

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

AN ORDINANCE

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF 0.1230 OF AN ACRE OF IMPROVED 14.8-FOOT WIDE ALLEY PUBLIC RIGHT OF WAY, LOCATED BETWEEN HOWARD AND N. MAIN STREETS ADJACENT TO NEW CITY BLOCK 379, IN COUNCIL DISTRICT 1, AS REQUESTED BY FLORESVILLE/181 LESSEE INCORPORATED, FOR A FEE OF \$70,744.00.

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WHEREAS, Floresville/181 Lessee Incorporated (Petitioner) is requesting the closure, vacation and abandonment of a 0.1230 of an acre (5,359 square feet) improved 14.8-foot wide public alley located between Howard and N. Main Streets; and

WHEREAS, There was no opposition to the closure from City Departments or utilities during the canvassing process and the abutting owner, Braverman Family Limited Partnership, has agreed to the closure; and

WHEREAS, upon approval, Petitioner plans to assemble its abutting properties with the proposed closure to upgrade the existing parking lot. In order to provide an efficient layout for the surface parking lot, the alley which bisects the property needs to be vacated, allowing Petitioner to take full advantage of the entire lot rather than having two separate parking lots divided by the alley; and

WHEREAS, City procedures for the sale or disposition of City-owned or controlled real property have been followed, including payment of a \$70,744.00 fee, which includes the assessed value of the 14.8-foot wide improved public alley in the amount of \$70,500.00 plus \$244.00 for administrative costs and, most recently, Planning Commission recommended approval at its regular meeting on May 23, 2018; and

WHEREAS, City Council authorization is now necessary; **NOW THEREFORE**,

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

SECTION 1. The City finds that the subject right-of-way (“Right-of-Way Segment”) is not essential to the safe and efficient flow of traffic in the area in which the right of way is located. As an exercise of its authority, the City Council hereby authorizes the closure, vacation, and abandonment of the right-of-way (“Right-of-Way Segment”) identified in Section 2 immediately below.

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 are incorporated into this Ordinance as if fully set forth herein. **Attachment I** controls over any discrepancy between it and **Attachment II**.

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>

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 impact validity of the closure.

SECTION 4. Reservation of Utility Rights. 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 or her 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 Segments 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 Council authorizes closure, vacation, and abandonment of the affected right of way by filing a certificate of closure executed by the Director of the Transportation & Capital Improvements Department subject to the following:

- A. City’s receipt of \$70,744.00 in fees, which includes the assessed value of the 14.8-foot wide improved public alley in the amount of \$70,500.00 and \$244.00 for administrative costs; and
- B. The letter of agreement dated April 5, 2018, signed and agreed to April 25, 2018 and attached as **Attachment III**.

The certificate of closure should be substantially in the form of **Attachment IV**.

SECTION 6. 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 7. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owners are now unburdened by the rights closed, vacated, and abandoned.

SECTION 8. Petitioner shall pay \$70,744.00 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 9. 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 10. 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 11. This Ordinance shall become effective immediately upon its passage by eight affirmative votes; otherwise it shall become effective on the tenth day after passage thereof.

PASSED and APPROVED this **th** day of , **2018.**

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney