

AN ORDINANCE 2014 - 06 - 12 - 0430

**AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A 0.341 ACRE UNIMPROVED PORTION OF GLENDALE AVENUE AND A 0.387 ACRE UNIMPROVED PORTION OF ALICE FAY AVENUE WITH CONDITIONS IN COUNCIL DISTRICT 6 AS REQUESTED BY HABITAT FOR HUMANITY; AND WAIVING ASSOCIATED FEES TO ALLOW THE CONSTRUCTION OF AFFORDABLE HOMES WITHIN THE HOPE VILLAGE PROJECT.**

\* \* \* \* \*

**WHEREAS**, Habitat for Humanity provides new, energy efficient homes that transform neighborhoods and make a marked difference in the appearance, safety and health of targeted neighborhoods; and

**WHEREAS**, Habitat for Humanity acquired undeveloped properties within the Prosperity Heights subdivision between Joe Blanks Street and Estrella Street where they plan to construct twenty to twenty-one homes as part of its Hope Village project; and

**WHEREAS**, there is an unimproved portion of Glendale Avenue and Alice Fay Avenue within the area to be developed and Habitat for Humanity, as petitioner, is requesting that the city close, vacate and abandon its interest in these unimproved rights-of-way so it can assemble, then re-plat the properties as part of the development process; and

**WHEREAS**, the unimproved rights-of-way will not be constructed per the original plat approved in 1950, therefore, petitioner plans to assemble and reconfigure the properties, making it necessary for the city to close, vacate and abandon its interest in the rights-of-way as they exist in the original plat; and

**WHEREAS**, the Right-of-Way Segments as currently configured are not needed for public purposes; and

**WHEREAS**, Chapter 272 of the Local Government Code allows a political subdivision to convey property interests for less than fair market value in certain circumstances; **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 closes, vacates, and abandons the rights-of-way ("Right-of-Way Segments") identified in Section 2 of this Ordinance.

**SECTION 2.** The detailed description of the Right-of-Way Segments is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment 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.** The Right-of-Way Segment exists by virtue of a subdivision plat recorded in Volume 2805, Page 121, Official Public Records of Bexar County, Texas

**SECTION 4.** All properties abutting the Right-of Way Segment are owned by Habitat for Humanity.

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
303 Glendale Ave	NCB 9266 BLK 6 Lot 14	Habitat for Humanity of San Antonio
307 Glendale Ave	NCB 9266 BLK 6 Lot 15 thru 20	Habitat for Humanity of San Antonio
302 Glendale Ave	NCB 9267 BLK 7 Lot 1	Habitat for Humanity of San Antonio
318 Glendale Ave	NCB 9267 BLK 7 Lot 2 thru 8	Habitat for Humanity of San Antonio
303 Alice Fay Ave	NCB 9267 BLK 7 Lot 14 thru 22	Habitat for Humanity of San Antonio
300 Alice Fay Ave	NCB 9268 BLK 8 Lot 1 thru 8	Habitat for Humanity of San Antonio

The listing above is made solely to facilitate indexing 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 5.** A condition to this closure is a plat being approved no later than December 31, 2016, dedicating approved and recorded access per Chapter 35 of the City Code for all lots associated with the closed Right of Way Segments. If no such plat is timely approved, this Ordinance is void. Time is of the essence in replatting the Right of Way Segments. Additionally, the closure is further conditioned on the owners of the abutting property to the Right-of-Way Segments dedicating a public access easement to serve in the same capacity as the streets being abandoned until either the Right of Way Segment areas are replatted or this Ordinance is void.

**SECTION 6.** 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. Any person building on the Right-of-Way Segments without first reaching an agreement with a utility having lines or facilities in the segment does so at his own risk. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Right-of-Way Segments based on a claim that the Right-of-Way Segment is public right of way. All existing drainage rights in the Right-of-Way Segments 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 right of way.

**SECTION 7.** 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.

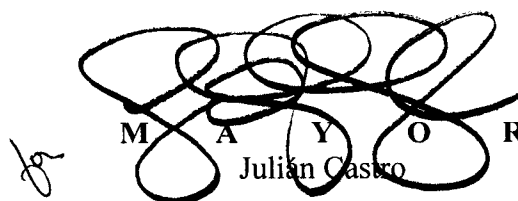
**SECTION 8.** The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of 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 9.** The disposition of 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 10.** The requirements of Section 37-11 of the City Code for fee reduction are waived. There is no fee for these street closures. 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 11.** 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 12th day of June, 2014.

  
M A Y O R  
Julian Castro

Attest:

  
Leticia M. Vacek, City Clerk

Approved As To Form:

  
APL Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	<b>25 ( in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 )</b>						
<b>Date:</b>	06/12/2014						
<b>Time:</b>	09:30:08 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation and abandonment of a 0.341 acre unimproved portion of Glendale Avenue and a 0.387 acre unimproved portion of Alice Fay Avenue with conditions in Council District 6 as requested by Habitat for Humanity; and waiving associated fees to allow the construction of affordable homes within the Hope Village project. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, EastPoint and Real Estate Services]						
<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>
Julián Castro	Mayor	x					
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8	x					
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

## Attachment I

**BRIONES**  
CONSULTING & ENGINEERING LTD

January 8, 2014

**FIELD NOTES**  
**Tract I**  
**0.341 Acres**  
**San Antonio, Bexar County, Texas**

Being a 0.341 acre tract for closing a portion of Glendale Avenue, out of the Prosperity Heights Subdivision, as recorded in Volume 2805, Page 121, Deed and Plat Records, Bexar County, Texas, and being more particularly described as follows:

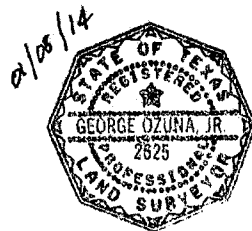
Beginning at the northwest corner of Lot 1, Block 7, NCB 9267, Prosperity Heights Subdivision;

THENCE, S 05° 59' 32" W, a total distance of 297.18 feet, to a point for a corner;

THENCE, N 84° 15' 10" W, a total distance of 50.00 feet to a point for a corner;

THENCE, N 05° 59' 32" E, a total distance of 297.20 feet to a point for a corner;

THENCE, S 84° 13' 28" E, a total distance of 50.00 feet to the point of beginning and containing 0.341 acres.



*George Ozuna, Jr.*  
George Ozuna, Jr., R.P.L.S.  
Registered Professional Land Surveyor

BE

**BRIONES**  
CONSULTING & ENGINEERING LTD

January 8, 2014

**FIELD NOTES**

**Tract II**

**0.387 Acres**

**San Antonio, Bexar County, Texas**

Being a 0.387 acre tract for closing a portion of Alice Fay Avenue, out of the Prosperity Heights Subdivision, as recorded in Volume 2805, Page 121, Deed and Plat Records, Bexar County, Texas, and being more particularly described as follows:

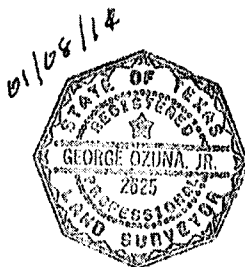
Beginning at the northwest corner of Lot 1, Block 8, NCB 9268, Prosperity Heights Subdivision;

THENCE, S 05° 59' 32" W, a total distance of 337.05 feet, to a point for a corner;

THENCE, S 84° 00' 29" W, a total distance of 50.00 feet to a point for a corner;

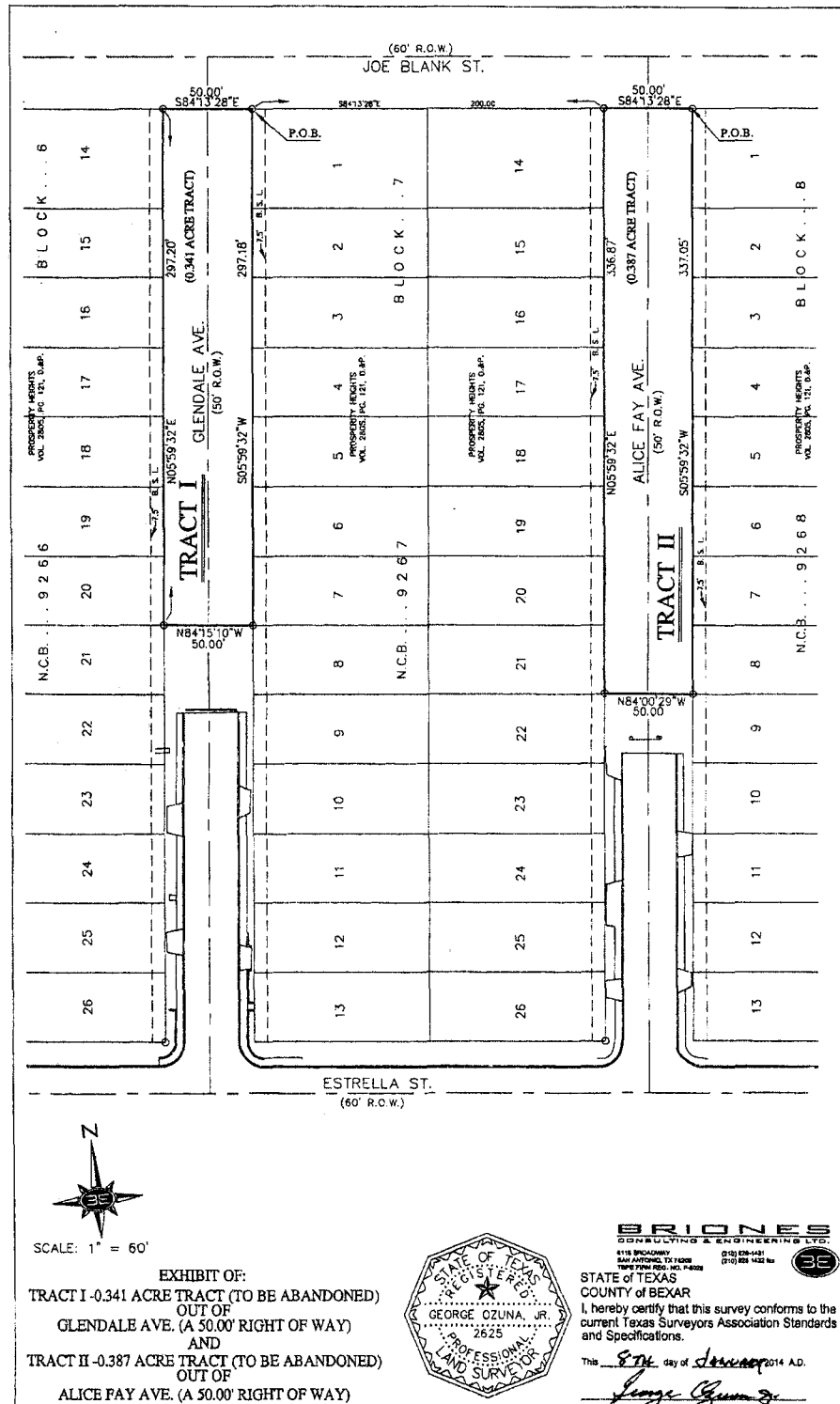
THENCE, N 05° 59' 32" E, a total distance of 336.87 feet to a point for a corner;

THENCE, S 84° 13' 28" E, a total distance of 50.00 feet to the point of beginning and containing 0.387 acres.

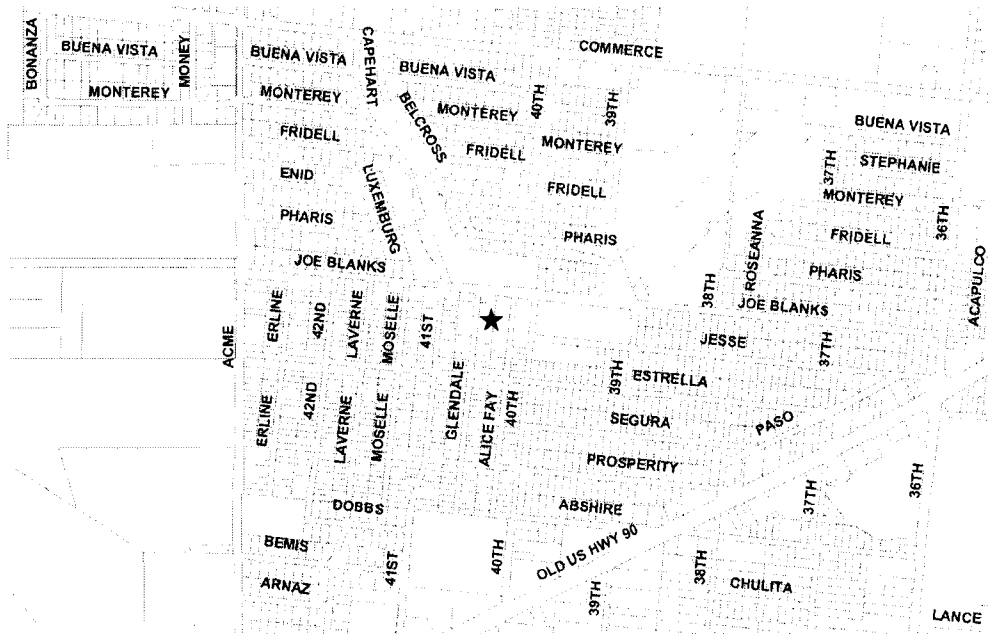


*George Ozuna Jr.*  
George Ozuna Jr., R.P.L.S.  
Registered Professional Land Surveyor

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## Attachment II



S.P. 1808-A Habitat for Humanity request to close an unimproved portion of Glendale Avenue  
S.P. 1808-B Habitat for Humanity request to close an unimproved portion of Alice Fay Avenue