



Handwritten initials in blue ink, possibly 'JRL' and 'SP'.

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS
P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

May 16, 2018

STREAT PARKS, LLC, a Texas limited liability company
Sisters of the Holy Spirit and Mary Immaculate Inc. and Healy Murphy Center Inc.
C/o Government Relations Group of TX
Mitsuko Ramos, Principal
202 E. Houston Street #505
San Antonio, Texas 78205

- A). S.P. No. 2006 – Request to close, vacate and abandon an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street**

- B). S.P. No. 2007 – Request to close, vacate and abandon an improved portion of the eastern lane of Live Oak Street located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North**

Dear Ms. Ramos:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of the request subject to the following conditions:

CITY PUBLIC SERVICE ENERGY: There is an existing 3 phase power line on Burnet Street. This power line is set 3 feet off the property line, we will need a 17 foot easement for this power line. Also, if road is closed off, drivable access will be needed with 14 foot gates and City Public Service Energy locks. An existing underground electric line with manhole infrastructure lies within the narrow Live Oak St. right of way which powers a majority of the downtown. The underground electric line shall be located and surveyed by instrument to determine if there is an encroachment onto said property. if an encroachment exists then an easement will be required to protect the underground network electric line. The underground electric line must be left undisturbed during any construction. Retain the closure as an electric and gas easement for existing facilities. Existing gas main and services exist on Burnet Street and City Public Service Energy Gas requires a 14 foot gas and electric easement for existing utilities.

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DEVELOPMENT SERVICES DEPARTMENT: The property must be platted, as applicable, in the Unified Development Code, per section 35-430. Please note there are platting exceptions that may apply, please see the enclosed information Bulletin: <https://webapps1.sanantonio.gov/dsddocumentscentral/upload/IB531.pdf>

Right of Way dedication is required at the intersection of Live Oak and Brooklyn Streets. The area shall be platted as required. This project will require a tree permit. See applicable UDC Sections: 35-523, 35-477 and 35-B123.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT: The properties shall be platted in accordance with the UDC, should new construction be planned. In addition, access to pedestrian traffic must be reflected in the plat. Any construction and permitted "D" Downtown use must comply with the Downtown Design Guidelines as outlined in Ordinance #2015-06-18-0607. The petitioner shall agree to dedicate the right-of-way at the intersection of Live Oak Street and Brooklyn Avenue and improve the turning radius to ensure large vehicles (trucks, semitrailers etc.) are capable of safely turning onto Brooklyn Avenue from Live Oak Street. Such design and improvement shall comply with the street design standards outlined in the UDC and the 2015 International Fire Code.

SAN ANTONIO WATER SYSTEM (SAWS): SAWS has existing water and sewer facilities within the Public Right of Way of Burnet Street located between Brooklyn Avenue and Live Oak Street, where Petitioner is requesting the City of San Antonio to close, vacate and abandon.

SAWS requests the following reservation be placed in any City ordinance closing the Public Right of Way:

"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."

DEPARTMENT OF TRANSPORTATION & CAPITAL IMPROVEMENTS (TCI): **Program Management:** Closure must be approved by TCI Traffic and must be coordinated with existing utility companies to maintain existing services and/or easements. **Storm Water Engineering:** A drainage easement must be provided to encompass the existing underground drainage system sunning with the right of way of Burnet Street. Said drainage easement will need to be delineated to show there is a 10-foot wide easement on both sides of the centerline of the existing drainage system and this must be recorded in the plat. All required studies, permits, and fees must be submitted to and approved by applicable local (city and/or county), state and federal governing bodies. Furthermore, all local (city, and/or county), state and federal regulations must be complied with. **Right of Way:** Contact and confirm with all utilities that there are no conflicts. Retain as a drainage easement.

DW
M.A.B

Environmental Services: It is the Petitioner's responsibility to conduct the due diligence process (environmental assessments) for this area. The City does not warranty that environmental impacts are not to be encountered when disturbing the land. The City shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue.

The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closure will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

The total closure fee established for this request is \$261,957.00, which includes the assessed value of the Public Rights of Way of \$261,613.00 plus \$244.00 for the posting of four (4) signs notifying the public of the proposed street closures and \$100.00 for recording fees. However, staff will recommend to City Council that 25% of the total closure fee be waived since an application for the Inner City Revitalization / Infill Policy (ICRIP) has been approved. The adjusted total closure fee after the 25% ICRIP reduction is \$196,467.75. As part of the process, STREAT PARKS, LLC, a Texas limited liability company has agreed to dedicate a portion of its property for Public Right of Way. The dedicated property has an appraisal value of \$8,959.00 and will be deducted from the total closure fee. The new established total closure fee after the 25% ICRIP reduction and the \$8,959.00 reduction for the dedicated Public Right of Way is \$187,508.75. Petitioners agree to pay a total closure fee of \$187,508.75. The total closure fee will be due and payable to the City of San Antonio prior to City Council consideration

This Letter of Agreement is being offered by City of San Antonio only to the petitioners named below and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, please countersign this letter in the spaces provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$187,508.75, a Contracts Disclosure Form (to be completed on the <http://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf> website link then printed and signed) and Form 1295 (located at <http://www.ethics.state.tx.us/dfs/1295Certificates.html> and emailed to ethics@sanantonio.gov) for each entity listed on this letter, we will continue processing your request.

TW
M.A.G.

Sincerely,



Steve Hodges
Real Estate Manager

AGREED AS TO TERMS AND CONDITIONS:



By: STREAT PARKS, LLC, a Texas limited liability company

President

Title:

5-17-18

Date:



By: Sisters of the Holy Spirit and Mary Immaculate Inc.

General Superior

Title:

5/16/18

Date:



By: Healy Murphy Center Inc.

EXECUTIVE DIRECTOR

Title:

5/16/2018

Date: