

AN ORDINANCE 2017-06-15-0441

AUTHORIZING THE CLOSURE, VACATION, ABANDONMENT AND TRANSFER OF APPROXIMATELY 1.12 ACRES OF CITY RIGHT-OF-WAY CURRENTLY KNOWN AS SAN JOSE DRIVE IN COUNCIL DISTRICT 3 AS REQUESTED BY THE NATIONAL PARK SERVICE.

* * * * *

WHEREAS, in 2012, the Mission Drive In Theatre Site Master Plan Framework, recommended the closure of San Jose Drive to support pedestrian connectivity from Mission San Jose to Mission Marquee; and

WHEREAS, the proposed street closure will help ensure pedestrian safety and connectivity for visitors who access the Mission-to-River Trail from Mission San José to the San Antonio River; and

WHEREAS, currently, visitors have to cross San José Drive with oncoming traffic and tour buses in both directions and since 2012, there have been 17 accidents in the area; and

WHEREAS, this street closure will improve an unsafe cycle and pedestrian crossing; and

WHEREAS, these actions are essential due to the anticipated increase in the number of visitors as a result of the 2015 World Heritage Site designation from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); and

WHEREAS, this right of way is surplus to the city's needs and will relieve the city from maintenance and other costs while providing an enhanced experience for San Antonio citizens and visitors ; and

WHEREAS, on May 25, 2016, the City's Planning Commission recommended approval; **NOW THEREFORE**,

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

SECTION 1. Subject to the reservation below, as an exercise of its discretion, the City Council authorizes the closure, vacation, abandonment and transfer or exchange by quitclaim of the right of way segments ("Right of Way Segments") identified in Section 2 of this Ordinance.

SECTION 2. The detailed description of the Right of Way Segments are set forth on **Attachment I**. Maps and pictures of the Right of Way Segments are 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 I** controls over any discrepancy between it and **Attachment II**.

SECTION 3. In order to allow time for utilities to obtain any necessary permission related to their infrastructure remaining in the Right-of-Way Segments and construction of any

improvements related to city right-of-way in the area, the Right-of-Way Segments shall remain open until the City Manager or her designee execute, deliver and record a Certificate of Closure reflecting this ordinance and closing, vacating and abandoning the Right of Way Segments. The City Manager or her designee, severally, are further authorized and directed to execute and deliver all necessary documents, including deeds without warranty or quit claim deeds, approved by the City Attorney's Office and substantially in the form of **Attachment III**, and to do all other things conducive to effect this closure, abandonment, vacation and transfer.

SECTION 4. To the extent the Right-of-Way Segments exist by easement, the underlying fee ownership of the Right-of-Way Segments by the owners is now unburdened by the rights closed, vacated, and abandoned.

SECTION 5. All fees and costs associated with this closure, vacation, abandonment and transfer are waived.


SECTION 6. 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 7. The disposition of any surplus property must be coordinated through the city's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.


SECTION 8. The authorizations under this ordinance shall remain valid for a period of five years from the date of council consideration. Transactions not completed within that time period must receive new council and/or other authorization as provided under local, state and federal rules and regulations.

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:

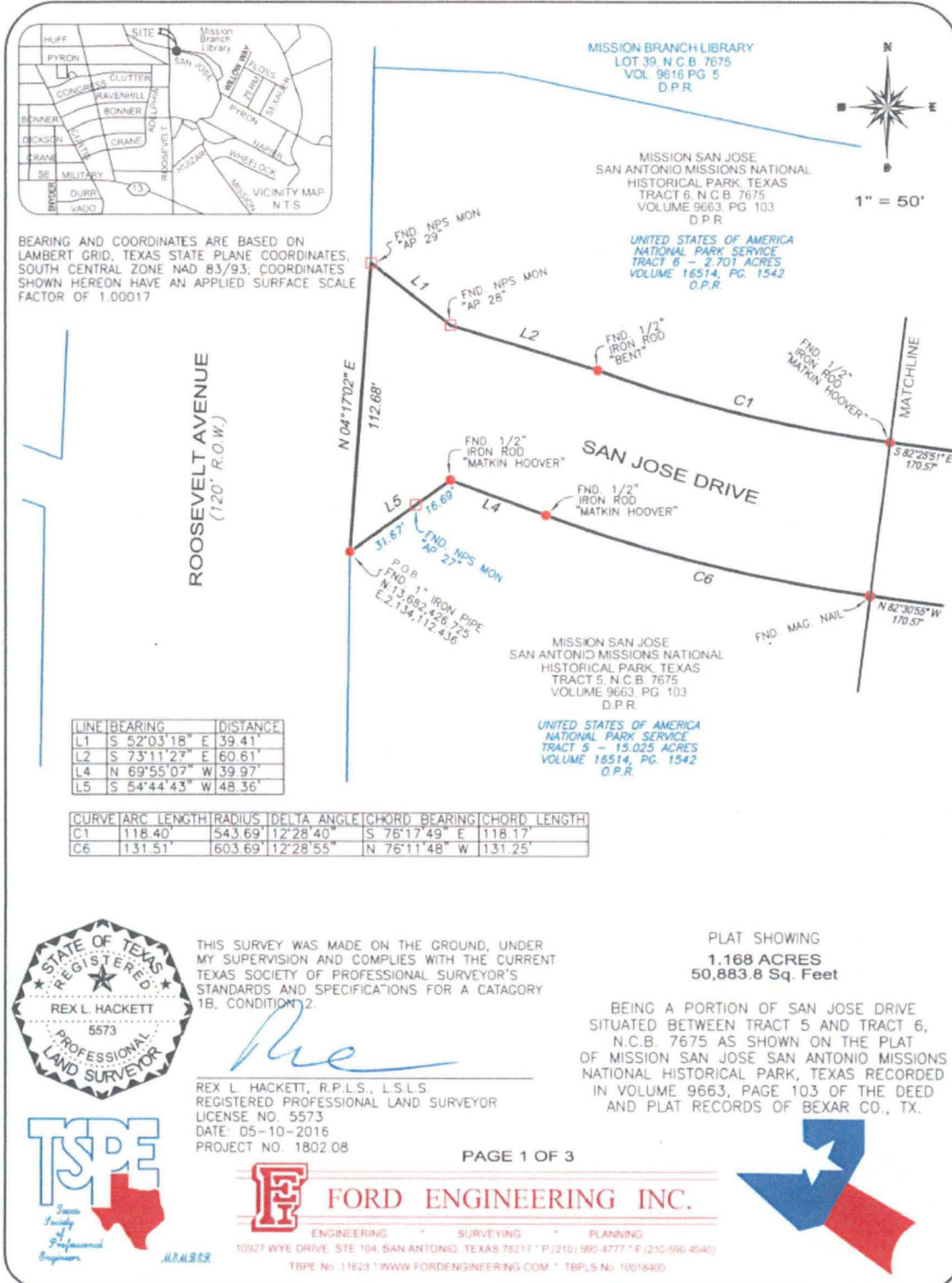

Leticia M. Vacek, City Clerk

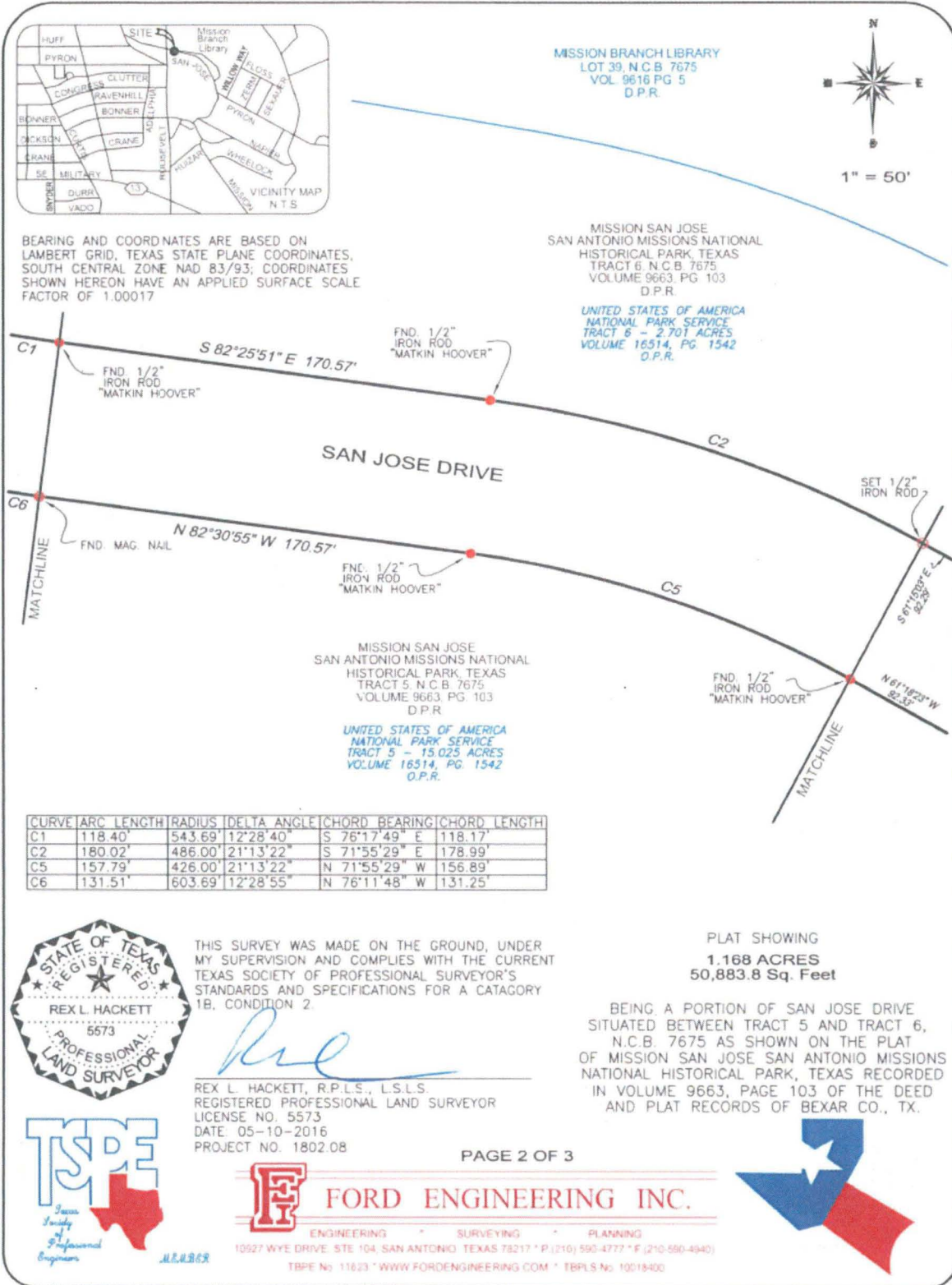
APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	13A (in consent vote: 13A, 13B)						
Date:	06/15/2017						
Time:	10:51:40 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation, abandonment and transfer or exchange of 1.168 acres of city right-of-way currently known as San José Drive to the National Park Service, an agency of the U.S. Department of the Interior, to enhance the visitor experience, pedestrian safety, and connectivity between the San Antonio River, the San Antonio Missions National Historical Park, and Mission Drive-In.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x			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				

Attachment I





THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION 2.

Rex L. Hackett

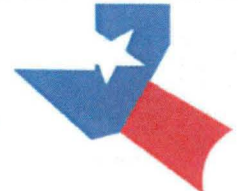
REX L. HACKETT, R.P.L.S., L.S.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5573
DATE: 05-10-2016
PROJECT NO. 1802.08

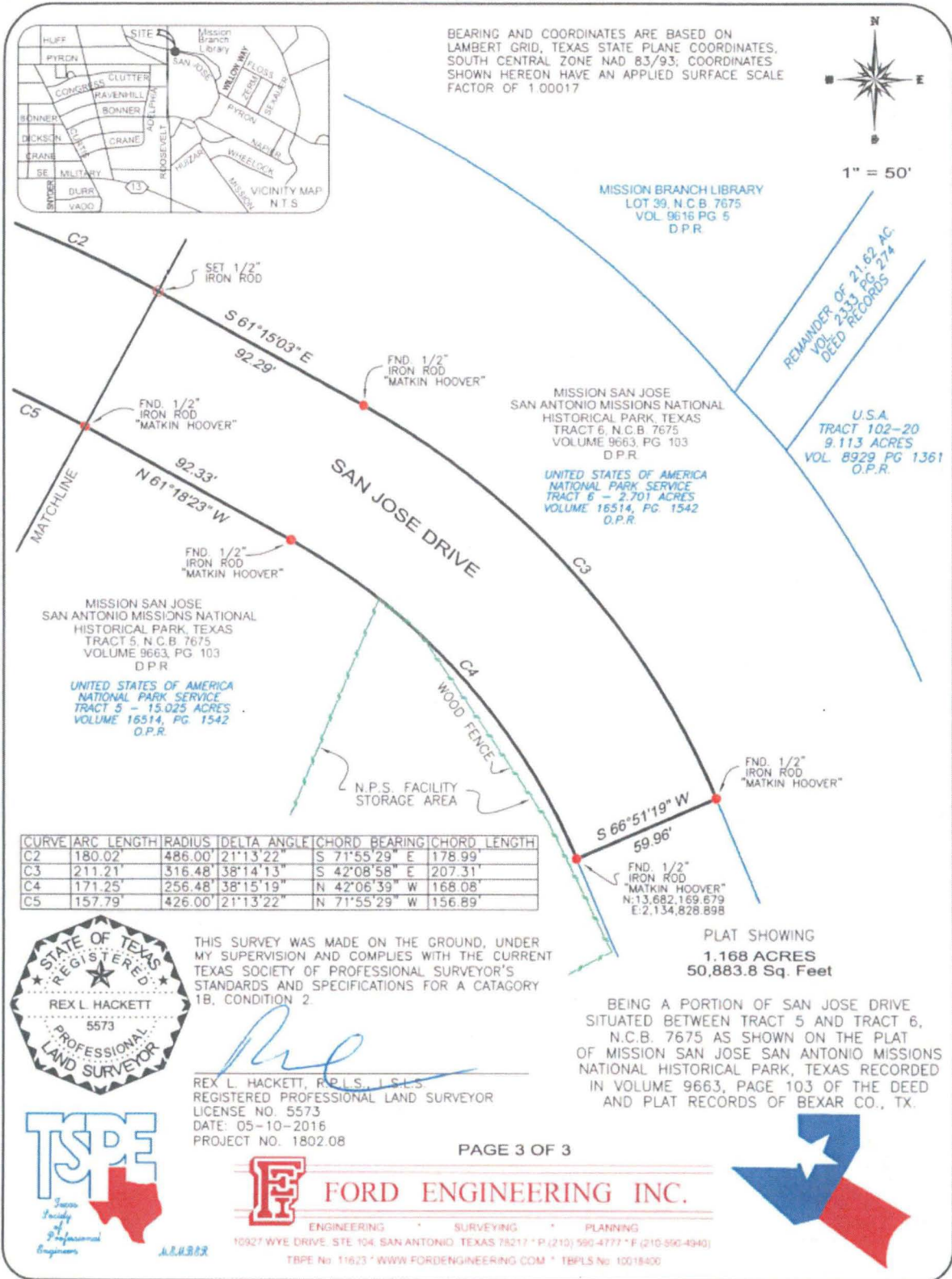
PLAT SHOWING
1.168 ACRES
50,883.8 Sq. Feet

BEING A PORTION OF SAN JOSE DRIVE SITUATED BETWEEN TRACT 5 AND TRACT 6, N.C.B. 7675 AS SHOWN ON THE PLAT OF MISSION SAN JOSE SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TEXAS RECORDED IN VOLUME 9663, PAGE 103 OF THE DEED AND PLAT RECORDS OF BEXAR CO., TX.



FORD ENGINEERING INC.
ENGINEERING SURVEYING PLANNING
10527 WYE DRIVE, STE 104, SAN ANTONIO, TEXAS 78217 * P (210) 590-4777 * F (210) 590-4940
TBPE No. 11823 * WWW.FORDENGINEERING.COM * TBPLS No. 10018400







FORD ENGINEERING, INC

Date: May 10, 2016
Project No: 1802.08

FIELD NOTES DESCRIPTION 1.168 ACRES (50,883.8 sq. ft.)

A 1.168 acre (50,883.8 sq. ft.) tract of land, being a portion of a San Jose Drive situated between Tracts 5 and 6, N.C.B. 7675 conveyed to the United States of America, c/o National Park Service in Volume 16514, Page 1542 of the Official Public Records of Real Property of Bexar County, Texas, as shown on the plat of Mission San Jose San Antonio Missions National Historical Park, Texas recorded in Volume 9663, Page 103 of the Deed and Plat Records of Bexar County, Texas, being more particularly described as follows:

BEGINNING: at a 1 inch iron pipe (N = 13,682,426.725, E = 2,134,112.436) found on the Eastern line of Roosevelt Avenue (120' R.O.W.) for the Northwestern corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: N 04°17'02" E – 112.68 feet along the Eastern line of said Roosevelt Avenue to a National Park Service Monument marked "AP 29" found for the Southwestern corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 52°03'18" E – 39.41 feet along a Southern line of said Tract 6, a Northern line of said San Jose Drive to a National Park Service Monument marked "AP 28" found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 73°11'27" E – 60.61 feet continuing along a Southern line of said Tract 6, a Northern line of said San Jose Drive to a ½ inch bent iron rod found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Continuing along a Southern line of said Tract 6, a Northern line of said San Jose Drive, a curve to the left having a Delta angle of 12°28'40", a Radius of 543.69 feet, an Arc length of 118.40 feet and a Chord bearing of S 76°17'49" E – 118.17 feet to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 82°25'51" E – 170.57 feet continuing along a Southern line of said Tract 6, a Northern line of said San Jose Drive to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Continuing along a Southwestern line of said Tract 6, a Northern line of said San Jose Drive, a curve to the right having a Delta angle of 21°13'22", a Radius of 486.00 feet, an



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Arc length of 180.02 feet and a Chord bearing of S 71°55'29" E – 178.99 feet to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 61°15'03" E – 92.29 feet continuing along a Southwestern line of said Tract 6, a Northeastern line of said San Jose Drive to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Continuing along a Southwestern line of said Tract 6, a Northern line of said San Jose Drive, a curve to the right having a Delta angle of 38°14'13", a Radius of 316.48 feet, an Arc length of 211.21 feet and a Chord bearing of S 42°08'58" E – 207.31 feet to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 6, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 66°51'19" W – 59.96 feet across said San Jose Drive to a ½ inch iron rod (N = 13,682,169.679, E = 2,134,828.898) with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Along a Northeastern line of said Tract 5, a Southwestern line of said San Jose Drive, a curve to the left having a Delta angle of 38°15'19", a Radius of 256.48 feet, an Arc length of 171.25 feet, a Chord bearing of N 42°06'39" W – 168.08 feet to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: N 61°18'23" W – 92.33 feet continuing along a Northeastern line of said Tract 5, a Southwestern line of said San Jose Drive to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Continuing along a Northeastern line of said Tract 5, a Southwestern line of said San Jose Drive, a curve to the left having a Delta angle of 21°13'22", a Radius of 426.00 feet, an Arc length of 157.79 feet and a Chord bearing of N 71°55'29" W – 156.89 feet to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: N 82°30'55" W – 170.57 feet continuing along a Northern line of said Tract 5, a Southern line of said San Jose Drive to a Mag Nail found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: Continuing along a Northern line of said Tract 5, a Southern line of said San Jose Drive, a curve to the right having a Delta angle of 12°28'55", a Radius of 603.69 feet, an Arc length of 131.51 feet and a Chord bearing of N 76°11'48" W – 131.25 feet to a ½ inch iron rod



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with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: N 69°55'07" W – 39.97 feet continuing along a Northern line of said Tract 5, Southern line of said San Jose Drive to a ½ inch iron rod with cap marked "Matkin Hoover" found for a corner of said Tract 5, a corner of said San Jose Drive, for a corner of this tract;

THENCE: S 54°44'43" W – continuing along a line of said Tract 5, a line of said San Jose Drive, at 16.69 feet pass a National Park Service monument marked "AP 27" found, **a Distance in all of 48.36 feet to the POINT OF BEGINNING** and containing 1.168 acres (50,883.8 sq. ft.) of land, *according to a survey made on the ground under my supervision*

Corresponding plat prepared.
1802.07.docx

BEARINGS AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017.



Rex L. Hackett, R.P.L.S., L.S.L.S.
Registered Professional Land Surveyor
License Number 5573

Attachment II

SAN JOSE DRIVE – STREET CLOSURE

- Center Line length is **835.24 feet** from the East R.O.W. of Roosevelt Avenue to the end of the closure.
- North Line length is **872.51 feet**.
- South Line length is **811.78 feet**.
- The Area of the proposed closure is 1.1681 acres or 50,883.8 sq. ft.

Attachment III

Notice Of Confidentiality Rights: If You Are A Natural Person, You May Remove Or Strike Any Of The Following Information From This Instrument Before It Is Filed For Record In The Public Records: Your Social Security Number Or Your Driver's License Number.

State of Texas }
 }
County of Bexar }

Street Closure Quitclaim Deed

Authorizing Ordinance:

Grantor: City Of San Antonio, a Texas municipal corporation

Grantor's Mailing Address: City Hall, 2nd Floor, 100 Military Plaza, San Antonio, TX
78205, Attn: City Clerk

Grantee:

Grantee's Mailing Address:

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: All of the real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, described by metes and bounds in **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

Grantor, for the Consideration, Bargains, Sells, Quitclaims, and Releases to Grantee all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging as per the Authorizing Ordinance. Grantor does not know whether its interest in the Property is an easement or the fee.

By this instrument, Grantor intends that such interest as it may have in the Property pass to the adjoining or underlying owners as if Grantor had a street easement, but Grantor does not warrant that it has any interest in the Property.

In Witness Whereof, Grantor has caused its representative to set its hand:

City of San Antonio,
a Texas municipal corporation

By: _____

Printed
Name: _____

Title: _____

Date: _____

Attest:

City Clerk

Approved As To Form:

City Attorney

State of Texas §
 §
County of Bexar §

This instrument was acknowledged before me this date by _____, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: _____

Notary Public, State of Texas
My Commission expires: _____

After Recording, Return To:

Form of Deed Without Warranty

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas }
 }
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:

Statutory Authority: Act of November 10, 1978 (P.L. 95-629, 3635) and Act of November 28, 1990 (P.L. 101-628, 104 Stat.4469) for administration by the Department of the Interior through the National Park Service.

Local Government Code §272.001 (b) (5)

SP No./Parcel: 1791

Grantor: City of San Antonio

Grantor's Mailing Address: City Of San Antonio,
P.O. Box 839966
San Antonio, Texas 78283-3966
(Attn: TCI)

Grantor's Street Address: City Hall
100 Military Plaza
San Antonio, Texas 78205 (Bexar County)

Grantee: The United States of America, and its assignees,
c/o National Park Service, Intermountain Region
Land Resources Program Center

Grantee's Mailing Address: P.O. Box 25287
Denver, Colorado 80225-0287

Public Purpose: The preservation, restoration, and interpretation of the

Spanish Missions of San Antonio and for the benefit and enjoyment of present and future generations of citizens of San Antonio and of Americans

Property: Being XXX, in the City of San Antonio, Bexar, County, Texas as recorded in Volume XXX, Page X of the Deed and Plat Records of Bexar County and more particularly described by metes and bounds, and shown by survey, on **Deed Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes.

Grantor Donates, Grants and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions To Conveyance: This conveyance is explicitly subject to the following:

- A. Reservations and Easements:** All instruments of record affecting the Property; (reservations below as applicable to individual properties)
- B. Restrictions:** All covenants and restrictions of record affecting the Property;
- C. Exceptions:** All recorded instruments affecting the Property.
- D. Conditions:** All conditions affecting the Property.

In Witness Whereof, Grantor has caused its representative to set its hand:

Grantor:

City of San Antonio, a Texas municipal corporation

By: _____

Printed
Name: _____

Title: _____

Date: _____

Approved As To Form:

By: _____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission Expires: _____

ACCEPTANCE:

This instrument accepted on behalf of the United States of America, Department of the Interior, National Park Service, by _____, _____, Land Resources Program Center, Intermountain Region.

BY: _____ **Date:** _____

[Name, Title]

After Recording, Return To:
National Park Service
Intermountain Region
Land Resources Program Center
12795 W. Alameda Pkwy.
Lakewood, CO 80228