

ORDINANCE 2018-06-21-0481

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF TWO TRACTS OF LAND, BEING 0.276 ACRE OF IMPROVED PORTIONS OF BURNET STREET PUBLIC RIGHT-OF-WAY BETWEEN BROOKLYN AVENUE AND LIVE OAK STREET AND 0.077 ACRE OF IMPROVED PORTIONS OF LIVE OAK STREET PUBLIC RIGHT-OF-WAY BETWEEN BROOKLYN AVENUE AND ENTRANCE RAMP TO IH-37 NORTH AND ACCEPTANCE OF A DEDICATION OF 0.012 ACRE OF REAL PROPERTY FOR A FEE OF \$81,706.00.

* * * * *

WHEREAS, Healy Murphy Center is a 501(c)3 non-profit organization providing education and counseling services to high school students as well as education classes, childcare, and health services for the community both at the Healy Murphy Center located on Live Oak Street; and

WHEREAS, Healy Murphy Center is managed by the Sisters of the Holy Spirit and Mary Immaculate Inc.; and

WHEREAS, StrEat Parks, LLC proposes to develop a mobile food truck park with a dining patio and music venue on its property located at 201 Burnet Street with a mentorship program to allow Healy Murphy Center students to learn about horticulture and the food industry via a community garden to be located on Burnet Street; and

WHEREAS, StrEat Parks, LLC and the Healy Murphy Center by and through the Sisters of the Holy Spirit and Mary Immaculate Inc. request: (1) the closure, vacation, and abandonment of 0.276 acres improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street as shown on **Exhibit "A"**; (2) the closure, vacation, and abandonment of 0.077 acre of improved portion of Live Oak Street located between Brooklyn Ave and the entrance ramp to IH37 North as shown on **Exhibit "B"**; and, (3) the dedication of 0.012 acres as shown in **Exhibit "C"** for a fee of Eighty One Thousand Seven Hundred Six 00/100 Dollars (\$81,706.00). The proposed street closures and dedication are depicted in **Exhibit "D"**; and

WHEREAS, currently, Live Oak Street is a 33.40 foot-wide, two (2) lane, one-way street running north from Nolan Street to Brooklyn Street and closure of the eastern-most lane, conversion of Live Oak Street to a 16.70 foot-wide, (1) lane, one-way street running north from entrance ramp of IH37 North to Brooklyn Avenue will accommodate the anticipated increase in pedestrians visiting the mobile food park, music venue, and community garden; and

WHEREAS, dedication of 0.012 of an acre from StrEat Parks, LLC to the City of San Antonio will allow large vehicles to turn right onto Brooklyn Avenue from Live Oak Street without entering into the oncoming traffic lane; and

WHEREAS, in accordance with Chapter 37 of the Municipal Code, signs were placed at the proposed closures and letters were sent to property owners within a 500-foot radius, to provide notice and the public hearing date of the proposed closures; and

WHEREAS, the closure fee established for this request totals \$261,957.00 (“Initial Closure Fee”), which includes the assessed value of the Public Rights of Way in the amount of \$261,613.00 plus \$344.00 for administrative costs. The closure fee, administrative costs excepted, has been reduced by 25% in accordance with the Inner City Reinvestment/Infill Policy (“ICRIP”). A credit of \$8,959.00 has been applied due to the property dedication to accommodate turning vehicles on Brooklyn. Based on Healy Murphy Center’s 501(c)(3) tax-exempt status and its mission benefitting the community, staff in consultation with City Council District 2 is supportive of a \$105,888.75 reduction the closure fee. The new established closure fee totals \$81,706.00 (“Final Closure Fee”); and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on June 13, 2018; **NOW THEREFORE:**

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

SECTION 1. The City Council hereby authorizes following for a Final Closure Fee of \$81,706.00:

- A. The closure, vacation, and abandonment of its Right of Way interests as to .276 acres consisting of an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street, subject to the reservation listed below.
- B. The closure, vacation, and abandonment of its Right of Way interests as to 0.077 acres consisting of an improved portion of Live Oak Street located between Brooklyn Avenue and the entrance ramp to IH37 North, subject to the reservation listed below.
- C. The acceptance of a dedication of 0.012 of an acre from StrEat Parks, LLC.

SECTION 2. Detailed descriptions of the Right of Way segments are set forth on **Exhibits “A” and “B.”** Maps and pictures of the Right of Way segments are set forth on **Exhibit “D.”** All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibits “A” and “B”** control over any discrepancy between them and **Exhibit “D.”**

SECTION 3. Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

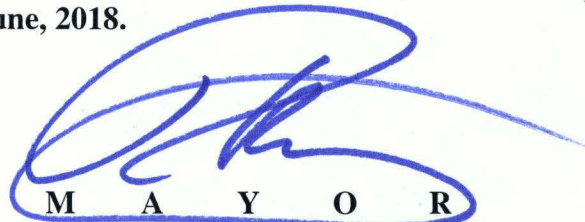
SECTION 4. The disposition of surplus property must be coordinated through the City’s Finance Department to assure the removal of these assets into the City’s financial records and to record the proper accounting transactions.

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SECTION 5. 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.


SECTION 6. 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, 2018.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	24 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18A, 18B, 19, 20, 21, 22, 23, 24, 25A, 25B, 25C, 27, 28, 29, 30, 31, 34, 35A, 35B, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 56A, 56B, 56C, 56D, 56E)						
Date:	06/21/2018						
Time:	09:39:05 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance closing, vacating and abandoning a 0.276 of an acre improved portion of Burnet Street Public Right of Way located between Brooklyn Avenue and Live Oak Street and a 0.077 of an acre improved portion of Live Oak Street Public Right of Way located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North and accepting the dedication of a 0.012 of an acre tract of real property as requested by StrEat Parks, LLC., Sisters of the Holy Spirit and Mary Immaculate Inc. and Healy Murphy Center Inc., for a fee of \$81,706.00, in City Council District 2 [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

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EXHIBIT A

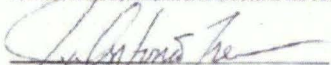
FIELD NOTES BURNET – NORTH TRACT

METES AND BOUNDS DESCRIPTION
OF TRACT 1 BEING A
PARTIAL VACATION OF BURNET STREET
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

- (1) A 0.126 acre or 5504 square feet more or less, tract of land, being that portion of the right-of-way adjacent to and south of Block 24, lots or parts of lots 11-13, New City Block 534 extending to the centerline of Burnet Street (called 55.6 feet wide) and the extension of the southwest right-of-way of Brooklyn Street (called to be 80 feet wide), adjacent to that certain tract of land described as a tract of 0.283 acres of land consisting of all or portions of Lots 11-13, Block 24, New City Block 534 as described in deed to SHILAI PARKS, LLC recorded in Clerks Document Number 20160237342 Official Public Records of Bexar County, Texas and described by metes and bounds as follows;
- (2) Beginning at an iron rod found in the north right-of-way of Burnet Street and the east right-of-way of Live Oak Street (called 33.1 feet wide) and the PLACE OF BEGINNING hereof;
- (3) Thence with the north line of Burnet Street and the south line of New City Block 534, N 89°32'37" E, at a distance of 152.75 feet pass an iron rod found for the southeast corner of Lot 13, and continue for a total distance 180.13 feet to an iron rod set in the extension of the southwest right-of-way of Brooklyn Street and the northeast corner hereof;
- (4) Thence with said right-of-way of Brooklyn Street, S 52°28'11" E, a distance of 45.16 feet to an iron rod set in the centerline Burnet Street;
- (5) Thence with the centerline Burnet Street, S 89°32'33" W, a distance of 212.96 feet to an iron rod set in the east right-of-way of Live Oak Street and the southwest corner hereof;
- (6) Thence with the east right-of-way of Live Oak Street N 00°05'15" W, a distance 27.80 feet to the PLACE OF BEGINNING, containing 0.126 acres or 5504 square feet of land more or less.

Note: 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 iron rods set are 1/2 inch rebar with survey caps attached. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

C:\Users\jtrevino\Desktop\Survey\5552\11103 BURNET_APT#RE:103 TRACT 1.dwg



Jose Antonio Trevino
Registered Professional Land Surveyor
Texas Registration No. 5552
MARCH 3, 2017



Total square feet = 12,003 (5,504 + 6,499)

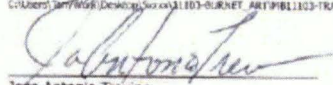
FIELD NOTES BURNET - SOUTH TRACT

METES AND BOUNDS DESCRIPTION
OF TRACT 2 BEING A
PARTIAL VACATION OF BURNET STREET
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

- (1) A 0.149 acre or 6499 square feet more or less, tract of land, being that portion of the right-of-way adjacent to and north of Block 32, lots or parts of lots 15-18, New City Block 543 extending to the centerline of Burnet Street (called 55.6 feet wide) and the extension of the southwest right-of-way of Brooklyn Street (called to be 80 feet wide), being the same tract of land described as being the east 44.5 feet of Lot 15, all of Lots 16-17, and the south 143.23 feet of Lot 18 said block 32, less and except that portion conveyed to the City of San Antonio, conveyed to the SISTERS OF THE HOLY SPIRIT AND MARY IMMACULATE and recorded under Clerks Document Number 20160062117 Official Public Records of Bexar County, Texas and described by metes and bounds as follows;
- (2) Commencing at an iron rod found being the southwest corner of that certain tract of land described as a tract of 0.283 acres of land consisting of all or portions of Lots 11-13, Block 24, New City Block 534 as described in deed to STREAT PARKS, LLC recorded in Clerks Document Number 20160237342 Official Public Records of Bexar County, said iron rod being in the north right-of-way of Burnet Road and the east right-of-way of Live Oak Street (called 33.4 feet wide) and the PLACE OF COMMENCING hereof;
- (3) Thence with the east right-of-way of Live Oak Street S 00°05'15"E, a distance 27.80 feet to an iron rod set in the centerline of Burnet Street and the PLACE OF BEGINNING hereof;
- (4) Thence with the centerline Burnet Street, N 89°32'33" E, a distance of 212.96 feet to an iron rod set in the extension of the southwest right-of-way of Brooklyn Street and the northeast corner hereof;
- (5) Thence with said right-of-way of Brooklyn Street, S 52°28'11" E, a distance of 45.16 feet to an iron rod set in the south right-of-way line Burnet Street and the north line of New City Block 543, and the north line of the "Sisters" tract from which an iron rod found for the north east corner of said "Sisters" tract bears N 89°32'33" E, a distance of 64.01 feet
- (6) Thence with the south right-of-way line of Burnet Street and the north line of New City Block 543, S 89°32'33" W, a distance of 251.67 feet to an iron rod found in the east right-of-way line of Live Oak Street and the southeast corner hereof;
- (7) Thence with the east right-of-way of Live Oak Street N 00°05'15"W, a distance 27.80 feet to the PLACE OF BEGINNING, containing 0.149 acres or 6499 square feet of land more or less.

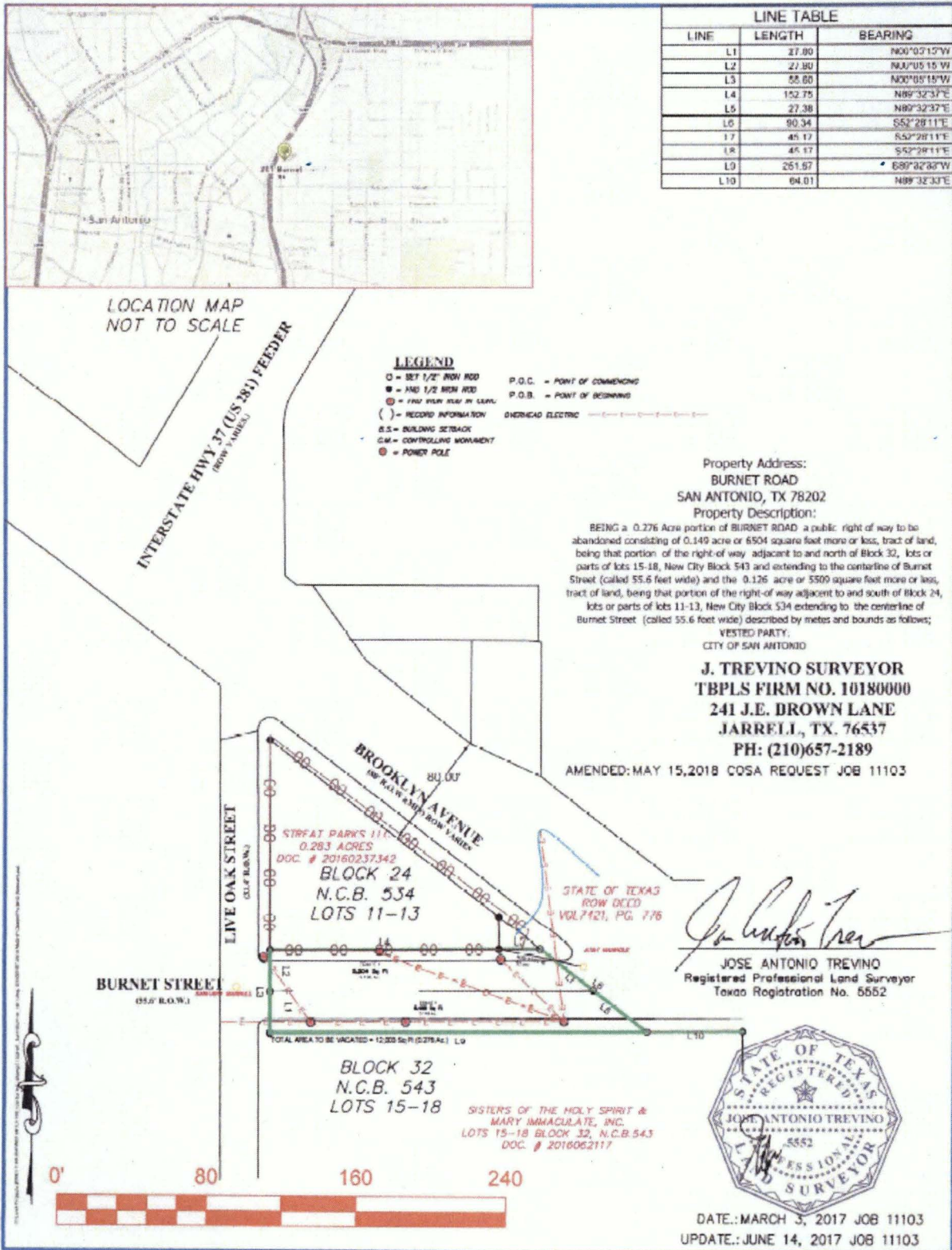
Note: I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. All iron rods set are 1/2 inch rebar with survey caps attached. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

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Jose Antonio Trevino
Registered Professional Land Surveyor
Texas Registration No. 5552
MARCH 3, 2017



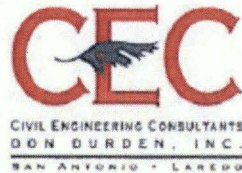
Total square feet = 12,003 (5,504 + 6,499)



VS
06/21/18
Item No. 24

EXHIBIT B

FIELD NOTES LIVE OAK— NORTH TRACT



March 5, 2018
Job No.: E0593600

DESCRIPTION OF 0.036 ACRE TRACT

Being 0.036 Acres (1580 Sq. Ft.) out of Live Oak Street, City of San Antonio as shown on the City Engineers Map of the City of San Antonio, Bexar, County, Texas and being more particularly described as follows:

Beginning at a point at the north end of a curve return on the south line of Burnet Street with the east line of Live Oak Street as shown on a subdivision plat of Healy-Murphy Center Subdivision recorded in Volume 9603, Page 126, Official Public Records, Bexar County, Texas, said point also being the **POINT OF COMMENCEMENT**,

Thence, South $89^{\circ} 43' 06''$ West, a distance of 15.00 feet in a westerly direction with the extension of the south line of Burnet Street to a point, said point being the point of intersection of the south line of Burnet Street with the east line of Live Oak Street, being the southeast corner and the **POINT OF BEGINNING** of the herein described tract;

Thence, South $89^{\circ} 43' 06''$ East, a distance of 10.09 feet to a point for the southwest corner of the herein described tract;

Thence, North $00^{\circ} 13' 01''$ West, a distance of 156.15 feet to a point for the northwest corner of the herein described tract;

Thence, North $65^{\circ} 38' 21''$ East, a distance of 10.81 feet to a point on the east Right-of-Way line of Live Oak Street, said point also being the northeast corner of the herein described tract,

Thence, South $00^{\circ} 17' 57''$ East, a distance of 160.56 feet, in a southerly direction and with the east Right-of-Way line of Live Oak Street to the **POINT OF BEGINNING** containing 0.036 (1580 square feet) acres of land, more or less.

This description was prepared from a survey made on the ground under my direct supervision by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 18th day of October, 2017.

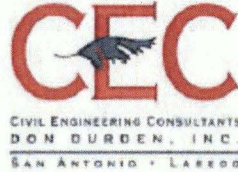


Alan D. Lindskog
Alan D. Lindskog, RPLS # 2845

LAREDO SAN ANTONIO SAN ANTONIO COLLEGE STATION

11550 I-10 WEST, SUITE 385 | SAN ANTONIO, TEXAS 78230-1837 | (210) 641-0999 | FAX (210) 641-6440
TEXAS FIRM REGISTRATION NUMBERS: ENGINEERING F-2214 | SURVEYING 18041006 | WWW.CECTEXAS.COM

FIELD NOTES LIVE OAK- SOUTH TRACT



March 5, 2018
Job No.: EDS93600

DESCRIPTION OF 0.041 ACRE TRACT

Being 0.041 Acres (1806 Sq. Ft.) out of Live Oak Street, City of San Antonio as shown on the City Engineers Map of the City of San Antonio, Bexar, County, Texas and being more particularly described as follows:

Beginning at a point at the south end of a curve return on the east line of Live Oak Street with the south line of Burnet Street as shown on a subdivision plat of Healy-Murphy Center Subdivision recorded in Volume 9603, Page 126, Official Public Records, Bexar County, Texas, said point also being the **POINT OF BEGINNING** of the herein described tract;

Thence, South $00^{\circ} 17' 57''$ West, a distance of 177.79 feet in a southerly direction with the east line of Live Oak Street to a $\frac{1}{4}$ " iron set for the southeast corner of the herein described tract;

Thence, North $14^{\circ} 24' 02''$ East, a distance of 36.33 feet to the point of curvature of the herein described tract;

Thence, with the west line of the herein described tract and curve to the right, having a radius of 40.00 feet, an arc length of 11.88 feet, a central angle of $14^{\circ} 11' 01''$, a chord bearing North $07^{\circ} 18' 31''$ West, and chord distance 11.85 feet, to the point of tangency of the herein described tract;

Thence, North $14^{\circ} 24' 02''$ West, a distance of 145.80 feet to a point on an extension line of the South Right-of-Way line of Burnet Street, said point also being the northwest corner of the herein described tract,

Thence, North $89^{\circ} 43' 06''$ East, a distance of 25.09 feet to a point on the South Right-of-Way line Burnet Street, said point also being the beginning of a curve and the northeast corner of the herein described tract,

Thence, with the east line of the herein described tract and curve to the left, having a radius of 15.00 feet, an arc length of 23.56 feet, a central angle of $90^{\circ} 04' 56''$, a chord bearing South $44^{\circ} 42' 33''$ West, and chord distance 21.22 feet, to the point of tangency and the **POINT OF BEGINNING** containing 0.041 (1806 square feet) acres of land, more or less.

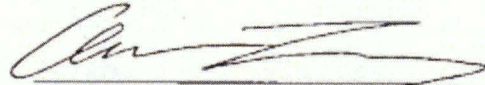
LAREDO SAN ANTONIO BRYAN/COLLEGE STATION

11550 IH 10 WEST, SUITE 305 | SAN ANTONIO, TEXAS 78230-1037 | (210) 641-8999 | FAX (210) 641-6440
TEXAS FIRM REGISTRATION NUMBERS: ENGINEERING F-2214 | SURVEYING 10041000 | WWW.CECTEXAS.COM

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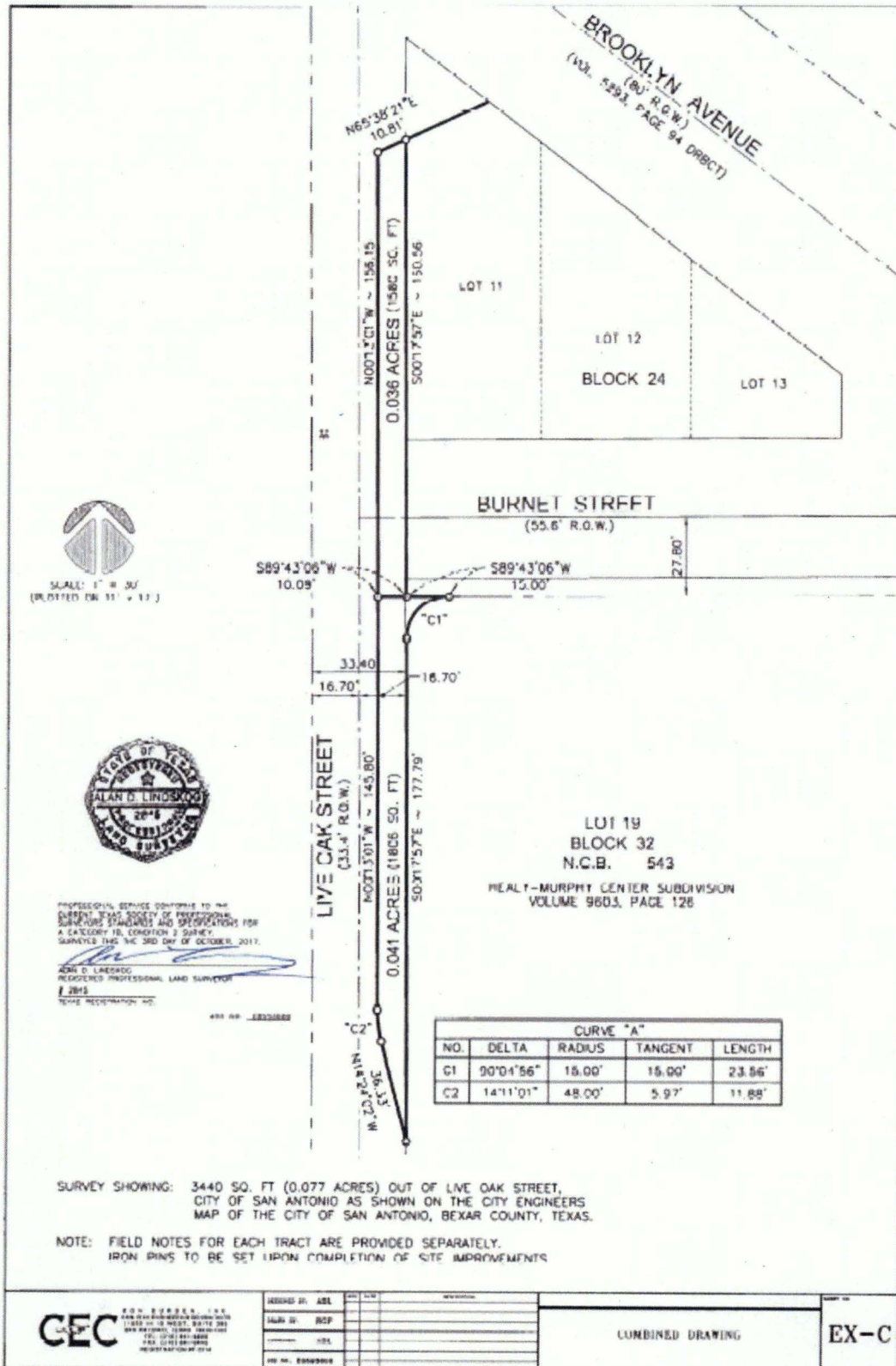
3 of 4

This description was prepared from a survey made on the ground under my direct supervision by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 18th day of October, 2017.



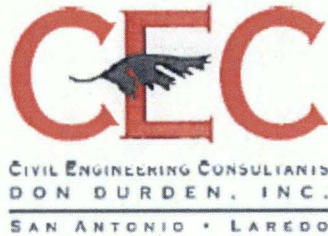
Alan D. Lindskog, RPLS # 2845





VS
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EXHIBIT C



March 5, 2018
Job No.: E0593600
Brooklyn Food Park
ROW Dedication

DESCRIPTION OF 0.012 ACRE TRACT

Being 0.012 Acres (527 Sq. Ft.) out of that 0.283 Acre tract of land described in a deed recorded in Volume 8235, Page 1020, Official Public Records, Bexar County, Texas, also being out of Lot 11, Block 24, N.C.B. 534 as shown on the City Engineers Map of the City of San Antonio, Bexar, County, Texas and being more particularly described as follows:

COMMENCING at a point at the intersection of the North Right-of-Way of Burnet Street and the East Right-of-Way of Live Oak Street, said point also being the Southwest corner of said 0.283 Acre Tract and the Southwest corner of said Lot 11 for the **POINT OF COMMENCEMENT**;

Thence, N00°17' 57"W, a distance of 104.96 feet with the east line of Live Oak Street to a ½" iron bar set for the southern most corner and the **POINT OF BEGINNING** of the herein described tract;


Thence, , N00° 17' 57"W, a distance of 35.95 feet continuing with the east line of Live Oak Street to a ½" iron set at the intersection of the East Right-of-Way line of Live Oak with the South Right-of-Way of Brooklyn Avenue, said point also being the northernmost corner of the herein described tract;

Thence, S52° 23' 04"E, a distance of 37.18 feet along the south Right-of-Way line of Brooklyn Avenue to a ½" iron bar set for the eastern most corner of the herein described tract;

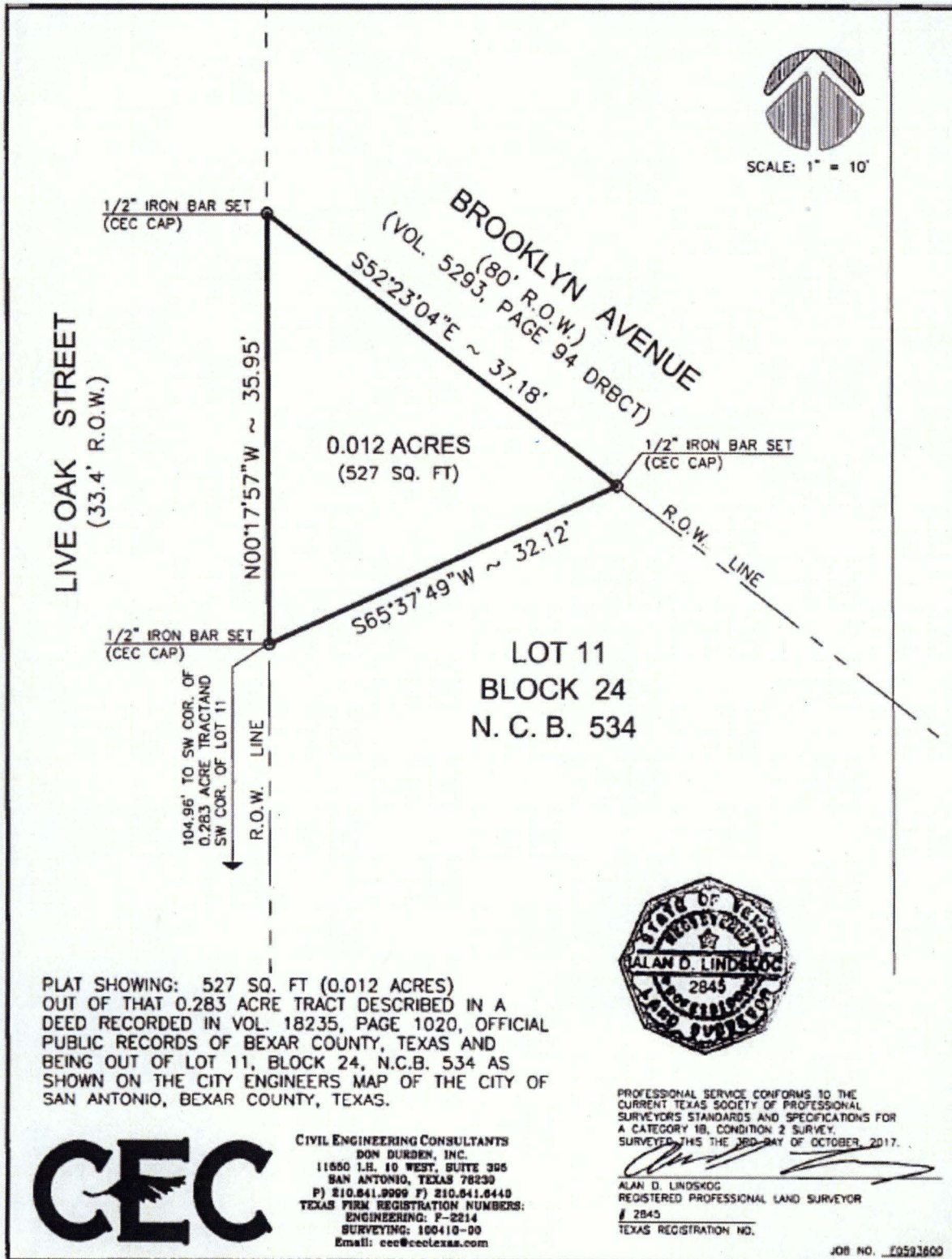
Thence, S65° 37' 49"W, a distance of 32.12 feet, to the **POINT OF BEGINNING** containing 0.012 (4,117.78 square feet) acres of land, more or less.

This description was prepared from a survey made on the ground under my direct supervision by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 18th day of October, 2017.




Alan D. Lindskog, RPLS # 2845

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PLAT SHOWING: 527 SQ. FT (0.012 ACRES)
 OUT OF THAT 0.283 ACRE TRACT DESCRIBED IN A
 DEED RECORDED IN VOL. 18235, PAGE 1020, OFFICIAL
 PUBLIC RECORDS OF BEXAR COUNTY, TEXAS AND
 BEING OUT OF LOT 11, BLOCK 24, N.C.B. 534 AS
 SHOWN ON THE CITY ENGINEERS MAP OF THE CITY OF
 SAN ANTONIO, BEXAR COUNTY, TEXAS.



PROFESSIONAL SERVICE CONFORMS TO THE
 CURRENT TEXAS SOCIETY OF PROFESSIONAL
 SURVEYORS STANDARDS AND SPECIFICATIONS FOR
 A CATEGORY 1B, CONDITION 2 SURVEY,
 SURVEYED THIS THE 3RD DAY OF OCTOBER, 2017.

Alan D. Lindskog
 ALAN D. LINDSKOG
 REGISTERED PROFESSIONAL LAND SURVEYOR
 # 2845
 TEXAS REGISTRATION NO.



CIVIL ENGINEERING CONSULTANTS
 DON DURDEN, INC.
 11650 I.H. 10 WEST, SUITE 306
 SAN ANTONIO, TEXAS 78230
 P) 210.641.9999 F) 210.641.6440
 TEXAS FIRM REGISTRATION NUMBERS:
 ENGINEERING: F-2214
 SURVEYING: 160410-00
 Email: cec@cecetexas.com

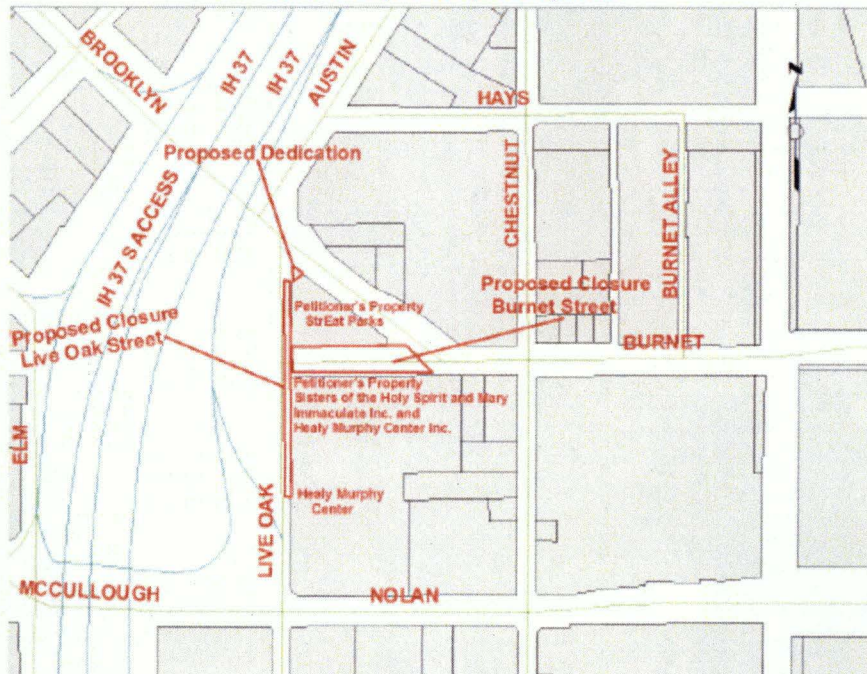
JOB NO. 19591600

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Item No. 24

EXHIBIT D



Aerial Map of Subject Properties



Map of Subject Properties