

ORDINANCE 2018-12-06-0968

**AUTHORIZING THE ACQUISITION AND ACCEPTANCE OF
BROOKLYN AVENUE BETWEEN BURNET STREET AND LIVE OAK
FROM THE TEXAS DEPARTMENT OF TRANSPORTATION UNDER
TEXAS TRANSPORTATION CODE 202.021(e) FOR A PUBLIC
PURPOSE.**

* * * * *

WHEREAS, a small section of Brooklyn Avenue is owned by the Texas Department of Transportation (“TxDOT”) and considered to be surplus improved right-of-way, and is no longer needed by TxDOT; and

WHEREAS, City Council approved Ordinance 2018-06-21-0481 closing an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and an improved portion of Live Oak Street between Brooklyn Avenue and the entrance ramp onto IH-37 North to help facilitate development and provide safe pedestrian access; and

WHEREAS, north of the proposed development is section of Brooklyn Avenue between Burnet Street and Live Oak Street, described and incorporated as **Exhibit A** and **Exhibit B**, which is a Texas Department of Transportation owned right-of-way; and

WHEREAS, by accepting the portion of Brooklyn Avenue between Burnet Street and Live Oak Street from TxDOT pursuant to Texas Transportation Code 202.021(e), the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way and permit the review and consideration of an encroachment adjacent to the right-of-way and acquisition of the roadway will help facilitate the continued commercial development of land adjacent to Brooklyn Avenue; and

WHEREAS, following approval by City Council, the proposed acquisition will be presented (by TxDOT) to the Texas Governor who will issue a deed transferring ownership of the subject right-of-way to the City of San Antonio; and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on August 22, 2018; **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 acquisition of Brooklyn Avenue between Burnet Street and Live Oak Street from the Texas Department of Transportation where payment has been waived under Texas Transportation Code 202.021(e).

SECTION 2. Detailed descriptions of the Right of Way segment is set forth on **Exhibits A and B**. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibit B** controls over any discrepancy between it and **Exhibit A**.

SECTION 3. The acquisition of surplus property must be coordinated through the City's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

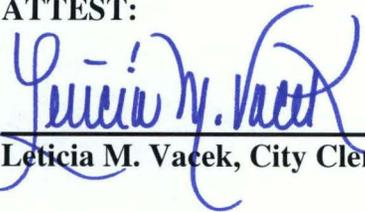
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 5. 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.

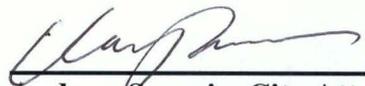
PASSED AND APPROVED this 6th day of December, 2018.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	17A (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17A, 17B, 18, 19)						
Date:	12/06/2018						
Time:	10:02:35 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance accepting a portion of Brooklyn Avenue between Burnet Street and Live Oak Street from the Texas Department of Transportation. Payment for the property has been waived by TxDOT under the Texas Transportation Code 202.021(e), and the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way for public purpose.						
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				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			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				

VS
12/06/18
Item No. 17A

EXHIBIT A

Exhibit A



VS
12/06/18
Item No. 17A

EXHIBIT "B"



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

County: Bexar
Highway: Interstate Highway 37
State Control No. 0073-08
District 15

February 7, 2018
Job No.: E0593600
Page 1 of 4

**PROPERTY DESCRIPTION
FOR TRACT No. 1**

0.5765 OF ONE ACRE (25,111 SQUARE FEET) PARCEL OF LAND, SITUATED IN THE SAN ANTONIO TOWN TRACT SURVEY, ABSTRACT NO. 20, BEING A PORTION OF THE I.H. 37 RIGHT-OF-WAY, IN NEW CITY BLOCK (N.C.B.) 534, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SAID 0.5765 OF AN ACRE BEING A PORTION OF AN 80-FOOT WIDE RIGHT-OF-WAY COMPOSED OF FIVE PARCELS CONVEYED TO THE STATE OF TEXAS AS FOLLOWS: (PARCEL 247) BY DEED FROM A. C. GILL AND WIFE, ADELAIDE GILL, EXECUTED JAUARY 13, 1965, RECORDED IN VOLUME 5299, PAGE 20, (PARCEL 248) BY DEED FROM NAVARRO IMPROVEMENT COMPANY, EXECUTED FEBRUARY 16, 1968, RECORDED IN VOLUME 5923, PAGE 94, (PARCEL 249) BY DEED FROM HAROLD H. ARNOLD AND WIFE, NADINE ARNOLD, EXECUTED JANUARY 28, 1965, RECORDED IN VOLUME 5305, PAGE 776, (PARCEL 250) BY DEED FROM GUADALUPE GUTIERREZ AND WIFE, MANUELA G. GUTIERREZ, EXECUTED SEPTEMBER 7, 1967, RECORDED IN VOLUME 5837, PAGE 38 AND (PARCEL 251) BY DEED FROM HELEN ORRIN, EXECUTRIX OF THE ESTATE OF MORRIS ORRIN, LEONARD ORRIN, LEON TOBIAS, TRUSTEE, ROBERT TOBIAS, TRUSTEE, EXECUTED JULY 12, 1968, RECORDED IN VOLUME 6029, PAGE 523, ALL IN DEED RECORDS, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar stamped "ELIZONDO" found (N: 13,703,876.60, E: 2,133,990.23), in the north right-of-way line of Burnet Street (R.O.W. 55.6'), the southeast corner of a 0.2830 of an acre parcel of land, said 0.2830 of one acre parcel being a portion of Lots 11, 12 and 13, Block 24, described in Volume 18235, Page 1020, Official Public Records, Bexar County, Texas, from which a Chiseled "X" in concrete found at the intersection of the north right-of-way line of said Burnet Street and the east right-of-way line of Live Oak Street (R.O.W. 33.4'), bears South 89°43'06" West, coincident with the common line of the north right-of-way line of said Burnet Street and the south line of said 0.2830 of one acre parcel, a distance 153.08 feet; the southwest corner hereof;

- (1) **THENCE**, North 00°02'00" West, departing the north right-of-way line of Burnet Street, coincident with the common line of I.H. 37, a distance of 21.64 feet (21.32 feet) to a 1/2" rebar stamped "ELIZONDO" found at the northeast corner of the 0.2830 of one acre parcel, at an angle corner;

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CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

County: Bexar
Highway: Interstate Highway 37
State Control No. 0073-08
District 15

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**PROPERTY DESCRIPTION
FOR TRACT No. 1**

- (2) **THENCE**, North 52°23'04" West (North 52°14'45" West), continuing coincident with the common line of the right-of-way line of I.H. 37 and the northeast line of said 0.2830 of one acre parcel, a distance of 194.17 feet (193.29 feet) to a ****TXDOT TYPE III MONUMENT** set at the intersection of the southwest right-of-way line of I.H. 37 and said east right-of-way line of Live Oak Street (R.O.W. 33.4'), the north corner of the 0.2830 of one acre parcel at the westernmost southwest corner;
- (3) **THENCE**, North 00°17'57" West (North 00°02'00" West), departing said intersection and crossing said I.H. 37 right-of-way (A.K.A. Brooklyn Street), a distance of 86.32 feet (86.42 feet) to a ****TXDOT TYPE III MONUMENT** set at a corner in the east right-of-way line of Live Oak Street at the northwest corner hereof;
- (4) **THENCE**, North 89°46'00" East, a distance of 19.40 feet (19.02 feet) to a 1/2" rebar with a "CEC" plastic cap set on the common right-of-way line of I.H. 37 and Live Oak Street, on the southwest line of Lot 20, Block 24, Dipal Subdivision, recorded in Volume 9601, Page 105, Deed and Plat Records, Bexar County, Texas, at the northeast corner hereof;
- (5) **THENCE**, South 52°23'04" East (South 52°14'45" East), departing the east right-of-way line of Live Oak Street, coincident with the common right-of-way line of I.H. 37 and the remaining portion of Lot 9, Lot 12, Lot 13, Lot 14 and a portion of Lot 20 of said Dipal Subdivision, a distance of 369.90 feet (368.32 feet) to a Mag Nail with CEC washer set in the aforementioned north right-of-way line of Burnet Street, the southwest corner of said Lot 20 from which a 1/2" rebar found bears North 85°41'22" East, a distance of 3.65 feet, the southeast corner hereof;

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PROPERTY DESCRIPTION FOR TRACT No. 1

(6) **THENCE**, South 89°43'06" West (South 89°46'00" West), crossing the right-of-way of said I.H. 37, a distance of 158.14 feet (157.35 feet) to the **POINT OF BEGINNING**, containing 0.5765 of an acre (25,111 Square Feet) of land.

I, I. Ray Inman, Registered Professional Land Surveyor, do hereby declare that this description and accompanying plat is true and correct to the best of my knowledge and belief and the property described herein was determined by survey made on the ground under my direction and supervision.


I. Ray Inman, P.L.S. #44196

Note:

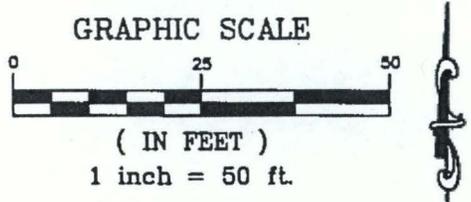
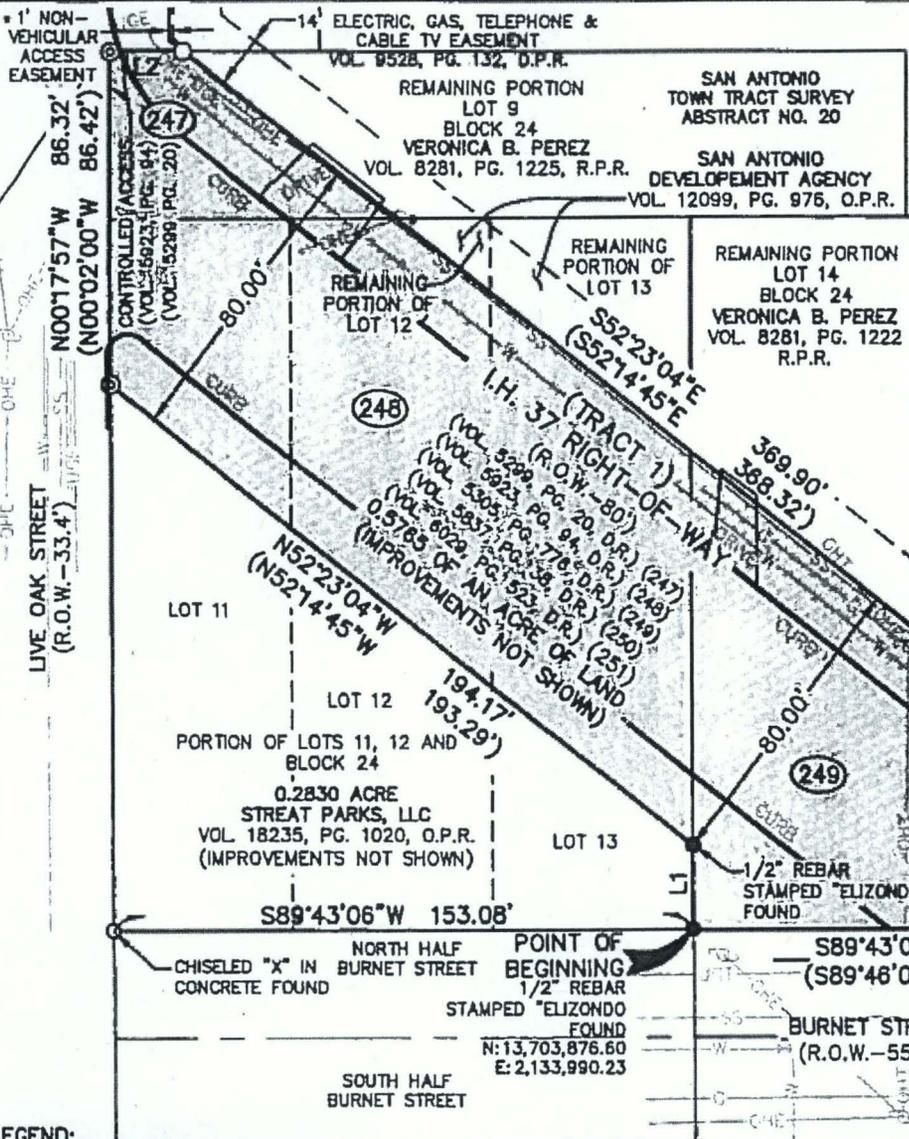
**the monument described and set in this call may be replaced with the TxDOT Type II right-of-way marker upon completion of the construction project, under the supervision of a Registered Professional Land Surveyor, either employed or retained by the TxDOT.

All coordinates and bearings are based on the Texas State Plane Coordinate System, South Central Zone CORS 6.0.1 (EPOCH 2011). All distances and coordinates shown hereon are surface values in U.S. Survey feet and may be converted to grid by divided by a TxDOT conversion factor for Bexar County of 1.00017.

A parcel plat of even date was prepared in conjunction with this property description.

I.H. 37 Right of Way information was obtained from TxDot Right of Way Map Control Number 73-8-19 dated September 14, 1962.

X:\data\survey\Proj_2017\E0593600 Brooklyn StrEat Food Park\field notes\BROOKLYN STREET 0.576 AC DES.docx



N. C. B. . . . 5 3 4
 LOT 20
 BLOCK 24
 DIPAL SUBDIVISION
 VOL. 9601, PG. 105, D.P.R.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°02'00"W	21.84' (21.32')
L2	N89°46'00"E	19.40' (19.02')

LOT 11
 LOT 12
 PORTION OF LOTS 11, 12 AND
 BLOCK 24
 0.2830 ACRE
 STREET PARKS, LLC
 VOL. 18235, PG. 1020, O.P.R.
 (IMPROVEMENTS NOT SHOWN)

POINT OF BEGINNING
 1/2" REBAR
 STAMPED "ELIZONDO"
 FOUND
 N: 13,703,876.60
 E: 2,133,990.23

S89°43'06"W 153.08'
 S89°43'06"W 158.14'
 (S89°46'00"W 157.35')
 N85°41'22"E 3.65'

LEGEND:

- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- ⊙ TO DOT TYPE III R.O.W. MONUMENT SET
- CHISELED "X" IN CONCRETE FOUND
- D.P.R. DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS
- W — WATER LINE
- OHE — OVERHEAD ELECTRIC
- OHT — OVERHEAD TELEPHONE
- U — UNDERGROUND ELECTRIC
- G — GAS
- SS — SANITARY SEWER
- P — POWER POLE

NOTES:

1. THE BASIS OF BEARING RECITED HEREIN IS TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE, NAD83 (2011) EPOCH 2010.00.
2. DISTANCES AND COORDINATES ARE GRID.
3. L.H. 37 Right of Way information was obtained from TxDOT Right of Way Map Control Number 73-8-19 dated September 14, 1982.
4. ONLY EASEMENTS OF RECORD FOUND ARE SHOWN HEREIN. THERE MAY BE OTHER EASEMENTS THAT AFFECT THE RIGHT-OF-WAY.
5. *THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH THE STATE'S TYPE II RIGHT OF WAY MARKER UPON COMPLETION OF THE CONSTRUCTION PROJECT, UNDER THE SUPERVISION OF A RPLS, EITHER EMPLOYED OR RETAINED BY THE STATE.
6. THERE IS A METES AND BOUNDS WITH LIKE JOB NUMBER.
7. FIELD SURVEY COMPLETED TBD.

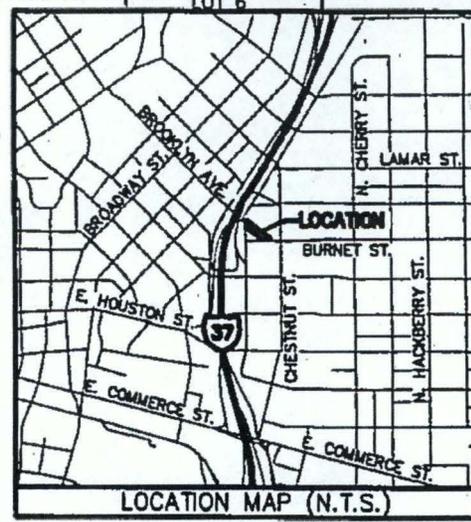
BLOCK 32
 2.408 ACRES OF LAND
 HEALY MURRY SUPPORT, INC.
 VOL. 14919, PG. 1347, O.P.R.

PLAT SHOWING:

0.5765 OF ONE ACRE OF LAND (25,111 SQUARE FEET), BEING A PORTION OF THE L.H. 37 RIGHT-OF-WAY, IN NEW CITY BLOCK (N.C.B.) 534, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SAID 0.5765 OF AN ACRE BEING AN 80-FOOT WIDE RIGHT-OF-WAY COMPOSED OF FIVE PARCELS CONVEYED TO THE STATE OF TEXAS AS FOLLOWS: (PARCEL 247) BY DEED FROM A. C. GILL AND WIFE, ADELAIDE GILL, EXECUTED JANUARY 13, 1985, RECORDED IN VOLUME 5299, PAGE 20, (PARCEL 248) BY DEED FROM NAVARRO IMPROVEMENT COMPANY, EXECUTED FEBRUARY 16, 1988, RECORDED IN VOLUME 5923, PAGE 94, (PARCEL 249) BY DEED FROM HAROLD H. ARNOLD AND WIFE, NADINE ARNOLD, EXECUTED JANUARY 28, 1985, RECORDED IN VOLUME 5305, PAGE 776, (PARCEL 250) BY DEED FROM GUADALUPE GUTIERREZ AND WIFE, MANUELA G. GUTIERREZ, EXECUTED SEPTEMBER 7, 1967, RECORDED IN VOLUME 5837, PAGE 38 AND (PARCEL 251) BY DEED FROM HELEN ORRIN, EXECUTRIX OF THE ESTATE OF MORRIS ORRIN, LEONARD ORRIN, TRUSTEE, ROBERT TOBIAS, TRUSTEE, EXECUTED JULY 12, 1968, RECORDED IN VOLUME 6029, PAGE 523, ALL IN DEED RECORDS, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

STATE OF TEXAS)
 COUNTY OF BEXAR)

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION BY EMPLOYEES OF CIVIL ENGINEERING CONSULTANTS.



TRACT 1: 0.5765 OF AN ACRE (25,111 SQ. FT.)

Texas Department of Transportation

DISTRICT: 15 SAN ANTONIO	TRACT PLAT SHOWING TRACT 1	BEXAR COUNTY
JOB No. E0593600	INTERSTATE HIGHWAY 37	DATE 02/06/18
CONTROL NUMBER 0073-08		

CEC

CIVIL ENGINEERS/CONSULTANTS
 308 DUBSON BLVD.
 SUITE 110, 10 WEST, SUITE 100
 SAN ANTONIO, TEXAS 78205
 P: 214.441.9999
 F: 214.441.9446
 Email: cec@cec-engineers.com
 Engineering No. 7-0214
 Surveying No. 10042-08