

AN ORDINANCE 2017-06-15-0440

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.096 ACRE UNIMPROVED ALLEY LOCATED ADJACENT TO 205 WEST HARLAN AVENUE IN COUNCIL DISTRICT 3 AS REQUESTED BY ROLAND HUERTA FOR A FEE OF \$4,810.00.**

\* \* \* \* \*

**WHEREAS**, Roland Huerta (“Petitioner”) owns or has agreement from the owners abutting the property surrounding the proposed closure; and

**WHEREAS**, this portion of alley is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs; **NOW THEREFORE**,

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

**SECTION 1.** As an exercise of its discretion, the City Council authorizes the closure, vacation, and abandonment of the right of way segment (“Right of Way Segment”) identified in Section 2 of this Ordinance. The City Manager or her designee, severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation.

**SECTION 2.** Maps and pictures of the Right of Way Segment are set forth on **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.** The properties abutting the Right-of-Way Segment are:

| Address:         | Description:                   | Owner Listed by Bexar Appraisal District : |
|------------------|--------------------------------|--|
| 205 W Harlan Ave | NCB 7799 Blk 5 Lot 22          | Huerta Roland                              |
| 147 W Harlan Ave | NCB 7799 Blk 5 Lot 21          | Zamora Lawrence A & Elizabeth S            |
| 147 W Harlan Ave | NCB 7799 Blk 5 Lot 18, 19 & 20 | Zamora Lawrence A & Elizabeth S            |

The listing above is made solely to facilitate indexing of this Ordinance in the real property records. If the listing is inaccurate or not comprehensive, it does not affect the validity of the closure.

**SECTION 4.** Reservation of Utility Rights. All presently existing drainage, water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, 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 accessed, used, repaired, enlarged, upgraded, replaced (and realigned within the Right-of-Way

segment) and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, line or facility must negotiate separately with the pertinent utility. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having poles, lines or facilities in the segment does so at his own risk. After the date of this Ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. All drainage rights in the Right-of-Way Segment are retained by the City. 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 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.** Petitioner shall pay \$4,810.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 22300000253 and General Ledger 4903101.

**SECTION 7.** 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 8.** 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 9.** 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.

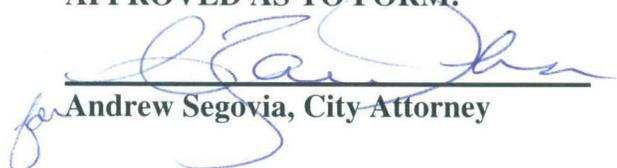
**PASSED AND APPROVED** this 15th day of June, 2017.

  
M A Y O R  
Ivy R. Taylor

ATTEST:

  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
Andrew Segovia, City Attorney

| <b>Agenda Item:</b> | 12 ( in consent vote: 4, 5, 6, 7, 9, 10, 11A, 11B, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35A, 35B )  |                    |            |            |                |               |               |
|---------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Date:</b>        | 06/15/2017   |                    |            |            |                |               |               |
| <b>Time:</b>        | 09:32:16 AM  |                    |            |            |                |               |               |
| <b>Vote Type:</b>   | Motion to Approve  |                    |            |            |                |               |               |
| <b>Description:</b> | An Ordinance authorizing the closure, vacation and abandonment of a 0.096 acre unimproved alley located adjacent to 205 West Harlan Avenue in Council District 3 as requested by Roland Huerta for a fee of \$4,810.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements] |                    |            |            |                |               |               |
| <b>Result:</b>      | Passed   |                    |            |            |                |               |               |
| <b>Voter</b>        | <b>Group</b>   | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>Motion</b> | <b>Second</b> |
| Ivy R. Taylor       | Mayor  |                    | x          |            |                |               |               |
| Roberto C. Treviño  | District 1   |                    | x          |            |                | x             |               |
| Alan Warrick        | District 2   |                    | x          |            |                |               |               |
| Rebecca Viagran     | District 3   |                    | x          |            |                |               |               |
| Rey Saldaña         | District 4   |                    | x          |            |                |               |               |
| Shirley Gonzales    | District 5   |                    | x          |            |                |               |               |
| Ray Lopez           | District 6   |                    | x          |            |                |               |               |
| Ana E. Sandoval     | District 7   |                    | x          |            |                |               |               |
| Ron Nirenberg       | District 8   |                    | x          |            |                |               |               |
| Joe Krier           | District 9   |                    | x          |            |                |               |               |
| Michael Gallagher   | District 10  |                    | x          |            |                |               | x             |

# Attachment I



## Attachment II



### METES AND BOUNDS DESCRIPTION FOR A 0.096 ACRE TRACT OF LAND

October 7, 2016

Being a 0.096 acre tract (4175 sq. ft.) of land and also being a portion of a 25' alley on block 5, N.C.B. 7799, recorded in vol. 105, pg. 24, Deed and Plat Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING:** at a found 1/2" iron rod found along the north R.O.W. line of W. Harlan Ave. and the west line of Scheh St.; **THENCE: South 90°00'00" West** along the north line of W. Harlan Ave. a distance of **167.00 feet** to a reference point at the southwest corner of a tract deeded to Lawrence A. and Elizabeth S. Zamora, recorded in vol. 11227, pg. 1186, Real Property Records of Bexar County, Texas for the southeast corner and **POINT OF BEGINNING** of this tract;

**THENCE: South 90°00'00" West**, along the north line of W. Harlan Ave. a distance of **25.00 feet** to a set 1/2" iron rod at the southeast corner of Lot 23, Blk. 5, N.C.B. 7799, Mission Ridge Subdivision recorded in vol. 105, pg. 24, Deed and Plat Records, Bexar County, Texas for the southwest corner of this tract;

**THENCE: North 00°00'00" West**, a distance of **167.00 feet** along the east line of said Lot 23 to a set 1/2" iron rod at the northeast corner of Lot 23 and the south line of an alley for the northwest corner of this tract;

**THENCE: North 90°00'00" East**, a distance of **25.00 feet** to a reference point along the west line of said Zamora tract for the northeast corner of this tract;

**THENCE: South 00°00'00" East**, a distance of **167.00 feet** along the east line of said alley to the **POINT OF BEGINNING** and containing a 0.096 acre tract of land, more or less, according to a survey made on the ground;

SouthCentral Surveyors of Texas



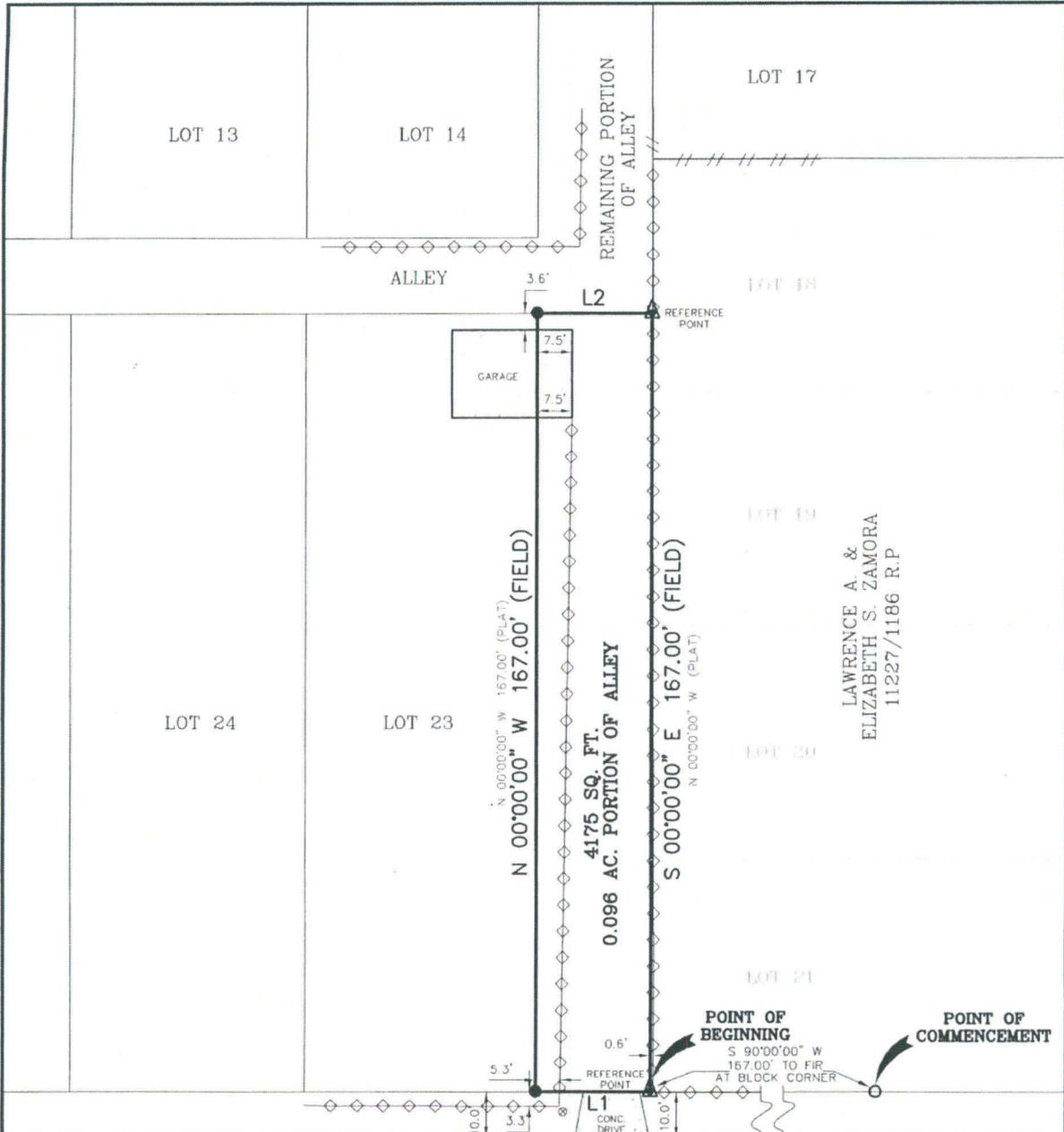
Peter A. Aguirre, R.P.L.S.

Registration No. 5464

Job # 16-0170-001 B

A drawing of even job number and date was also prepared.





**W. HARLAN**  
(USPS: W. HARLAN AVE.)  
(50' R.O.W., ASPHALT PAVEMENT)  
(PLATTED AS: DAVIS STREET)



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 90°00'00" W | 25.00'   |
| PLAT | S 90°00'00" W | 25.00'   |
| L2   | N 90°00'00" E | 25.00'   |
| PLAT | N 90°00'00" E | 25.00'   |

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. CONFLICTS IN TITLE, EASEMENTS OR SETBACKS ARE NOT CERTIFIED HEREON. FIELD CONDITIONS ARE AS SHOWN.

|  |  |                        |                       |
|--|--|------------------------|-----------------------|
| OWNER: ROLAND HUERTA   | ADDRESS: W HARLAN (ALLEY PORTION)                            | <b>LEGEND:</b>         |                       |
| TITLE COMPANY: ~   | C.F. NO.: ~  | --= WOOD FENCE         | ⊗ = POWER POLE        |
| LOT: ~   | BLOCK: 5   | ⊕ = CHAIN LINK FENCE   | ⊕ = FIRE HYDRANT      |
| SUBDIVISION: MISSION RIDGE   | N.C.B.: 7799   | ⊗ = BARBED WIRE FENCE  | ⊕ = FND 1/2" IRON ROD |
| CITY: SAN ANTONIO  | COUNTY: BEXAR  | ⊕ = WROUGHT IRON FENCE | ● = SET 1/2" IR       |
| STATE: TEXAS   |  | ■ = FND FENCE POST     | ⊗ = SET "X" ON CONG.  |
| PLAT RECORDED IN: VOLUME 105 PAGE 24 DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS  |  |                        |                       |
| RESTRICTIVE COVENANTS AS SHOWN ON SCHEDULE (B), ITEM 1 OF THE REFERENCED TITLE COMMITMENT: REFER TO TITLE COMMITMENT FOR ADDITIONAL ITEMS. |  |                        |                       |
| VOLUME ~ PAGE ~ DEED RECORDS OF BEXAR COUNTY, TEXAS  | VOLUME ~ PAGE ~ REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |                        |                       |
| VOLUME ~ PAGE ~ DEED RECORDS OF BEXAR COUNTY, TEXAS  | VOLUME ~ PAGE ~ REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS |                        |                       |

**GENERAL SURVEY NOTES**  
1. UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND ITEMS OR ENCUMBRANCES ARE NOT LOCATED BY THIS SURVEY.



STATE OF TEXAS  
COUNTY OF BEXAR  
I HEREBY CERTIFY THAT THE ABOVE DRAWING IS