

AN ORDINANCE 2014 - 06 - 12 - 0429

**AUTHORIZING THE CLOSURE, VACATION, AND  
ABANDONMENT OF A 0.542 OF AN ACRE IMPROVED  
PORTION OF GILLMORE AVENUE PUBLIC RIGHT OF  
WAY IN COUNCIL DISTRICT 5, AS REQUESTED BY PORT  
SAN ANTONIO; AND WAIVING ASSOCIATED FEES.**

\* \* \* \* \*

**WHEREAS**, Port San Antonio (Petitioner) is engaged in a long-term program of infrastructure improvement to support the mission of its aerospace, rail industry hub and platform for international commerce; and

**WHEREAS**, A portion of the infrastructure improvement includes the development of the Kelly Center which is a project on over 300 acres that will provide support services, amenities and resources to employees and visitors, and include office space for new and expanding businesses and living options on multi-family properties; and

**WHEREAS**, The Gilmore Avenue closure will create a unique development opportunity and have a positive impact on the intersection of General Hudnell and General McMullen by allowing development of a mixed-use office/retail park; and

**WHEREAS**, Upon closure of Billy Mitchell Boulevard, Gillmore Avenue will become a dead end at the intersection of Billy Mitchell Boulevard and Gillmore Avenue; and

**WHEREAS**, The Right-of-Way Segments as currently configured are not needed for public purposes; and

**WHEREAS**, Chapter 272 of the Local Government Code allows a political subdivision to convey property interests for less than fair market value in certain circumstances; **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 closes, vacates, and abandons the right-of-way portion ("Right-of-Way Segment") identified in Section 2 of this Ordinance.

**SECTION 2.** The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. A picture of the Right-of-Way Segment is set forth at **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 Right-of-Way is bounded on the north by the improved portion of Gillmore Avenue Public Right of Way adjacent to NCBs 7530 and 12608, and on the south by the north right-of-way line of Billy Mitchell Road. This statement 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 or alley right of way. Neither does this Ordinance create new easement rights. All lots adjacent to this closure must retain or otherwise provide for approved and recorded access per Chapter 35 of the City Code.

**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 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.

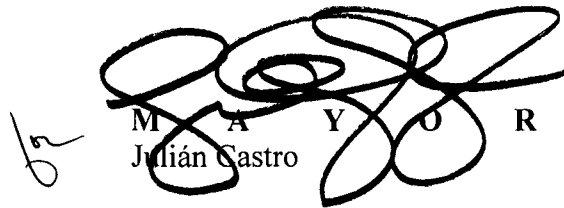
**SECTION 7.** The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

**SECTION 8:** The requirements of Section 37-11 of the City Code for fee reduction are waived. There is no fee for this street closure. 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 9:** The associated fees allowing for new development as part of the Port's expansion plan have been waived.

**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.

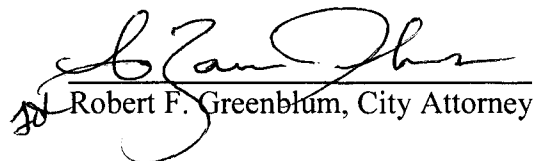
**PASSED AND APPROVED** this 12th day of June, 2014.

  
MAYOR  
Julian Castro

**Attest:**

  
Leticia M. Vadek, City Clerk

**Approved As To Form:**

  
Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	24 ( in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 )						
<b>Date:</b>	06/12/2014						
<b>Time:</b>	09:30:08 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation, and abandonment of a 0.542 of an acre (23,597 square feet) improved portion of Gillmore Avenue Public Right of Way adjacent to NCBs 7530 and 12608, located between Billy Mitchell Boulevard and five feet south of the northwest corner of the property described as NCB 7530, Block, Lot Tract East and Lot 36 in Council District 5, as requested by Port San Antonio; And waiving associated fees. [Peter Zanoni, Deputy City Manager; Mike Etienne, Officer, Eastpoint & Real Estate Services Office]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				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



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

### FIELD NOTES FOR

A 0.542 of an acre, or 23,597 square feet more or less, tract of land being out of Gillmore Avenue as shown in Mitchell Village Apartments Subdivision recorded in Volume 9545, Page 151 of Deed and Plat Records of Bexar County, Texas being in New City Block (N.C.B.) 7530 in the City of San Antonio, Bexar County, Texas. Said 0.542 of an acre tract being more particularly described by metes and bounds as follows with the bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone:

**BEGINNING:** At a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" on the east right-of-way line of Gillmore Avenue, an 80-foot right-of-way, recorded in said Mitchell Village Apartments Subdivision, from which the southwest corner of Lot 1, Block 4 of said Mitchell Village Apartments Subdivision, the northwest corner of a called 4.1322 acre tract recorded in Volume 10025, Pages 2226-2229 of the Official Public Records of Real Property of Bexar County, Texas, bears N 05°56'24" E, a distance of 5.00 feet;

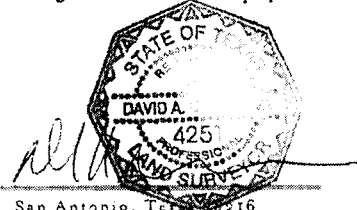
**THENCE:** S 05°56'24" W, along and with the east right-of-way line of said Gillmore Avenue, the west line of said 4.1322 acre tract, a distance of 295.00 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson", the north right-of-way line of Billy Mitchell Road and the southwest corner of said 4.1322 acre tract;

**THENCE:** N 84°03'36" W, over and across said Gillmore Avenue and along and with the north right-of-way line of said Billy Mitchell Road, a distance of 79.99 feet to a set  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson", the west right-of-way line of said Gillmore Avenue and the southeast corner of Lot 1, Block 2 of Port Authority of San Antonio recorded in Volume 9577, Pages 185-206 of the Deed and Plat Records of Bexar County, Texas;

**THENCE:** N 05°56'24" E, along and with the west right-of-way line of said Gillmore Avenue and the east line of said Lot 1, Block 2, a distance of 295.00 feet to a set  $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape Dawson", from which a found "+" in concrete bears N05°56'24" E, a distance of 240.00 feet at the northeast corner of said Lot 1;

**THENCE:** S 84°03'36" E, departing the east line of said Lot 1, continuing over and across said Gillmore Avenue, a distance of 79.99 feet to the POINT OF BEGINNING, and containing 0.542 of an acre in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and an exhibit prepared by "Pape-Dawson Engineers, Inc.

**PREPARED BY:** Pape-Dawson Engineers, Inc.  
**JOB No.:** 9365-08  
**DATE:** December 11, 2008  
**REVISED:** March 3, 2010  
**DOC. ID.:** N:\Survey08\8-9400\9365-08\WORD\9365-08FN.doc



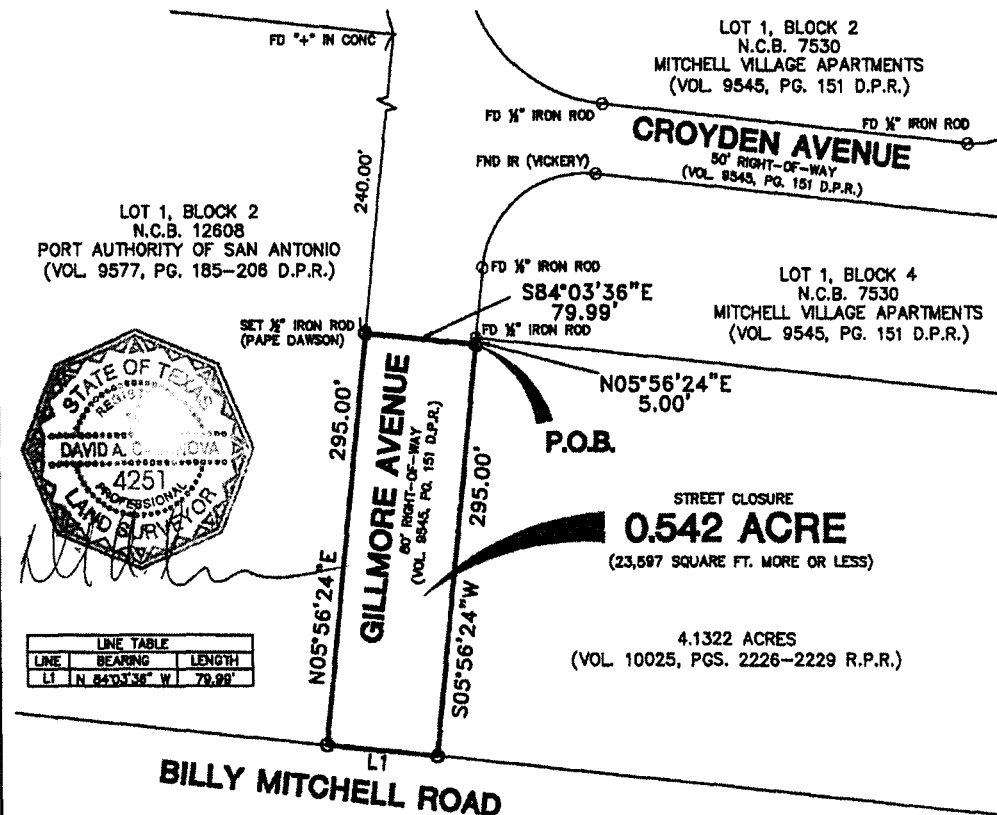
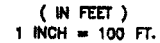
SAN ANTONIO / AUSTIN / HOUSTON

555 East Ramsey San Antonio, Texas 78216  
P 210.375.9000 F 210.375.9010 www.pape-dawson.com

D.R.	DEED RECORDS OF BEXAR COUNTY, TEXAS
R.P.R.	OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R.	DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

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D.P.R.	DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

- 1) THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.
- 2) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 84°03'38" W	79.99'

A 0.542 OF AN ACRE, OR 23,597 SQUARE FEET MORE OR LESS, TRACT OF LAND BEING OUT OF GILLMORE AVENUE AS SHOWN IN MITCHELL VILLAGE APARTMENTS SUBDIVISION RECORDED IN VOLUME 9545, PAGE 151 OF DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

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JOB No.: 9365-08

Date: Apr 11, 2013 3:12pm User: Dr. Dommers  
 File: C:\Users\DR\Documents\2013-04-11\2013-04-11\_17.dwg

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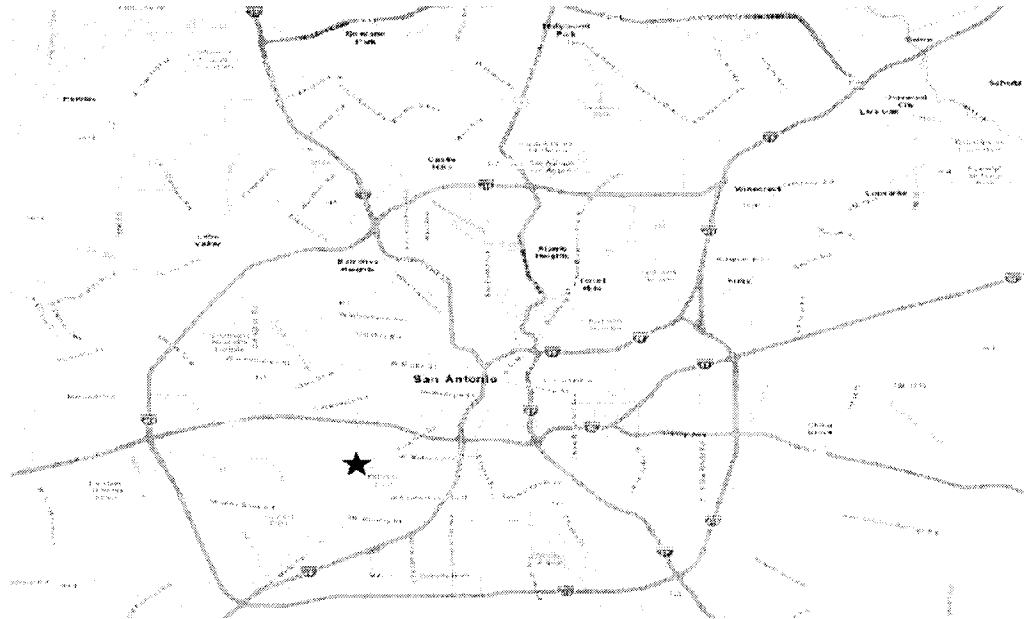
REVISÉ: APRIL 11, 2013

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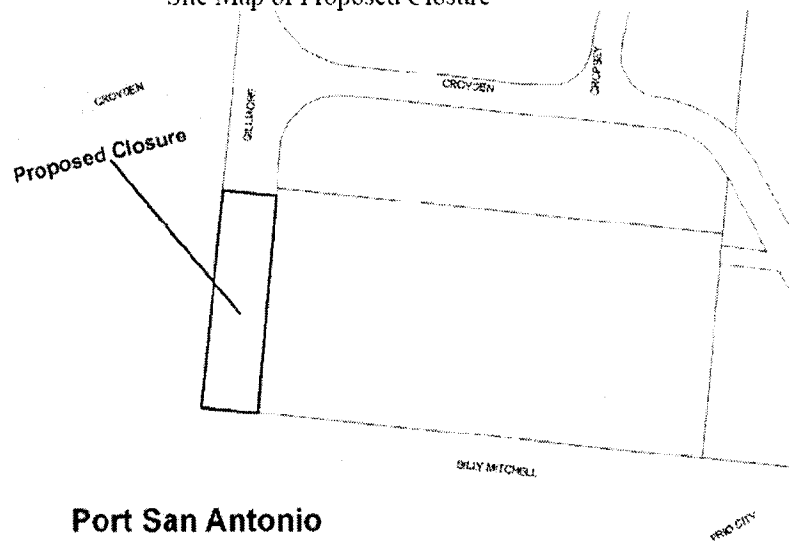


**PAPE-DAWSON  
ENGINEERS**

## Attachment II



Site Map of Proposed Closure



Port San Antonio

Map of Proposed Closure



Aerial Map of Proposed Closure



