



CITY OF SAN ANTONIO

OFFICE OF EASTPOINT & REAL ESTATE SERVICES

P. O. BOX 839966

SAN ANTONIO TEXAS 78283-3966

May 6, 2015

Marion Koogler McNay Art Museum
C/o Kaufman & Killen, Inc.
100 West Houston, Suite 1250
San Antonio, Texas 78205

S.P. No. 1795 – Request for the closure, vacation and abandonment of an improved portion of Rittiman Road adjacent to County Block 5742 and New City Block 8699 located between Austin Highway and North New Braunfels Avenue

Dear Ms. Farrimond:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your client's request subject to the following conditions:

CITY PUBLIC SERVICE ENERGY: Petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service and at the sole expense of the petitioner. A 10 foot underground electrical easement is required along the new roadway north of Austin Hwy and East of New Braunfels. There is an existing 8" gas distribution main within the Rittiman Road public right of way which must be centered within 14 foot easement where the public right of way will be vacated and abandoned or if more practical, the easement boundaries can mirror the boundaries of the existing public right of way. CPS Energy Communications Engineering has a fiber optic cable on distribution poles that are located on the portion of Rittiman Road to be closed. CPS Energy must maintain access to our fiber facilities at all times for upgrade, maintenance and/or use of newly added poles by Distribution Engineering. Should the said Petitioner request the removal of poles to include CPS fiber cable, it will be agreed that all costs associated with such a request will be that of the stated Petitioner. The cost to include selection of a viable route to ensure that continuity/functionality of the fiber must remain intact.

DEVELOPMENT SERVICES DEPARTMENT: Provided proper permits are obtained. The property must be platted, as applicable, in the Unified Development Code, per section 35-240. Please note there are platting exceptions that may apply, please see the enclosed information Bulletin: <https://webapps1.sanantonio.gov/dsddocumentscentral/upload/IB531.pdf>

SAN ANTONIO WATER SYSTEM (SAWS): SAWS has existing water facilities within the portion of public right-of-way along Rittiman Road that Petitioner is requesting to close, vacate and abandon; therefore, we request the City of San Antonio to reserve all rights necessary to insure that SAWS has access to its facilities at all times for the purpose of inspecting, maintaining, constructing, reconstructing, replacing and removing of said facilities and SAWS does not lose any rights to have its facilities in and be able to work in the public right of way of Rittiman Road. Should SAWS incur any damage to or failure in its facilities due to Petitioner's activities, Petitioner shall, upon notice, promptly reimburse SAWS for any and all damages, and for any expense incurred by SAWS in repairing and/or replacing its facilities. SAWS shall have no obligation to restore and/or replace any of Petitioner's property damaged or destroyed by SAWS during its above operations, and Petitioner must agree to allow SAWS perpetual access on, over, across and through its property for inspection, operation, maintenance, construction, reconstruction and realignment of its facilities located on Petitioner's property, on the adjoining property or within the public right-of-way. Petitioner expressly covenants and agrees for itself, its legal representatives, successors and/or assigns, that no building or structure of any kind will be placed within said public right-of-way and that removal of any building or structure placed within said public right-of-way shall be at Petitioner's expense. Also, if there will be any demolition or new construction on Petitioner's property, make sure the water and sewer service lines are protected to prevent contamination of SAWS' water distribution system and prevent any debris from entering SAWS' collection system. In order to determine exactly where the existing SAWS lines are located, please contact SAWS Mains and Services at (210) 233-2009 and ask for Locates or you can contact them by email at locates@saws.org. SAWS has a **Capital Improvement Program (CIP)** Sewer Project planned for the west half of the triangle tract south of this portion of Rittiman Road (see attached Geocortex Map); therefore, Petitioner expressly covenants and agrees for itself, its legal representatives, successors and/or assigns, that no building or structure of any kind will be placed on the west half of said triangle tract until after SAWS has completed said CIP Sewer Project and the parameter of the easement areas needed have been established. SAWS will request Petitioner to dedicate easements when the CIP Sewer Project is underway.

TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT): No access is allowed to Austin Highway from the triangle or the abandoned street right of way. The terms of this partnership would include: McNay's commitment to provide necessary property dedications as well as preliminary engineering (construction plans) and all environmental documentation necessary for the construction of the project; and TxDOT's commitment to fund and manage the construction. This arrangement is consistent with the past discussions TxDOT has had with McNay representatives and Pape-Dawson Engineers. TxDOT remains committed to these general terms.

DEPARTMENT OF TRANSPORTATION AND CAPITAL IMPROVEMENTS (TCI): **Disability Access Office:** The closure will result in loss of sidewalk connecting Austin Highway to N. New Braunfels Avenue. A new side will be required to support pedestrian traffic around the perimeter of the connected property. **Operations:** Proposed realignment needs to take into consideration, the potential impacts to existing drainage infrastructure within the project limits. **Planning & Engineering:** All required studies, permits, and fees are submitted and approved by all applicable local (city and/or county), state, and federal governing bodies. Also, petitioner must comply with all local (city and/or county), state, and federal regulations. **Traffic:** Based on the updated submittal by the petitioner's engineer, staff recommends approval of the proposed closure. The proposed condition, along with additional improvements recommended by the engineer, will improve intersection operation and reduce delay with no negative impact to traffic safety. Project must include the following: 1) Right-turn deceleration lane on Austin Highway, 2) Widening of the north leg of New Braunfels Avenue for two northbound lanes, 3) Right-turn deceleration lane on New Braunfels Avenue for McNay Driveway, 4) restriping of the northbound approach of New Braunfels Avenue for a two-lane approach, 5) signal modification and retiming. **Right of Way:** Contact & confirm with all utilities that there are no conflicts.

TERRELL HEIGHTS NEIGHBORHOOD ASSOCIATION (THNA):

- (1) Prior to the Rittiman Rd. shortcut closure adjacent to County Block 5742, NCB 8699 (hereinafter "closure"), THNA requests that Petitioner work with TxDOT in order to have TxDOT construct a right-turn lane from westbound Austin Highway to N. New Braunfels, said right-turn lane to be of a length appropriate to allow for the efficient flow of traffic from westbound Austin Highway to N. New Braunfels.
- (2) Prior to the closure, THNA requests that Petitioner work with TxDOT in order to have TxDOT widen N. New Braunfels north of its intersection with Austin Highway.
- (3) Prior to the closure, THNA requests that Petitioner work with TxDOT in order to have TxDOT revise the left-turn lane from westbound Austin Highway to N. New Braunfels, extending the length of said left-turn lane to allow for the efficient flow of traffic from westbound Austin Highway to N. New Braunfels.

COMMENTS:

- (1) THNA requests that Petitioner use its best efforts in working with VIA as well as any other appropriate parties and/or authorities to relocate the bus stop currently located on westbound Austin Highway just east of the intersection of Austin Highway and N. New Braunfels. Concern has been expressed that having the bus stop in what will potentially be the right-turn lane from westbound Austin Highway to N. New Braunfels will interfere with the smooth flow of traffic from westbound Austin Highway to N. New Braunfels.
- (2) THNA requests that Petitioner use its best efforts in working with TxDOT as well as any other appropriate parties and/or authorities to install landscaping along the median of westbound Austin Highway near its intersection with N. New Braunfels. THNA requests that said landscaping be similar to landscaping that currently exists on the medians of Austin Highway west of its intersection with N. New Braunfels.

OFFICE OF EASTPOINT & REAL ESTATE SERVICES: The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. The proposed closure will be conveyed when all improvements are made to the project.

Petitioner will donate 0.1882 of an acre (8,198 square feet) for a right turn lane for additional N. New Braunfels Avenue Public Right of Way between Austin Highway and the proposed closure. The donated public right of way has an estimated value of \$147,564.00 (\$18.00 per square foot). Petitioner will also pay Pape-Dawson Engineers, Inc. for the engineering costs for the right turn lane, which are expected to be a minimum of \$87,490.00. The Marion Koogler McNay Art Museum will invest a minimum of \$235,054.00 on the project.

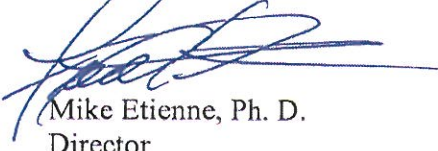
In addition to the costs expended by the Marion Koogler McNay Art Museum, Petitioner's representative has indicated that TxDOT has estimated to spend approximately \$622,032.00 on the construction of the project which includes the right turn lane, sidewalks, curbs, road improvements and signalization. This is a total investment of approximately \$857,086.00 of improvements for the project.

The fee established for this street closure is \$492,544.00 which includes the property's assessed value of \$489,800.00, plus \$2,500.00 for the appraisal report, \$144.00 for the posting of two signs to notify the public of the proposed closure and \$100.00 for the recording fees. Staff will recommend for City Council to waive the property's assessed value of \$489,800.00 since the improvements outweigh the fee of the closure. Petitioner agrees to pay \$2,744.00, which includes the appraisal report fee of \$2,500.00, \$144.00 for the posting of the signs to notify the public of the proposed closure and \$100.00 for the recording fees.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named below and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, please countersign this letter in the space provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$2,744.00 and a Discretionary Contracts Disclosure Form (to be completed on the <http://www.sanantonio.gov/atty/ethics/forms.asp> website link then printed and signed), we will continue processing your request.

Sincerely,



Mike Etienne, Ph. D.
Director

AGREED AS TO TERMS AND CONDITIONS:

William J. Chejo

By:

DIRECTOR

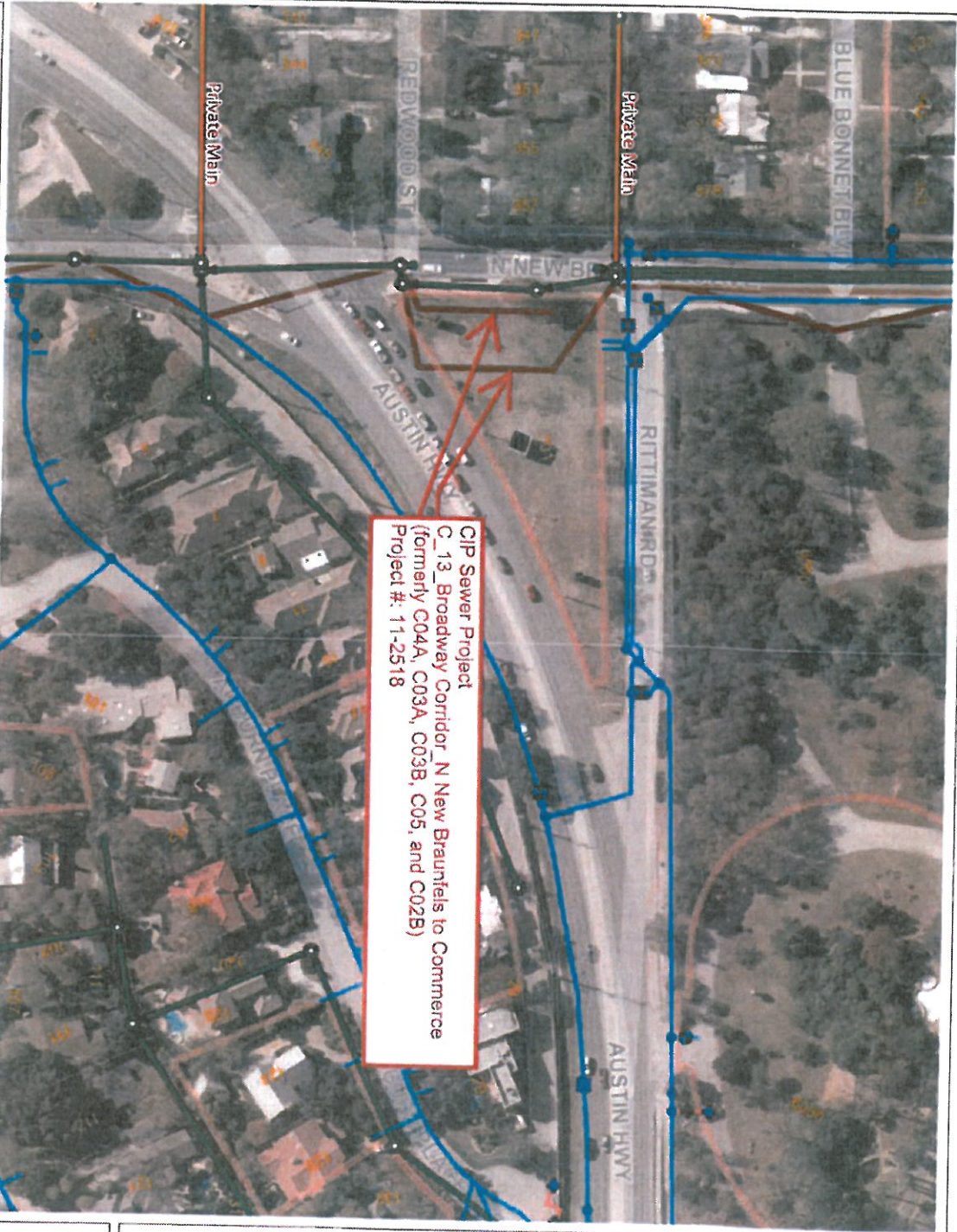
Title:

5-7-15

Date:



Geocortex Map



CIP Sewer Project
 C_13_Broadway Corridor, N New Braunfels to Commerce
 (formerly C04A, C03A, C03B, C05, and C02B)
 Project #: 11-2518

0.0 0 0.02 0.0 Miles
 Notes
 1: 1,495 SAWS GIS: A wealth of information at your fingertips.

- Water Pump
- Water Hydrant
- Water Valve
 - Air Release Valve
 - Blow Off Valve
 - Bypass Valve
 - Check Valve
 - Division Valve
 - ◆ Fire Hydrant Valve
 - ◆ Fire Line Valve
 - Interconnect Valve
 - Mainline Valve
 - Pressure Reducing Valve
 - Service Line Valve
 - Swing Tie Valve
- Water Wells
- Water Fitting
- Water Mains
 - Drain Line Main
 - Fire Hydrant Branch
 - Water Distribution Main
 - Water Transmission
- Water Lateral
- Storage Unit
- ◆ Water Proposed Pumps
- ◆ Water Proposed Hydrants
- ◆ Water Proposed Valves
 - Air Release Valve
 - Blow Off Valve
 - Bypass Valve
 - Check Valve
 - Division Valve
 - ◆ Fire Hydrant Valve
 - ◆ Fire Line Valve
 - Interconnect Valve

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