

ORDINANCE 2018-12-06-0969

**DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF A 7-FOOT WIDE SECTION OF UNIMPROVED RIGHT-OF-WAY, CONSISTING OF 0.049 OF AN ACRE ADJACENT TO BROOKLYN AVENUE LOCATED BETWEEN LIVE OAK STREET AND BURNET STREET IN COUNCIL DISTRICT 2 FOR A FEE OF \$26,643.38.**

\* \* \* \* \*

**WHEREAS**, StrEat Park, LLC is working to develop a piece of property located at 201 Burnet Street adjacent to Brooklyn Avenue. StrEat Parks, LLC., proposes to develop a mobile food truck park, which will include food trucks providing food from well-known local restaurants, a two story dining patio, and a music venue; and

**WHEREAS**, City Council approved Ordinance 2018-06-21-0481 closing of 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 the development and provide safe pedestrian access; and

**WHEREAS**, the City of San Antonio may declare as surplus and dispose of a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to the Brooklyn Avenue right-of-way, described and incorporated as **Exhibit C** and **Exhibit D** ("Right-of-Way"); and

**WHEREAS**, StrEat Park, LLC, has requested to purchase 0.049 of an acre (2,153 square feet), an unimproved portion of the right-of-way, outside of the vehicular lanes, to increase the size of the park; and

**WHEREAS**, the disposition fee has been reduced by 25% in accordance with the Inner City Reinvestment/Infill Policy ("ICRIP") and a credit of \$8,881.12 has been applied for a total established disposition fee of \$26,643.38; and

**WHEREAS**, the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on October 24, 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 declares as surplus and authorizes the disposition of a 7 foot wide section of unimproved right-of-way, consisting of 0.049 of an acre (2,153 square feet), adjacent to Brooklyn Avenue located between Live Oak Street and Burnet Street, in Council District 2 for a fee of \$26,643.38.

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

VS  
12/06/18  
Item No. 17B

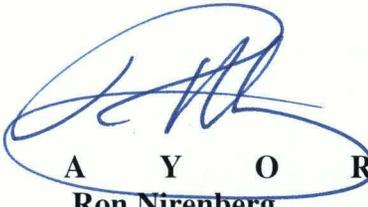
**SECTION 3.** Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

**SECTION 4.** 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.

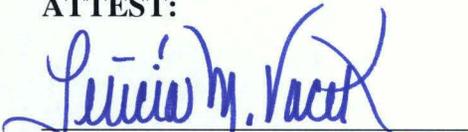
**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 6.** 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.

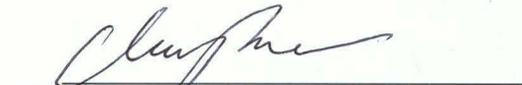
PASSED AND APPROVED this 6<sup>th</sup> day of December, 2018.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>17B ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17A, 17B, 18, 19 )</b>						
<b>Date:</b>	12/06/2018						
<b>Time:</b>	10:02:35 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving the declaration and sale of surplus property being a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to Brooklyn Avenue between Live Oak Street and Burnet Street for a fee of \$26,643.38 to be deposited into the General Fund.						
<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>
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				

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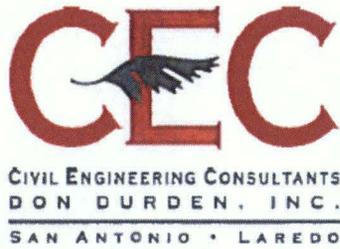
**EXHIBIT C**

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**EXHIBIT D**



September 17, 2018  
Job No.: E0593600  
Brooklyn Food Park  
Brooklyn Ave Acquisition

### DESCRIPTION OF 0.049 ACRE TRACT

Being 0.049 Acres (2153 Sq. Ft.), and being a portion of Brooklyn Avenue Right-of-Way, in New City Block 534, City of San Antonio, Bexar County, Texas, said 0.049 acre tract being out of a 0.3047 acre tract conveyed to the State of Texas, recorded in Volume 5923, Page 94, Deed Records of Bexar County, Texas and a 0.1276 acre tract also conveyed to the State of Texas, recorded in Volume 5305, Page 776, Deed Records of Bexar County, Texas and being more particularly described as follows:

COMMENCING at ½" rebar stamped "Elizondo" found in the north right-of-way line of Burnet Street (55.6' R.O.W.), the Southeast corner of a 0.2830 acre tract, said 0.2830 acre tract being a portion of Lots 11, 12, and 13, Block 24, described in Volume 18235, Page 1020, Official Public Records, Bexar County, Texas and said point being the southwestern most angle point of the herein described tract and the **POINT OF BEGINNING**;

Thence, North 00° 02' 05" West, a distance of 21.64 feet, departing the north right-of-way line of Burnet Street and with the common line of Brooklyn Avenue to a ½" rebar found stamped "Elizondo" at the northeast corner of said 0.2830 acre tract for an interior angle point of the herein described tract;

Thence, North 52° 23' 04" West, a distance of 156.99 feet with the south line of Brooklyn Ave. and the northeast line of said 0.2830 acre tract, to a point being the northwestern most corner of the herein described tract;

Thence, North 65° 37' 49" East, a distance of 8.72 feet to a ½" iron rod set for the most northeast corner of the herein described tract;

Thence, South 52° 23' 04" West, a distance of 243.28 feet, said line being 7.70 feet from and parallel to the south right-of-way of Brooklyn Ave. to a ½" iron rod set in the centerline of Burnet Street (55.60' R.O.W.) for the southwestern most corner of the herein described tract;

Thence, South 89° 43' 06" West, a distance of 12.54 feet, in a westerly direction with the centerline of Burnet Street to a ½" iron rod set for the southwestern most corner of the herein described tract,

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Thence, North 52° 23' 04" West, a distance of 45.26 feet, to a ½" iron rod set in the north line of Burnet Street for an interior angle point of the herein described tract,

Thence, South 89° 43' 06" West, a distance of 27.90 feet, in a westerly direction with the north line of Burnet Street, to the POINT OF BEGINNING and containing 0.049 (2153 square feet) acres of land, more or less.

This description was prepared from a survey made on the ground under my direct supervision by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed the 18th day of October, 2017.



Alan D. Lindskog, RPLS # 2845



