

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

**ORDINANCE**

**CLOSING, VACATING AND ABANDONING AN UNIMPROVED 0.200  
ACRE ALLEY LOCATED BETWEEN EAST JONES AVENUE AND 10TH  
STREET, IN COUNCIL DISTRICT 1, AS REQUESTED BY LIBERTY  
PROPERTIES, FOR A FEE OF \$97,518.00.**

\* \* \* \* \*

**WHEREAS**, Liberty Properties (Petitioner) is requesting the closure, vacation and abandonment of an unimproved 0.200 acre alley Public Right-of-Way located between East Jones Avenue and 10th Street, as shown on attached Exhibit "A"; and

**WHEREAS**, Petitioner is the sole abutting property owner and would like to re-plat and re-develop the property for the construction of a new multi-family and mixed use development; and

**WHEREAS**, the new development will consist of approximately 280 multi-family units in a five-story building, with a parking garage, leasing center, fitness area, pool, and 7,500 square feet of retail space; and

**WHEREAS**, the City Planning Commission recommended approval for this request at its May 23, 2018 regular meeting; and

**WHEREAS**, City Council authorization is now necessary; **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 authorizes the closure, vacation, and abandonment of the Right-of-Way segment (Right-of-Way Segment) identified in Section 2 of 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 are incorporated into this Ordinance for all purposes as if they were fully set forth herein. Attachment II controls over any discrepancy between it and Attachment I.

**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>
210 E Jones Ave.	NCB 458 Blk 36 Lot 5&6, 7& 8	Liberty Properties
1002 Avenue B	NCB 458 Blk 36 Lot 1 thru 4	Liberty Properties
1001 Broadway St.	NCB 458 Blk 36 Lot 9 thru 16	Liberty Properties

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 impact validity of the closure.

**SECTION 4.** All presently existing drainage, 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, upgraded, replaced and maintained in the ordinary course of business. Any person wanting removal or relocation 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 or her own risk. After the date of this Ordinance, 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 a 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 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 the 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.** This property is within the City of San Antonio Inner City Reinvestment/Infill Policy (ICRIP) area. Per that policy, which has been approved by the City Council, the proposed fee for this closure is reduced by 75% due to the anticipated project investment of \$50 million or greater. Petitioner shall pay \$97,518.00 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 disposition of surplus property must be coordinated through the City's Finance Department to assure the removal of these assets from the City's financial records and to record the proper accounting transactions.

**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 is effective immediately upon its passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2018.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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

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Andrew Segovia, City Attorney

## ATTACHMENT I

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## **Attachment II**

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