



CITY OF SAN ANTONIO

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

June 24, 2019

2450 Roosevelt, Ltd. (James G. Lifshutz)
c/o Big Red Dog
5710 W Hausman, Suite 115
San Antonio, Texas 78249
Attn: Taylor Allen

[Via Email: taylor.allen@bigreddog.com]

Re: S.P. 2150 Request by 2450 Roosevelt, Ltd. requests the city close, vacate and abandon its interest in a 0.497 acre improved portion of right-of-way at the northeast corner of Riverside Drive and Roosevelt Avenue also known as H. F. McCarty Drive.

Dear Mr. Allen,

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

Approved

- Aviation
- Finance
- Neighborhood Housing [Engagement, Grants and TIF]
- Parks
- Planning: Note: property is located within the World Heritage Buffer Zone and the Mission Drive-In Tax Increment Reinvestment Zones (TIRZ). Roosevelt Avenue is an arterial with 70 to 120 feet of right-of-way on the Major Thoroughfare Plan. The property has the Roosevelt Avenue Corridor Overlay District and RIO-5 Overlay.
- Solid Waste Management
- TCI Disability Access Office
- TCI Project Delivery/Horizontal
- TCI Storm Water
- TCI Traffic Engineering
- TXDoT
- VIA
- WHO: Proposed project is consistent with the goals of the South Central San Antonio Community Plan.

Conditional

- **CPS Energy: Gas Engineering** - Petitioner will be required to provide 14' gas and electric easements on all existing distribution gas mains and supply gas main. Customer is required to call Texas 811 and verify location of all gas facilities. Gas mains can be relocated at petitioners' expense. **ROW Management** - CPS must have easements granted for all existing gas and electric facilities when property is platted.
- **Development Services:** Provided proper permits are obtained (see applicable UDC Sections 35-506, 35-515, 35-523, 35-477 and 35-B123). The site must be platted as applicable in accordance with the Unified Development Code, per Section 35-430. Please note there are platting exceptions that may apply, please see the enclosed Information Bulletin:
<https://webapps1.sanantonio.gov/dsddocumentcentral/upload/TB531.pdf>. A minimum right-of-way of 70 feet is required at the intersection with Roosevelt Avenue in order to meet street hierarchy per the UDC.
- **SAWS:** SAWS has a sewer line located in the ROW and need to reserve rights to maintain, operate and repair the line.



- **TCI Environmental:** It is the Petitioner's responsibility to conduct the due diligence process (environmental assessments) for this area. The city does not warranty that environmental impacts are not to be encountered when disturbing the land. The city shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue.
- **TCI/NWSC/Streets:** No drainage issues with runoff down the path.
- **TCI ROW:** Contact and confirm with all utilities that there are no conflicts.

The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closure will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. Petitioner asserts that all evidence of ownership of property abutting the

Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

The closure fee of \$60,000.00 is based on an independent appraisal completed by Noble & Associates, Inc, on June 7, 2019.

Petitioner was approved for ICR/IP waivers administered through the city's Center City Development & Operations Department. Based on petitioner's proposed level of investment of \$4,200,000.00, the request qualifies for the following fee waivers:

Appraised value of the subject property (per independent appraisal):	\$60,000.00
--	-------------

Processing Fee: (paid):	\$815.00
-------------------------	----------

Total:	\$60,815.00
--------	-------------

Fees eligible to be waived per TCI as published on CCDO website:

Processing Fee:	\$815.00
-----------------	----------

CVA of Public ROW – Project Investment \$0-\$25million (Up to 25%)	\$15,000.00
--	-------------

Closure Fee:	\$60,000.00
---------------------	--------------------

Less 25%	(\$15,000)
----------	------------

Less Processing Fee (Paid with petition)	(\$815.00)
--	------------

Total Closure Fee:	<u>\$44,185.00</u>
---------------------------	---------------------------

The adjusted closure fee is \$44,185.00.

Petitioner agrees to pay for Bexar County Clerk recording fees.

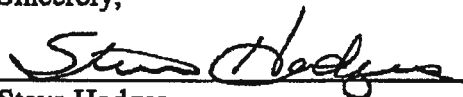
If you concur with the above mentioned conditions, please countersign this letter in the spaces provided below and return it with the total closure fee and forms to the undersigned. Upon receipt of this executed Letter of Agreement we will continue processing your request.

In addition, please complete and return the following forms:

- The **Contracts Disclosure Form** can be found at:
<https://www.sanantonio.gov/efrms/atty/ContractsDisclosureForm.pdf>
- The **Texas Ethics Commission Form 1295 – Certificate of Interested Parties** can be found here: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. [Note; For *Contract ID Number*, use 'SP 2150: H.R. McCarty ROW Closure']

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Sincerely,



Steve Hodges
Real Estate Manager

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:



By

MANAGER

Title

JAMES LIFSHUTZ

Print Name

11 July 2019

Date