

ORDINANCE

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF 0.1924 ACRE OF AN IMPROVED ALLEY BORDERED BY BROADWAY, 8TH STREET, AVENUE B, AND 9TH STREET PUBLIC RIGHTS-OF-WAY AS REQUESTED BY CBMB PROPERTIES, LLC FOR A FEE OF \$78,750.00 IN COUNCIL DISTRICT 1.

* * * * *

WHEREAS, Petitioner CBMB Properties, L.L.C. (“Petitioner”) is requesting the City of San Antonio to close, vacate and abandon the improved alley public right-of-way located within the block bordered by Broadway, 8th Street, Avenue B, and 9th Street in City Council District 1 as shown on **Exhibit “A”** consisting of 0.1924 acre (“Subject ROW”); and

WHEREAS, Petitioner owns all abutting property to the Subject ROW; and

WHEREAS, if approved, Petitioner, with partners, plan to redevelop the entire block including the Subject ROW into new mixed-use, midrise development to include a combination of multifamily, retail, and/or office uses that will include outdoor public amenities for the community; plans also include the preservation and restoration of the 30,000-square-foot former Cavender showroom building located at 801 Broadway; and

WHEREAS, the closure of the Subject ROW would facilitate the layout and full development of the new construction; and

WHEREAS, there was no opposition to the closures by City departments or utilities during the canvassing process and the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on February 26, 2020; and

WHEREAS, the Subject ROW was appraised for \$315,000 by Noble and Associates, Inc. on August 24, 2019; to facilitate the closure of the alley and planned redevelopment of the properties, Petitioner requests a 75 percent reduction in the closure fee. With this reduction, the closure fee is \$78,750 plus a \$150 recording fee; and

WHEREAS, in compliance with Chapter 37, signs were placed near the proposed closures, and letters sent to property owners identified within a 500 foot radius to provide notice and public hearing dates of the proposed closures; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby authorizes, for a Final Closure Fee of \$78,750.00 the closure, vacation, and abandonment of its right of way interests as to 0.1924 acre consisting of the improved portion of the alley located within a block bordered by Broadway, 8th Street, Avenue B and 9th Street as shown in **Exhibit “A”** and more accurately described in **Exhibit “B”**.

SECTION 2. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibit “B”** controls over any discrepancy between it and **Exhibit “A”**.

SECTION 3. Funds generated by this ordinance in the amount of \$150.00 for recording fees will be deposited into Fund 11001000, Internal Order 219000000020 and General Ledger 4406154

SECTION 4. Funds generated by this ordinance in the amount of \$78,750.00 for closing, vacating and abandoning the referenced property will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

SECTION 5. 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 6. 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. 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 _____ day of _____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina Flores, Acting City Clerk

Andrew Segovia, City Attorney

Exhibit A

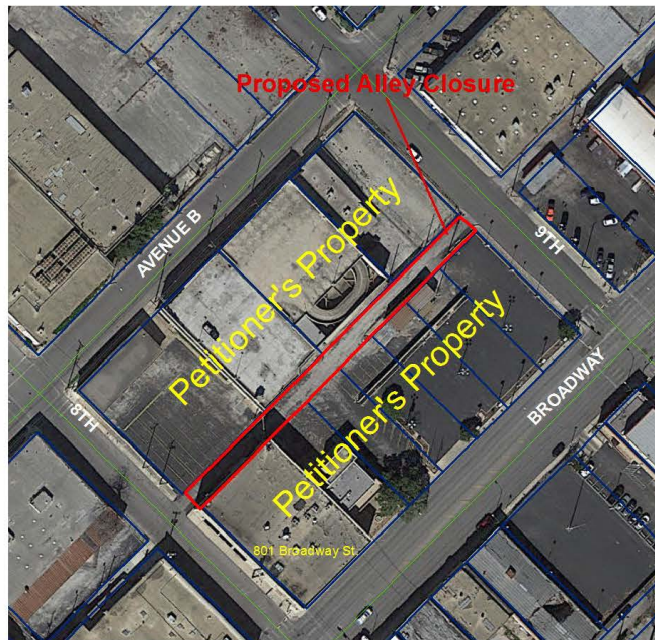
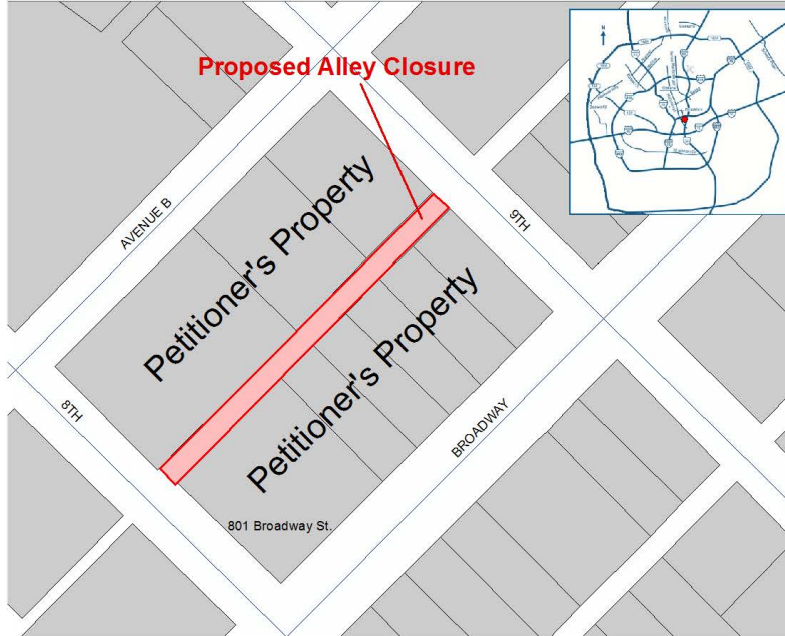
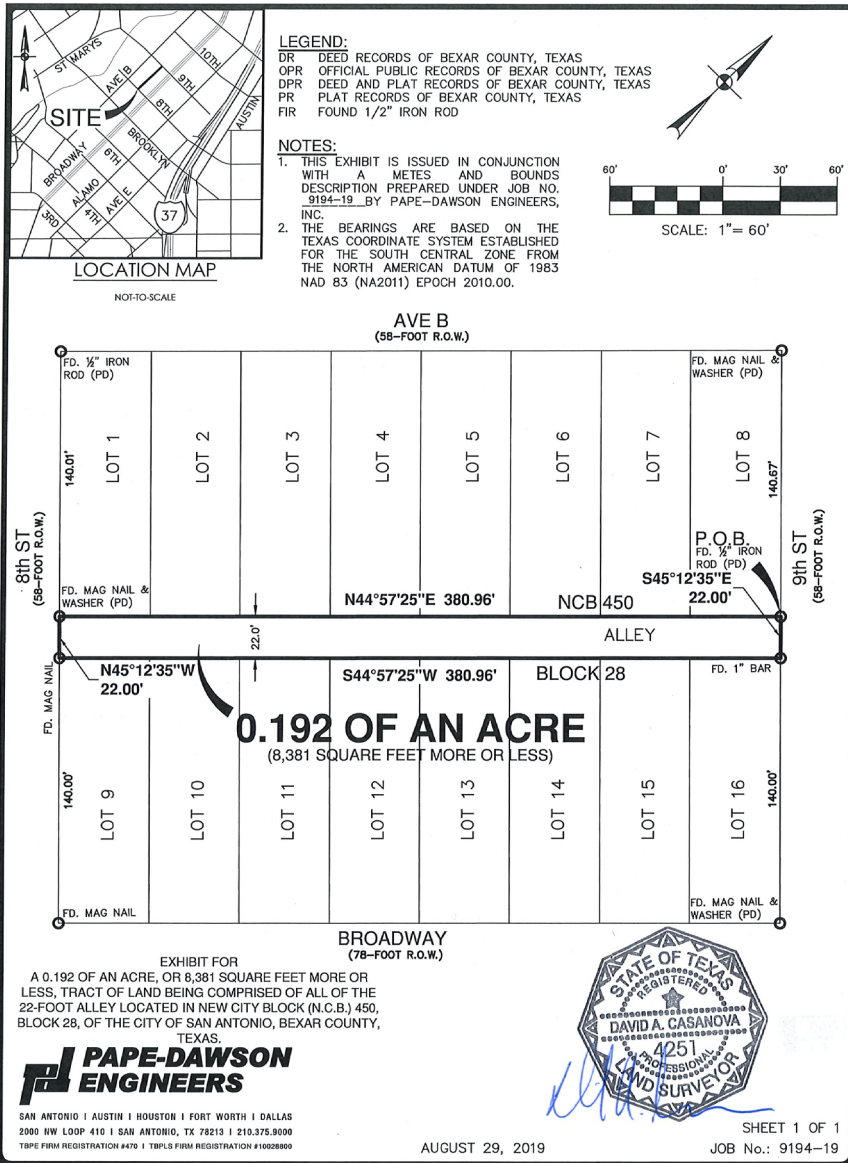


Exhibit B

DRAFT





METES AND BOUNDS DESCRIPTION
FOR

A 0.192 of an acre, or 8,381 square feet more or less, tract of land being comprised of all of the 22-foot alley located in New City Block (N.C.B.) 450, Block 28, of the City of San Antonio, Bexar County, Texas. Said 0.192 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

- BEGINNING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson" on the southwest right-of-way line of 9th Street, a 58-foot right-of-way, at the northeast corner of said 22-foot alley and the southeast corner of Lot 8, Block 28 of said N.C.B. 450;
- THENCE: S 45°12'35" E, along and with the southwest right-of-way line of 9th Street, a distance of 22.00 feet to a found 1 inch bar for the north corner of Lot 16, Block 28 of said N.C.B. 450;
- THENCE: S 44°57'25" W, departing the southwest right-of-way line of 9th Street, along and with the northwest line of Lots 9-16, Block 28, and the southeast line of said 22-foot Alley, a distance of 380.96 feet to a found ½" iron rod with yellow cap stamped "Pape-Dawson" on the northeast right-of-way line of 8th Street, a 58-foot right-of-way and the west corner of said Lot 9;
- THENCE: N 45°12'35" W, along and with the northeast right-of-way line of said 8th Street, a distance of 22.00 feet to a found mag nail and washer stamped "Pape-Dawson" for the south corner of Lot 1 of said Block 28;
- THENCE: N 44°57'25" E, along and with the southeast line of Lots 1-8, Block 28, the northwest line of said 22-foot Alley, a distance of 380.96 feet to the POINT OF BEGINNING and containing 0.192 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 9194-19 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: August 29, 2019
JOB NO. 9194-19
DOC. ID. N:\Survey\19\9100\9194-19\Word\9194-19 FN-0.192 AC.docx



TBPE Firm Registration #470 | TBPLS Firm Registration #10028800
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Transportation | Water Resources | Land Development | Surveying | Environmental
2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com