

AN ORDINANCE 2012-06-21-0491

**AUTHORIZING CLOSURE, VACATION, AND ABANDONMENT OF
2.946 ACRES OF OLD FREDERICKSBURG ROAD AND BOERNE
STAGE ROAD, LOCATED ADJACENT TO NCB 34732.**

* * * * *

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

SECTION 1. Subject to the reservation below and as an exercise of its discretion, the City Council authorizes the City Manager or her designee to execute and record in the real property records a certificate closing, vacating, and abandoning the Right-of-Way Segment described below if the Texas Department of Transportation declares that the affected right-of-way is surplus to the needs of the State and removes it from the State Highway System. 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.

SECTION 2. A picture of the Right-of-Way Segment is set forth at **Attachment I**. The detailed description of the Right-of-Way 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. All presently existing water and wastewater lines and facilities, electric transmission and distribution lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be used, repaired, enlarged, and maintained in the ordinary course of business. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. This closure does not give up any right arising other than from the plat or other instrument creating the public street or alley right of way. Neither does this Ordinance create new easement rights.

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 Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment 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. No such replat impairs the rights retained by City above, unless in the course of replatting, the owner, at its own expense, otherwise provides for those rights according to platting rules of general applicability.

SECTION 6. The City recognizes that the right-of-way subject to this closure, vacation, and abandonment possibly includes or abuts the Old Spanish Trail. After the right-of-way is closed for vehicular access, the applicants have agreed, on behalf of themselves and their successors and assigns, as follows: (A) Financial Resources, Ltd. and its successors and assigns will, with one or more signs, reasonably delineate the historical pathway within the closed right-of-way and will not construct any buildings on the historical pathway and (B) Leon Creek, Ltd. and its successors and assigns will, with one or more signs, reasonably delineate the historical pathway within the closed right-of-way where future buildings or other structures are not located.

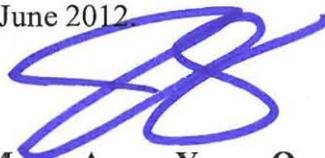
SECTION 7. Funds generated by this ordinance will be Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

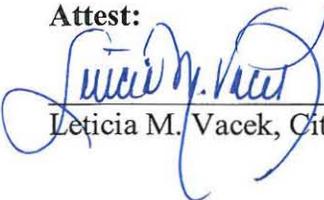
SECTION 8. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

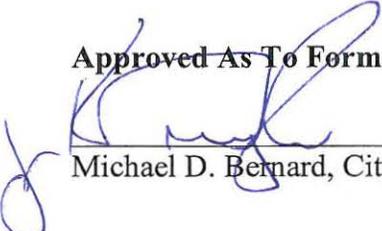
SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 10. 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 21st day of June 2012.

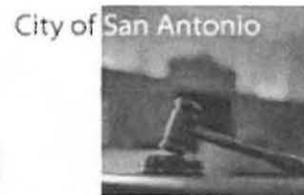

M A Y O R
Julián Castro

Attest:

Leticia M. Vacek, City Clerk

Approved As To Form:

Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 36B

Name:	36A, 36B						
Date:	06/21/2012						
Time:	11:22:52 AM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance authorizing the closure, vacation and abandonment of 2.946 acres of Old Fredericksburg Road and Boerne Stage Road, located adjacent to NCB 34732.						
Result:	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				
Leticia Ozuna	District 3	x					
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				x

Attachment II

A 2.946 acre, or 128,325 square feet more or less, tract of land being that portion of Old Fredericksburg Road bounded on the east by the 6.368 acre tract described in Deed without Warranty recorded in Volume 9690, Pages 948-954, on the west by that called 2.075 acre tract described in deed recorded in Volume 6385, Pages 788-792 and the Interstate Highway 10 right-of-way, also including a portion of the Old Boerne Stage Road out of the John W. Smith Survey No. 27, Abstract 708, County Block 4732, and the J.M. Arocha Survey No. 26, Abstract 27, County Block 4752 of Bexar County Texas, now all in New City Block 34752 and 34732 of the City of San Antonio, Texas. Said 2.946 acre tract being more fully described as follows with bearings derived from the Texas Coordinate System for the South Central Zone:

BEGINNING At a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" on the west line of said 6.368 acre tract at 60-foot right of Engineers Centerline Station 66+89.63 of the old U.S. Highway 87 right-of-way, at 13,788,040.0 North, 2,086,965.4 East of said coordinate system, the south corner of this tract;

THENCE: Departing the west line of said 6.368 acre tract, and along and with the east right-of-way line of said Old Highway 87, now the access road to Interstate Highway 10, and along the arc of a curve to the left, said curve having a radial bearing of S $71^{\circ}26'29''$ W, a radius of 5789.58 feet, a central angle of $5^{\circ}23'57''$, a chord bearing and distance of N $21^{\circ}15'30''$ W, 545.36 feet, for an arc distance of 545.56 feet to a found TxDOT monument with plate and "+" at a point of tangency;

THENCE: N $23^{\circ}57'28''$ W, continuing with said right-of-way, a distance of 662.30 feet to a found $\frac{1}{2}$ " iron rod at the south corner of that called 2.075 acre tract, surveyed as a 2.073 acre tract, described in deed recorded in Volume 6385, Pages 788-792, said deed not closing mathematically by 6.08 feet;

THENCE: N $70^{\circ}35'42''$ E, departing said right-of-way, along and with the south line of said 2.073 acre tract, a distance of 10.70 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape Dawson";

THENCE: N $08^{\circ}24'27''$ W, along and with the line of said 2.073 acre tract, a distance of 481.36 feet to a found $\frac{1}{2}$ " iron rod in asphalt, by deed N $06^{\circ}16'10''$ W, 481.1 feet;

THENCE: N $27^{\circ}30'14''$ W, along and with the line of said 2.073 acre tract, a distance of 362.05 feet to a found $\frac{1}{2}$ " iron rod in asphalt, by deed N $23^{\circ}59'35''$ W, 366.93 feet;

THENCE: N $53^{\circ}24'37''$ W, a distance of 69.15 feet to a found $5\text{-}/\text{s}$ " iron rod;

THENCE: N $68^{\circ}02'34''$ W, a distance of 54.70 feet to a found $\frac{1}{2}$ " iron rod;

- THENCE: S 89°35'01"W, a distance of 49.37 feet to a found TxDOT monument with plate at and "+" 60 feet right of Engineers Centerline Station 88+35.31, on the aforementioned east right-of-way of Old Highway 87, also the south line of the Old Boerne Stage Road right-of-way;
- THENCE: N 23°57'28"W, crossing the Old Boerne Stage right-of-way, along and with the east line of said Old Highway 87, a distance of 124.58 feet to a found TxDOT monument on the north line of said Old Boerne Stage right-of-way, the southwest corner of that 0.730 acre tract conveyed to the State of Texas in deed recorded in Volume 3038 Pages 1977-1978 and 1981-1982 of the Official Public Records of Real Property of Bexar County, Texas;
- THENCE: N 88°53'07"E, departing the east line of said Old Highway 87, and along and with the south line of said 0.730 acre tract, at a distance of 135.06 feet to a set ½" iron rod with yellow cap marked "Pape Dawson" at the southeast corner of said 0.730 acre tract, the west right-of-way line of Old Fredericksburg Road, being offset 60-foot west of the west line of the aforementioned 3.037 acre tract, and continuing over and across said Old Fredericksburg Road with a north line of the Old Boerne Stage right-of-way for a total distance of 201.52 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" on the west line of said 6.368 acre tract, said 6.368 acre tract being part of the 100-foot Union Pacific right-of-way conveyed to Leon Creek Ltd.;
- THENCE: Along the arc of a curve to the right, said curve having a radial bearing of S 63°42'21" W, a radius of 2814.79 feet, a central angle of 8°39'17", a chord bearing and distance of S 21°58'01" E, 424.77 feet, for an arc distance of 425.18 feet to a found ½" iron rod;
- THENCE: S 17°37'36"E, a distance of 1783.23 feet to a set ½" iron rod with yellow cap marked "Pape Dawson" to the POINT OF BEGINNING and containing 2.946 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground in November 2007 under Job No. 9370-07, and a survey map and description prepared this date under Job Number 7032-00 by Pape-Dawson Engineers, Inc.

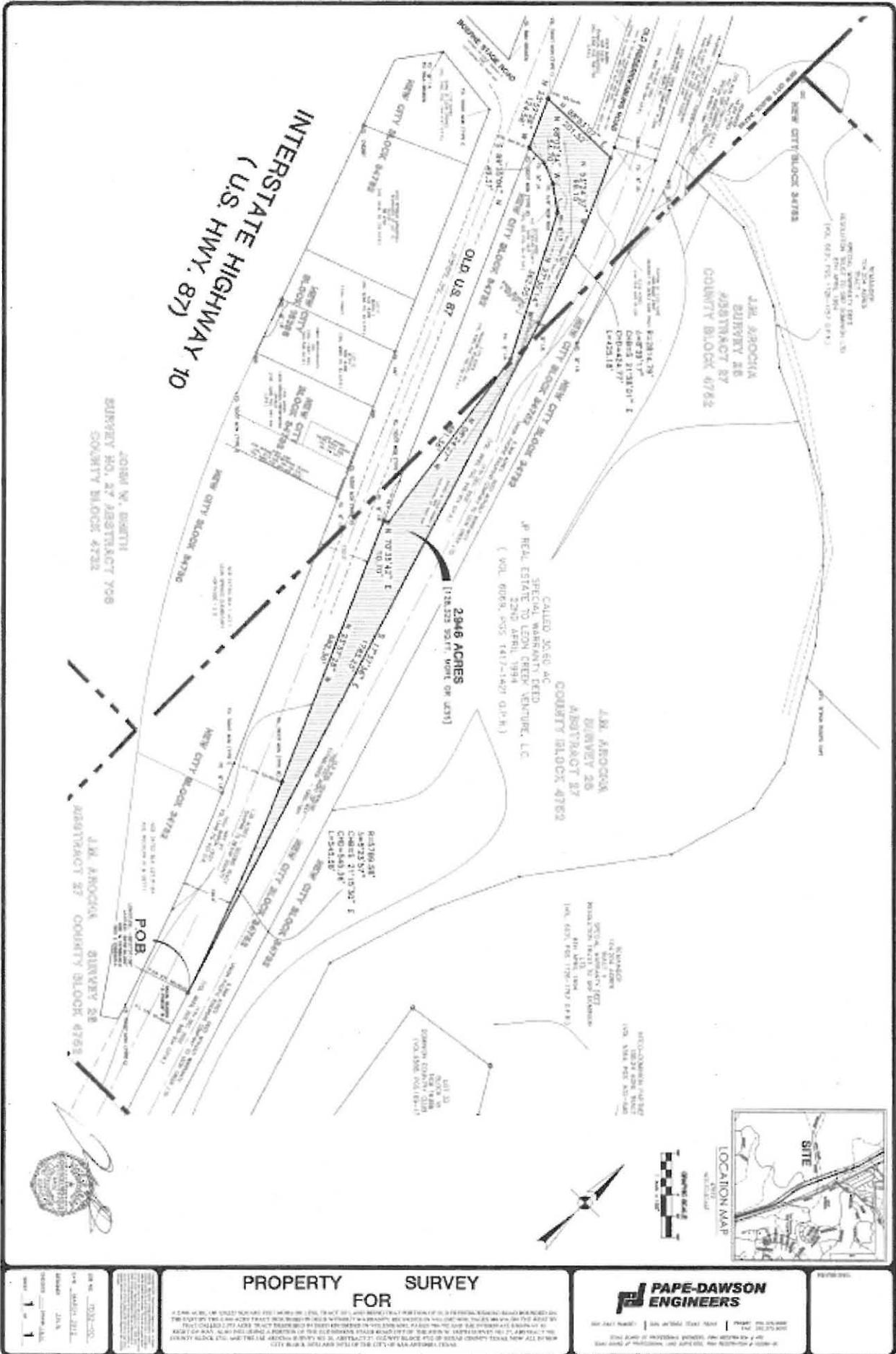
PREPARED BY: PAPE DAWSON CONSULTING ENGINEERS:

DATE: December 5, 2007, REVISED March 26, 2012

JOB No.: 7032-00

FILE: N:\Civil\7032-00\word\Quitclaim 2012.doc





PROPERTY SURVEY FOR

A 2946 ACRES OR THEREABOUTS TRACT BEING THE SITE OF A FEDERAL AIRCRAFT MANEUVER CENTER... THE SURVEY OF THIS TRACT... THE CITY OF NEW ORLEANS... THE CITY OF NEW ORLEANS... THE CITY OF NEW ORLEANS...

PAPE-DAWSON ENGINEERS

1000 PINE STREET, SUITE 1000, NEW ORLEANS, LA 70112
 PHONE: (504) 581-1111 FAX: (504) 581-1112
 WWW.PAPE-DAWSON.COM

DATE	6/21/2012
BY	J.M. AMOCKA
CHECKED	J.M. AMOCKA
SCALE	AS SHOWN
PROJECT	2946 ACRES
NO. OF SHEETS	1 OF 1