

ORDINANCE

2018-09-20-0739

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF 36 SQUARE FEET OF EAST COMMERCE, PUBLIC RIGHT-OF-WAY ADJACENT TO NCB 13812; AND 15 SQUARE FEET OF EAST MARKET STREET PUBLIC RIGHT-OF-WAY ADJACENT TO NCB 13812 WHICH WILL REMOVE THE CITY'S RIGHT-OF-WAY EASEMENT INTEREST AND REFLECT BUILDING ENCROACHMENTS IN THE RIGHT-OF-WAY.

* * * * *

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 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 as such, the property was platted as a public waterway right-of-way after the construction of the Marriott Riverwalk Hotel and Marina Garage in 1998 as part of the City's Civic Center Project; and

WHEREAS, on June 20, 2016, City Council authorized the sale of 0.801 acre improved tract of land located at 889 East Market Street to HMH Rivers LP, the hotel operator for the Marriott Riverwalk Hotel; and

WHEREAS, on January 18, 2018, City Council authorized the closure, vacation, and abandonment of a 1.473 acre segment a public waterway right-of-way to remove the right-of-way designation and update the legal description of the Marriott Riverwalk Hotel and the City of San Antonio's Marina Garage; and

WHEREAS, subsequent surveys identified two remaining building encroachments not previously addressed consisting of 36 square feet of the Marriott Riverwalk Hotel onto East Commerce Street and 15 square feet of the Marina Garage onto East Market Street; and

WHEREAS, the City of San Antonio requests the closure, vacation, and abandonment of 36 square feet of East Commerce Street right-of-way adjacent to NCB 13812 and 15 square feet of East Market Street right-of-way adjacent to NCB 13812 acres as shown on **Exhibit "A"**; and

WHEREAS, the City of San Antonio's request will remove the public-right-of-way designation to a portion of the Marriott Riverwalk Hotel footprint onto East Commerce Street and a portion of the Marina Garage that encroaches onto East Market Street, allowing the buildings to remain as-is and will be accurately reflected in the Bexar County property records; and

WHEREAS, the removal of the public right-of-way designation on the subject properties were canvassed throughout the city departments and utilities with no objections; and

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WHEREAS, in accordance with Chapter 37 of the Municipal Code, signs need not be erected, and letter need not be sent for slivers not affecting the path of travel; and

WHEREAS, there is no fiscal impact associated with this request since it is city-initiated to accurately reflect the buildings' footprints in the public records; and

WHEREAS, the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on August 22, 2018; **NOW THEREFORE:**

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

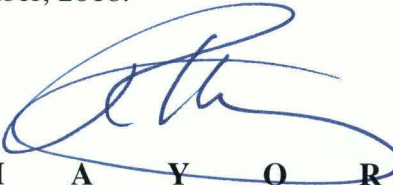
SECTION 1. The City Council hereby authorizes following:

- A. The closure, vacation, and abandonment of its right-of-way interests as to a 36 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and
- B. The closure, vacation, and abandonment of its right-of-way interests as to a 15 square feet area of the East Market Street right-of-way adjacent to NCB 13812.

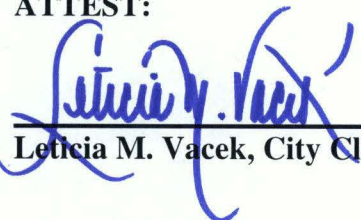
SECTION 2. Detailed descriptions of the right-of-way segments are set forth on **Exhibit A**. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth.

SECTION 3. 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 20th day of September, 2018.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	12 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26)						
Date:	09/20/2018						
Time:	09:35:36 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 36.00 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and a 15.00 square feet area of the East Market Street right-of-way adjacent to NCB 13812, in Council District 1, as requested by the City of San Antonio to reflect building encroachments in the right-of-way. [Lori Houston, Assistant City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x			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				
Clayton H. Perry	District 10		x				

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Exhibit "A"



Tract "A"
Field Notes for a Tract of Land
Containing 36.00 Square Feet
(Right-of-way Abandonment)

Being a 36.00 square foot tract of land in the City of San Antonio, Bexar County, Texas, out of the East Commerce Street right-of-way, a variable width right-of-way, as shown on subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas as recorded in Volume 9518, Pages 122-126, of the Official Public Records of Bexar County, Texas, said 36.00 square foot tract of land being more particularly described as follows:

Commencing: at a point on the south right-of-way line of said East Commerce Street, being the northwest corner of Lot 1, Block 1, New City Block 13812, and being the northeast corner of Public Waterway Right-of-way, Block 1, New City Block 13812, both as shown on said subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas;

Thence, with the south right-of-way line of said East Commerce Street, being the north boundary of said Public Waterway Right-of-way, North 75 degrees 57 minutes 01 seconds West, a distance of 247.02 feet to the **Point of Beginning**, being the southeast corner of the herein described tract;

Thence, continuing with the south right-of-way line of said East Commerce Street, being the north line of said Public Waterway Right-of-way, North 75 degrees 57 minutes 01 seconds West, a distance of 40.00 feet to a point, being the southwest corner of the herein described tract;

Thence, leaving the south right-of-way line of said East Commerce Street, over said East Commerce Street right-of-way, the following three (3) courses:

North 14 degrees 02 minutes 59 seconds East, a distance of 0.90 foot to a point, being the northwest corner of the herein described tract;

South 75 degrees 57 minutes 01 seconds East, a distance of 40.00 feet to a point, being the northeast corner of the herein described tract;

South 14 degrees 02 minutes 59 seconds West, a distance of 0.90 foot to the **Point of Beginning**, containing 36.00 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
Stephanie L. James, R.P.L.S.
Registered Professional Land Surveyor
No. 5950
Date: 2018-07-02 Job No. 16016

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Tract "B"
Field Notes for a Tract of Land
Containing 15.00 Square Feet
(Right-of-way Abandonment)

Being a 15.00 square foot tract of land in the City of San Antonio, Bexar County, Texas out of the East Market Street right-of-way, a variable width right-of-way, as shown on subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas as recorded in Volume 9518, Pages 122-126, of the Official Public Records of Bexar County, Texas, said 15.00 square foot tract of land being more particularly described as follows:

Commencing: at a point on the north right-of-way line of said East Market Street, being the southwest corner of Lot 1, Block 1, New City Block 13812, and being the southeast corner of Public Waterway Right-of-way Block 1 New City Block 13812, both as shown on said subdivision plat of Civic Center, Project No.5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas;

Thence, with the north right-of-way line of said East Market Street, being the south boundary line of said Lot 1 Block 1, South 75 degrees 03 minutes 09 seconds East, a distance of 4.08 feet to the **Point of Beginning**, being the northwest corner of the herein described tract;

Thence, continuing with the north right-of-way line of said East Market Street, and with the south boundary of said Lot 1 Block 1, South 75 degrees 03 minutes 09 seconds East, a distance of 12.00 feet to a point, being the northeast corner of the herein described tract;

Thence, leaving the north right-of-way line of said East Market Street, over said East Market Street right-of-way, the following three (3) courses:


South 14 degrees 56 minutes 51 seconds West, a distance of 1.25 feet to a point, being the southeast corner of the herein described tract;

North 75 degrees 03 minutes 09 seconds West, a distance of 12.00 feet to a point, being the southwest corner of the herein described tract;

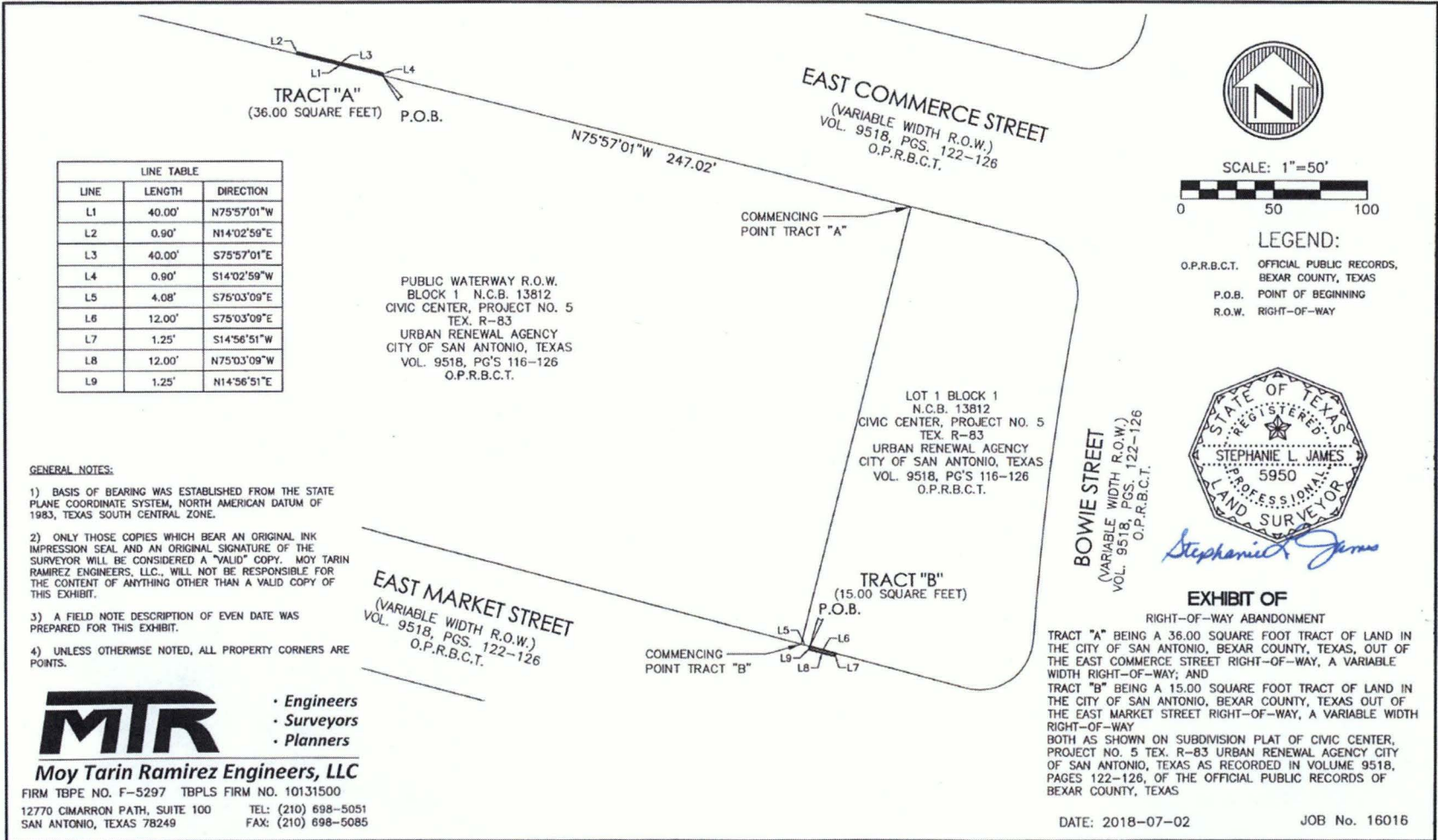
North 14 degrees 56 minutes 51 seconds West, a distance of 1.25 feet to the **Point of Beginning**, containing 15.00 square feet of land.

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: 2018-07-02 Job No. 16016

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MTR • Engineers
• Surveyors
• Planners

Moy Tarin Ramirez Engineers, LLC
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