

AN ORDINANCE 2014 - 11 - 13 - 0 910

**CLOSING, VACATING, AND ABANDONING AN  
APPROXIMATELY 0.084-ACRE UNIMPROVED PORTION  
OF OVERLOOK DRIVE IN COUNCIL DISTRICT 10 AND  
WAIVING FEES ASSOCIATED WITH THE TRANSACTION.**

\* \* \* \* \*

**WHEREAS**, HEB Grocery Company, LP, has requested the abandonment of this City of San Antonio Right of Way segment; and

**WHEREAS**, Ordinances 2009-05-07-0350 and 2010-04-01-0260 authorized the City of San Antonio to acquire four parcels of land related to City of San Antonio bond projects; and

**WHEREAS**, HEB Grocery Company, LP will dedicate four parcels of land to the City of San Antonio at no cost; and

**WHEREAS**, the Right-of-Way Segments are no longer needed for public purposes; and

**WHEREAS**, it is in the interest of the public that the City of San Antonio be relieved of the obligation to maintain the Right-of-Way Segment; **NOW THEREFORE**,

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

**SECTION 1.** Subject to the reservation below, as an exercise of its discretion, the City Council closes, vacates, and abandons the rights-of-way ("Right-of-Way Segments") identified in Section 2 of this Ordinance.

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

**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> |
|----------------------------------------------------|----------------------------------------------------|--------------------------------------------------|
| PO BOX 839999<br>SAN ANTONIO,<br>TX 78283-<br>3999 | NCB 17727 BLK 2<br>LOT 12 (FISCHER<br>60.91 ACRES) | HEB GROCERY<br>COMPANY LP                        |

The listing above is made solely to facilitate indexing 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.** All presently existing 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 used, repaired, enlarged, 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, 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 right of way.

**SECTION 5.** The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this closure, abandonment, and vacation.

**SECTION 6.** 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.

**SECTION 7:** 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. All fees associated with the closure of this Right-of-Way Segment are waived.

**SECTION 8:** The donation of property to the City of San Antonio must comply with GASB 33 and AD 8.8. All necessary information must be coordinated through the city's Finance Department to assure the recording of the proper accounting transactions.

**SECTION 9:** 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 10.** 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.

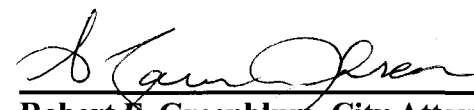
**PASSED AND APPROVED** this 13th day of November, 2014.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
for Robert F. Greenblum, City Attorney

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |            |            |                |               |               |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Agenda Item:</b> | <b>21</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                    |            |            |                |               |               |
| <b>Date:</b>        | 11/13/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |            |            |                |               |               |
| <b>Time:</b>        | 10:02:30 AM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |            |            |                |               |               |
| <b>Vote Type:</b>   | Motion to Approve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |            |            |                |               |               |
| <b>Description:</b> | An Ordinance authorizing the closure, vacation, and abandonment of an approximately 0.084-acre unimproved portion of Overlook Loop located at the southwest corner of Bulverde Road and Overlook Loop, in Council District 10, as requested by HEB Grocery Company, LP. and waiving fees in exchange for the dedication of four parcels of land with a higher value to the City of San Antonio for the 2007-2012 Bulverde Road Bond Project. [Peter Zaroni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office] |                    |            |            |                |               |               |
| <b>Result:</b>      | Passed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |            |            |                |               |               |
| <b>Voter</b>        | <b>Group</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>Motion</b> | <b>Second</b> |
| Ivy R. Taylor       | Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    | x          |            |                |               |               |
| Diego Bernal        | District 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                |               | x             |
| Keith Toney         | District 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                |               |               |
| Rebecca Viagran     | District 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                | x             |               |
| Rey Saldaña         | District 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | x                  |            |            |                |               |               |
| Shirley Gonzales    | District 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | x                  |            |            |                |               |               |
| Ray Lopez           | District 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                |               |               |
| Cris Medina         | District 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                |               |               |
| Ron Nirenberg       | District 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |            |            | x              |               |               |
| Joe Krier           | District 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    | x          |            |                |               |               |
| Michael Gallagher   | District 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    | x          |            |                |               |               |

## Attachment I

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**Parcel 18749**  
**Project Name: Bulverde Road**  
**– Loop 1604 to Evans Road**  
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**Metes and Bounds Description**  
**for a**  
**0.084 Ac. Tract**  
(3,671 sq. ft.)  
**(Fee Simple)**

Being 0.084 acres of land (3,671 sq. ft.) out of the existing Overlook Loop, a 70.00 feet public street right-of-way dedicated with the Fischer 60.91 Acres Subdivision, San Antonio, Bexar County, Texas, recorded in Volume 9563, Page 185 of the Deed and Plat Records of Bexar County, Texas; said 0.084 acre tract (3,671 sq. ft.) being more particularly described as follows:

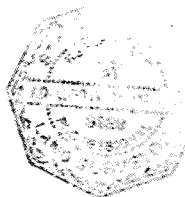
**Beginning** at a set 1/2" iron pin with yellow cap labeled "PCI" (hereinafter referred to as "IP W/YC") located on the existing southwest right-of-way line of Overlook Loop and being at the northwesterly end of a curve return at the southwest corner of the intersection of Overlook Loop and Bulverde Road;

1. Thence along the common line between the said existing southwest right-of-way line of Overlook Loop and Lot 12, Block 2, New City Block 17727 of said Fisher 60.91 Acre Subdivision the following calls:  
  
N 77°04'39" W, 177.30 feet to a set IP W/YC located at the beginning of a curve to the left;  
  
84.46 feet along the said curve to the left having a central angle of 10°24'23", a radius of 465.00 feet, and a chord bearing and distance of N 83°09'01" W, 84.34 feet to an IP W/YC set for the end of this curve;
2. Thence departing the said common line between the existing southwest right-of-way line of Overlook Loop and Lot 12, N 87°01'11" E, 47.28 feet to a set IP W/YC at the beginning of a curve to the right;
3. Thence 60.21 feet along the said curve to the right having a central angle of 12°01'15", a radius of 287.00 feet, and a chord bearing and distance of S 86°58'11" E, 60.10 feet to an IP W/YC set for the end of this curve;

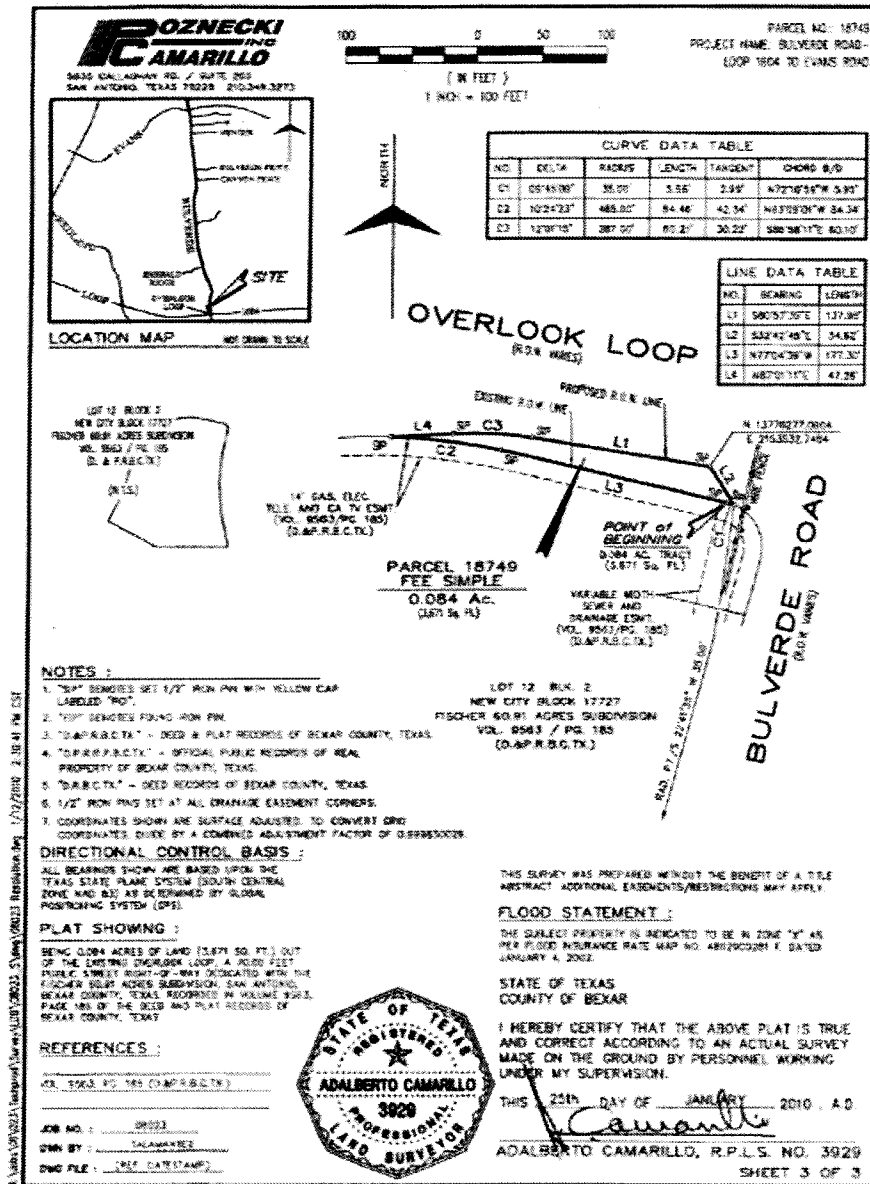
**Parcel 18749**  
**Project Name: Bulverde Road**  
**- Loop 1604 to Evans Road**  
Page 2 of 3

4. Thence S 80°57'35" E, 137.98 feet to an IP W/YC set for an angle point of the tract herein described;
5. Thence S 32°42'45" E, 34.62 feet to a set IP W/YC located on said existing curve return at the southwest corner of the intersection of Overlook Loop and Bulverde Road; said IP W/YC being at the beginning of a non-tangent curve to the left;
6. Thence 5.96 feet along the said existing curve return and non-tangent curve to the left having a central angle of 09°45'09", a radius of 35.00 feet, and whose radius point bears S 22°41'35" W to the **Point of Beginning** and containing 0.084 acres of land (3,671 sq. ft.), more or less.

A plat of even date accompanies this metes and bounds description.

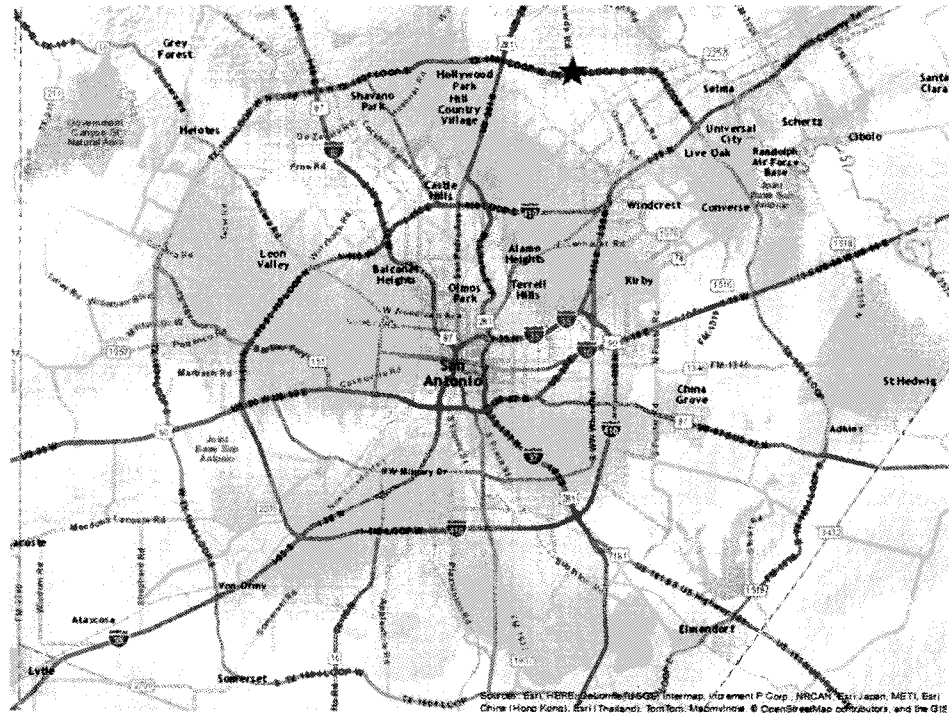


  
Adalberto Camarillo  
Registered Professional Land Surveyor  
No. 3929  
January 25, 2010

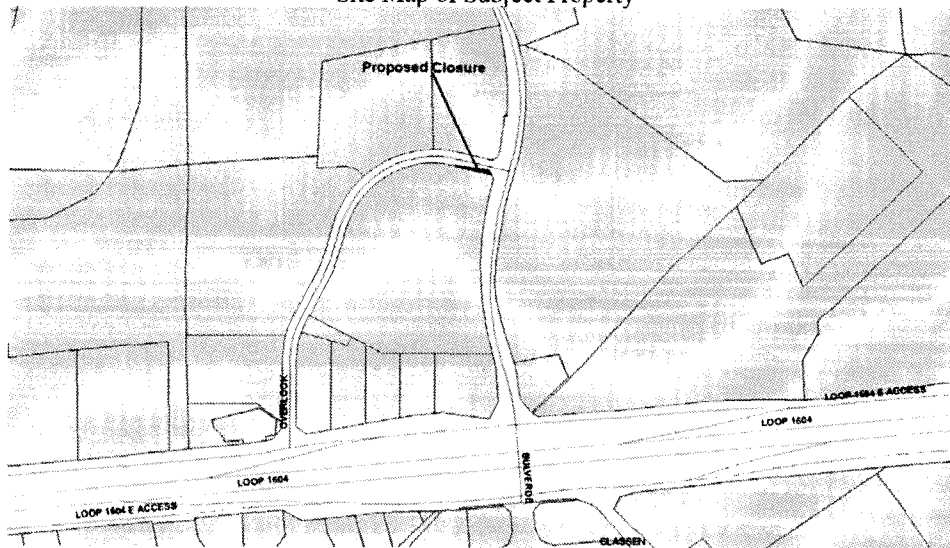


## Attachment II

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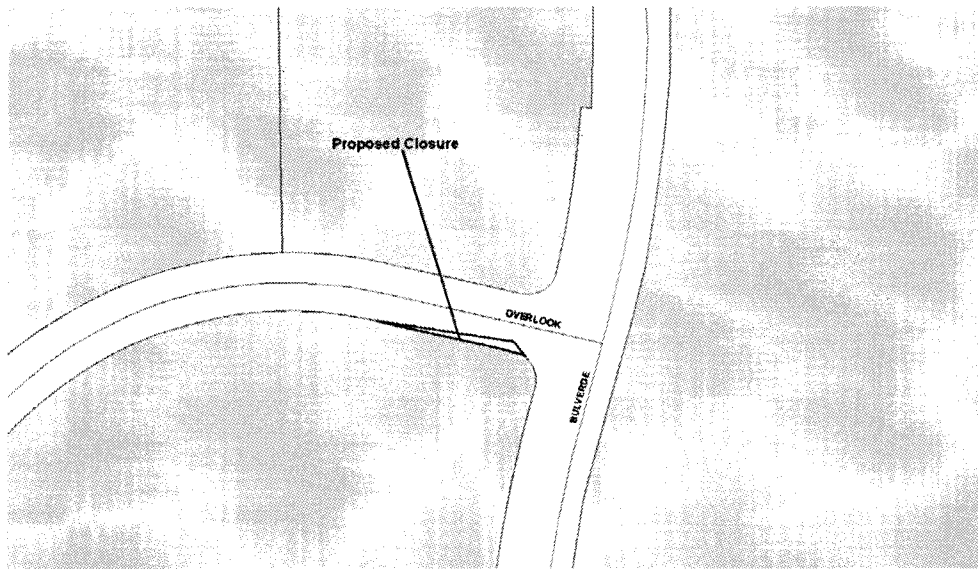


Site Map of Subject Property



Map of Subject Property

## Exhibit "A"



Map of Subject Property



Aerial Map of Subject Property