

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**CLOSING, VACATING, AND ABANDONING APPROXIMATELY 0.402-
ACRES OF BACON ROAD, AN UNIMPROVED PORTION OF PUBLIC
RIGHT OF WAY IN COUNCIL DISTRICT 8, AS REQUESTED BY ALC
RANCH LTD FOR A FEE OF \$112,550.00.**

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WHEREAS, ALC Ranch LTD is requesting the closure, vacation and abandonment of Bacon Road; and

WHEREAS, a portion is unimproved public right of way; and

WHEREAS, this portion of right of way is surplus to the city's 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. Subject to the reservation below, as an exercise of its discretion, the City Council authorizes the closure, vacation, and abandonment of the right of way ("Right of Way Segment") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding section of this Ordinance.

SECTION 2. The detailed description of the Right of Way Segment is set forth on **Attachment I**. Maps and pictures 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:

Address:	Description:	Owner Listed by Bexar Appraisal District:
4885 W Loop 1604	NCB 17702 Blk Lot P-7A	ALC Ranch LTD
4856 Bacon Rd	NCB 14845 P-10A	ALC Ranch LTD
16209 University Oak	NCB 18612 Blk 102 Lot 52	Gratr Interests LTD

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 Segments exist by easement. The underlying fee ownership of the Right-of-Way Segments by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned.

SECTION 7. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 256000000001 and General Ledger 4903101. ALC Ranch LTD shall pay \$112,550.00 to the City.

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. The disposition of any 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 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 _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

Attachment I

METES AND BOUNDS

Being 0.402 acres of land, more or less, out of the Collin C. McCrae Survey Number 391, Abstract 482 and the Richard C. Hawkins Survey, Abstract 329, Bexar County, Texas, being a portion of Bacon Road, said 0.402 acres being more particularly described by metes and bounds as follows:

BEGINNING at 1/2 inch iron rod found for the southwest corner of this 0.402 acres, same being the northwest corner of the ALC Ranch, LTD. 8.385 acres (Volume 16821, Page 2063) and on the South Right-of-Way line of Bacon Road, same also being the **POINT OF BEGINNING**;

THENCE crossing said Bacon Road, North 01 degrees 03 minutes 46 seconds East, a distance of 33.00 feet to a 1/2 inch iron rod set for the northwest corner of this 0.402 acres, same being on the North Right-of-Way line of said Bacon Road and on the South line of ALC Ranch, LTD. 10.096 acres (Volume 16381, Page 559);

THENCE along the line common to this 0.402 acres and said Ranch 10.096 acres, South 88 degrees 56 minutes 14 seconds East (called South 89 degrees 03 minutes 47 seconds East), a distance of 530.26 feet to a 1/2 inch iron rod found for the northeast corner of this 0.402 acres, same being the northwest corner of Lot 52, Block 102, University Oaks Business Park Unit 2 (Volume 9514, Page 90) and the northeast corner of said Bacon Road;

THENCE along the line common to this 0.402 acres and said Lot 52, South 01 degrees 00 minutes 50 seconds West (called South 01 degrees 20 minutes 16 seconds West), a distance of 33.00 feet to a 1/2 inch iron rod set for the southeast corner of this 0.402 acres, same being the northeast corner of said Ranch 8.385 acres;

THENCE along the line common to this 0.402 acres and said Ranch 8.385 acres, North 88 degrees 56 minutes 14 seconds West (called North 88 degrees 24 minutes 00 seconds West), a distance of 531.22 feet (called 530.29 feet) to the **POINT OF BEGINNING**, and containing 0.402 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
June 08, 2015



Attachment II

