

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

**AN ORDINANCE**

**CLOSING, VACATING, AND ABANDONING A 0.110 ACRE SEGMENT OF 12-FEET-WIDE ALLEY, LOCATED BETWEEN CULEBRA ROAD AND CARTER STREET NEAR ZARZAMORA, (NCB 1924) IN COUNCIL DISTRICT 1, AS REQUESTED BY GFR-HERCULES PROPERTIES, LLC, FOR A FEE OF \$19,250**

\* \* \* \* \*

**WHEREAS**, the Right-of-Way Segment, as defined below, is not improved.

**WHEREAS**, the Right-of-Way Segment is overgrown and subject to dumping.

**WHEREAS**, the Right-of-Way Segment is not being maintained by the City of San Antonio.

**WHEREAS**, the Right-of-Way Segment does not show signs of being used regularly as a path of travel.

**WHEREAS**, it is in the interests of the public that the City of San Antonio be relieved of the obligation maintain the Right-of-Way Segment.

**NOW THEREFORE,**

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

**SECTION 1.** Subject to the reservation below, the City finds the following right-of-way (“Right-of-Way Segment”) is no longer essential to the safe and efficient flow of traffic in the area in which the right of way is located. As an exercise of its discretion, the City Council closes, vacates, and abandons the Right-of-Way Segment. 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. The Right-of-Way Segment is identified below.

That portion of an alley in NCB 1924 described generally as extending eastward from the east right-of-way line of Elmendorf to a dead end.

**SECTION 2.** A picture of the Right-of-Way Segment is set forth at **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:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
1142 Culebra	NCB 1924 BLK 1 LOT S IRR 59.38 FT OF 11 THRU 13	GFR Hercules Properties, LLC
1138 Culebra	NCB 1924 BLK 1 LOT S IRR 80.79 FT OF 10	GFR Hercules Properties, LLC
1134 Culebra	NCB 1924 BLK 1 LOT S 80.92 FT OF 9	GFR Hercules Properties, LLC
1130 Culebra	NCB 1924 BLK 1 LOT S IRR 80.99 FT OF 8	GFR Hercules Properties, LLC
1126 Culebra	NCB 1924 BLK 1 LOT S IRR 80.99 FT OF 7	GFR Hercules Properties, LLC
1122 Culebra	NCB 1924 BLK 1 LOT S IRR 81.12 FT OF 6	GFR Hercules Properties, LLC
1106 Culebra	NCB 1924 BLK 1 LOT 27	Buffalo Culebra Business Tr
125 Carter	Lot 21, Block 1, NCB 1924	GFR Hercules Properties, LLC
127 Carter	Lot 20, Block 1, NCB 1924	GFR Hercules Properties, LLC
131 Carter	Lot 19, Block 1, NCB 1924	GFR Hercules Properties, LLC
135 Carter	Lots 16, 17, and 18, Block 1, NCB 1924	GFR Hercules Properties, LLC
147 Carter	Lot 15, Block 1, NCB 1924	GFR Hercules Properties, LLC
155 Carter	Lot 14, Block 1, NCB 1924	GFR Hercules Properties, LLC

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 4.** 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 or alley right of way. Neither does this Ordinance create new easement rights.

**SECTION 5.** 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 6.** 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 7.** Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

**SECTION 8.** 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 9.** 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 10.** 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 ??? day of ????? 2013.

**M A Y O R**  
Julián Castro

**Attest:**

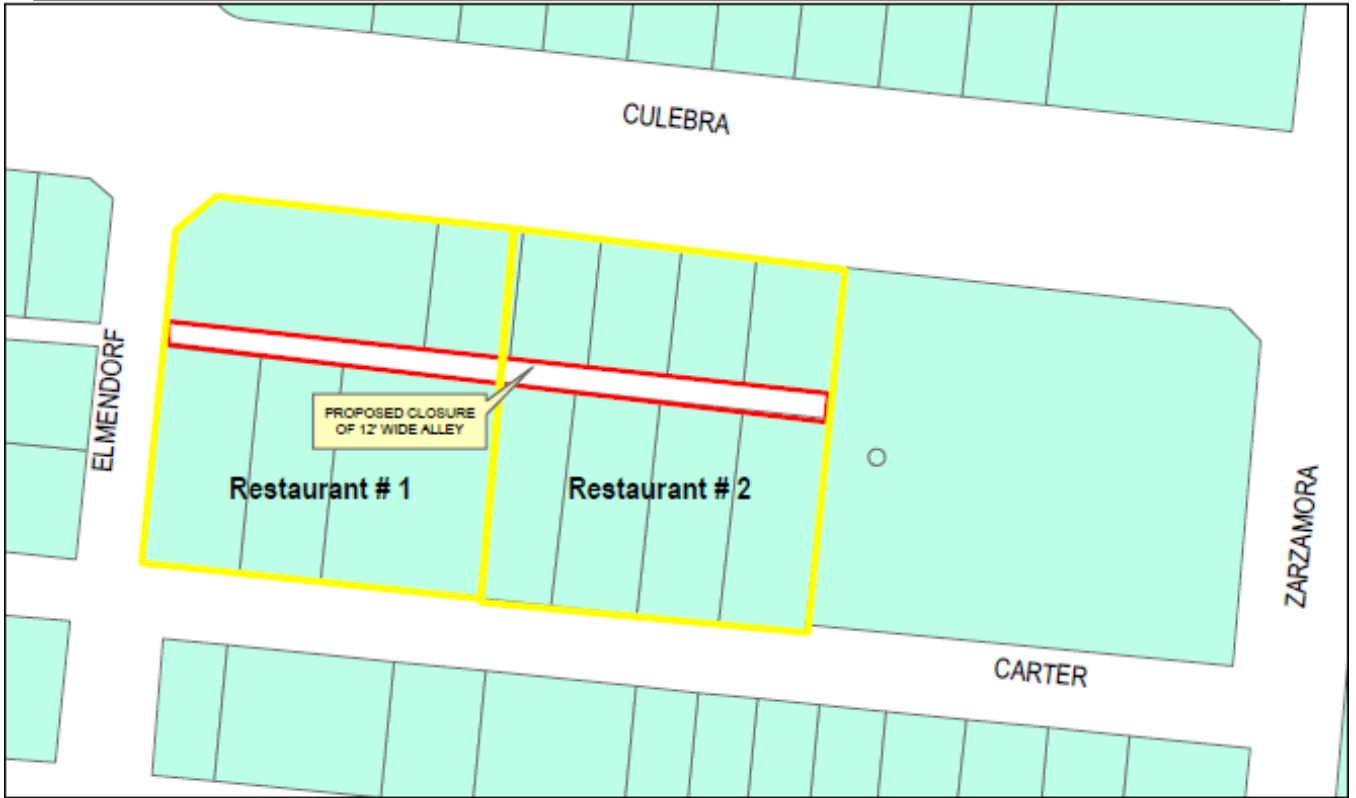
**Approved As To Form:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

\_\_\_\_\_  
Michael D. Bernard, City Attorney

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### Attachment I



## Attachment II

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FIELD NOTES  
FOR  
THE REMAINDER OF A 12-FOOT ALLEY IN N.C.B. 1924

A 0.110 of an acre, or 4,788 square feet more or less, tract of land being the remainder of a 12-foot wide public alley located in Block 1 of the Dauchy & Carter Subdivision recorded in Volume 105, Page 11 of the Deed and Plat Records of Bexar County, Texas in New City Block 1924 of the City of San Antonio, Bexar County, Texas. Said 0.110 of an acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

COMMENCING: At a found ½" iron rod with a cap marked "FORD" on the north right-of-way line of Carter Street a 45-foot wide public right-of-way at this point, on the east line of Lot 21, Block 1 of said Dauchy & Carter Subdivision, being the southwest corner of Lot 27 of the Walgreens-Culebra & Zarzamora Subdivision recorded in Volume 9537, Page 126 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 06°01'19" E, departing the north right-of-way line of said Carter Street, with the east line of said Lot 21, and the west side of said Lot 27, a distance of 129.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the northeast corner of said Lot 21 and the southeast corner of said 12-foot wide alley, on the west line of said Lot 27, for the POINT OF BEGINNING of the herein described tract;

THENCE: N 84°01'24" W, with the south line of said 12-foot wide alley and the north lines of Lots 21-14 of said Dauchy & Carter Subdivision, a distance of 398.94 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the northwest corner of said Lot 14, on the east right-of-way line of Elmendorf Street a 55.6-foot public right-of-way, for the southwest corner of the herein described tract;

THENCE: N 05°20'56" E, with the east right-of-way line of said Elmendorf Street, and the west line of said 12-foot alley, a distance of 12.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the southwest corner of Lot 13 of said Dauchy & Carter Subdivision, for the northwest corner of the herein described tract;

THENCE: S 84°01'24" E, departing the east right-of-way line of said Elmendorf Street, with the south lines of Lots 13-6 of said Dauchy & Carter Subdivision and the north line of said 12-foot wide alley, a distance of 399.08 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" at the southeast corner of said Lot 6, on the west line of said Lot 27, for the northeast corner of the herein described tract;

**THENCE:** S 06°01'19" W, with east line of said 12-foot wide alley and the west line of said Lot 27, a distance of 12.00 feet to the POINT OF BEGINNING, and containing 0.110 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9039-13 by Pape-Dawson Engineers, Inc.

**PREPARED BY:** Pape-Dawson Engineers, Inc.  
**DATE:** March 18, 2013  
**Job No.:** 9039-13  
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TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



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