

**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 36 SQUARE FEET OF EAST COMMERCE,
PUBLIC RIGHT-OF-WAY ADJACENT TO NCB 13812; AND 15
SQUARE FEET OF EAST MARKET STREET PUBLIC RIGHT-OF-
WAY ADJACENT TO NCB 13812 WHICH WILL REMOVE THE
CITY'S RIGHT-OF-WAY EASEMENT INTEREST AND REFLECT
BUILDING ENCROACHMENTS IN THE RIGHT-OF-WAY.**

* * * * *

WHEREAS, the original intent of the purchase and designation of certain City of San Antonio property as a public waterway appears to be part of a previous effort by the City of San Antonio to redevelop the area around the Convention Center and Hemisfair downtown along the San Antonio River to include a hotel, public parking garage, and river access via a public boat marina and as such, the property was platted as a public waterway right-of-way after the construction of the Marriott Riverwalk Hotel and Marina Garage in 1998 as part of the City's Civic Center Project; and

WHEREAS, On June 20, 2016, City Council authorized the sale of 0.801 acre improved tract of land located at 889 East Market Street to HMH Rivers LP, the hotel operator for the Marriott Riverwalk Hotel; and

WHEREAS, on January 18, 2018, City Council authorized the closure, vacation, and abandonment of a 1.473 acre segment a public waterway right-of-way to remove the right-of-way designation and update the legal description of the Marriott Riverwalk Hotel and the City of San Antonio's Marina Garage; and

WHEREAS, subsequent surveys identified two remaining building encroachments not previously addressed consisting of 36 square feet of the Marriott Riverwalk Hotel onto East Commerce Street and 15 square feet of the Marina Garage onto East Market Street; and

WHEREAS, the City of San Antonio requests the closure, vacation, and abandonment of 36 square feet of East Commerce Street right-of-way adjacent to NCB 13812 and 15 square feet of East Market Street right-of-way adjacent to NCB 13812 acres as shown on **Exhibit "A"**; and

WHEREAS, the City of San Antonio's request will remove the public-right-of-way designation to a portion of the Marriott Riverwalk Hotel footprint onto East Commerce Street and a portion of the Marina Garage that encroaches onto East Market Street, allowing the buildings to remain as-is and will be accurately reflected in the Bexar County property records; and

WHEREAS, the removal of the public right-of-way designation on the subject properties were canvassed throughout the city departments and utilities with no objections; and

WHEREAS, in accordance with Chapter 37 of the Municipal Code, signs need not be erected, and letter need not be sent for slivers not affecting the path of travel; and

WHEREAS, there is no fiscal impact associated with this request since it is city-initiated to accurately reflect the buildings' footprints in the public records; and

WHEREAS, the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on August 22, 2018; **NOW THEREFORE**,

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

SECTION 1. The City Council hereby authorizes following:

- A. The closure, vacation, and abandonment of its right-of-way interests as to a 36 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and
- B. The closure, vacation, and abandonment of its right-of-way interests as to a 15 square feet area of the East Market Street right-of-way adjacent to NCB 13812.

SECTION 2. Detailed descriptions of the right-of-way segments are set forth on **Exhibit A**. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth.

SECTION 3. 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"



Tract "A"
Field Notes for a Tract of Land
Containing 36.00 Square Feet
(Right-of-way Abandonment)

Being a 36.00 square foot tract of land in the City of San Antonio, Bexar County, Texas, out of the East Commerce Street right-of-way, a variable width right-of-way, as shown on subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas as recorded in Volume 9518, Pages 122-126, of the Official Public Records of Bexar County, Texas, said 36.00 square foot tract of land being more particularly described as follows:

Commencing: at a point on the south right-of-way line of said East Commerce Street, being the northwest corner of Lot 1, Block 1, New City Block 13812, and being the northeast corner of Public Waterway Right-of-way, Block 1, New City Block 13812, both as shown on said subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas;

Thence, with the south right-of-way line of said East Commerce Street, being the north boundary of said Public Waterway Right-of-way, North 75 degrees 57 minutes 01 seconds West, a distance of 247.02 feet to the **Point of Beginning**, being the southeast corner of the herein described tract;

Thence, continuing with the south right-of-way line of said East Commerce Street, being the north line of said Public Waterway Right-of-way, North 75 degrees 57 minutes 01 seconds West, a distance of 40.00 feet to a point, being the southwest corner of the herein described tract;

Thence, leaving the south right-of-way line of said East Commerce Street, over said East Commerce Street right-of-way, the following three (3) courses:


North 14 degrees 02 minutes 59 seconds East, a distance of 0.90 foot to a point, being the northwest corner of the herein described tract;

South 75 degrees 57 minutes 01 seconds East, a distance of 40.00 feet to a point, being the northeast corner of the herein described tract;

South 14 degrees 02 minutes 59 seconds West, a distance of 0.90 foot to the **Point of Beginning**, containing 36.00 square feet of land.

Note: Basis of bearing was established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An Exhibit of even date was prepared for this description.




Stephanie L. James, R.P.L.S.
Registered Professional Land Surveyor
No. 5950
Date: 2018-07-02 Job No. 16016

TBPE F-5297, TBPLS No. 10131500
12770 Cimarron Path, Suite 100 San Antonio, TX 78249
Ph. 210.698.5051 • Fx. 210.698.5085



Tract "B"
Field Notes for a Tract of Land
Containing 15.00 Square Feet
(Right-of-way Abandonment)

Being a 15.00 square foot tract of land in the City of San Antonio, Bexar County, Texas out of the East Market Street right-of-way, a variable width right-of-way, as shown on subdivision plat of Civic Center, Project No. 5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas as recorded in Volume 9518, Pages 122-126, of the Official Public Records of Bexar County, Texas, said 15.00 square foot tract of land being more particularly described as follows:

Commencing: at a point on the north right-of-way line of said East Market Street, being the southwest corner of Lot 1, Block 1, New City Block 13812, and being the southeast corner of Public Waterway Right-of-way Block 1 New City Block 13812, both as shown on said subdivision plat of Civic Center, Project No.5 Tex. R-83 Urban Renewal Agency City of San Antonio, Texas;

Thence, with the north right-of-way line of said East Market Street, being the south boundary line of said Lot 1 Block 1, South 75 degrees 03 minutes 09 seconds East, a distance of 4.08 feet to the **Point of Beginning**, being the northwest corner of the herein described tract;

Thence, continuing with the north right-of-way line of said East Market Street, and with the south boundary of said Lot 1 Block 1, South 75 degrees 03 minutes 09 seconds East, a distance of 12.00 feet to a point, being the northeast corner of the herein described tract;

Thence, leaving the north right-of-way line of said East Market Street, over said East Market Street right-of-way, the following three (3) courses:


South 14 degrees 56 minutes 51 seconds West, a distance of 1.25 feet to a point, being the southeast corner of the herein described tract;

North 75 degrees 03 minutes 09 seconds West, a distance of 12.00 feet to a point, being the southwest corner of the herein described tract;

North 14 degrees 56 minutes 51 seconds West, a distance of 1.25 feet to the **Point of Beginning**, containing 15.00 square feet of land.

Note: Basis of bearing was established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An Exhibit of even date was prepared for this description.




Stephanie L. James, R.P.L.S.
Registered Professional Land Surveyor
No. 5950
Date: 2018-07-02 Job No. 16016

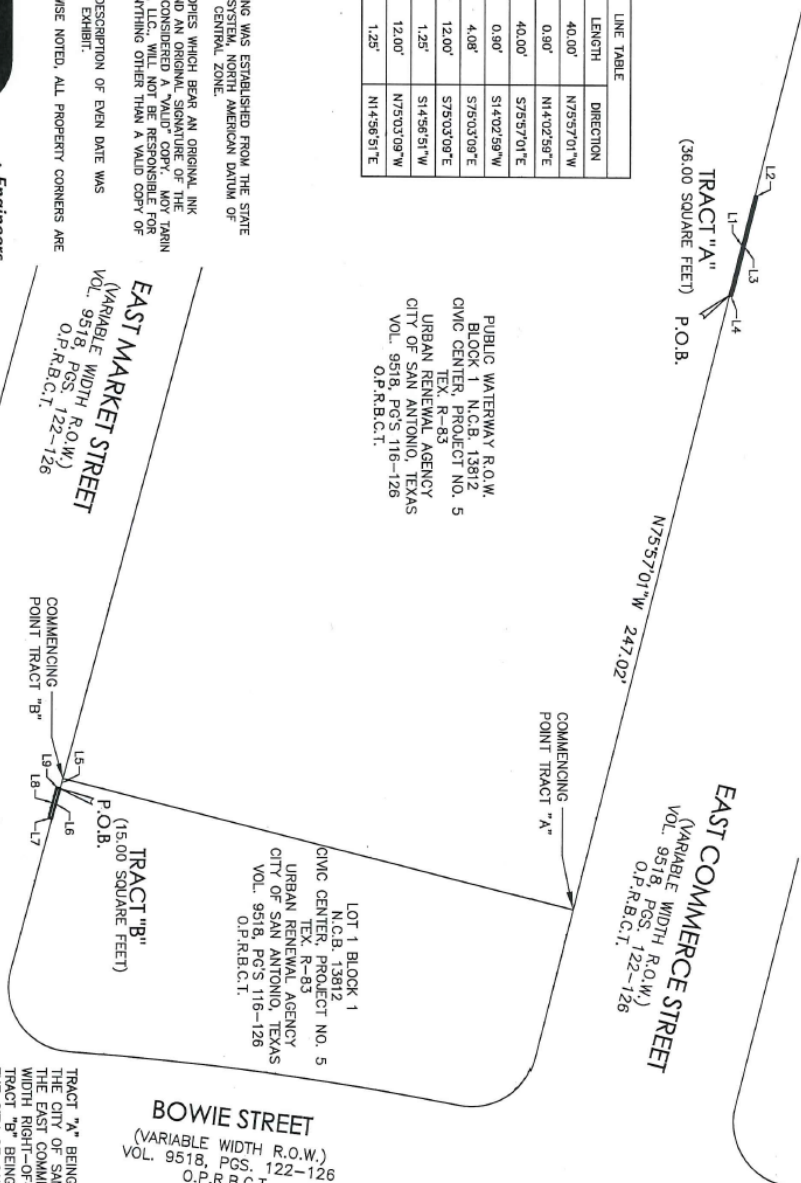
TBPE F-5297, TBPLS No. 10131500
12770 Cimarron Path, Suite 100 San Antonio, TX 78249
Ph. 210.698.5051 • Fx. 210.698.5085
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LINE	LENGTH	DIRECTION
L1	40.00'	N75°57'01"W
L2	0.90'	N44°02'59"E
L3	40.00'	S75°57'01"E
L4	0.90'	S14°02'59"W
L5	4.08'	S75°03'09"E
L6	12.00'	S75°03'09"E
L7	1.25'	S14°56'51"W
L8	12.00'	N75°03'09"W
L9	1.25'	N14°56'51"E

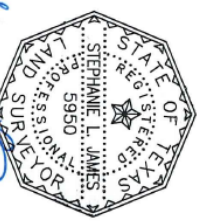
GENERAL NOTES:

- 1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.
- 2) ONLY THOSE COPIES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSIDERED A "VALID" COPY. MOY TARIN RAMIREZ ENGINEERS, L.L.C., WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANYTHING OTHER THAN A VALID COPY OF THIS EXHIBIT.
- 3) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS EXHIBIT.
- 4) UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS ARE POINTS.

MTR
 • Engineers
 • Surveyors
 • Planners
Moy Tarin Ramirez Engineers, LLC
 FIRM TYPE NO. F-5297 TBPUS FIRM NO. 10131500
 12770 CARMARON PATH, SUITE 100
 SAN ANTONIO, TEXAS 78249
 TEL: (210) 698-5051
 FAX: (210) 698-5085



LEGEND:
 O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS
 P.O.B. POINT OF BEGINNING
 R.O.W. RIGHT-OF-WAY



Stephen L. James

EXHIBIT OF
 RIGHT-OF-WAY ABANDONMENT
 TRACT "A" BEING A 36.00 SQUARE FOOT TRACT OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE EAST COMMERCE STREET RIGHT-OF-WAY, A VARIABLE WIDTH RIGHT-OF-WAY AND SQUARE FOOT TRACT OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE EAST MARKET STREET RIGHT-OF-WAY, A VARIABLE WIDTH RIGHT-OF-WAY
 BOTH AS SHOWN ON SUBDIVISION PLAT OF CIVIC CENTER, PROJECT NO. 5 TEX. R-83 URBAN RENOVATION AGENCY CITY OF SAN ANTONIO, TEXAS AS RECORDED IN VOLUME 9518, PAGES 122-126, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 DATE: 2018-07-02
 JOB No. 16016