

AN ORDINANCE 2014 - 05 - 15 - 0330

CLOSING, VACATING, AND ABANDONING AN APPROXIMATELY 1.04-ACRE UNIMPROVED PORTION OF ANCHOR DRIVE, A 0.6025-ACRE UNIMPROVED PORTION OF LINK DRIVE, AND A 1.264-ACRE UNIMPROVED PORTION OF LIMA DRIVE WITH CONDITIONS IN COUNCIL DISTRICT 9 AS REQUESTED BY LDK REALTY FOR A FEE OF \$66,700.00, AND WAIVING THE REQUIREMENTS OF SECTION 37-11 OF THE CITY CODE.

* * * * *

WHEREAS, LDK Realty has requested the abandonment of City of San Antonio Right of Way segments; and

WHEREAS, the Right-of-Way Segments, as defined below, are undeveloped; and

WHEREAS, the Right-of-Way Segments are subject to dumping; and

WHEREAS, the Right-of-Way Segments are no longer needed for public purposes; and

WHEREAS, it is in the interest of the public that the City of San Antonio be relieved of the obligation to maintain the Right-of-Way Segment; 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 rights-of-way ("Right-of-Way Segments") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding section of this Ordinance.

SECTION 2. The detailed description of the Right-of-Way Segments are set forth on are set forth at **Attachment I**. Maps and pictures of the Right-of-Way Segments are set forth on **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 Segment exists by virtue of a subdivision plat recorded at Volume 4400, Page 183, Official Public Records of Bexar County, Texas.

SECTION 4. The properties abutting the Right-of-Way Segment are:

10918 Lima Dr	NCB 11732 Blk 16 Lot SW 62.5 ft of 6	LDK-Lockhill Estates
10703 Link Dr	NCB 11732 Blk 16 Lot 12	LDK-Lockhill Estates
10723 Link Dr	NCB 11732 Blk 16 Lot NE 62.5 ft of 10	Gonzalez, Ventura
10803 Link Dr	NCB 11732 Blk 16 Lot 9	Gonzalez, Ventura
10819 Link Dr	NCB 11732 Blk 16 Lot SW 62.5 ft of 7	Church, Angela D.
10823 Link Dr	NCB 11732 Blk 16 Lot NE 62.5 ft of 7	LDK-Lockhill Estates
10818 Link Dr	NCB 11733 Blk 17 Lot 6 at 10818 Link	LDK-Lockhill Estates
10814 Link Dr	NCB 11733 Blk 17 Lot NE 62.5 ft of 5	Gonzalez, Ventura
10810 Link Dr	NCB 11733 Blk 17 Lot SW 62.5 ft of 5	LDK-Lockhill Estates
10802 Link Dr	NCB 11733 Blk 17 Lot 4	LDK-Lockhill Estates
10718 Link Dr	NCB 11733 Blk 17 Lot 3	LDK-Lockhill Estates
10710 Link Dr	NCB 11733 Blk 17 Lot 2	LDK-Lockhill Estates
1835 Lockhill Selma Rd	NCB 11766 Blk 20 Lot 5 Lockwest Apartments	Manor at Castle Hills 2012 LP
10811 Link Dr	NCB 11732 Blk 16 Lot 8 Lockhill Estates Unit 2	Barka, Hamid & Campos
10702 Link Dr	NCB 11733 Blk 17 Lot 1	LDK-Lockhill Estates

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 affect the validity of the closure.

SECTION 5. In addition to the condition stated in Section 1, a further condition to the closure effected by this Ordinance is a plat being approved no later than December 31, 2015, dedicating approved and recorded access per Chapter 35 of the City Code for all lots associated with the Right of Way Segments. LDK Realty or the property owners at the time of platting must provide sufficient right-of-way dedication at the proposed northern terminus of the public portion of Link Drive to accommodate a cul-de-sac or fire-approved alternative treatment since the resulting dead-end condition is longer than 150'. Such plat must address the remaining public portion of Link Drive such that any other traffic or related conditions are in compliance with the City Code of San Antonio. If no such plat is timely approved, this Ordinance is void. Time is of the essence in replatting the Right of Way Segments. Additionally, the closure is further conditioned on the owners of abutting property to the Right of Way Segments dedicating a public access easement to serve in the same capacity as the streets being abandoned until either the Right of Way Segment areas are replatted or this Ordinance is void.

SECTION 6. 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 Segments 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 Segments 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 7. 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 8. The Right-of-Way Segments exist by easement. The underlying fee ownership of the Right-of-Way Segments by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned.

SECTION 9. The requirements of Section 37-11 of the City Code for fee reduction are waived. The total fee for these closures is \$66,700.00. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 2400000000060 and General Ledger 4903101.

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 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 11. 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 12. 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.

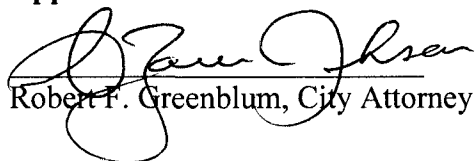
PASSED AND APPROVED this 15th day of May, 2014.


M A Y O R
Julián Castro

Attest:

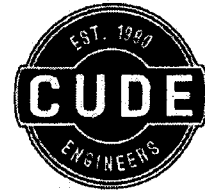

Leticia M. Vacek, City Clerk

Approved As To Form:


for Robert F. Greenblum, City Attorney

Agenda Item:	10 (in consent vote: 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 28A, 28B, 29, 29A, 29B)						
Date:	05/15/2014						
Time:	09:40:29 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.5774 acre unimproved portion of Anchor Drive, a 0.4638 acre unimproved portion of Anchor Drive, a 0.6025 acre unimproved portion of Link Drive and a 1.264 acre unimproved portion of Lima Drive with conditions in Council District 9 as requested by LDK Realty. [Peter Zanoni, Deputy City Manager; Mike Etienne, EastPoint and Real Estate Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Attachment I



Metes and Bounds of

0.5774 acres of land in the City of San Antonio, Bexar County, Texas out of Anchor Drive being a 55 foot public right-of-way initially established as a 50 foot right-of-way by subdivision plat of LOCKHILL ESTATES, UNIT NO. 2 recorded in Volume 2805, Page 118 of the Deed and Plat Records of Bexar County, Texas, increased in width by a 5 foot dedication per subdivision plat of LOCKWEST APARTMENTS as recorded in Volume 9544, Page 6 of the Deed and Plat Records of Bexar County, Texas, being more particularly described as follows;

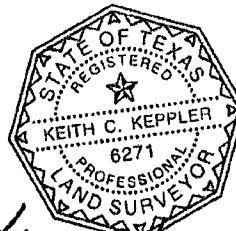
- BEGINNING:** at a 1/2-inch found iron rod with cap stamped "MBC" at the intersection of the southeast right-of-way line of Amhurst Drive (variable width right-of-way) and the southwest right-of-way line of Anchor Drive, being the west most north corner of Lot 5, Block 20, New City Block (N.C.B.) 11766 of said LOCKWEST APARTMENTS, for the west corner of this tract described herein;
- Thence:** along the projected southeast right-of-way line of Amhurst Drive the following courses and distances:
- North 41° 17' 08" East, a distance of 20.23 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" for a corner;
- North 48° 39' 14" West, a distance of 4.42 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" for a corner;
- North 41° 17' 08" East, a distance of 24.86 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" for the north corner of this tract described herein;
- Thence:** over and across the right-of-way of Anchor Drive the following courses and distances:
- South 48° 40' 08" East, a distance of 809.52 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" for the east corner of this tract described herein;
- South 41° 20' 39" West, a distance of 30.05 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" on the southwest right-of-way line of Anchor Drive being the northeast boundary line of said Lot 5, for the south corner of this tract described herein;
- Thence:** North 48° 39' 20" West, along the southwest right-of-way line of Anchor Drive, a distance of 790.03 feet to a 1/2-inch found iron rod with cap stamped "MBC" at the point of curvature of a curve to the right and continuing along said curve having a radius of 15.00 feet, a delta angle of 91° 04' 29", an arc length of 23.82 feet, of which the chord bears South 85° 58' 58" West, a distance of 21.39 feet to the **POINT OF BEGINNING** and containing 24,281 square feet or 0.5774 acres of land.

Note: Basis of bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

Exhibit Plat accompanying this description of even date.

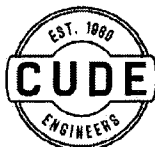
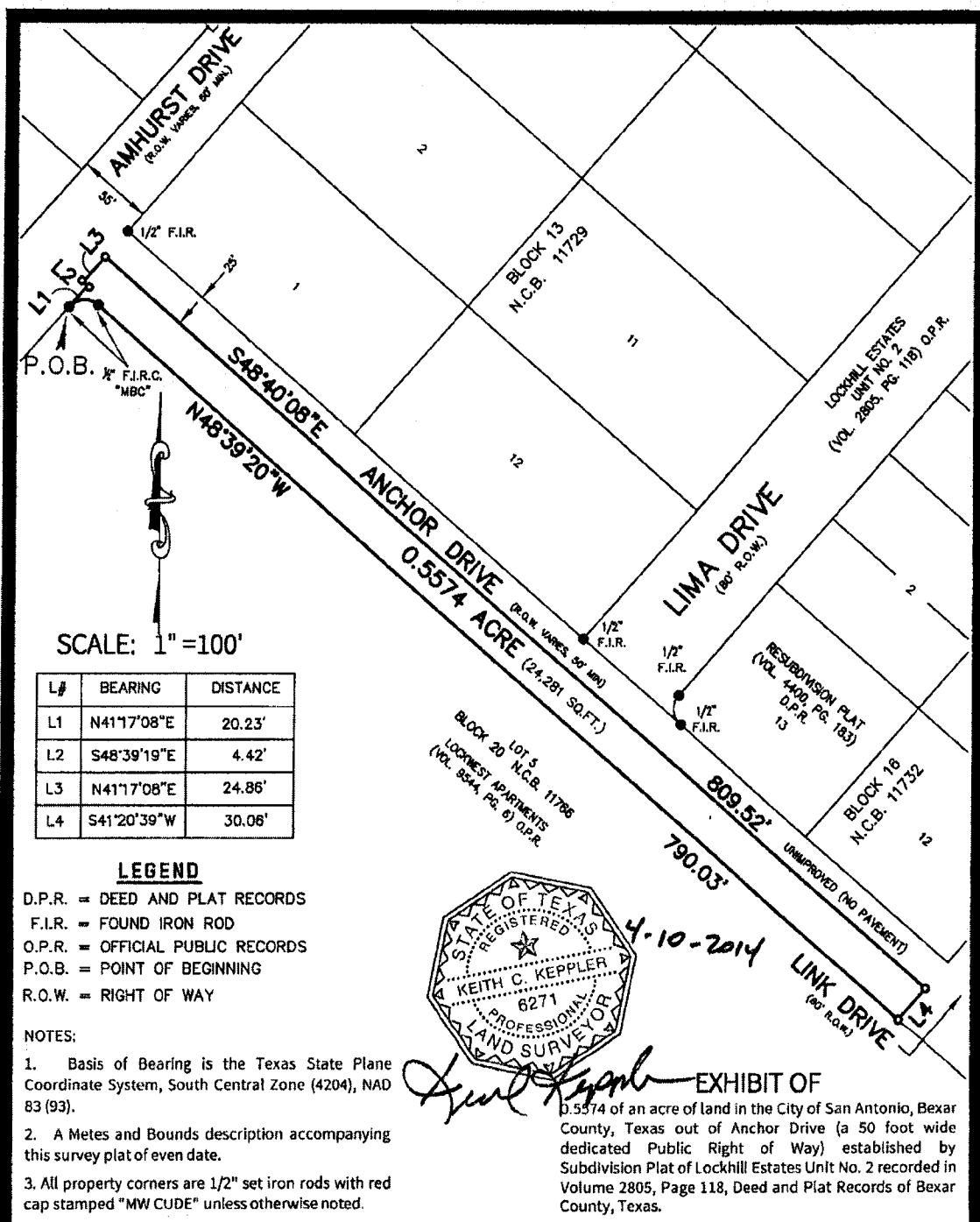
Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271

Project No. 02879.000
April 10, 2014



4-10-2014

Keith C. Keppler



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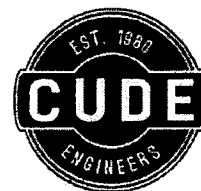
Page 3 of 3

DATE: April 10, 2014

JOB NO.: 02879.000

P:\02879\000-Survey\Drawings\02879-000-Ancor Dr. (Part 3 of 3).dwg 2014/04/10 6:28pm kkeppler

REPRODUCTION OF THE ORIGINAL SURVEY AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY HAVE BEEN INADEQUATELY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CLERK ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.



**Metes and Bounds
of**

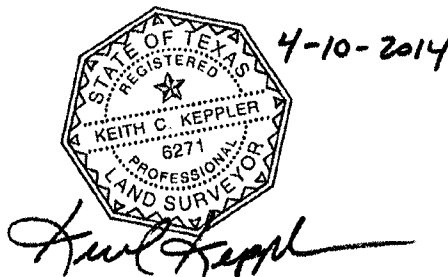
1.264 acres of land in the City of San Antonio, Bexar County Texas out of Lima Drive being an 80 foot public right-of-way established by subdivision plat of LOCKHILL ESTATES NO. 2 recorded in Volume 2805, Page 118 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows:

- BEGINNING:** at a 1/2-inch set iron rod with red cap stamped "MW CUDE" on the northwest right-of-way line of Lima Drive for the east corner of Lot 16, Block 13, New City Block 11729 per RESUBDIVISION PLAT recorded in Volume 4400, Page 183 of the Deed and Plat Records of Bexar County, Texas, for the north corner of this tract described herein;
- Thence:** South 48° 39' 40" East, across the right-of-way line of Lima Drive, a distance of 80.00 feet to a 1/2-inch set iron rod with red cap stamped "MW CUDE" on the southeast right-of-way line of Lima Drive being the west corner of the called northeast 1/2 of Lot 6, Block 16, New City Block 11732 of said LOCKHILL ESTATES NO. 2 as described in Volume 15115, Page 852 of the Official Public Records of Bexar County, Texas, for the east corner of this tract described herein;
- Thence:** South 41° 20' 20" West, along the southeast right-of-way line of Lima Drive, a distance of 672.58 feet to a 1/2-inch found iron rod at the point of curvature of a curve to the left;
- Thence:** along said curve to the left having a radius of 15.00 feet, a delta angle of 90° 56' 18", an arc length of 23.81 feet, of which the chord bears South 03° 49' 49" West, a distance of 21.39 feet to a 1/2-inch found iron rod at the end of said curve on the northeast right-of-way line of Anchor Drive, for the south corner of this tract described herein;
- Thence:** North 48° 40' 58" West, along the projected northeast right-of-way line of Anchor Drive, a distance of 95.17 feet to a 1/2-inch found iron rod at the intersection with the northwest right-of-way of Lima Drive being the south corner of Lot 12, Block 13, N.C.B. 11729 of said LOCKHILL ESTATES NO. 2, for the west corner of this tract described herein;
- Thence:** North 41° 20' 20" East, along the northwest right-of-way line of Lima Drive, a distance of 687.69 feet to the **POINT OF BEGINNING** and containing 55,063 square feet or 1.264 acres of land.
- Note:** Basis of Bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

Exhibit Plat accompanying this description of even date.

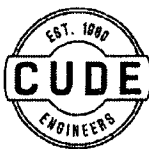
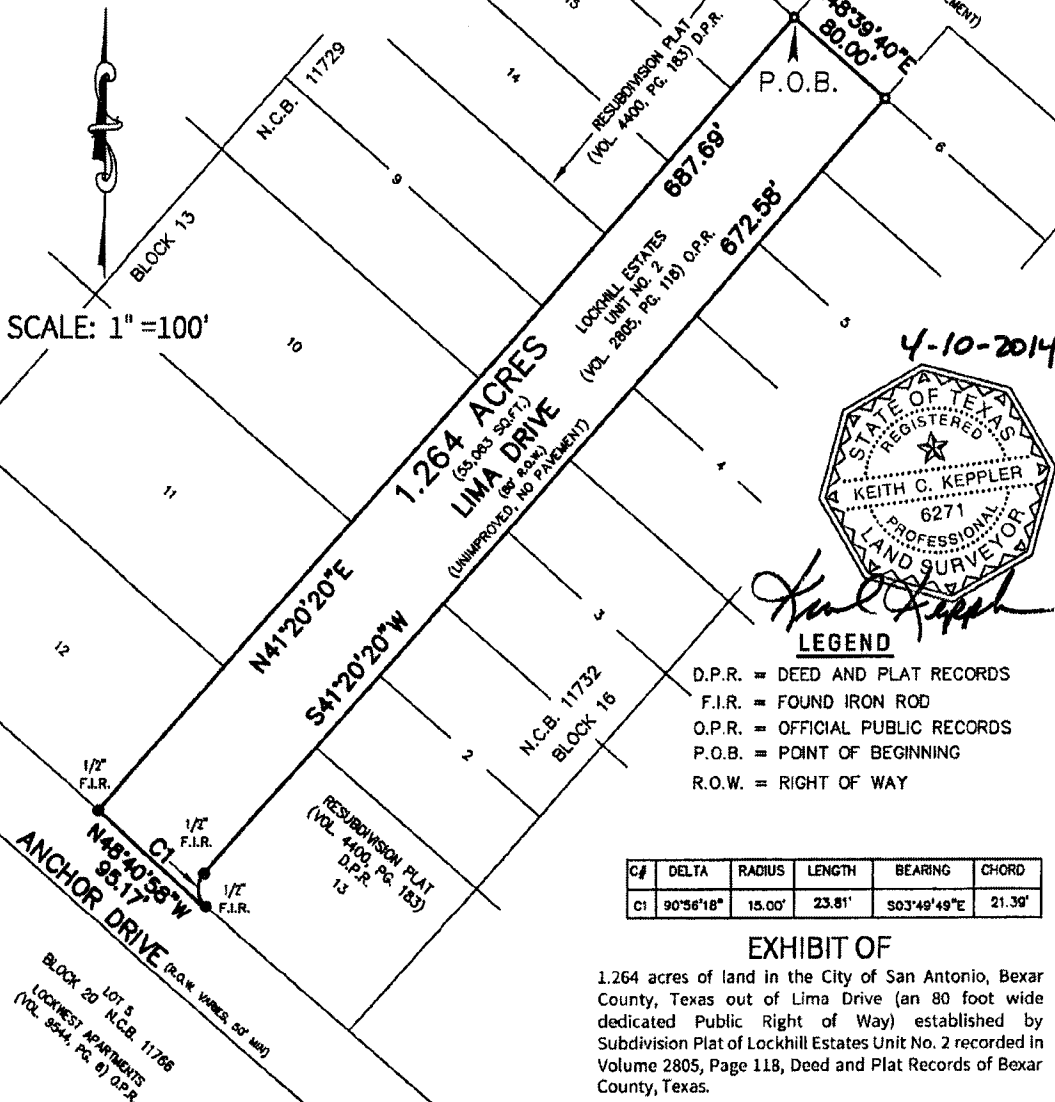
Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271

Project No. 02879.000
Date: 04/10/2014
J.G.R.



NOTES:

1. Basis of Bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).
2. A Metes and Bounds description accompanying this survey plat of even date.
3. All property corners are 1/2" set iron rods with red cap stamped "MW CUDE" unless otherwise noted.



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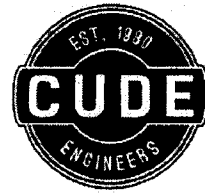
Page 2 of 2

DATE: April 10, 2014

JOB NO.: 02879.000

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REPRODUCTION OF THE ORIGINAL, SIGNED AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY HAVE BEEN INADEQUATELY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CUDE ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.



**Metes and Bounds
of**

0.4638 acres of land in the City of San Antonio, Bexar County, Texas out of Anchor Drive being a 55 foot public right-of-way initially established as a 50 foot right-of-way by subdivision plat of LOCKHILL ESTATES, UNIT NO. 2 recorded in Volume 2805, Page 118 of the Deed and Plat Records of Bexar County, Texas, increased in width by a 5 foot dedication per subdivision plat of LOCKWEST APARTMENTS as recorded in Volume 9544, Page 6 of the Deed and Plat Records of Bexar County, Texas, being more particularly described as follows;

BEGINNING: at a 1/2-inch found iron rod at the intersection of the southeast right-of-way line of Amhurst Drive (variable width right-of-way) and the northeast right-of-way line of Anchor Drive, being the west corner of Lot 1, Block 13, New City Block (N.C.B.) 11729 of said LOCKHILL ESTATES, UNIT NO. 2, for the north corner of this tract described herein;

Thence: South 48° 40' 58" East, along the northeast right-of-way line of Anchor Drive, a distance of 809.55 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" being the south corner of Lot 12, Block 16, N.C.B. 11732 of said LOCKHILL ESTATES, UNIT NO. 2, for the east corner of this tract described herein;

Thence: over and across the right-of-way of Anchor Drive the following courses and distances:

South 41° 20' 40" West, a distance of 25.06 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" for the south corner of this tract described herein;

North 48° 40' 08" West, a distance of 809.52 feet to a 1/2-inch set iron rod with red plastic cap stamped "MW CUDE" on the projected southeast right-of-way line of Amhurst Drive, for the west corner of this tract described herein;

Thence: North 41° 17' 08" East, a distance of 24.86 feet to the **POINT OF BEGINNING** and containing 20,204 square feet or 0.4638 acres of land.

Note: Basis of bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

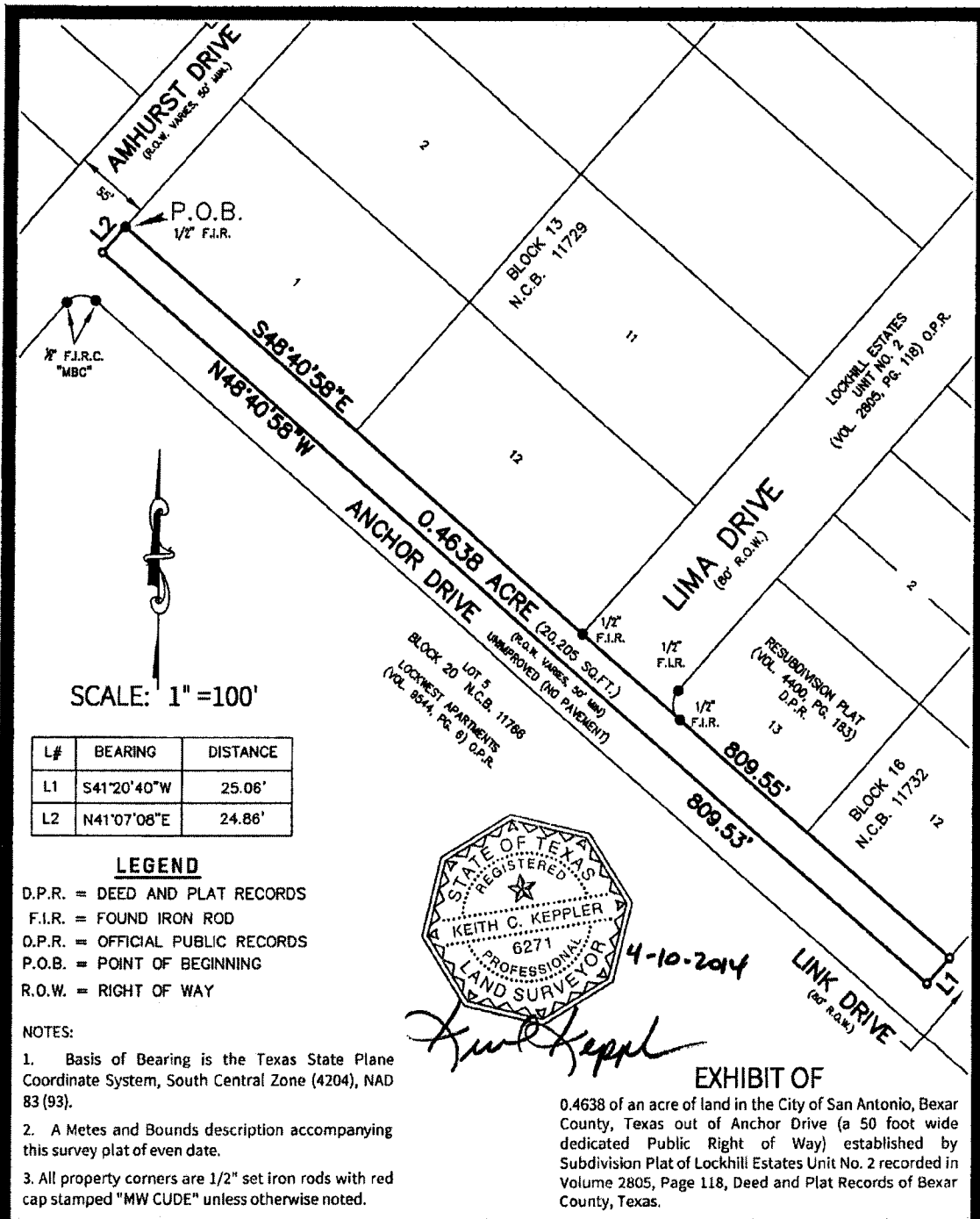
Exhibit Plat accompanying this description of even date.

Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271

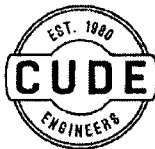
Project No. 02879.000
April 10, 2014



4-10-2014

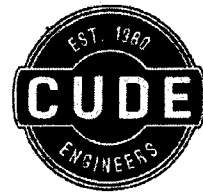


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Page 1 of 2

**Metes and Bounds
of**

0.6025 acres of land in the City of San Antonio, Bexar County Texas out of Link Drive being a 60 foot public right-of-way established by subdivision plat of LOCKHILL ESTATES NO. 2 recorded in Volume 2805, Page 118 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows:

BEGINNING: at a 1/2-inch set iron rod with red cap stamped "MW CUDE" at the intersection of the southwest right-of-way line of Silver Oaks (60 foot right-of-way) and the southeast right-of-way line of Link Drive being the north corner of Lot 6, Block 17, New City Block 11733 of said LOCKHILL ESTATES NO. 2, for the east corner of this tract described herein;

Thence: South 41° 19' 09" East, along the southeast right-of-way line of Link Drive a distance of 437.66 feet to a 1/2-inch set iron rod with red cap stamped "MW CUDE" for the south corner of this tract described herein;

Thence: North 48° 40' 51" West, across the right-of-way of Link Drive, a distance of 59.94 feet to a 3/8-inch found iron rod at the east corner of the southwest 1/2 of Lot 10, Block 16 of said of LOCKHILL ESTATES NO. 2 as described in Volume 11406, Page 2300 of the Official Records of Bexar County, Texas, for the west corner of this tract described herein;

Thence: North 41° 18' 42" East, along the northwest right-of-way line of Link Drive, a distance of 437.67 feet to a 1/2-inch set iron rod with red cap stamped "MW CUDE" at the intersection of the southwest right-of-way line of Silver Oaks (60 foot right-of-way) and the northwest right-of-way line of Link Drive being the east corner of Lot 7, Block 16, New City Block 11732 of said LOCKHILL ESTATES NO. 2, for the north corner of this tract described herein;

Thence: South 48° 40' 25" East, along the projected southwest right-of-way line of Silver Oaks, a distance of 60.00 to the **POINT OF BEGINNING** and containing 26,246 square feet or 0.6025 of an acre of land.

Note: Basis of Bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

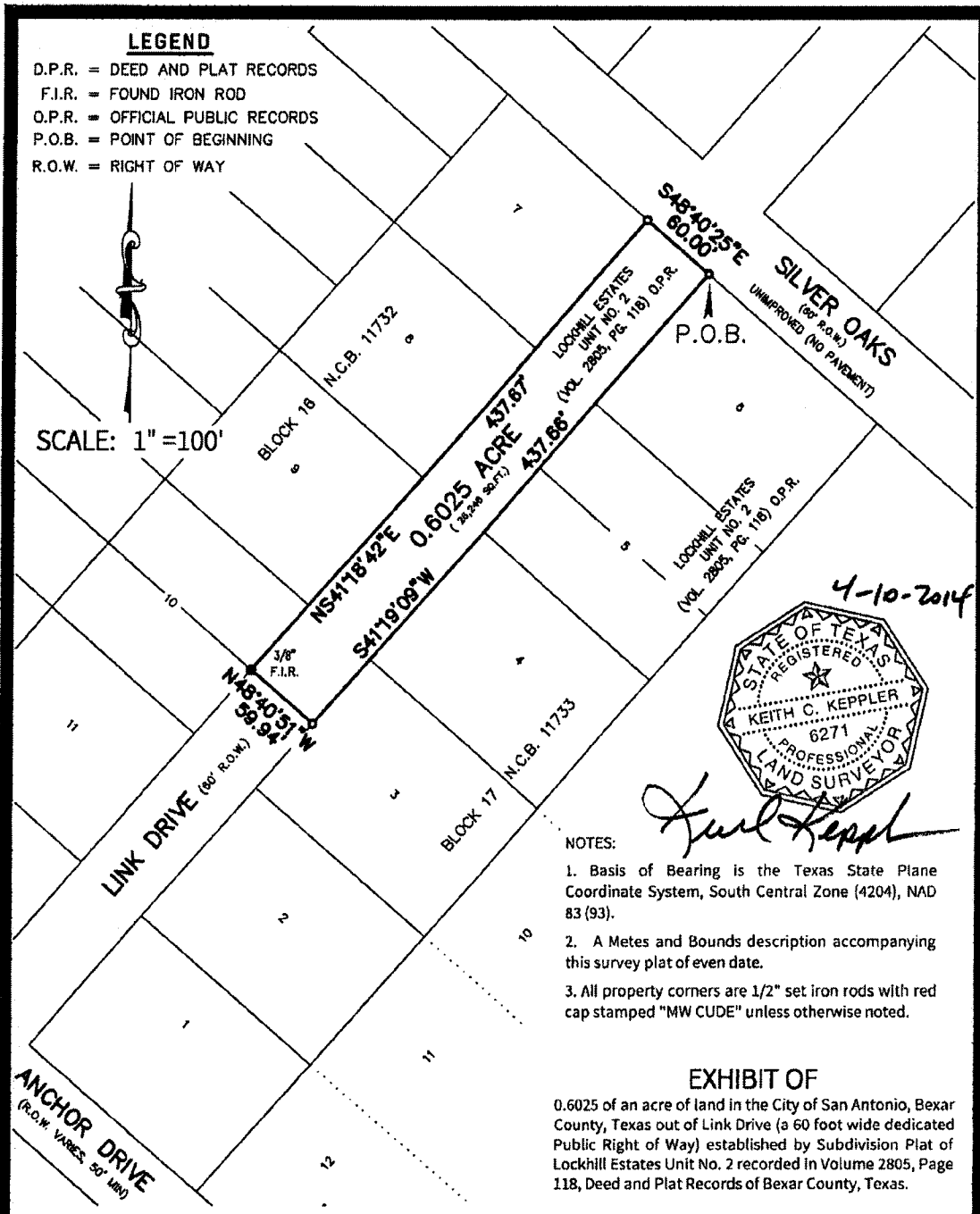
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Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271

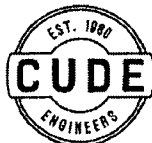
Project No. 02879.000
Date: 04/10/2014
J.G.R.



4-10-2014



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Page 2 of 2

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Attachment II



S.P. 1802 LDK Realty Investments request to close, vacate and abandon unimproved portions of Anchor Drive, Link Drive and Lima Drive