

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

ORDINANCE

**CLOSING, VACATING, AND ABANDONING TWO UNIMPROVED 15-
FOOT PUBLIC RIGHTS-OF-WAYS LOCATED BETWEEN E. THEO
AVENUE AND TRUAX STREET ADJACENT TO NEW CITY BLOCKS
2911 AND 3224 IN CITY COUNCIL DISTRICT 3 AS REQUESTED BY
PUENTE & SONS, INC. FOR A FEE OF \$11,046.00.**

* * * * *

WHEREAS, Petitioner Puente & Son, Inc. d/b/a Puente & Sons Funeral Chapels and Dad-Mo Grand Investments LLC (“Petitioner”) is requesting the City of San Antonio (“City”) to close, vacate and abandon two unimproved 15-foot wide public rights of way located between E. Theo Avenue and Truax Street adjacent to New City Blocks 2911 and 3224 in Council District 3, as shown on attached **Exhibit A** and more accurately described in **Exhibit B**; and

WHEREAS, the two alley closures combined consist of 0.1008 of an acre (4,432 square feet), the northern alley consists of 0.0431 of an acre (1,881 square feet), and the southern alley consists of 0.0577 of an acre (2,551 square feet); and

WHEREAS, there was no opposition to the closures by City departments or utilities during the canvassing process and petitioner owns all of the abutting property to the proposed closures; and

WHEREAS, Petitioner is requesting the closure, vacation, and abandonment of the two rights of ways for the expansion of its business located at 3520 S. Flores Street, and if approved, Petitioner will assemble, re-plat, and re-zone its property with the proposed closures for the construction of a 3,000 square foot building; and

WHEREAS, the City of San Antonio Planning Commission recommended approval of this request at its regular meeting on February 27, 2019; and

WHEREAS, the fee established for this request is \$11,046.00 which includes the assessed value of the unimproved public rights of way in the amount of \$10,946.00 plus \$100.00 for administrative costs. In compliance with Chapter 37 of the City Code, Section 37-2, fair market value of the unimproved public rights of way was based utilizing Bexar Appraisal District assessed land values; and **NOW THEREFORE:**

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

SECTION 1. The following right-of-ways, currently held by the City of San Antonio are authorized to be closed, vacated, and abandoned for a fee of \$11,046.00: two unimproved 15-foot wide public rights of way located between E. Theo Avenue and Truax Street adjacent to New City Blocks 2911 and 3224 in Council District 3.

SECTION 2. A detailed description of the right of way segments are set forth on **Exhibit B**. Maps and pictures of the right of way segment are set forth on **Exhibit A**. 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 City Manager or designee(s), severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate the closure, abandonment, and vacation of the undeveloped public right-of-ways.

SECTION 4. Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

SECTION 5. 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 6. 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 7. 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 21st day of March, 2019.

M A Y O R
Ron Nirenberg

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A

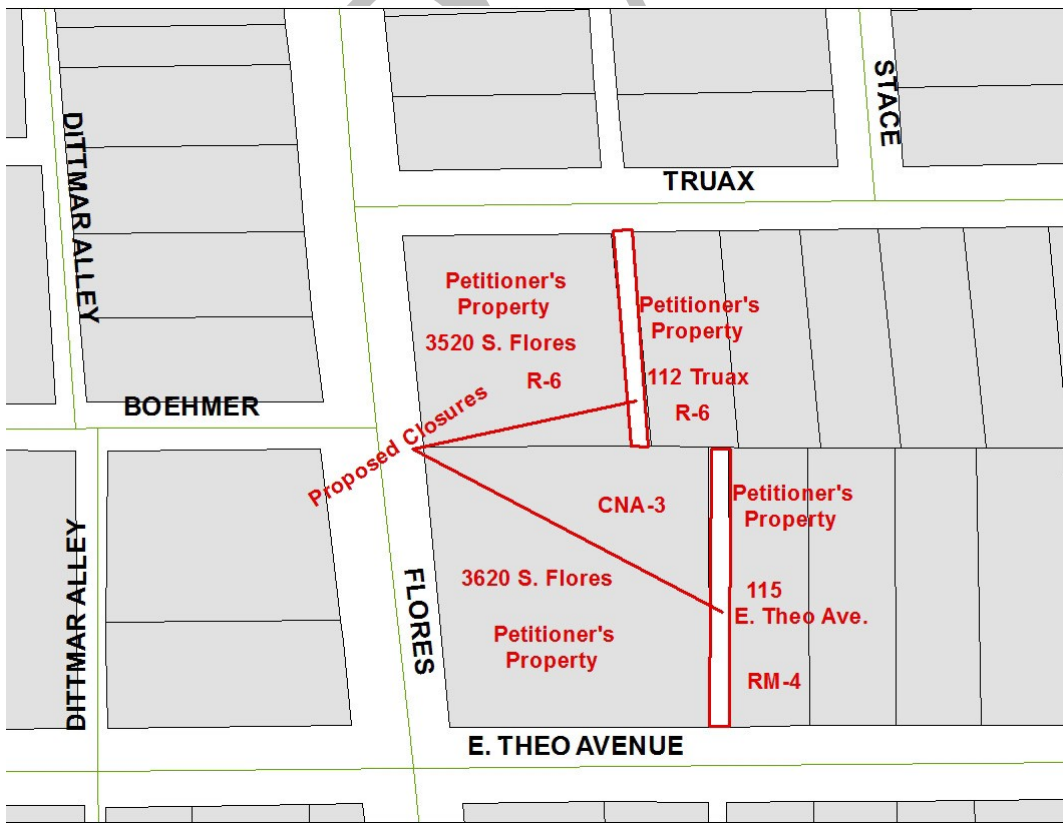
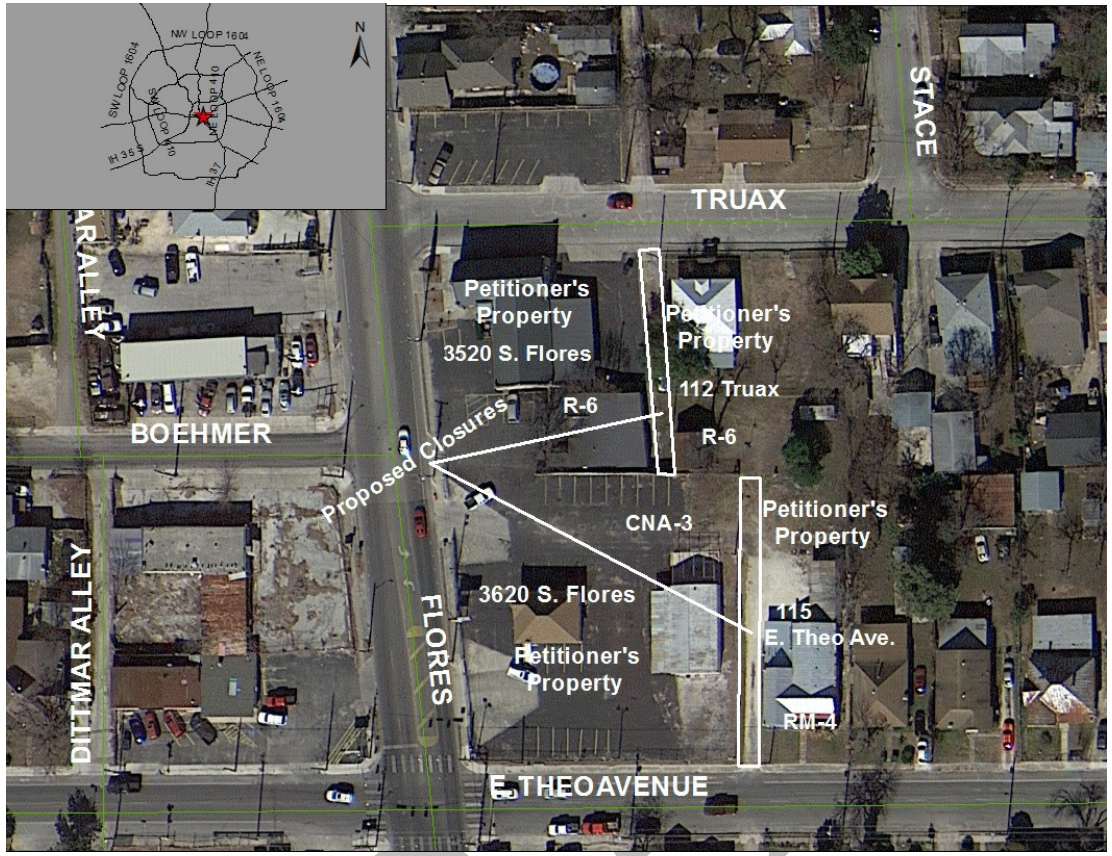


EXHIBIT B

FIELD NOTE DESCRIPTION

Page 1 of 3

FOR 15.0 FOOT ALLEY

(TRACT "A")

Being a 0.0431 Acres (1,881 square feet) of land situated in the City of San Antonio, Bexar County, Texas and being all of a called 15.0 feet wide alley located south of Truax Street and between Lot 9, Block 10, N.C.B. 3224, Puente & Sons Funeral Chapels S. Flores, recorded in Volume 9688, Page 88 of the Deed & Plat Records of Bexar County, Texas and Lot 4, Block 13, N.C.B. 2911, Englewood Addition Subdivision, recorded in Volume 138, Page 651 of the Deed & Plat Records of Bexar County, Texas and this 0.0431 Acre Tract of land being more particularly by described as follows with all bearings being referenced to the north line of said Lot 9, Block 10, N.C.B. 3224, as shown on recorded subdivision plat;

Beginning at a found ½" dia. iron pin found with cap marked RPLS 5578, on the south right of way line of Truax Street, for the northwest corner of the herein described tract and the Point of Beginning also being the northeast corner of said Lot 9, Block 10, N.C.B. 3224;

THENCE: N. 89° 34'00" E., 15.06 feet along the south right of way line of Truax Street, to a ½" dia. iron pin set (with yellow cap stamped RAS#3976), for the northeast corner of the herein described tract, said point also being the northwest corner of said Lot 4, Block 13, N.C.B. 2911;

THENCE: S. 05° 30'20" E., 125.42 feet leaving the south right of way line of Truax Street and along the west line of said Lot 4, Block 13, N.C.B. 2911, to a ½" dia. iron pin set (with yellow cap stamped RAS #3976), for the southeast corner of the herein described tract, said point also being southwest corner of said Lot 4, Block 13, N.C.B. 2911 and being on the interior lot line of said Lot 9, Block 10, N.C.B. 3224;

THENCE: S. 89° 40'37" W., 15.06 feet leaving the southwest of said Lot 4, Block 13, N.C.B. 2911 and along the interior lot line of said Lot 9, Block 10, N.C.B. 3224, to a ½" dia. iron pin (yellow cap stamped RAS#3976), for the southwest corner of the herein described tract, said point also being the interior corner of said Lot 9, Block 10, N.C.B. 3224;

THENCE: N. 05°30'20" W., 125.39 feet along the east line of said Lot 9, Block 10, N.C.B. 3224, to the Point of Beginning and Containing 0.0431 Acres (1,881 square feet) of land more or less.



Surveyed on the ground under my supervision
On this the 12th Day of September, 2018 A.D.

Ramon M. Ruiz
Ramon M. Ruiz, RPLS #3976

Ruiz & Assoc. Surveying, Inc., 4414 Centerview, Suite 211, San Antonio, Tx 78228
TBPLS Firm No.: 100297-00

FIELD NOTE DESCRIPTION

FOR 15.0 FOOT ALLEY

(TRACT "B")

Being a 0.0577 Acres (2,515 square feet) of land situated in the City of San Antonio, Bexar County, Texas and being all of a called 15.0 feet wide alley located north of E. Theo Ave. and between Lot 9, Block 10, N.C.B. 3224, Puente & Sons Funeral Chapels S. Flores, recorded in Volume 9688, Page 88 of the Deed & Plat Records of Bexar County, Texas and Lot 4, Block 10, N.C.B. 3224, Hillcrest Addition to San Antonio, recorded in Volume 105, Page 150 of the Deed & Plat Records of Bexar County, Texas and this 0.0577 Acre Tract of land being more particularly by described as follows with all bearings being referenced to the north line of said Lot 9, Block 10, N.C.B. 3224, as shown on recorded subdivision plat;

Beginning at a found ½" dia. iron pin found with cap marked RPLS 5578, on the north right of way line of E. Theo Ave., for the southwest corner of the herein described tract and the Point of Beginning also being the southeast corner of said Lot 9, Block 10, N.C.B. 3224;

THENCE: N. 00° 15'27" W., 167.13 feet leaving the north right of way line of E. Theo Ave. and along the east line of said Lot 9, Block 10, N.C.B. 3224, to a ½" dia. iron pin found, with cap marked RPLS 557, for the northwest corner of the herein described tract, said point also being an exterior corner of said Lot 9, Block 10, N.C.B. 3224 and being on the south line of Lot 4, Block 13, N.C.B. 2911, East Englewood Addition Subdivision, recorded in Volume 138, Page 651 of the Deed & Plat Records of Bexar County, Texas;

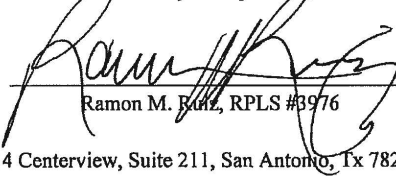
THENCE: N. 89° 40'37" E., 15.05 feet leaving the exterior corner of said Lot 9, Block 10, N.C.B. 3224 and along the south line of said Lot 4, Block 13, N.C.B. 2911, to a ½" dia. iron pin (yellow cap stamped RAS#3976), for the northwest corner of the herein described tract, said point also being the northwest corner of said Lot 4, Block 10, N.C.B. 3224;

THENCE: S. 00°15'27" E., 167.14 feet along the west line of said Lot 4, Block 10, N.C.B. 3224, to a ½" dia. iron pin found on the north right of way line of E. Theo Ave., for the southeast corner of the herein described tract, said point also being the southwest corner of said Lot 4, Block 10, N.C.B. 3224;

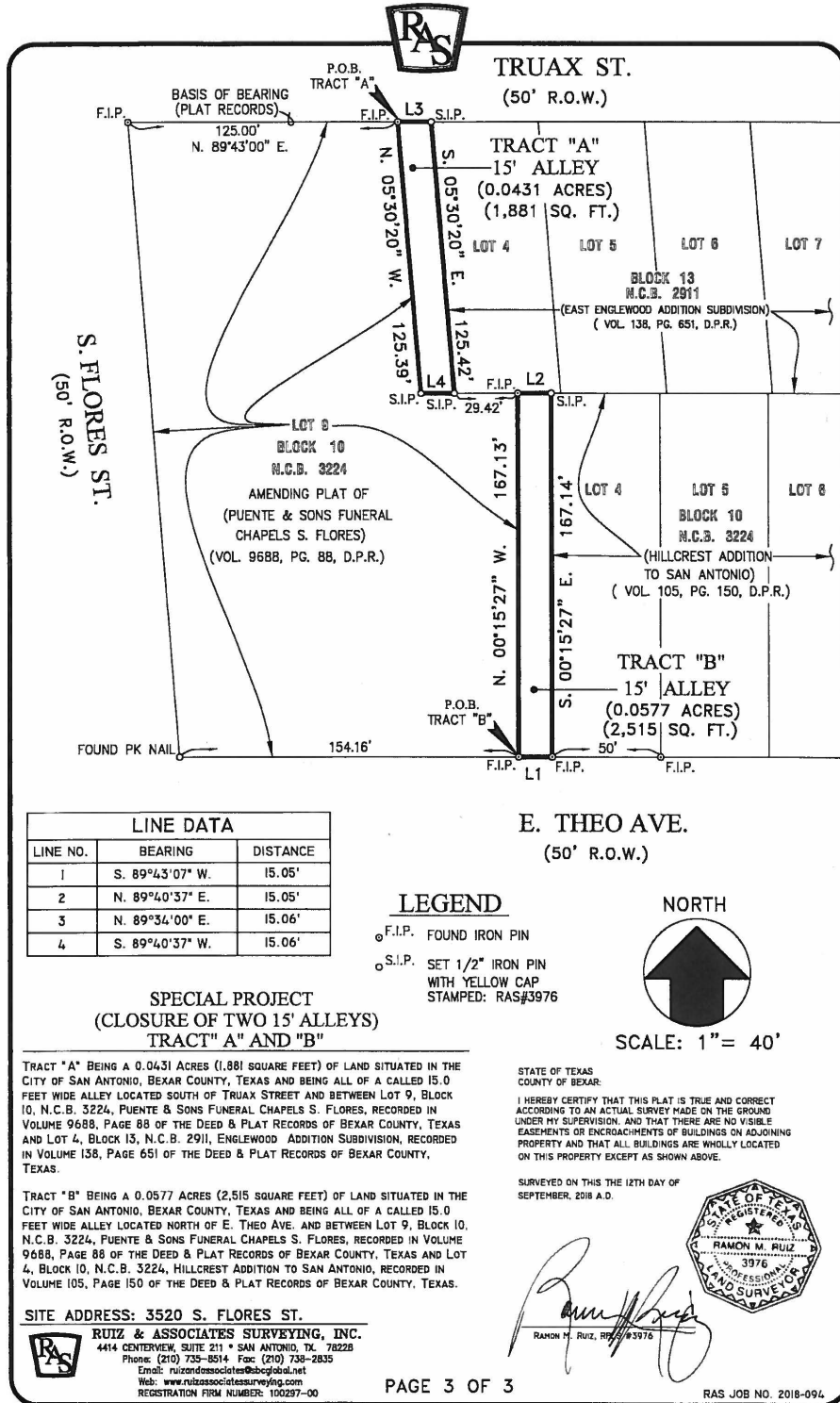
THENCE: S. 89° 43'07" W., 15.05 feet along the north right of way line of E. Theo Ave., to the Point of Beginning and containing 0.0577 Acres (2,515 square feet) of land more or less.



Surveyed on the ground under my supervision
On this the 12th Day of September, 2018 A.D.


Ramon M. Ruiz, RPLS #3976

Ruiz & Assoc. Surveying, Inc., 4414 Centerview, Suite 211, San Antonio, Tx 78228
TBPLS Firm No.: 100297-00



LINE DATA		
LINE NO.	BEARING	DISTANCE
1	S. 89°43'07" W.	15.05'
2	N. 89°40'37" E.	15.05'
3	N. 89°34'00" E.	15.06'
4	S. 89°40'37" W.	15.06'

**SPECIAL PROJECT
(CLOSURE OF TWO 15' ALLEYS)
TRACT "A" AND "B"**

TRACT "A" BEING A 0.0431 ACRES (1,881 SQUARE FEET) OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING ALL OF A CALLED 15.0 FEET WIDE ALLEY LOCATED SOUTH OF TRUAX STREET AND BETWEEN LOT 9, BLOCK 10, N.C.B. 3224, PUENTE & SONS FUNERAL CHAPELS S. FLORES, RECORDED IN VOLUME 9688, PAGE 88 OF THE DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS AND LOT 4, BLOCK 13, N.C.B. 2911, ENGLEWOOD ADDITION SUBDIVISION, RECORDED IN VOLUME 138, PAGE 651 OF THE DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS.

TRACT "B" BEING A 0.0577 ACRES (2,515 SQUARE FEET) OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING ALL OF A CALLED 15.0 FEET WIDE ALLEY LOCATED NORTH OF E. THEO AVE. AND BETWEEN LOT 9, BLOCK 10, N.C.B. 3224, PUENTE & SONS FUNERAL CHAPELS S. FLORES, RECORDED IN VOLUME 9688, PAGE 88 OF THE DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS AND LOT 4, BLOCK 10, N.C.B. 3224, HILLCREST ADDITION TO SAN ANTONIO, RECORDED IN VOLUME 105, PAGE 150 OF THE DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS.

SITE ADDRESS: 3520 S. FLORES ST.
RUIZ & ASSOCIATES SURVEYING, INC.
 4414 CENTERVIEW, SUITE 211 • SAN ANTONIO, TX. 78228
 Phone: (210) 735-8514 Fax: (210) 738-2835
 Email: ruizandassociates@bexar.gov
 Web: www.ruizassociatesurveying.com
 REGISTRATION FIRM NUMBER: 100297-00

E. THEO AVE.
(50' R.O.W.)

LEGEND

- ⊙ F.I.P. FOUND IRON PIN
- S.I.P. SET 1/2" IRON PIN WITH YELLOW CAP STAMPED: RAS#3976



SCALE: 1" = 40'

STATE OF TEXAS
COUNTY OF BEXAR.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

SURVEYED ON THIS THE 12TH DAY OF SEPTEMBER, 2018 A.D.



Ramon M. Ruiz
RAMON M. RUIZ, RLS#3976