

ORDINANCE

2018-09-20-0738

CLOSING, VACATING, AND ABANDONING 0.606 OF AN ACRE UNIMPROVED PORTION OF GUILBEAU LANE PUBLIC RIGHT-OF-WAY LOCATED BETWEEN 9290 LESLIE ROAD AND WEST LOOP 1604 IN COUNCIL DISTRICT 7, AS REQUESTED BY JOHN BOWEN CREAMER LIMITED FAMILY PARTNERSHIP FOR A FEE OF \$46,278.00.

* * * * *

WHEREAS, the Petitioner, John Bowen Creamer Family Limited Partnership (“Petitioner”) owns a 12.381 acre tract on Leslie Road, and a 2.3 acre tract on W. Loop 1604; and

WHEREAS, Petitioner’s above-referenced properties are separated by a 0.606 of an acre of unimproved portion of Guilbeau Lane (“Right of Way Segment”) as depicted in **Attachment I**; and

WHEREAS, the Petitioner requests that the City of San Antonio close, vacate, and abandon its interest in the 0.606 acre of an unimproved portion of Guilbeau Lane; and

WHEREAS, if the request is approved, Petitioner plans to assemble all of its properties for future development; and

WHEREAS, the removal of the public right-of-way designation on the subject properties were canvassed throughout the City departments and utilities with no objections; and

WHEREAS, in accordance with Chapter 37 of the Municipal Code, signs need not be erected, and letter need not be sent for undeveloped public right-of-ways; and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on August 22, 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 closes, vacates, and abandons the Right of Way Segment above-referenced in this Ordinance. The City Manager or her designee, severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation.

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

SECTION 3. The properties abutting the Right-of-Way Segment are:

Address	Description	Owner Listed by Bexar County Appraisal District
9290 Leslie Road	NCB 16047 Blk Lot P-7 "Guilbeau/FM 1604" Annxatn	Creamer Nancy Bowen
W Loop 1604	NCB 16047 Blk Lot P-7A	Creamer Nancy Bowen

The listing above is made solely to facilitate indexing of 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. Reservation of Utility Rights. All presently existing drainage, water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, 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, upgraded, replaced (and realigned within the Right-of-Way segment) and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, 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 poles, lines or facilities in the segment does so at his own risk. After the date of this Ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, 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 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 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 6. Petitioner shall pay \$ 46,278.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.


SECTION 7. 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

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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.

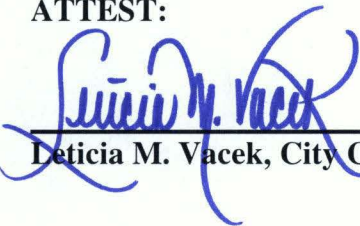
SECTION 8. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 20th day of September, 2018.




M A Y O R
Ron Nirenberg

ATTEST:



Deticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	11 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)						
Date:	09/20/2018						
Time:	09:35:36 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance closing, vacating, and abandoning 0.606 of an acre unimproved portion of Guilbeau Lane public right of way, located between 9290 Leslie Road and West Loop 1604, in Council District 7, as requested by John Bowen Creamer Family Limited Partnership, for a fee of \$46,278.00. [Peter Zanoni, Deputy City Manager, Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		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				

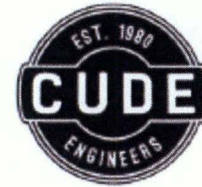
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Attachment I



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Attachment II



**LEGAL DESCRIPTION
0.606 ACRES OF LAND
GUILBEAU LANE**

0.606 acres of land located in the Peter Odit Survey Number 264, Abstract Number 561, County Block 4472, N.C.B. 16047, City of San Antonio, Bexar County, Texas and being a portion of that certain 4.9 acre tract known as Guilbeau Lane, as described in Volume 139, Page 112, Deed Records of Bexar County, Texas; said 0.606 acres being more particularly described as follows:

BEGINNING, at a found ½ inch iron rod located in the southeasterly right of way line of the Leslie Road, marking the most northerly corner of Guilbeau Lane and further marking the most westerly corner of that certain 1.497 acres conveyed to John and Kim Ybarra, as described in Volume 18769, Page 908, Official Public Records of Bexar County, Texas; said rod further being located in the northeasterly line of that certain called 100 acres (First Tract) as conveyed to Dr. P.G. Bowen, as described in Volume 1929, Page 622, Deed Records of Bexar County, Texas;

THENCE, along the boundary lines of said Guilbeau Lane, the following courses:

- South 64deg 22' 17" East, a distance of 254.38 feet, to a found ½ inch iron rod;
- South 61deg 05' 52" East, a distance of 80.65 feet, to a found ½ inch iron rod with red "CUDE" cap;
- South 09deg 37' 40" East, a distance of 266.25 feet, to a found ½ inch iron rod with red "CUDE" cap;
- South 20deg 08' 12" West, at a distance of 41.88 feet passing a broken TxDOT monument (proposed Right of Way acquisition), in all a total distance of 260.31 feet, to a found ½ inch iron rod located in the northwesterly right of way line of Loop 1604;

THENCE, South 41deg 49' 04" West, along the northwesterly right of way line of Loop 1604, a distance of 81.08 feet, to a found ½ inch iron rod;

THENCE, leaving the northwesterly right of way line of Loop 1604 and along the boundary line of Guilbeau Lane, the following courses:

- North 20deg 05' 35" East, a distance of 216.10 feet to a found ½ inch iron rod (proposed Right of Way acquisition);
- North 20deg 15' 16" East, a distance of 111.74 feet, to a found ½ inch iron rod;
- North 09deg 42' 54" West, a distance of 243.63 feet, to a found ½ inch iron rod;
- North 61deg 15' 30" West, a distance of 65.36 feet, to a found ½ inch iron rod with red "CUDE" cap;

CUDE ENGINEERS
SAN ANTONIO | AUSTIN

4122 POND HILL ROAD, STE 101
SAN ANTONIO, TEXAS 78231

PHONE: (210) 681-2951
CUDEENGINEERS.COM

TBPE NO. 455
TBPLS NO. 10048500

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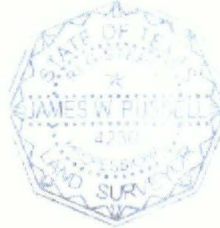
North 64deg 20' 59" West, a distance of 252.62 feet, to a found ½ inch iron rod with red "CUDE"
cap located in the southeasterly right of way line of Leslie Road;

THENCE, North 24deg 10' 26" East, along the southeasterly right of way line of Leslie Road, a distance of
30.30 feet, to the **POINT OF BEGINNING** and containing 0.606 acres of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

James W. Russell 5/7/18

James W. Russell
Registered Professional Land Surveyor No. 4230
Cude Engineers
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78231
TBPLS Firm No. 10048500
TBPE Firm No. 455
Job No. 03286.000
May 7, 2018



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