

AN ORDINANCE 2010-12-09-1031

**CLOSING, VACATING AND ABANDONING A 30-FOOT WIDE PORTION OF THE MILL RACE PUBLIC RIGHT OF WAY, LOCATED IN COUNCIL DISTRICT 2, AND WAIVING THE ASSOCIATED FEES AT THE REQUEST OF GUENTHER DEVELOPMENT, LLC.**

\* \* \* \* \*

**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 next 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. Fees are waived in connection with this closure.

**SECTION 2.** A detailed description of the right-of-way subject to this ordinance is set forth on **Attachment I**. Attachment I is incorporated into this ordinance for all purposes as if it were fully set forth.

**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. Neither does this ordinance give up any right arising other than from the plat or other document creating the street or alley.

**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.** Funding in the amount of \$957,000 for this ordinance is available as part of the Fiscal Year 2011 Budget per the table below.

<i>Amount</i>	<i>Cost Center</i>	<i>General Ledger</i>	<i>Fund</i>
\$232,000	1604010001	5201040	29059000
\$350,000	3401010003	5201040	11001000
\$375,000	3401010003	5201040	11001000

Total Amount: \$957,000

**SECTION 7.** The amount of \$1,511,060 is appropriated in fund 29086024, TIRZ Midtown #31, Internal Order 390000001284, From 29086024 to 11001000, SAP GL account 6102100 – Interfund Transfer Out. The amount of \$1,511,060.00 is authorized to be transferred to fund 11001000. The amount of \$1,511,060 to be transferred is contingent upon the project’s tax increment over a 15 year period which will be used to reimburse Fund 29086024.

**SECTION 8.** Funds in the amount of \$1,511,060 is authorized to be received in fund 11001000 through Internal Order 311000001284, From 29086024 to 11001000, SAP GL account 6101100 – Interfund Transfer In.

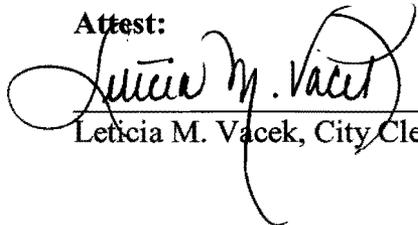
**SECTION 9.** Payment not to exceed the budgeted amount is authorized to R. L. Worth and Associates and should be encumbered with a purchase order.

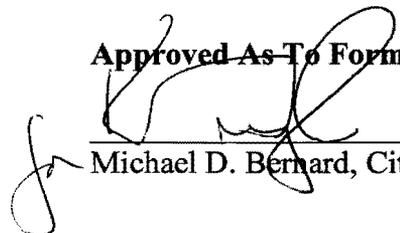
**SECTION 10.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 11.** 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 9<sup>th</sup> day of December 2010.

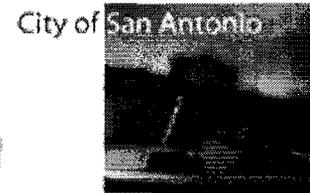
  
or M A Y O R  
Julián Castro

**Attest:**  
  
Leticia M. Vacek, City Clerk

**Approved As To Form:**  
  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**



## Agenda Voting Results - 27B

<b>Name:</b>	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						
<b>Date:</b>	12/09/2010						
<b>Time:</b>	10:12:31 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance closing, vacating and abandoning a 30-foot wide portion of the Mill Race public right of way, located in Council District 2, and waiving the associated fees at the request of Guenther Development, LLC.						
<b>Result:</b>	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	

## Attachment I

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A 0.1550 acre, or 6,750 square foot more or less, tract of land being out of that called 5.410 acre tract as recorded and conveyed to San Antonio Water System in Special Warranty Deed recorded in Volume 10357, Pages 1760-1769 of the Official Public Records of Real Property of Bexar County, Texas, all in New City Block (N.C.B.) 6295 of the City of San Antonio, Bexar County, Texas. Said 0.1550 acre tract being more fully described as follows with bearings based on the North American Datum of 1983, from State Plane Coordinates established for the Texas South Central Zone:

**BEGINNING:** At a found "+" in concrete at the intersection of the south right-of-way line of Mill Race Road, a 60-foot right-of-way and the east right-of-way line of Avenue B, a variable width right-of-way, the northwest corner of said 5.410 acre tract;

**THENCE:** S 73°00'11"E, along and with the south right-of-way line of said Mill Race Road, the north line of said 5.410 acre tract, a distance of 225.00 feet to a found ½" iron rod, the intersection of the south right-of-way line of said Mill Race Road and the west right-of-way line of Broadway, a 100-foot right-of-way, the northeast corner of said 5.410 acre tract;

**THENCE:** S 17°15'18"W, along and with the west right-of-way line of said Broadway, the east line of said 5.410 acre tract, a distance of 30.00 feet to a point;

**THENCE:** N 73°00'11"W, departing the west right-of-way line of said Broadway, the east line of said 5.410 acre tract, a distance of 225.00 feet to a point on the east right-of-way line of said Avenue B, the west line of said 5.410 acre tract;

**THENCE:** N 17°15'18"E, along and with the east right-of-way line of said Avenue B, the west line of said 5.410 acre tract, a distance of 30.00 feet to the POINT OF BEGINNING, and containing 0.1550 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

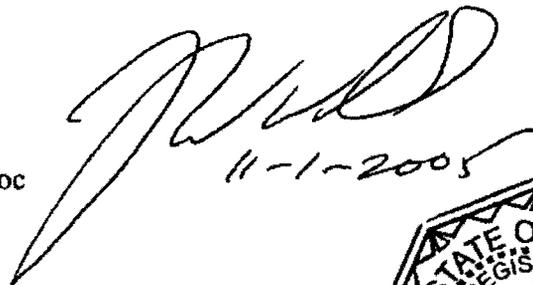
PREPARED BY: Pape-Dawson Engineers, Inc.

JOB NO: 9247-05

DATE: October 5, 2005

REVISED: October 31, 2005

DOC ID: N:\Survey05\5-9300\9247-05\9247-05.doc



11-1-2005

