

AN ORDINANCE 2014-12-04-0963

CLOSING, VACATING, AND ABANDONING 1.001 ACRES OF AN IMPROVED PORTION OF SEVEN STATES BOULEVARD IN COUNCIL DISTRICT 2, AS REQUESTED BY DALHO CORPORATION, FOR A FEE OF \$34,760.00.

* * * * *

WHEREAS, Seven States Boulevard is a 60 foot-wide ROW that encompasses 1.001 acres and dead-ends into Petitioner's property; and

WHEREAS, Dalho Corporation is the abutting property owner and would like to incorporate the subject right of way into their property to re-plat and re-develop land for the existing UPS facility; **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 segment ("Right-of-Way Segment") identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City's receipt of the \$34,760.00 fee in accordance with the funding section of this Ordinance.

SECTION 2. The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment 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 properties abutting the Right-of-Way Segment are:

Address: Description: Owner Listed by Bexar Appraisal District:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
6400 Seven States	NCB 17631 BLK 1 LOT 5	DALHO CORPORATION
6409 Seven States	NCB 17631 BLK 1 LOT N 664 FT OF 6	SOPHIL CO & DALHO CORPORATION
6408 Railway	NCB 17631 BLK 1 LOT N 564.09 FT OF 4	DALHO CORPORATION

SECTION 4. 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. 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 right of way.

SECTION 6. 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 7. 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 8. Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 256000000001 and General Ledger 4903101.

SECTION 9. 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.

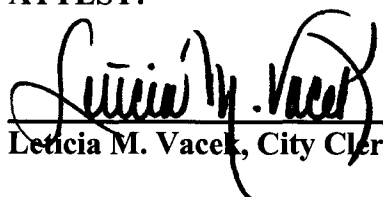
SECTION 10. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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. 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.

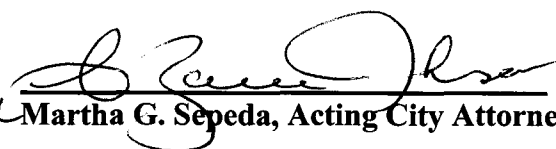
PASSED AND APPROVED this 4th day of December 2014.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Martha G. Sepeda, Acting City Attorney

Agenda Item:	23 (in consent vote: 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 16D, 16E, 17, 18, 19, 20, 21, 22A, 22B, 23, 24, 26, 27, 28, 30, 31, 33, 34)						
Date:	12/04/2014						
Time:	09:28:18 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of 1.001 acres of an improved portion of Seven States Boulevard, a City-owned Public Right of Way, in Council District 2, as requested by Dalho Corporation, for a fee of \$34,760.00. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
	District 1	x					
Keith Toney	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				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			x	

Attachment I

TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290
Texas Registered Surveying Firm No. 10164600

FIELD NOTES FOR 1.001 ACRES (43,613 SQFT) PORTION OF 60' ROW OF SEVEN STATES

BEING 1.001 acres (43,613 sqft) of land out of the Seven States Right-of-Way (60' ROW) within the WOODLAKE INDUSTRIAL PARK SUBDIVISION, UNIT 2 as shown on the Plat recorded in Volume 9200, Pages 28-31, Deed & Plat Records of Bexar County, Texas (DPRBCT) (R1), said 1.001 acres being more particularly described by metes and bounds as follows:

COMMENCING at a found 'X' marked in the concrete for the easternmost corner of a 5.538 acre portion of Lot 4, of said WOODLAKE INDUSTRIAL PARK SUBDIVISION, UNIT 2, as recorded in Volume 4449, Page 371, DPRBCT (R2), located on the southwest ROW line of Railway Drive (60' ROW), from which a found 1/2" rebar with plastic cap "TXLANDMARK SURVEYING" for the southernmost corner of the 5.538 acre portion of said Lot 4 bears South 52° 06' 54" West for 603.65 feet (South 52° 07' 54" West for 603.65 feet, R2) for reference;

THENCE North 37° 45' 44" West for 359.65 feet (North 37° 47' 52" West for 359.95 feet, R1) along the northeast boundary line of said Lot 4, the southwest ROW line of said Railway Drive to a found 1/2" rebar with no identification for a point of curvature;

THENCE westerly along a curve to the left (R=40.00', Δ=91°02'43", CB=N 82°54'26" W, CH=57.08') for 63.56 feet (62.88, (R1) to a found 1/2" rebar with no identification for a point of tangency, located on the southeast ROW of Seven States (60' ROW);

THENCE along the southeastern ROW of said Seven States, the northwestern boundary line of said Lot 4 the following bearings and distances

- 1 South 52° 06' 54" West for 4.27 feet to a point for the **POINT OF BEGINNING**;
- 2 South 52° 06' 54" West for 559.78 feet to a found 1/2" rebar with no identification for westernmost corner of the 5.538 acre portion of said Lot 4,
- 3 South 52° 06' 54" West for 175.93 feet to a point for the south-southwest most corner of this tract and the point of curvature;

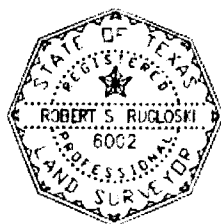
THENCE northwesterly along a curve to the right (R=75.00', Δ=46°58'47", CB=N 37°56'13" W, CH=59.79') for 61.50 feet to a point, located on the northwest ROW of Seven States, the southeast boundary line of Lot 6 of said WOODLAKE INDUSTRIAL PARK SUBDIVISION, UNIT 2;

THENCE along the northwestern ROW of said Seven States, the southeastern boundary line of said Lot 6 the following bearings and distances

- 1 North 52° 14' 18" East for 176.10 feet to a found 1/2" rebar with no identification for an angle point, for the southernmost corner of a 7.681 acre portion of said Lot 6 as recorded in Volume 4449, Page 371, DPRBCT;
- 2 North 52° 03' 18" East for 547.90 feet to a point for the northernmost corner of this tract,

THENCE southeasterly along a curve to the left (R=60.00', Δ=61°14'56", CB=S 48°58'55" E, CH=61.13') for 64.14 feet to the **POINT OF BEGINNING**.

CONTAINING 1.001 acres (43,613 sqft) of land



The basis of bearings is Texas State Plane Coordinate System, South Central Zone, NAD 83. This description was based on a survey made on the ground under my supervision completed on April 9, 2014, from which an exhibit was prepared

A handwritten signature in black ink, appearing to read "R. S. Rugloski", written over a horizontal line.

Robert S. Rugloski, Texas RPLS #6002
Job #11404151 (RSR/DAK) ♦ September 2, 2014

Attachment II

