

AN ORDINANCE 2018-01-18-0019

**CLOSING, VACATING, AND ABANDONING A 1.473 ACRE SEGMENT  
OF PUBLIC WATERWAY RIGHT-OF-WAY LOCATED DOWNTOWN  
BETWEEN EAST MARKET STREET AND EAST COMMERCE STREET  
IN COUNCIL DISTRICT 1.**

\* \* \* \* \*

**WHEREAS**, the original intent of the purchase and designation of certain City of San Antonio property as a public waterway appears to be part of a previous effort by the City of the San Antonio to redevelop the area around the Convention Center and Hemisfair downtown along the San Antonio River to include a hotel, public parking garage and river access via a public boat marina; and

**WHEREAS**, this property was platted as a public waterway ROW in 1988 as part of the City's Civic Center Project; and

**WHEREAS**, the City of San Antonio ("Petitioner") owns or has agreement from the owners abutting the property surrounding the proposed closure; and

**WHEREAS**, this request will remove the 'Public Waterway ROW' designation on a tract where the Marriot Riverwalk Hotel sits as well as on a tract where the City of San Antonio's Marina Parking Garage is located allowing for an updated and accurate property description; and

**WHEREAS**, this portion of public waterway right-of-way is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs while also clearing up title to the properties in order to allow real estate and other transactions beneficial to the city and its citizens; **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 ("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 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:

| <u>Address</u>          | <u>Description</u>   | <u>Owner Listed by Bexar County Appraisal District</u> |
|-------------------------|--|--|
| 889 E Market Street     | NCB 13812 Blk 1 Lot 1  | City of San Antonio                                    |
| 850 Commerce Plaza Bldg | NCB 13812 Public Waterway ROW  | City of San Antonio                                    |
| E Market St             | NCB 13814 Block 3 Lot EIRR 481.22 Ft of W 646.96 Ft of 14 (H B Gonzalez Convention Center Sub'd) & P-101 | Hemisfair Park Public Facilities Corp                  |
| 600 E Market St         | NCB 13814 Blk 3 Lot 13 SA Convention Ctr Hotel/Riverwalk Residences Condos                               | The Master San Antonio Hotel Condominium Assoc Inc     |
| 849 E Commerce St       | NCB 1010 Blk 2 Lot 4.0287 AC of 30 (Rivercenter Mall)  | New Rivercenter Mall II LP                             |

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, sewer, 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,



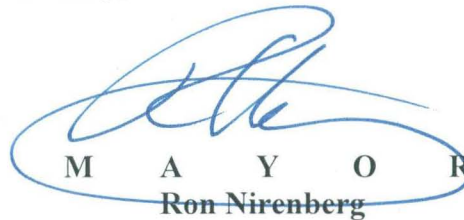
vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat. No such replat impairs the rights retained by City above, unless in the course of replatting, the owner, at its own expense, otherwise provides for those rights according to platting rules of general applicability.

**SECTION 6.** Per Chapter 37, Section 11 (c) of the City of San Antonio city code there are no fees associated with a city initiated closure, vacation and abandonment. There is no other fiscal language associated with this ordinance.

**SECTION 7.** 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 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.

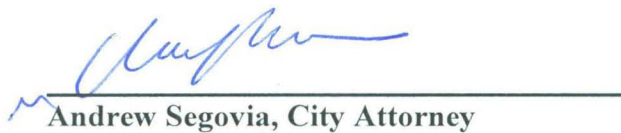
**PASSED AND APPROVED this 18th day of January, 2018.**

  
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> | 9 ( in consent vote: 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25 )  |             |     |     |         |        |        |
|---------------------|--|-------------|-----|-----|---------|--------|--------|
| <b>Date:</b>        | 01/18/2018   |             |     |     |         |        |        |
| <b>Time:</b>        | 09:23:52 AM  |             |     |     |         |        |        |
| <b>Vote Type:</b>   | Motion to Approve  |             |     |     |         |        |        |
| <b>Description:</b> | An Ordinance authorizing the closure, vacation and abandonment of 1.473 acres of public waterway right-of-way located downtown between East Market Street and East Commerce Street, near Bowie Street in Council District 1, as requested by the City of San Antonio to update property legal descriptions. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements] |             |     |     |         |        |        |
| <b>Result:</b>      | Passed   |             |     |     |         |        |        |
| Voter               | Group  | Not Present | Yea | Nay | Abstain | Motion | Second |
| 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   |     |         |        |        |
| 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   |     |         |        | x      |
| Clayton H. Perry    | District 10  |             | x   |     |         |        |        |

# Attachment I





## Attachment II

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Field Notes for a Tract of Land  
Containing 1.473 Acres  
(Right-of-way Abandonment)

1.473 acres (64,169.70 square feet) of land in the City of San Antonio, Bexar County, Texas out of a 5.009 acre Public Waterway Right-of-way, Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas, as shown on subdivision plat recorded in Volume 9518, Pages 116-126 of the Official Public Records of Bexar County, Texas, said 1.473 acre tract of land being more particularly described as follows:

**Beginning:** at a point on the south right-of-way line of East Commerce Street, a variable width right-of-way, being the northwest corner of Lot 1, Block 1, New City Block 13812, as shown on said Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas, being the northeast corner of said 5.009 acre Public Waterway Right-of-way, and being the northeast corner of the herein described tract;

**Thence,** leaving the south right-of-way line of said East Commerce Street, with the east line of said 5.009 acre Public Waterway Right-of-way, South 14 degrees 02 minutes 37 seconds East, a distance of 204.69 feet to a point on the north right-of-way line of East Market Street, a variable-width right-of-way, being the southwest corner of said Lot 1, Block 1, the southeast corner of said 5.009 acre Public Waterway Right-of-way, and being the southeast corner of the herein described tract;

**Thence,** with the north right-of-way line of said East Market Street, and with the south line of said 5.009 acre Public Waterway Right-of-way, North 75 degrees 03 minutes 09 seconds West, a distance of 306.04 feet to a point, being the southwest corner of the herein described tract;

**Thence,** leaving the north right-of-way line of said East Market Street, over said 5.009 acre Public Waterway Right-of-way, the following ten (10) courses:

North 14 degrees 21 minutes 05 seconds East, a distance of 21.85 feet to a point, being an angle point in the herein described tract;

South 45 degrees 45 minutes 59 seconds West, a distance of 8.85 feet to a point, being an angle point in the herein described tract;

North 14 degrees 12 minutes 27 seconds East, a distance of 12.96 feet to a point, being an interior corner in the herein described tract;

North 75 degrees 47 minutes 33 seconds West, a distance of 4.24 feet to a point, being a corner in the herein described tract;

North 14 degrees 15 minutes 34 seconds East, a distance of 65.20 feet to a point, being an angle point in the herein described tract;

North 20 degrees 30 minutes 15 seconds West, a distance of 15.39 feet to a point, being an angle point in the herein described tract;

North 75 degrees 44 minutes 26 seconds West, a distance of 12.10 feet to a point being a point of tangent curvature to the right;

TBPE F-5297, TBPLS No. 10131500  
12770 Cimarron Path, Suite 100 San Antonio, TX 78249  
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Along the arc of said curve to the right, a distance of 34.56 feet, having a radius of 11.00 feet, a central angle of 180 degrees 00 minutes 00 seconds, and a chord bearing and distance of North 14 degrees 09 minutes 41 seconds East, 22.00 feet to a point being a point of tangency;

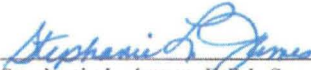
South 75 degrees 44 minutes 26 seconds East, a distance of 19.92 feet to a point, being an interior corner in the herein described tract;

North 14 degrees 15 minutes 34 seconds East, a distance of 72.77 feet to a point on the south right-of-way line of said East Commerce Street and on the north line of said 5.009 acre Public Waterway Right-of-way being the northwest corner of the herein described tract;

**Thence**, with the south right-of-way line of said East Commerce Street, and with the north line of said 5.009 acre Public Waterway Right-of-way, South 75 degrees 57 minutes 01 seconds East, a distance of 315.08 to the **Point of Beginning**, containing 1.473 acres (64,169.70 square feet) of land.

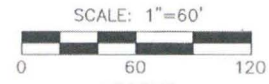
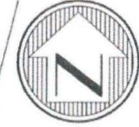
**Note:** Basis of bearing was established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An Exhibit of even date was prepared for this description.



  
Stephanie L. James, R.P.L.S.  
Registered Professional Land Surveyor  
No. 5950  
Date: 2017-11-01      Job No. 16016

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | DIRECTION   |
| L1         | 21.85' | N14°21'05"E |
| L2         | 8.85'  | S45°45'59"W |
| L3         | 12.96' | N14°12'27"E |
| L4         | 4.24'  | N75°47'33"W |
| L5         | 15.39' | N20°30'25"W |
| L6         | 12.10' | N75°44'26"W |
| L7         | 19.92' | S75°44'26"E |

| CURVE TABLE |            |            |        |               |             |
|-------------|------------|------------|--------|---------------|-------------|
| CURVE NO.   | DELTA      | ARC LENGTH | RADIUS | CHORD BEARING | CHORD DIST. |
| C1          | 180°00'00" | 34.56'     | 11.00' | N14°09'41"E   | 22.00'      |



**LEGEND:**  
 O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS  
 P.O.B. POINT OF BEGINNING  
 R.O.W. RIGHT-OF-WAY

(3.536 ACRES)  
 REMAINDER OF  
 PUBLIC WATERWAY R.O.W.  
 BLOCK 1 N.C.B. 13812  
 CIVIC CENTER, PROJECT NO. 5  
 TEX. R-83  
 URBAN RENEWAL AGENCY  
 CITY OF SAN ANTONIO, TEXAS  
 VOL. 9518, PG'S 116-126  
 O.P.R.B.C.T.

1.473 ACRES  
 (64,169.70 SQUARE FEET)

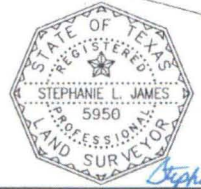
BOWIE STREET  
 (VARIABLE WIDTH R.O.W.)  
 VOL. 9518, PG'S 122-126  
 O.P.R.B.C.T.

LOT 1 BLOCK 1  
 N.C.B. 13812  
 CIVIC CENTER, PROJECT NO. 5  
 TEX. R-83  
 URBAN RENEWAL AGENCY  
 CITY OF SAN ANTONIO, TEXAS  
 VOL. 9518, PG'S 116-126  
 O.P.R.B.C.T.

- GENERAL NOTES:**
- 1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.
  - 2) ONLY THOSE COPIES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSIDERED A "VALID" COPY. MOY TARIN RAMIREZ ENGINEERS, LLC., WILL NOT BE RESPONSIBLE FOR THE CONTENT OF ANYTHING OTHER THAN A VALID COPY OF THIS EXHIBIT.
  - 3) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS EXHIBIT.
  - 4) UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS ARE POINTS.

**Moy Tarin Ramirez Engineers, LLC**  
 FIRM TBPE NO. F-5297 TBPLS FIRM NO. 10131500  
 12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051  
 SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5085

- Engineers
- Surveyors
- Planners



*Stephanie L. James*

**EXHIBIT OF**  
 RIGHT-OF-WAY ABANDONMENT  
 1.473 ACRES (64,169.70 SQUARE FEET) OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS OUT OF A 5.009 ACRE PUBLIC WATERWAY RIGHT-OF-WAY, CIVIC CENTER, PROJECT NO. 5 TEX. R-83 URBAN RENEWAL AGENCY CITY OF SAN ANTONIO, TEXAS, AS SHOWN ON SUBDIVISION PLAT RECORDED IN VOLUME 9518, PAGES 116-126 OF THE OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS.  
 DATE: 2017-11-01 JOB No. 16016