

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

AN ORDINANCE

**AUTHORIZING THE ACQUISITION AND ACCEPTANCE OF
BROOKLYN AVENUE BETWEEN BURNET STREET AND LIVE
OAK FROM THE TEXAS DEPARTMENT OF TRANSPORTATION
UNDER TEXAS TRANSPORTATION CODE 202.021(e) FOR A
PUBLIC PURPOSE.**

* * * * *

WHEREAS, StrEat Park, LLC is working to develop a piece of property located at 201 Burnet Street adjacent to Brooklyn Avenue. StrEat Parks, LLC., proposes to develop a mobile food truck park, which will include food trucks providing food from well-known local restaurants, a two story dining patio, and a music venue; and

WHEREAS, City Council approved Ordinance 2018-06-21-0481 closing of an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and an improved portion of Live Oak Street between Brooklyn Avenue and the entrance ramp onto IH-37 North to help facilitate the development and provide safe pedestrian access; and

WHEREAS, north of the proposed development is section of Brooklyn Avenue is a section of Brooklyn Avenue between Burnet Street and Live Oak Street, described and incorporated as **Exhibit A** and **Exhibit B**, which is a Texas Department of Transportation (“TXDoT”) owned right-of-way; and

WHEREAS, by accepting the portion of Brooklyn Avenue between Burnet Street and Live Oak Street from TXDoT pursuant to Texas Transportation Code 202.021(e), the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way and permit the review and consideration of an encroachment adjacent to the right-of-way and acquisition of the roadway will help facilitate the continued commercial development of land adjacent to Brooklyn Avenue; and

WHEREAS, the City of San Antonio may declare as surplus and dispose of a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to the Brooklyn Avenue right-of-way, described and incorporated as **Exhibit C** and **Exhibit D** (“Right-of-Way”); and

WHEREAS, StrEat Park, LLC, has requested to purchase 0.049 of an acre (2,153 square feet), an unimproved portion of the right-of-way, outside of the vehicular lanes, to increase the size of the park; and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on [DATE??].

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 acquisition of Brooklyn Avenue between Burnet Street and Live Oak Street from the Texas Department of Transportation where payment has been waived under Texas Transportation Code 202.021(e).

SECTION 2. Detailed descriptions of the Right of Way segment is set forth on **Exhibits A** and **B**. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibit B** controls over any discrepancy between it and **Exhibit A**.

SECTION 3. The acquisition of surplus property must be coordinated through the city's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 4. 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 5. 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 _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

Exhibit A



Exhibit "B"



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

County: Bexar
Highway: Interstate Highway 37
State Control No. 0073-08
District 15

February 7, 2018
Job No.: E0593600
Page 1 of 4

EXHIBIT "A"

**PROPERTY DESCRIPTION
FOR TRACT No. 1**

0.5765 OF ONE ACRE (25,111 SQUARE FEET) PARCEL OF LAND, SITUATED IN THE SAN ANTONIO TOWN TRACT SURVEY, ABSTRACT NO. 20, BEING A PORTION OF THE I.H. 37 RIGHT-OF-WAY, IN NEW CITY BLOCK (N.C.B.) 534, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SAID 0.5765 OF AN ACRE BEING A PORTION OF AN 80-FOOT WIDE RIGHT-OF-WAY COMPOSED OF FIVE PARCELS CONVEYED TO THE STATE OF TEXAS AS FOLLOWS: (PARCEL 247) BY DEED FROM A. C. GILL AND WIFE, ADELAIDE GILL, EXECUTED JAUARY 13, 1965, RECORDED IN VOLUME 5299, PAGE 20, (PARCEL 248) BY DEED FROM NAVARRO IMPROVEMENT COMPANY, EXECUTED FEBRUARY 16, 1968, RECORDED IN VOLUME 5923, PAGE 94, (PARCEL 249) BY DEED FROM HAROLD H. ARNOLD AND WIFE, NADINE ARNOLD, EXECUTED JANUARY 28, 1965, RECORDED IN VOLUME 5305, PAGE 776, (PARCEL 250) BY DEED FROM GUADALUPE GUTIERREZ AND WIFE, MANUELA G. GUTIERREZ, EXECUTED SEPTEMBER 7, 1967, RECORDED IN VOLUME 5837, PAGE 38 AND (PARCEL 251) BY DEED FROM HELEN ORRIN, EXECUTRIX OF THE ESTATE OF MORRIS ORRIN, LEONARD ORRIN, LEON TOBIAS, TRUSTEE, ROBERT TOBIAS, TRUSTEE, EXECUTED JULY 12, 1968, RECORDED IN VOLUME 6029, PAGE 523, ALL IN DEED RECORDS, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar stamped "ELIZONDO" found (N: 13,703,876.60, E: 2,133,990.23), in the north right-of-way line of Burnet Street (R.O.W. 55.6'), the southeast corner of a 0.2830 of an acre parcel of land, said 0.2830 of one acre parcel being a portion of Lots 11, 12 and 13, Block 24, described in Volume 18235, Page 1020, Official Public Records, Bexar County, Texas, from which a Chiseled "X" in concrete found at the intersection of the north right-of-way line of said Burnet Street and the east right-of-way line of Live Oak Street (R.O.W. 33.4'), bears South 89°43'06" West, coincident with the common line of the north right-of-way line of said Burnet Street and the south line of said 0.2830 of one acre parcel, a distance 153.08 feet; the southwest corner hereof;

- (1) **THENCE**, North 00°02'00" West, departing the north right-of-way line of Burnet Street, coincident with the common line of I.H. 37, a distance of 21.64 feet (21.32 feet) to a 1/2" rebar stamped "ELIZONDO" found at the northeast corner of the 0.2830 of one acre parcel, at an angle corner;

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CIVIL ENGINEERING CONSULTANTS
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District 15

February 7, 2018
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**PROPERTY DESCRIPTION
FOR TRACT No. 1**

- (2) **THENCE**, North 52°23'04" West (North 52°14'45" West), continuing coincident with the common line of the right-of-way line of I.H. 37 and the northeast line of said 0.2830 of one acre parcel, a distance of 194.17 feet (193.29 feet) to a ****TXDOT TYPE III MONUMENT** set at the intersection of the southwest right-of-way line of I.H. 37 and said east right-of-way line of Live Oak Street (R.O.W. 33.4'), the north corner of the 0.2830 of one acre parcel at the westernmost southwest corner;
- (3) **THENCE**, North 00°17'57" West (North 00°02'00" West), departing said intersection and crossing said I.H. 37 right-of-way (A.K.A. Brooklyn Street), a distance of 86.32 feet (86.42 feet) to a ****TXDOT TYPE III MONUMENT** set at a corner in the east right-of-way line of Live Oak Street at the northwest corner hereof;
- (4) **THENCE**, North 89°46'00" East, a distance of 19.40 feet (19.02 feet) to a 1/2" rebar with a "CEC" plastic cap set on the common right-of-way line of I.H. 37 and Live Oak Street, on the southwest line of Lot 20, Block 24, Dipal Subdivision, recorded in Volume 9601, Page 105, Deed and Plat Records, Bexar County, Texas, at the northeast corner hereof;
- (5) **THENCE**, South 52°23'04" East (South 52°14'45" East), departing the east right-of-way line of Live Oak Street, coincident with the common right-of-way line of I.H. 37 and the remaining portion of Lot 9, Lot 12, Lot 13, Lot 14 and a portion of Lot 20 of said Dipal Subdivision, a distance of 369.90 feet (368.32 feet) to a Mag Nail with CEC washer set in the aforementioned north right-of-way line of Burnet Street, the southwest corner of said Lot 20 from which a 1/2" rebar found bears North 85°41'22" East, a distance of 3.65 feet, the southeast corner hereof;

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FOR TRACT No. 1**

(6) **THENCE**, South 89°43'06" West (South 89°46'00" West), crossing the right-of-way of said I.H. 37, a distance of 158.14 feet (157.35 feet) to the **POINT OF BEGINNING**, containing 0.5765 of an acre (25,111 Square Feet) of land.

I, I. Ray Inman, Registered Professional Land Surveyor, do hereby declare that this description and accompanying plat is true and correct to the best of my knowledge and belief and the property described herein was determined by survey made on the ground under my direction and supervision.



Note:

**the monument described and set in this call may be replaced with the TxDOT Type II right-of-way marker upon completion of the construction project, under the supervision of a Registered Professional Land Surveyor, either employed or retained by the TxDOT.

All coordinates and bearings are based on the Texas State Plane Coordinate System, South Central Zone CORS 6.0.1 (EPOCH 2011). All distances and coordinates shown hereon are surface values in U.S. Survey feet and may be converted to grid by divided by a TxDOT conversion factor for Bexar County of 1.00017.

A parcel plat of even date was prepared in conjunction with this property description.

I.H. 37 Right of Way information was obtained from TxDot Right of Way Map Control Number 73-8-19 dated September 14, 1962.

X:\data\survey\Proj_2017\E0593600 Brooklyn StrEat Food Park\field notes\BROOKLYN STREET 0.576 AC DES.docx

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11550 I.H. 10 WEST, SUITE 395 | SAN ANTONIO, TEXAS 78230-1037 | (210) 641-9999 | FAX: (210) 641-6440
TEXAS FIRM REGISTRATION NUMBERS: ENGINEERING F-2214 | SURVEY 10041000 | WWW.CECTEXAS.COM

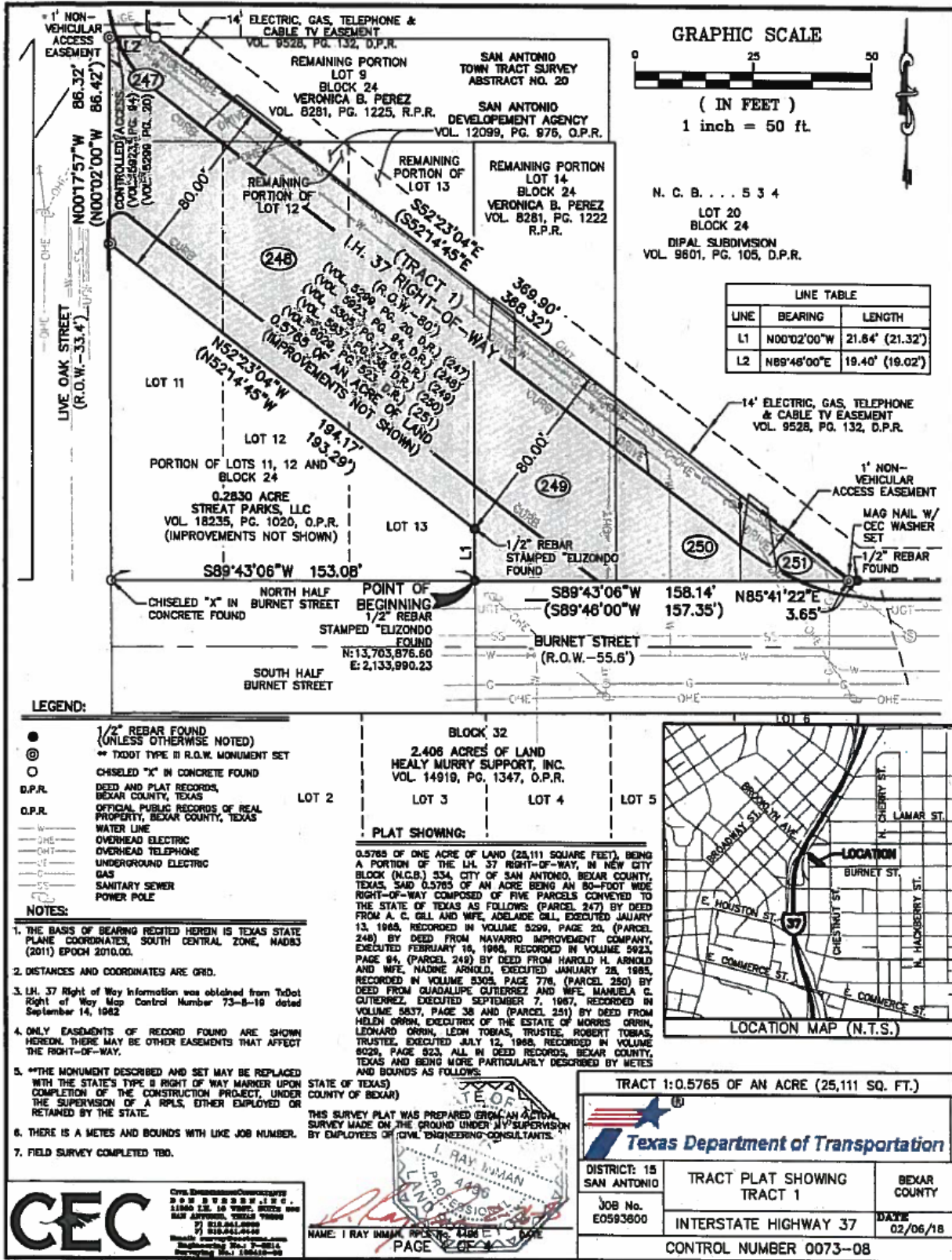


Exhibit C



Exhibit D



September 17, 2018
Job No.: E0593600
Brooklyn Food Park
Brooklyn Ave Acquisition

DESCRIPTION OF 0.049 ACRE TRACT

Being 0.049 Acres (2153 Sq. Ft.), and being a portion of Brooklyn Avenue Right-of-Way, in New City Block 534, City of San Antonio, Bexar County, Texas, said 0.049 acre tract being out of a 0.3047 acre tract conveyed to the State of Texas, recorded in Volume 5923, Page 94, Deed Records of Bexar County, Texas and a 0.1276 acre tract also conveyed to the State of Texas, recorded in Volume 5305, Page 776, Deed Records of Bexar County, Texas and being more particularly described as follows:

COMMENCING at ½" rebar stamped "Elizondo" found in the north right-of-way line of Burnet Street (55.6' R.O.W.), the Southeast corner of a 0.2830 acre tract, said 0.2830 acre tract being a portion of Lots 11, 12, and 13, Block 24, described in Volume 18235, Page 1020, Official Public Records, Bexar County, Texas and said point being the southwestern most angle point of the herein described tract and the **POINT OF BEGINNING**;

Thence, North 00° 02' 05" West, a distance of 21.64 feet, departing the north right-of-way line of Burnet Street and with the common line of Brooklyn Avenue to a ½" rebar found stamped "Elizondo" at the northeast corner of said 0.2830 acre tract for an interior angle point of the herein described tract;

Thence, North 52° 23' 04" West, a distance of 156.99 feet with the south line of Brooklyn Ave. and the northeast line of said 0.2830 acre tract, to a point being the northwestern most corner of the herein described tract;

Thence, North 65° 37' 49" East, a distance of 8.72 feet to a ½" iron rod set for the most northeast corner of the herein described tract;

Thence, South 52° 23' 04" West, a distance of 243.28 feet, said line being 7.70 feet from and parallel to the south right-of-way of Brooklyn Ave. to a ½" iron rod set in the centerline of Burnet Street (55.60' R.O.W.) for the southwestern most corner of the herein described tract;


Thence, South 89° 43' 06" West, a distance of 12.54 feet, in a westerly direction with the centerline of Burnet Street to a ½" iron rod set for the southwestern most corner of the herein described tract,

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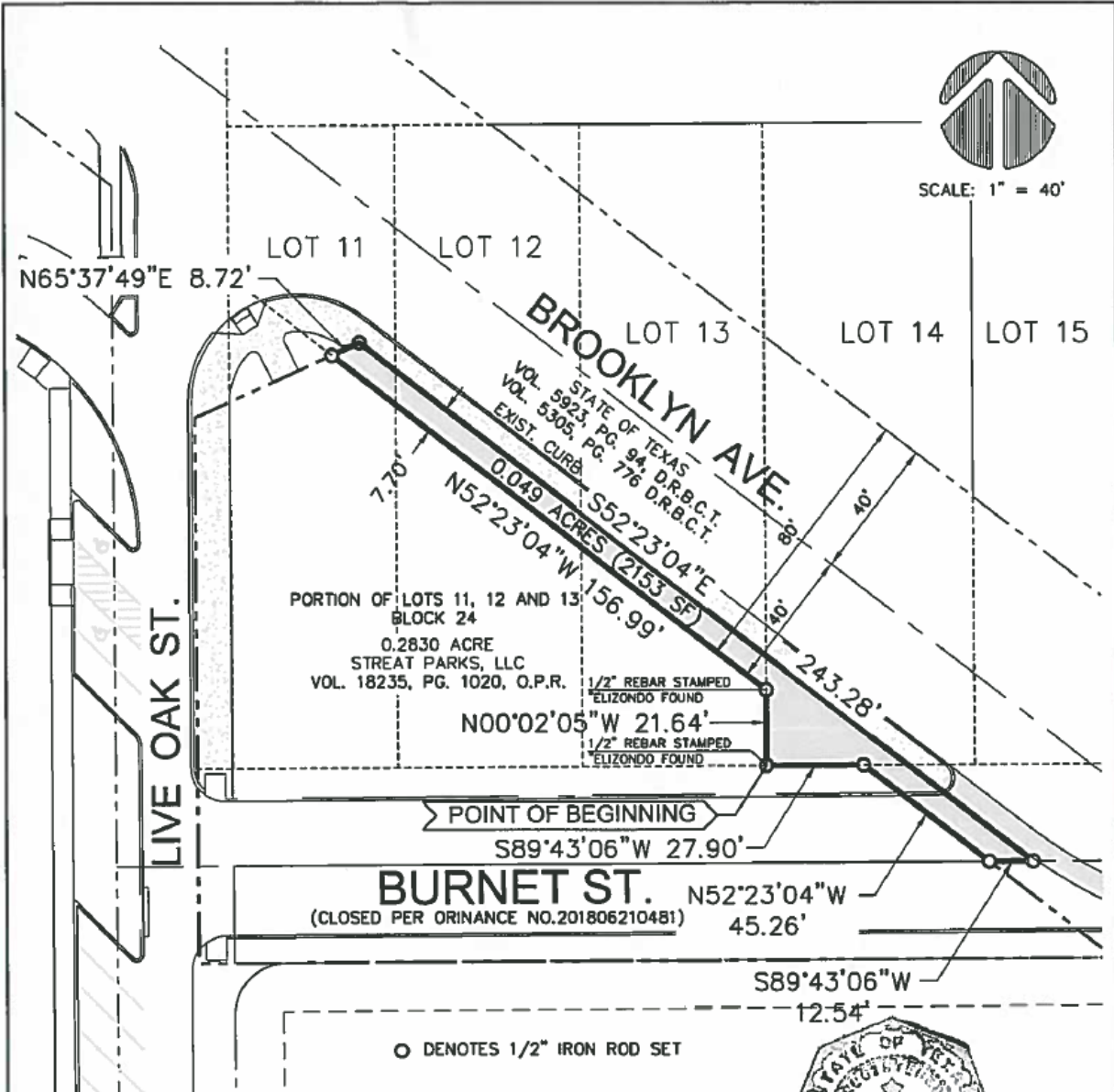
Thence, North 52° 23' 04" West, a distance of 45.26 feet, to a ½" iron rod set in the north line of Burnet Street for an interior angle point of the herein described tract,

Thence, South 89° 43' 06" West, a distance of 27.90 feet, in a westerly direction with the north line of Burnet Street, to the POINT OF BEGINNING and containing 0.049 (2153 square feet) acres of land, more or less.

This description was prepared from a survey made on the ground under my direct supervision by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed the 18th day of October, 2017.


Alan D. Lindskog, RPLS # 2845





PLAT SHOWING: 2153 SQ. FT (0.049 ACRES)
OUT OF BROOKLYN STREET, CITY OF SAN ANTONIO AS
SHOWN ON THE CITY ENGINEERS MAP OF THE CITY OF
SAN ANTONIO, BEXAR COUNTY, TEXAS.



PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT TEXAS SOCIETY OF PROFESSIONAL
SURVEYORS STANDARDS AND SPECIFICATIONS FOR
A CATEGORY 1B, CONDITION 2 SURVEY.
SURVEYED THIS THE 3RD DAY OF OCTOBER, 2017.

Alan D. Lindskog
ALAN D. LINDSKOG
REGISTERED PROFESSIONAL LAND SURVEYOR
2845
TEXAS REGISTRATION NO.



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JOB NO. E0593600