

AN ORDINANCE 2017-10-05-0753

CLOSING, VACATING, AND ABANDONING A 0.13 ACRE UNIMPROVED SEGMENT OF HUNSTOCK AVENUE ADJACENT TO GROVETON STREET IN COUNCIL DISTRICT 5 AS REQUESTED BY RAILROAD REPUBLIC, LLC, FOR A FEE OF \$16,331.00.

* * * * *

WHEREAS, Railroad Republic, LLC, (“Petitioner”) owns or has agreement from the owners abutting the property surrounding the proposed closure; and

WHEREAS, this portion of alley is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs; **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, jointly or 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>
GROVETON ST.	NCB 2986 BLOCK 2 LOTS ALL OF 3, 2 & A PORTION OF 1 .37 ACRE TRACT	RAILROAD REPUBLIC LLC
205 GROVETON ST.	NCB 2987 BLOCK 1 LOT 8, E IRR 6 IN OF 5 & S IRR 14 FT OF 7	VIE STUDIOS LLC

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. This property is within the City of San Antonio Inner City Reinvestment/Infill Policy (ICRIP) area. Per that policy, which has been approved by the city council, the proposed fee for this closure is reduced by 25%. Petitioner shall pay \$16,331.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

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. 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 9. 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 5th day of October, 2017.



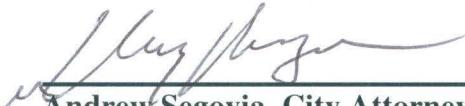
M A Y O R
Ron Nirenberg

ATTEST:



Leatrice M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	12 (in consent vote: 5, 6A, 6B, 6C, 7, 8, 9, 10, 11A, 11B, 12, 14, 16, 17, 19, 21, 22, 23, 24A, 24B)						
Date:	10/05/2017						
Time:	10:42:24 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance closing, vacating and abandoning a 0.13 acre unimproved segment of Hunstock Avenue adjacent to Groveton Street located in Council District 5 as requested by Dan Kachtik, Railroad Republic, LLC., Petitioner, for a fee of \$16,331.00. [Peter Zanoni, Deputy 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				x
William Cruz Shaw	District 2		x			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				
Clayton H. Perry	District 10	x					

ATTACHMENT I

Attachment I



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ATTACHMENT II

Attachment II

A 0.13 ACRE TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF HUNSTOCK AVE. (A 50' R.O.W.) AS SHOWN ON PLAT OF SOUTH PARK RECORDED IN VOLUME 105, PAGES 44-45, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " iron rod set in the northerly R.O.W. line of Groveton St. (per plat, Bryant Street, a 50' R.O.W.) for the southeast corner of the herein described tract, the southwest corner of Lot 3, Block 2, N.C.B. 2986, the southeast terminus of the westerly R.O.W. line of said Hunstock Ave., from which a $\frac{1}{2}$ " iron rod marking the southeast corner of said Lot 3, the southwest corner of a called 0.249 acre tract deeded to Southtown Two, LTD in Vol. 18534, PG. 897, Real Property Records of Bexar County, Texas, is found bearing S 79°18'18" E, a distance of 140.00 feet for witness;

THENCE along the northerly R.O.W. line of said Groveton St., same being the south line of the herein described tract, N 79°18'18" W, at 25.20 feet passing a $\frac{1}{2}$ " iron rod set, a total of 50.36 feet to a point of reference for the southwest corner of the herein described tract, the southeast corner of a called 0.089 acre tract as deeded to Vie Studios LLC in Vol. 16993, Pg. 2001, Real Property Records of Bexar County, Texas;

THENCE along the east line of said Vie Studios Tract, same being the west line of the herein described tract, N 03°26'33" E, 114.47 feet to a point of reference for the northwest corner of the herein described tract, a point in the southerly line of a tract known as a portion of Lot 1, as deeded to the Union Pacific Railroad Co.;

THENCE along said line, same being the north line of the herein described tract, S 79°34'43" E, at 25.18 feet passing a $\frac{1}{2}$ " iron rod set, a total distance of 50.37 feet to a $\frac{1}{2}$ " iron rod set for the northeast corner of the herein described tract, the northwest corner of a tract known as Lots 2, 3, and a part of Lot 1, Block 2, N.C.B. 2986;

THENCE along the west line of said Lots 1-3, same being the east line of the herein described tract, S 03°26'33" W, 114.71 feet to the **POINT OF BEGINNING** and containing 0.13 acres, more or less.

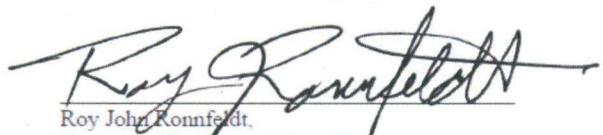
All set $\frac{1}{2}$ " iron rods capped with "Amerisurveyors" cap.

STATE OF TEXAS §
COUNTY OF BEXAR §

August 7, 2017

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It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Roy John Ronnfeldt,
Registered Professional Land Surveyor
Registration No. 3520



