

AN ORDINANCE **2016-12-15-0994**

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.038 ACRE UNIMPROVED SEGMENT OF ALLEY ADJACENT TO KALTEYER STREET IN COUNCIL DISTRICT 3 AS REQUESTED BY 210 DEVELOPMENT GROUP LLC FOR A FEE OF \$3,029.00.

* * * * *

WHEREAS, the Archbishop of San Antonio (“Petitioner”) owns a 12.15-acre parcel which includes Mission Concepción and the old St. John’s Seminary School campus; and

WHEREAS, the Archbishop of San Antonio selected 210 Development Group, LLC to redevelop the site into a residential development; and

WHEREAS, the Petitioner owns the property surrounding the remaining 0.038 acre of a 16’ unimproved alley, and requests that the city close, vacate and abandon its interest in the alley right-of-way so it can be incorporated into the St. John’s Seminary Mixed Use Subdivision Plat; and

WHEREAS, this portion of street 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 authorizes the closure, vacation, and abandonment of the right of way segment (“Right of Way Segment”) identified in Section 2 of this Ordinance. The City Manager or her designee, 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:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
222 E. Mitchell Street	Lot 1-4,6-10,17- 21,29, N Irr Pt 4 OF A29,A-31A, P-100 & Adj 16’ Strip, Block 1, NCB 3975 Mission Park	Archbishop of SA

222 E. Mitchell Street	Lot 11 and P-101 (.0620 acres), Block 1, NCB 3975 Mission Park	Archbishop of SA
278 E. Mitchell Street	Lot 5, Block 1, NCB 3975 Mission Park	Archbishop of SA

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 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 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 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 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. Petitioner shall pay \$3,029.00 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.

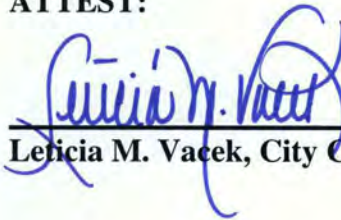
SECTION 9. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 15th day of December, 2016.



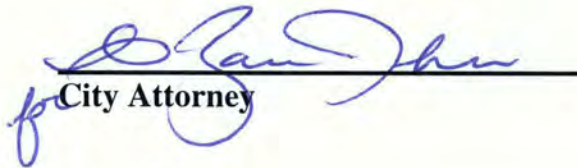
M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

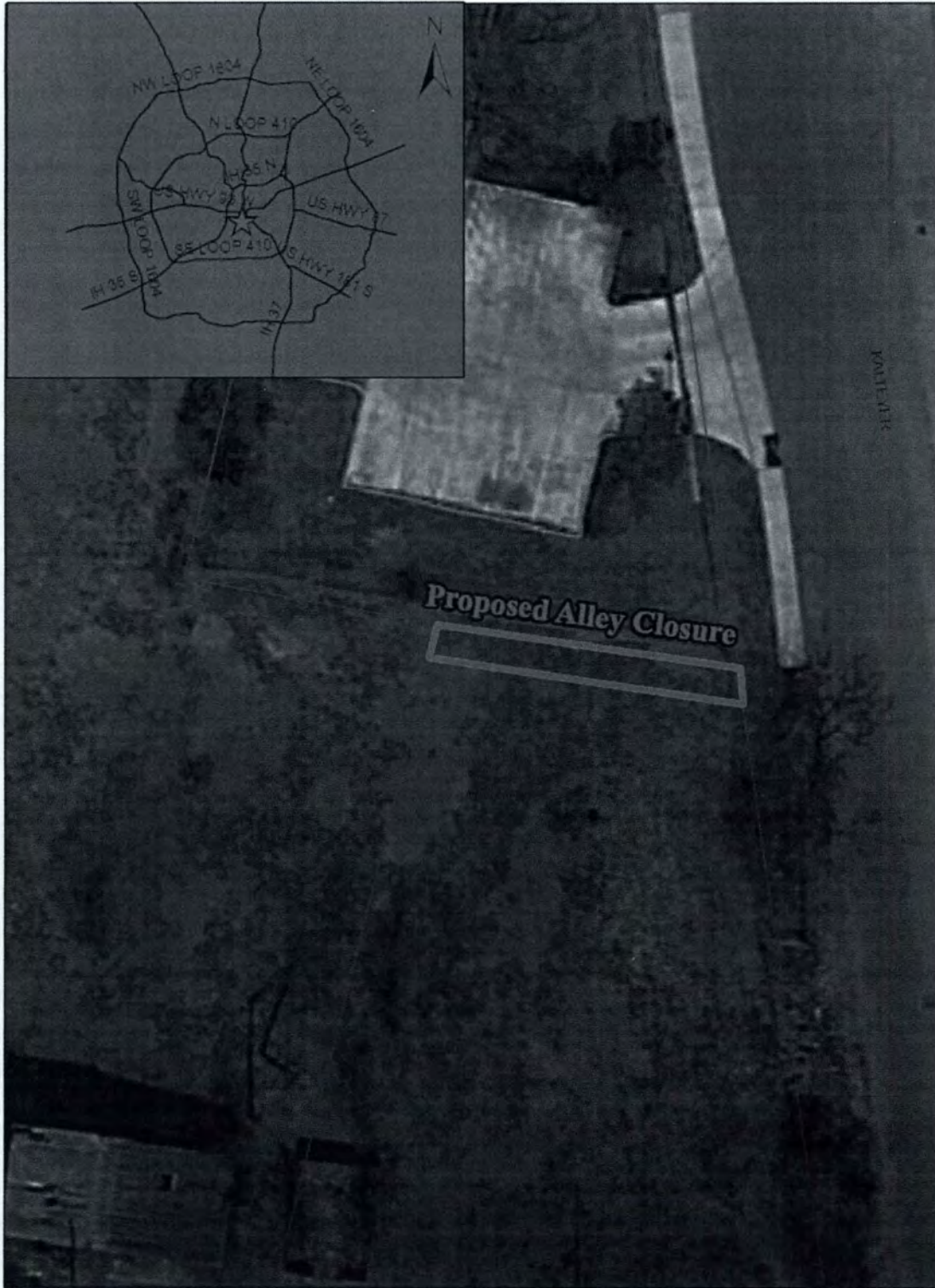
APPROVED AS TO FORM:



City Attorney

Agenda Item:	16 (in consent vote: 4, 5, 6, 8, 9, 10, 12A, 12B, 12C, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 30A, 30B)						
Date:	12/15/2016						
Time:	09:27:16 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.038 acre unimproved segment of alley adjacent to Kalteyer Street in Council District 3 as requested by 210 Development Group, LLC for a fee of \$3,029.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		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



Attachment II



METES AND BOUNDS DESCRIPTION
FOR A
0.038 OF AN ACRE TRACT OF LAND

Being 0.038 of an acre of land out of New City Block 3975, City of San Antonio, Bexar County, Texas, and being a portion of a 16 foot alley as recorded in Volume 105, Page 308 of the Deed and Plat Records of Bexar County, Texas, and said 0.038 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin found for the Southeasterly corner of Tract 2: Lot 5, Block 1, New City Block 3975, as conveyed to the Archbishop of San Antonio as described in Volume 16520, Page 2189, of the Deed Records of Bexar County, Texas, being in the Southwesterly right-of way line of Kalteyer Street, and being the Northeasterly corner of this herein described 0.038 acre tract of land;

THENCE along the Southwesterly right-of way of Kalteyer Street, S 07° 56' 40" E a distance of 16.75 feet to a ½" iron pin found for the Northeasterly corner of Tract 3: Lot 11, Block 1, New City Block 3975, as conveyed to the Archbishop of San Antonio as described in Volume 16520, Page 2189, of the Deed Records of Bexar County, Texas, and being the Southeasterly corner of this herein described 0.038 acre tract of land;

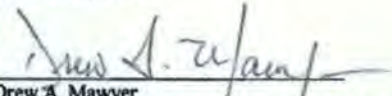
THENCE departing the Southwesterly right-of way of Kalteyer Street, along the Northerly line of said Tract 3: Lot 11, Block 1, N 80° 42' 19" W a distance of 105.66 feet to a point for and interior corner of Tract 1: 11.017 Acres as conveyed to the Archbishop of San Antonio as described in Volume 15010, Page 909, of the Deed Records of Bexar County, Texas, and being the Southwesterly corner of this herein described 0.038 of an acre tract of land;

THENCE with an Easterly Line of said Tract 1: 11.017 Acres, N 13° 19' 10" E a distance of 16.04 feet to a point for the Southwesterly corner of said Tract 2: Lot 5, Block 1, and being the Northwesterly corner of this herein described 0.038 acre tract of land;

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Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

February 17, 2016


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
132 Caddell, New Braunfels, Tx 78130
BRD080 - 0.038 AC ABND



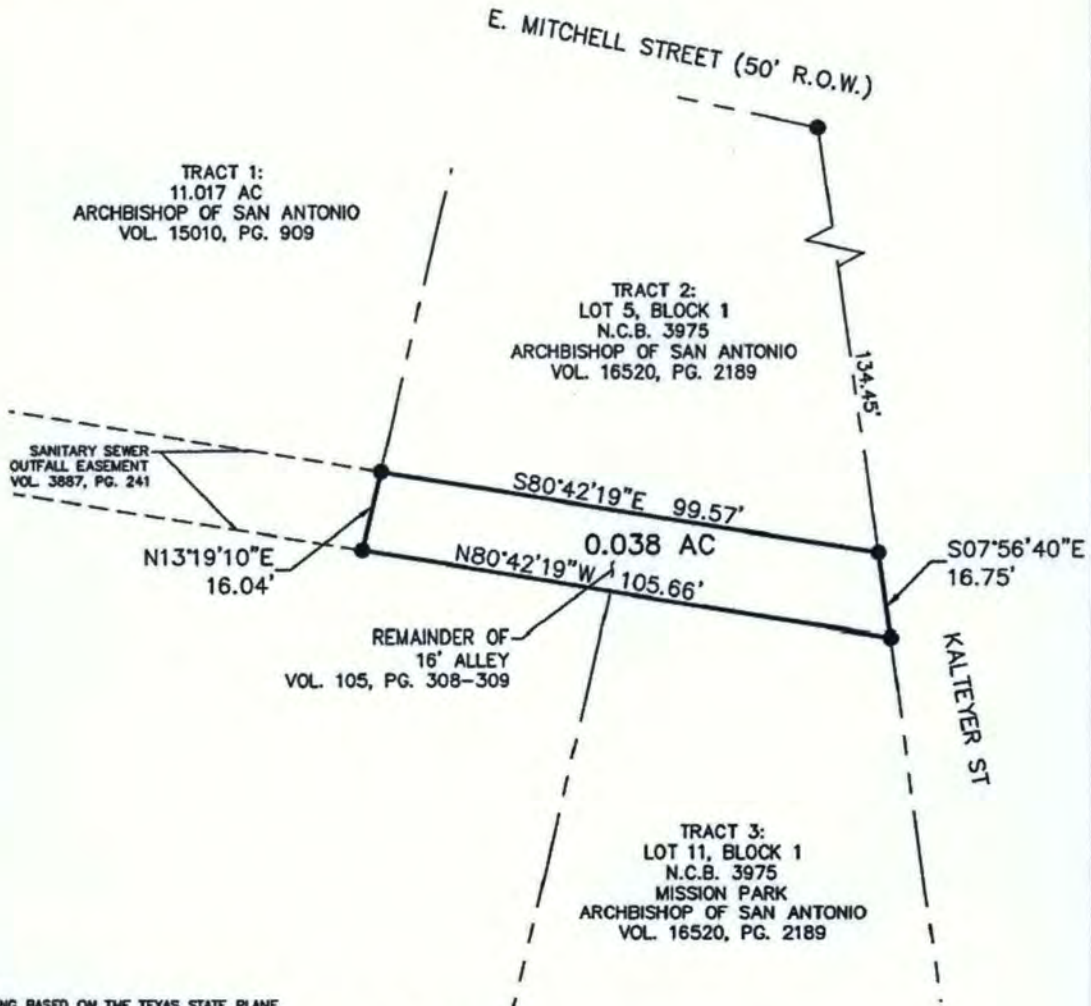


BEING 0.038 OF AN ACRE OF LAND OUT OF NEW CITY BLOCK 3975, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING A 16-FOOT ALLEY AS RECORDED IN VOLUME 105, PAGE 308 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

SCALE: 1"=30'

LEGEND:

● = (PP) (RV) FND 1/2" IRON PIN
UNLESS OTHERWISE NOTED



NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

M
D-A MAWYER
LAND SURVEYING
132 CADDELL LANE
NEW BRAUNFELS, TX 78130
PH: (830)632-5092
d@mawyer-surveying.com
www.dawyer.com



STATE OF TEXAS
COUNTY OF COMAL

THIS 16 DAY OF FEB 2016

Drew A. Mawyer
DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: FEBRUARY 2016, JOB BRD080



AN ORDINANCE **2016-12-15-0994**

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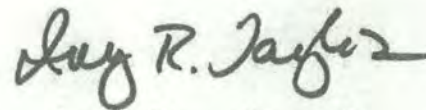
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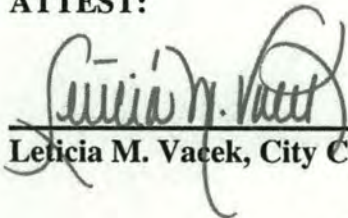
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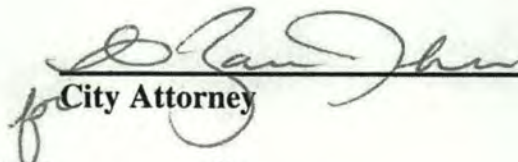


M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:



Leticia M. Vacek, City Clerk

City Attorney

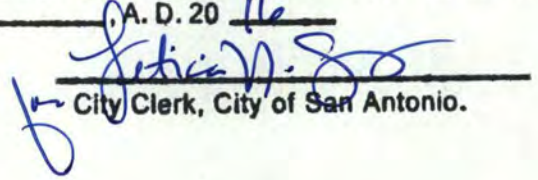
STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

} SS.

CERTIFIED COPY

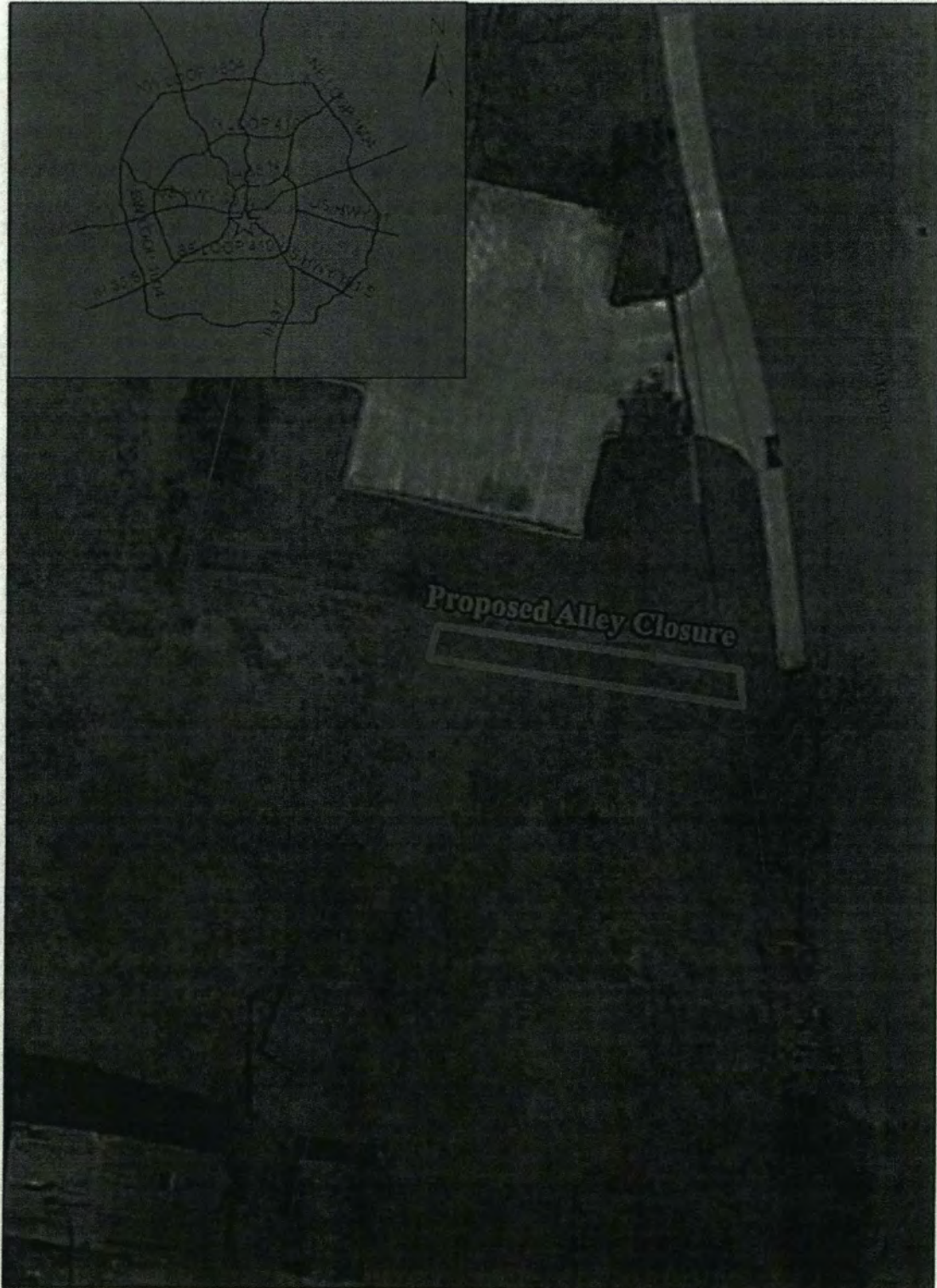
The undersigned, the City Clerk of the City of San Antonio in the State and County afore said, does by these presents certify that the attached and foregoing is a true and exemplified copy of a part of the records, papers and books in the Office of the City Clerk; and, that I am the custodian of such papers, books and records as an officer of the City of San Antonio.

Given under my hand and the official seal of the City of San Antonio, this 21st
day of DECEMBER, A. D. 20 16
(SEAL)



City Clerk, City of San Antonio.

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Attachment II



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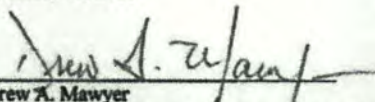
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February 17, 2016


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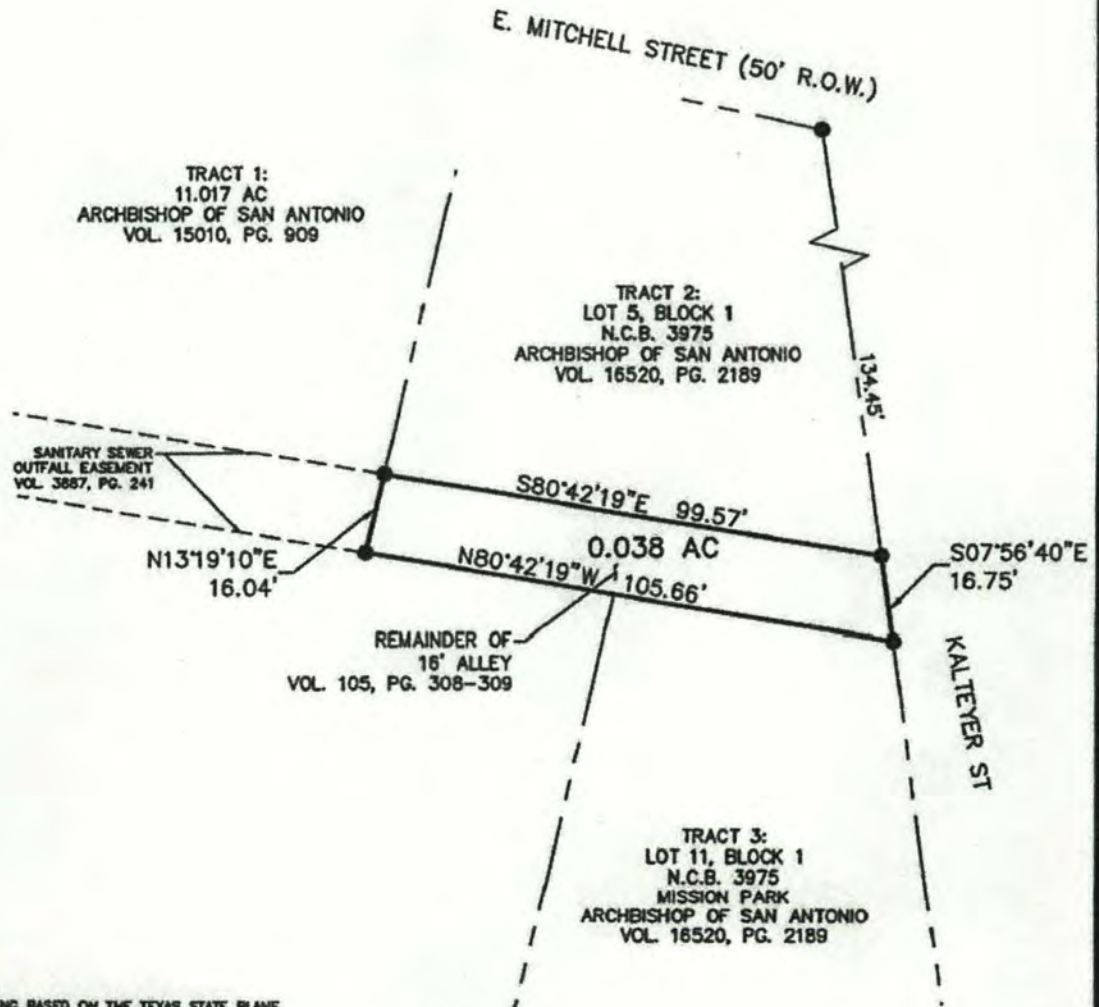
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M
D-A MAWYER
—LAND SURVEYING—
132 CADDELL LAKE
NEW BRAUNFELS, TX 78130
Ph: (832) 632-0082
d@mawyer-land.com
www.mawyer.com



STATE OF TEXAS
COUNTY OF COMAL
THIS 16 DAY OF FEB 2016
Drew A. Mawyer
DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: FEBRUARY 2016 JOB BEGINS

RECORDER'S MEMORANDUM
AT THE TIME OF RECORRING THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLUMINITY, CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

DEC 22 2016



Gerard C. Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20160251267 Fees: \$50.00
12/22/2016 8:36AM # Pages 7
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK