

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED  
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL**

**AN ORDINANCE**

**CLOSING, VACATING, AND ABANDONING CERTAIN UNIMPROVED  
RIGHT-OF-WAYS LOCATED NEAR IH-10 AND FRESNO IN CITY  
COUNCIL DISTRICT 1 AND DECLARING AS SURPLUS AND  
AUTHORIZING THE SALE OF THE UNIMPROVED REMNANTS  
LOCATED NEAR IH-10 AND FRESNO IN CITY COUNCIL DISTRICT 1.**

\* \* \* \* \*

**WHEREAS**, during the 1950s, the City of San Antonio (“City”) assisted the Texas Department of Transportation (“TXDOT”) in acquiring properties for Interstate Highway 10 (“IH-10”); and

**WHEREAS**, there is an area of land totaling approximately 1.7 acres south of Fresno and east of IH-10 that has served as a traffic island (“Traffic Island”) since the 1950’s **Exhibit A**; and

**WHEREAS**, TXDOT declared the property as surplus in 2016 and placed the property for sale where Briarwood Capital was the successful bidder; and

**WHEREAS**, Briarwood Capital took ownership of the properties in 2017 and rezoned the area as C-2 for commercial use; and

**WHEREAS**, there are two sections of an unimproved 10-foot wide alley and an unimproved portion of Warner Avenue right-of-way that were platted as part of the Los Angeles Heights Subdivision **Exhibit B**, **Exhibit C**, and **Exhibit D**; and

**WHEREAS**, it was also subsequently discovered that the intended conveyances from the City to TXDOT for parts of the Traffic Island were not completed for Lots 11-14, Block 56 in New City Block 7147 **Exhibit E** and Lots 3-4, Block 57 in New City Block 7160 **Exhibit F** and they are currently owned in fee by the City of San Antonio; and

**WHEREAS**, Petitioner requests the City declare as surplus and authorize the sale of the remnant properties currently owned by the City; and close, vacate and abandon its interest in the unimproved right-of-ways; and

**WHEREAS**, if the requests are approved, petitioner Briarwood Capital intends to assemble and assemble and replat the properties for commercial use, and ground-lease the property to a retail tenant; and

**WHEREAS**, the fair market value of \$63,836.64 for the right-of-way closures for the above mentioned properties was determined by averaging surrounding land values as determined by the Bexar County Appraisal District, as provided under Municipal Code Chapter 37-2; and

**WHEREAS**, the fair market value of \$143,751.40 for the city-owned properties was determined by an independent appraisal completed by Lowery Property Advisors on April 10, 2017 for the TXDOT sale; and

**WHEREAS**, in compliance with Chapter 272 of the Texas Local Government Code, the city-owned properties were advertised for sealed bid on December 8, 2017 and December 11, 2017 in the San Antonio Hart Heat and the Briarwood Capital was the sole bidder and submitted a bid for fair market value of \$143,751.40; and

**WHEREAS**, in accordance with City code, the properties were reviewed by City departments and utilities and was conditionally approved for disposal; and

**WHEREAS**, in compliance with Chapter 37 of the City code, notification signs need not be erected, and letters need not to be sent for undeveloped public right-of-ways; and

**WHEREAS**, the Planning Commission approved this request at its regular meeting on September 12, 2018; **NOW THEREFORE:**

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

**SECTION 1.** The following right-of-ways, currently held by the City of San Antonio are authorized to be closed, vacated, and abandoned for a fee of \$63,836.64:

- a) 0.223 acre of unimproved portion of Warner Avenue between New City Block (NCB) 7147 and NCB 7160
- b) 0.046 acre unimproved portion of alley in NCB 7147
- c) 0.047 acre unimproved portion of alley in NCB 7160

**SECTION 2.** The following properties, currently held by the City of San Antonio are declared surplus to the needs of the City of San Antonio and its sale to Briarwood Commerce LLC is authorized for a fee of \$143,751.40:

- a) 0.456 acre unimproved parcel in NCB 7147
- b) 0.088 acre parcel in NCB 7160

**SECTION 3.** The City Manager and her designee(s), severally, are authorized to do all things necessary or convenient to sell the property according to the requirements of law.

**SECTION 4.** The City Manager or her designee(s), severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate the closure, abandonment, and vacation of the undeveloped public right-of-ways.

**SECTION 5.** A total of \$207,588.04 from the rights-of-way closures (0.223 acre unimproved portion of Warner Avenue between NCB 7147 and NCB 7160; 0.046 acre unimproved portion of alley in NCB 7147; 0.047 acre unimproved portion of alley in NCB 7160) and the surplus city-owned property in Council District 1 (0.456 acre unimproved remnant in NCB 7147 and a 0.088

acre remnant in NCB 7160), will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101 in accordance with the FY 2019 Adopted Budget.

**SECTION 6.** 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 7.** 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 \_\_\_\_ day of \_\_\_\_\_, 2018.

**M A Y O R**  
**Ron Nirenberg**

**Attest:**

**Approved As To Form:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney

**DRAFT**

**EXHIBIT A**

