

AN ORDINANCE 2016-09-01-0652

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT
OF A 0.9183-ACRE UNIMPROVED SEGMENT OF ACKARD PLACE IN
COUNCIL DISTRICT 3 AS REQUESTED BY BEXAR COUNTY AND
WAIVING ASSOCIATED FEES.**

* * * * *

WHEREAS, Bexar County (Petitioner), is requesting the closure, vacation and abandonment of an unimproved portion of Ackard Place; and

WHEREAS, this portion of street 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. Subject to the reservation below, 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. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding section of this Ordinance, and any conditions or reservations listed in Section 4.

SECTION 2. The detailed description of the Right of Way Segment 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 properties abutting the Right-of-Way Segment are:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
3505 Pleasanton Road	Lot 21, Block 172, NCB 9457	Bexar County
138 W. Ackard	Lot 1 & W 25 FT OF 2, Block 173, NCB 9457	Bexar County
136 W. Ackard	Lots 3, 4, and the east 25 feet of 2, Block 173, NCB 9457	Bexar County
122 W. Ackard	Lots 5, 6, and 7, Block 173, NCB 9457	Bexar County
102 W. Ackard	Lots 8, 9, and 10, Block 173, NCB 9457	Jose Reyes Villarreal, Sr.

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 4. All presently existing water, recycled 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 accessed, used, repaired, enlarged, replaced 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 Segment 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, other than replacement of an existing line or facility, no utility may add additional utility 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 existing 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 City Manager or her designee, severally, are authorized and directed to execute and deliver all documents conducive to effectuate this ordinance, including a certificate of closure once all conditions have been fulfilled, and to do all other things conducive to reflect this closure, abandonment, and vacation.


SECTION 6. 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 7. The requirements of Chapter 37, Section 22, of the city code related to fees for a street closure are waived.

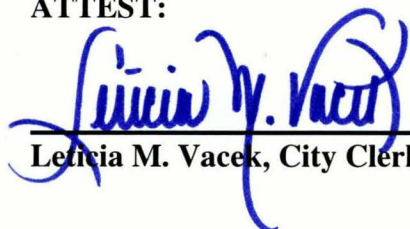
SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 1st day of September, 2016.

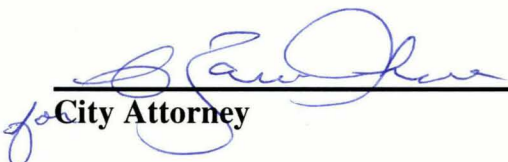

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

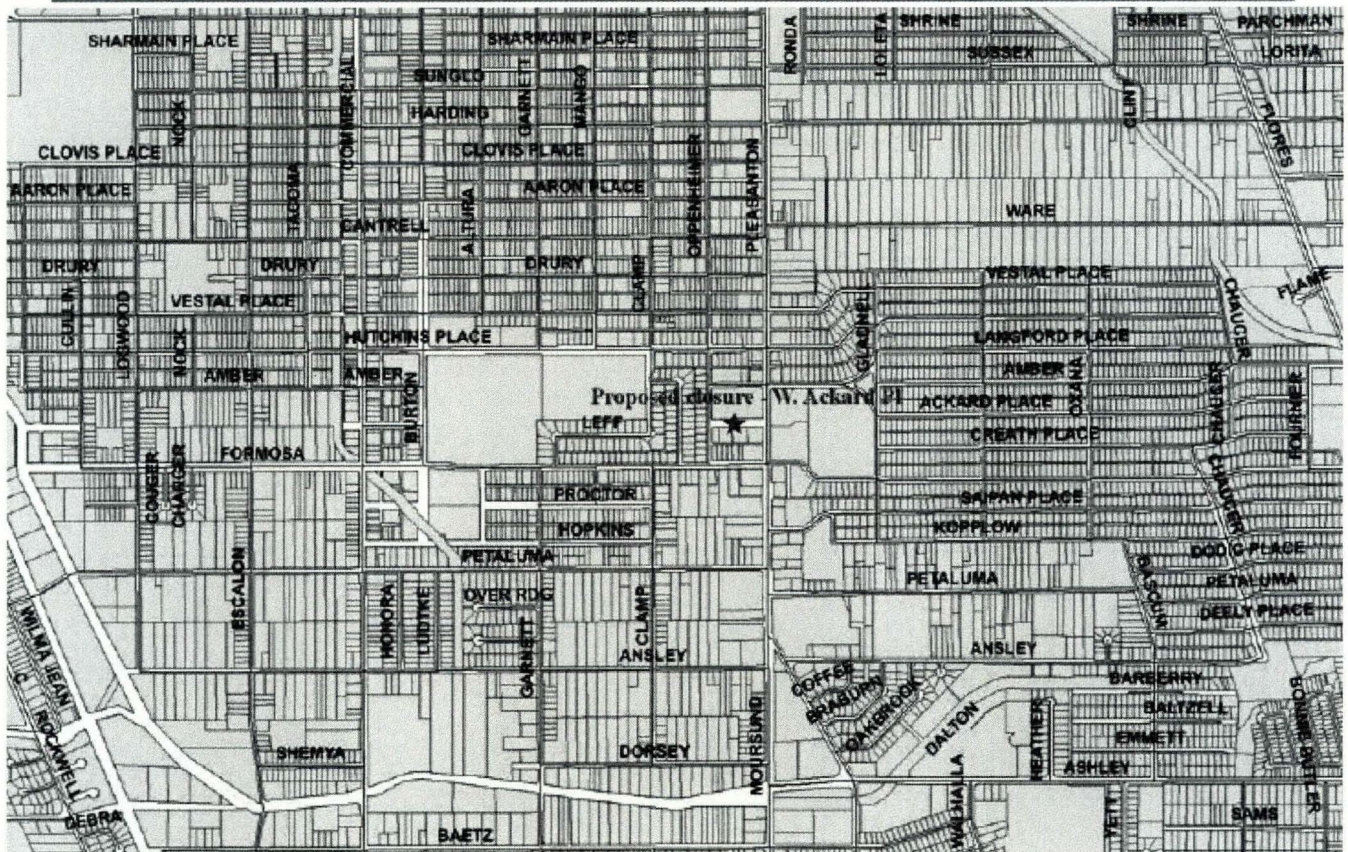
APPROVED AS TO FORM:



for City Attorney

Agenda Item:	15 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12A, 12B, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28)						
Date:	09/01/2016						
Time:	09:16:54 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.9183 acre of an unimproved portion of Ackard Place between Oppenheimer Avenue and Pleasanton Road in Council District 3 as requested by Bexar County, and waiving the \$92,000.00 associated fee. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		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



Attachment II



engineers | architects | contractors

SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

METES AND BOUNDS

FOR

A 0.9183 acre, or 40,000 square feet, more or less, tract of land being an abandoned portion of Ackard Street, an 80-foot right-of-way dedicated in the San Jose Subdivision, recorded in Volume 368, Pages 96-100 of the Deed and Plat Records of Bexar County Texas, located in between New City Block (N.C.B.) 9457 and New City Block 9456 of the City of San Antonio, Bexar County Texas. Said 0.9183 acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

BEGINNING: At a set $\frac{1}{2}$ " iron rod with cap marked "LNV-SA" at the intersection of the west right-of-way line of Pleasanton Road, a variable width public right-of-way and the south right-of-way line of said Ackard Street, the northeast corner of Lot 10, Block 173 of said San Jose Subdivision;

THENCE: S $89^{\circ}40'20''$ W, along and with the north line of said Block 173, the south line of said Ackard Street, a distance of 500.00 feet to a set $\frac{1}{2}$ " iron rod with cap marked "LNV-SA" at the intersection of the east right-of-way line of Oppenheimer Avenue, a 50-foot public right-of-way and the south right-of-way line of said Ackard Street, the northwest corner of Lot 1 of said Block 73;

THENCE: N $00^{\circ}19'40''$ W, along and with the east line of said Ackard Street, a distance of 80.00 feet to a set $\frac{1}{2}$ " iron rod with cap marked "LNV-SA" from which a found $\frac{1}{2}$ " iron rod for a southwest corner of Lot 21, Block 172 of the Winn's San Jose Subdivision recorded in Volume 9501, Page 72 of the Deed and Plat Records of Bexar County, Texas bears N $00^{\circ}02'55''$ E, a distance of 5.00 feet;

THENCE: N $89^{\circ}40'20''$ E, along and with the south line of said Lot 21, the north line of said Ackard Street, passing at a distance of 482.00 feet a found $\frac{1}{2}$ " iron rod for a southeast corner of said Lot 21, and continuing along and with the north right-of-way line of said Ackard Street for a total distance of 500.00 feet to a set $\frac{1}{2}$ " iron rod with cap marked "LNV-SA" at the intersection of the west right-of-way line of said Pleasanton Road and the north right-of-way line of said Ackard Street;



engineers | architects | contractors

SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

THENCE: S 00°19'40" E, along and with the west right-of-way line of said Ackard Road, a distance of 80.00 feet to the POINT OF BEGINNING and containing 0.9183 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.;

Prepared by: LNV Inc.
Job No.: 110187.210
File: S:\Projects\COSA\110187-On Call Svc- Civil Eng CIMS04003\210\Survey\MB110187.docx
Date: July 16, 2013
TBPLS Firm No.: 10126502



