Council Memorandum Must be Attached to Original

Other Depts., Boards, Committees Involved (please specify)

Contract signed by other party: Yes No

FISCAL DATA (if applicable)

Fund No. _____	Amt. Expended _____	Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/>
Activity No. _____	SID No. _____	Positions Currently Authorized
Index Code _____	Project No. _____	Impact of Future O and M
Object Code _____		If positions added, specify class and no.

Comments:
Council District No. 5

Coordinator - White
 Legal - Green
 Budget - Canary
 Originator - Gold