

AN ORDINANCE 2017-04-06-0199

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.275 ACRE UNIMPROVED PORTION OF ROPER STREET BETWEEN DIGNOWITY DRIVE AND RUNNELS AVENUE IN COUNCIL DISTRICT 2 AS REQUESTED BY LIVE SMALL LLC FOR A FEE OF \$6,531.00.

* * * * *

WHEREAS, Live Small LLC (“Petitioner”) owns or has agreement from the owners abutting the property surrounding the proposed closures; and

WHEREAS, this portion of street was platted but never developed; and

WHEREAS, this portion of street is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs; **NOW THEREFORE**,

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

SECTION 1. As an exercise of its discretion, the City Council authorizes the closure, vacation, and abandonment of the right of way segment (“Right of Way Segment”) identified in Section 2 of this Ordinance. The City Manager or her designee, severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation.

SECTION 2. Maps and pictures of the Right of Way Segment are set forth on **Attachment I**. The detailed description of the Right of Way Segment is 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 II controls over any discrepancy between it and Attachment I.

SECTION 3. The properties abutting the Right-of-Way Segment are:

| Address: | Description: | Owner Listed by Bexar Appraisal District : |
|--------------|---|--|
| 503 Roper St | NCB 1203 BLK 10 LOT 1 THRU 16 | UNION PACIFIC RAILROAD CO |
| 409 Roper St | NCB 1202 BLK 9 LOT ALL OF CB 1202 EXC A | GALVESTON HARRISBERG RR CO |

The listing above is made solely to facilitate indexing of 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. Reservation of Utility Rights. All presently existing water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, 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 accessed,

used, repaired, enlarged, upgraded, replaced (and realigned within the Right-of-Way segment) and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, 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 poles, lines or facilities in the segment does so at his own risk. After the date of this Ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, 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 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.

SECTION 5. 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 6. Petitioner shall pay \$6,531.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

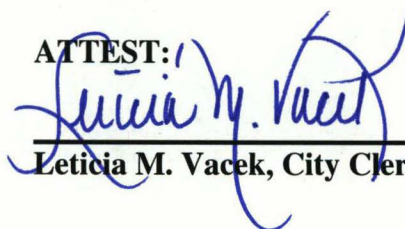
SECTION 7. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 8. 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.

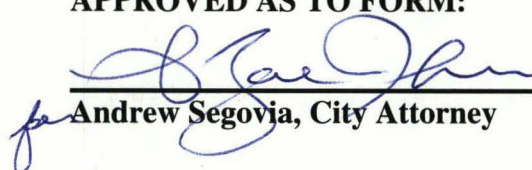
SECTION 9. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 6th day of April, 2017.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


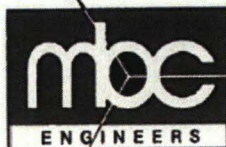
for Andrew Segovja, City Attorney

| Agenda Item: | 7 (in consent vote: 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16) | | | | | | |
|---------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| Date: | 04/06/2017 | | | | | | |
| Time: | 09:51:51 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | An Ordinance authorizing the closure, vacation and abandonment of a 0.275 acre unimproved portion of Roper Street between Dignowity Drive and Runnels Avenue in Council District 2 as requested by Live Small, LLC for a fee of \$6,531.00. [Peter Zaroni, Deputy City Manager, Mike Frisbie, Director, Transportation & Capital Improvements] | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Ivy R. Taylor | Mayor | | x | | | | |
| Roberto C. Treviño | District 1 | | x | | | | x |
| Alan Warrick | District 2 | | x | | | x | |
| Rebecca Viagran | District 3 | | 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



Attachment II



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302

TBPE Firm Registration #784 | TBPLS Firm Registration #10011700 | SBE Certified #214046463
www.mbcengineers.com

METES AND BOUNDS DESCRIPTION
0.275 ACRE PORTION OF ROPER ST. RIGHT-OF-WAY

0.275 ACRES CONSISTING OF THE ROPER STREET RIGHT-OF-WAY BETWEEN DIGNOWITY DRIVE AND RUNNELS AVE., IN THE CITY OF SAN ANTONIO, AND BEING BETWEEN NEW CITY BLOCK 1202 AND NEW CITY BLOCK 1203. SAID 0.275 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH CAP MARKED "MBC ENGINEERS" MARKING THE INTERSECTION BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF DIGNOWITY DRIVE AND THE EAST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED), AND ALSO MARKING THE NORTHWEST CORNER OF LOT 1, BLOCK 10, NEW CITY BLOCK 1203;

THENCE SOUTH 00 DEGREES 12 MINUTES 16 SECONDS EAST 240.00 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED) TO A 1/2" IRON ROD FOUND WITH CAP MARKED "MBC ENGINEERS" MARKING THE INTERSECTION BETWEEN THE NORTH RIGHT-OF-WAY LINE OF RUNNELS AVE. AND THE EAST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED), AND ALSO MARKING THE SOUTHWEST CORNER OF LOT 9, BLOCK 10, NEW CITY BLOCK 1203;

THENCE SOUTH 76 DEGREES 39 MINUTES 44 SECONDS WEST 51.34 FEET TO A 1/2" IRON ROD FOUND WITH CAP MARKED "MBC ENGINEERS" MARKING THE INTERSECTION BETWEEN THE NORTH RIGHT-OF-WAY LINE OF RUNNELS AVE. AND THE WEST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED), AND ALSO MARKING THE SOUTHEAST CORNER OF LOT 14, BLOCK 9, NEW CITY BLOCK 1202;

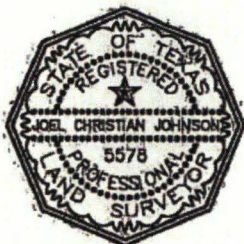
THENCE NORTH 00 DEGREES 12 MINUTES 16 SECONDS WEST 240.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED) TO A 1/2" IRON ROD FOUND WITH CAP MARKED "MBC ENGINEERS" MARKING THE INTERSECTION BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF DIGNOWITY STREET AND THE WEST RIGHT-OF-WAY LINE OF ROPER STREET (UNIMPROVED), AND ALSO MARKING THE NORTHEAST CORNER OF LOT 7, BLOCK 9, NEW CITY BLOCK 1202;

THENCE NORTH 76 DEGREES 39 MINUTES 44 SECONDS EAST 51.34 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.275 ACRES.

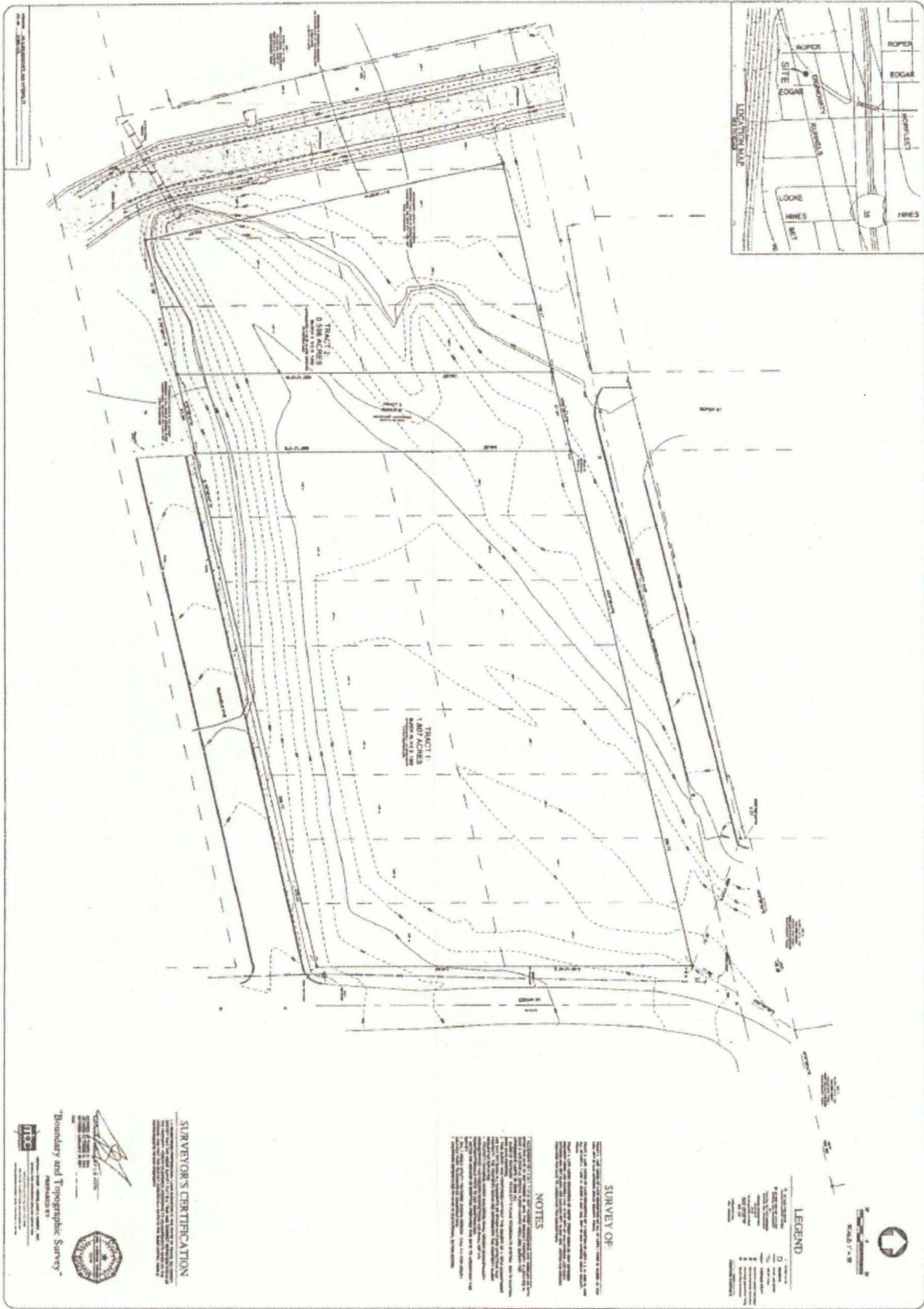

Joel Christian Johnson, R.P.L.S.

Date

01/10/17



Survey drawing prepared this date to accompany this description.
Basis of Bearings: Texas State Plane Coordinate System - South Central Zone - (NAD 83) (CORS)
Job No.: 31580-1470



Boundary and Topographic Survey
 [Logo]

SURVEYOR'S CERTIFICATION
 I, [Name], a duly Licensed Professional Surveyor, State of [State], do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed.

NOTES
 1. The survey was made from a true north line.
 2. The bearings and distances were measured and reduced to mean sea level.
 3. The area of the land surveyed is 2.743 acres.
 4. The survey was made in accordance with the provisions of the Surveying Act, R.S. 11-1-1.

LEGEND
 [Symbol] Right of Way
 [Symbol] Easement
 [Symbol] Boundary
 [Symbol] Contour Line
 [Symbol] Spot Elevation