

ORDINANCE 2018-06-21-0480

CLOSING, VACATING AND ABANDONING TWO IMPROVED ALLEYS (0.138 ACRES) LOCATED WITHIN A BLOCK BORDERED BY BROADWAY, BROOKLYN, AVENUE B AND 8TH STREET, IN COUNCIL DISTRICT 1, AS REQUESTED BY CBMB PROPERTIES, L.L.C., AND ACCEPTING AN IN-KIND CONTRIBUTION OF APPROXIMATELY \$300,000.00 TOWARDS THE VALUE OF THE CLOSURE FEE.

* * * * *

WHEREAS, CBMB Properties, L.L.C. (Petitioner) is requesting the closure, vacation and abandonment of two improved alley public Rights-of-Way totaling 0.138 acres and located in NCB 447 and bordered by Broadway, Brooklyn, Avenue B, and 8th Street; and

WHEREAS, Petitioner owns or has agreement from the abutting property owners to redevelop the block with the construction of a new commercial development that will include outdoor public amenities for the community; and

WHEREAS, the new development will consist of among other things, a six-story building having approximately 141,000 square feet of commercial space and one level of subsurface parking; and

WHEREAS, the City Planning Commission recommended approval of this request at its June 13, 2018 regular meeting; and

WHEREAS, in accordance with Chapter 37 of the Municipal Code, signs were placed at the proposed alley closures and letters were sent to property owners identified with a 500 foot radius to provide notice and public hearing dates of the proposed closures; and

WHEREAS, City Council authorization is now necessary; **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 two Rights-of-Way segments 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 Rights-of-Way segments are set forth on **Attachment I**. The detailed description of the Rights-of-Way segments is set forth on **Attachment II**. Both Attachments are incorporated into this Ordinance for all purposes as if they were fully set forth herein. Attachment II controls over any discrepancy between it and Attachment I.

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

<u>Address</u>	<u>Description</u>	<u>Owner Listed by Bexar Appraisal District</u>
203 W 8th St.	NCB 447 Blk 2 Lots 7, 9, 11 ARB A15 A16	Cavender Broadway Properties & CBMB Properties, L.L.C.
702 Avenue B	NCB 447 Blk 2 Lot 12	Cavender Broadway Properties & CBMB Properties, L.L.C.
418 Brooklyn Ave.	NCB 447 Blk 2 Lot 10	Cavender Broadway Properties & CBMB Properties, L.L.C.
414 Brooklyn Ave.	NCB 447 Blk 2 Lot 8	Midtown SA LLC
701 Broadway St.	NCB 447 Blk 2 Lot 6 & S 5 ft of W 65 ft of 5	CBMB Properties, L.L.C.
705 Broadway St.	NCB 447 Blk 2 Lot 5 Exc SW 5 ft of NW 65 ft	CBMB Properties, L.L.C.
709 Broadway St.	NCB 447 Blk 2 Lot 4	CBMB Properties, L.L.C.
711 Broadway St.	NCB 447 Blk 2 Lots 1, 2 & 3	CBMB Properties, L.L.C.

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 impact validity of the closure.

SECTION 4. All presently existing drainage, water, recycled 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 accessed, used, repaired, enlarged, upgraded, replaced and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility line or facility must negotiate separately with the pertinent utility. Any person building on the Rights-of-Way segments without first reaching an agreement with a utility having lines or facilities in the segments does so at his or her own risk. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Rights-of-Way segments based on a claim that the Rights-of-Way segments are a public Right-of-Way. All existing drainage rights in the Rights-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 or alley Right-of-Way. Neither does this Ordinance create new easement rights.

SECTION 5. The Rights-of-Way segments exist by easement. The underlying fee ownership of the Rights-of-Way segments 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 the 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.

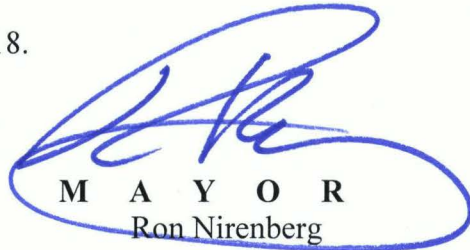
SECTION 6. This property is within the City of San Antonio Inner City Reinvestment/Infill Policy (ICRIP) area. Per that policy, which has been approved by the City Council, the fee established for the closure of the two alley Rights-of-Way, \$202,500.00, is reduced by 75% due to the anticipated project investment (office and other development) of \$50 million or greater. The revised closure fee for the two alley Rights-of-Way segments is \$50,625.00. However, the closures allow Petitioner to provide approximately \$300,000.00 of improvements within the publically accessible alley that will include outdoor public amenities for the community. This amount shall be considered an in-kind contribution towards the value of the closure fee. Therefore, at City Council's discretion and approval, the City shall not collect fees associated with the closing, vacating and abandoning of the two improved alleys.

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.

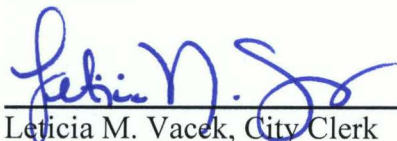
SECTION 8. There is no fiscal impact.

SECTION 9. This Ordinance is effective immediately upon its passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

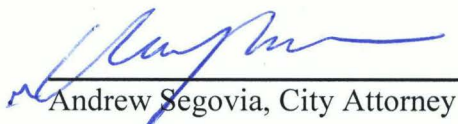
PASSED AND APPROVED this 21st day of June, 2018.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	23 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18A, 18B, 19, 20, 21, 22, 23, 24, 25A, 25B, 25C, 27, 28, 29, 30, 31, 34, 35A, 35B, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 49, 50, 51, 52, 53, 54, 56A, 56B, 56C, 56D, 56E)						
Date:	06/21/2018						
Time:	09:39:05 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance closing, vacating and abandoning two improved alleys (0.138 acres) located within a block bordered by Broadway, Brooklyn, Avenue B and 8th Street, in Council District 1, as requested by CBMB Properties, L.L.C., and accepting an In-kind contribution of approximately \$300,000.00 towards the value of the closure fee. [Lori Houston, Assistant City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

TM/ag
06/21/18
Item No. 23

ATTACHMENT I

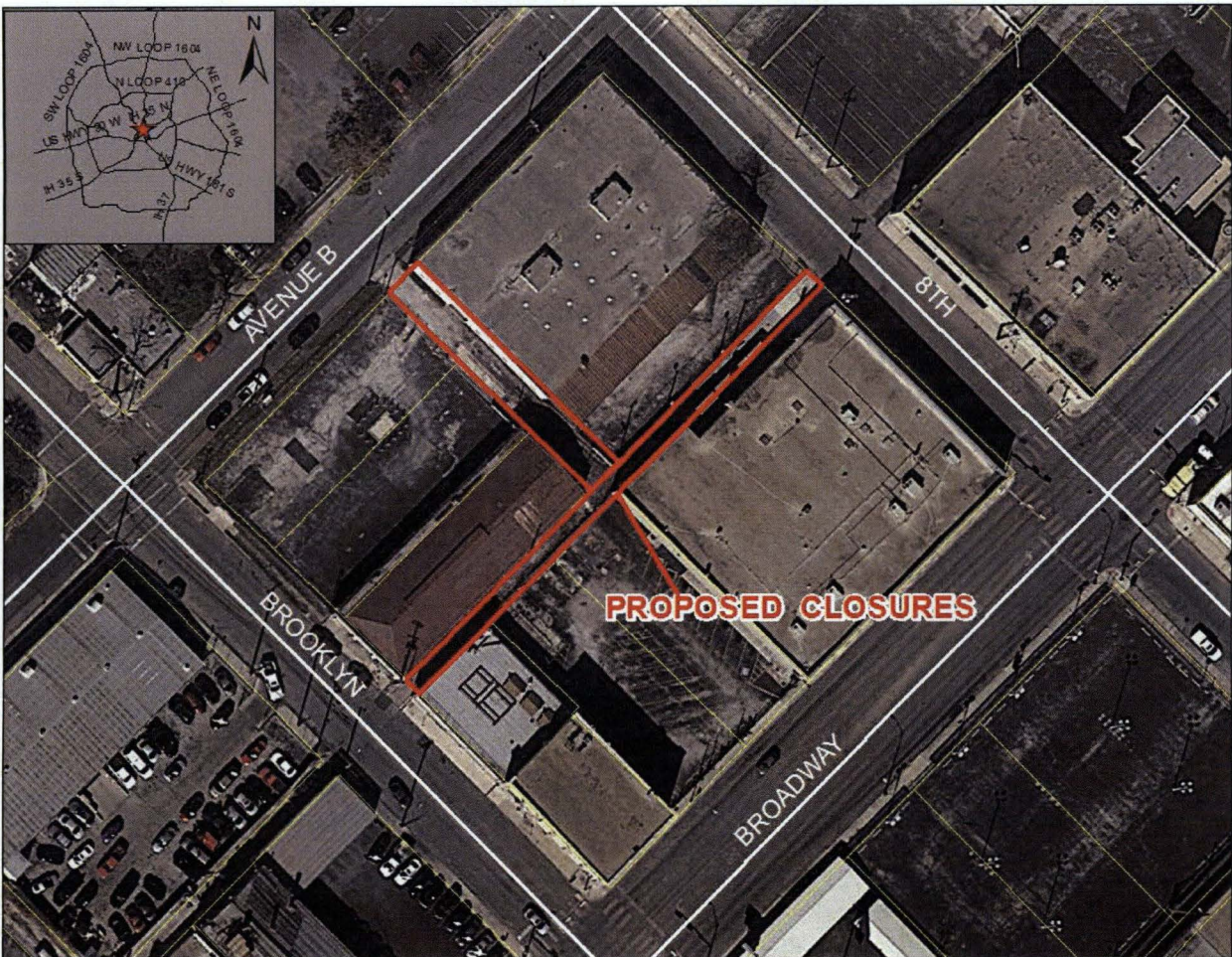
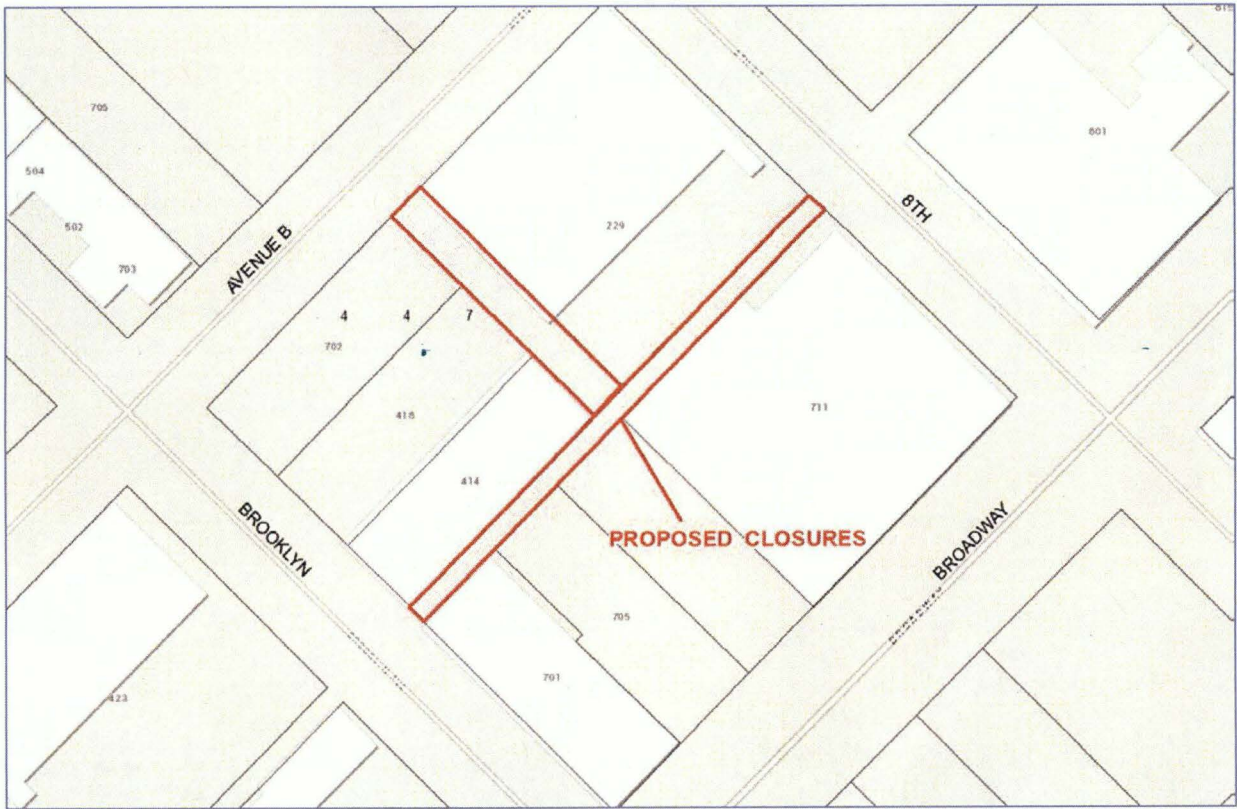


Exhibit A

TM/ag
06/21/18
Item No. 23

ATTACHMENT II



METES AND BOUNDS DESCRIPTION
FOR

A 0.138 of an acre, or 6,026 square feet more or less, tract of land being comprised of all of the 10-foot alley and the 20-foot alley located in New City Block (N.C.B.) 447, of the City of San Antonio, Bexar County, Texas. Said 0.138 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found ½" iron rod with a yellow cap marked "Pape-Dawson" on the southeast right-of-way line of Avenue B, a 58-foot right-of-way, at the north corner of said 20-foot alley and the west corner of Lot 11 of said N.C.B. 447;

THENCE: S 45°17'38" E, departing the southeast right-of-way line of said Avenue B, along and with the northeast line of said 20-foot alley, the southwest line of said Lot 11 and the southwest line of Lot 9 and Lot 7 of said N.C.B. 447, a distance of 150.71 feet to a set mag nail with washer marked "Pape-Dawson" on the northwest line of said 10-foot alley, at the east corner of said 20-foot alley and the south corner of said Lot 7;

THENCE: N 44°48'43" E, along and with the northwest line of said 10-foot alley and the southeast line of said Lot 7, a distance of 141.01 feet to a set mag nail with washer marked "Pape-Dawson" on the southwest right-of-way line of 8th Street, a 58-foot right-of-way, at the north corner of said 10-foot alley and the east corner of said Lot 7;

THENCE: S 45°12'35" E, along and with the southwest right-of-way line of said 8th Street and the northeast line of said 10-foot alley, a distance of 10.00 feet to a set mag nail with washer marked "Pape-Dawson", at the east corner of said 10-foot alley and the north corner of Lot 1 of said N.C.B. 447;

THENCE: S 44°48'43" W, departing the southwest right-of-way line of said 8th Street, along and with the southeast line of said 10-foot alley, the northwest line of said Lot 1 and the northwest line of Lots 2, 3, 4, 5 and 6 of said N.C.B. 447, a distance of 301.20 feet to a set mag nail with washer marked "Pape-Dawson" on the northeast right-of-way line of Brooklyn Avenue, a 58-foot right-of-way, at the south corner of said 10-foot alley and the west corner of said Lot 6;

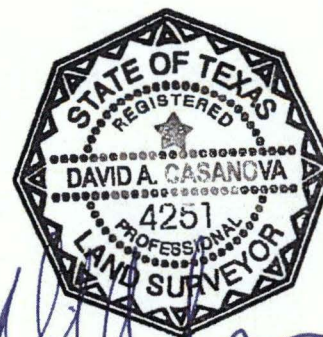
THENCE: N 45°17'38" W, along and with the northeast right-of-way line of said Brooklyn Avenue and the southwest line of said 10-foot alley, a distance of 10.00 feet to a set mag nail with washer marked "Pape-Dawson", at the west corner of said 10-foot alley and the south corner of Lot 8 of said N.C.B. 447;

THENCE: N 44°48'43" E, departing the northeast right-of-way line of said Brooklyn Avenue, along and with the northwest line of said 10-foot alley and the southeast line of said Lot 8, a distance of 140.20 feet to a building corner at the south corner of said 20-foot alley and the east corner of said Lot 8;

THENCE: N 45°17'38" W, along and with the southwest line of said 20-foot alley, the northeast line of said Lot 8 and the northeast line of Lot 10 and Lot 12 of said N.C.B. 447, a distance of 150.73 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" on the southeast right-of-way line of said Avenue B, at the west corner of said 20-foot alley and the north corner of said Lot 12;

THENCE: N 44°51'29" E, along and with the southeast right-of-way line of said Avenue B and the northwest line of said 20-foot alley, a distance of 20.00 feet to the POINT OF BEGINNING, and containing 0.138 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit map prepared under job number 9127-14 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 4, 2018
JOB NO. 9127-14
DOC. ID. N:\Survey14\14-9100\9127-14\9127-14 EX 0.138 AC.docx





LOCATION MAP

NOT-TO-SCALE

EXHIBIT FOR A

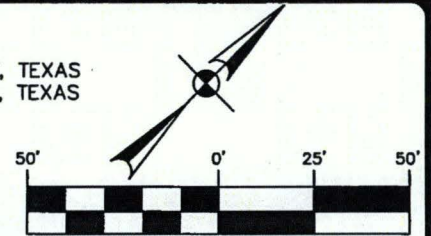
A 0.138 of an acre, or 6,026 square feet more or less, tract of land being comprised of all of the 10-foot alley and the 20-foot alley located in New City Block (N.C.B.) 447, of the City of San Antonio, Bexar County, Texas.

LEGEND:

- DR DEED RECORDS OF BEXAR COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- FIR FOUND 1/2" IRON ROD

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A METES AND BOUNDS DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.



SCALE: 1" = 50'

SYMBOL LEGEND

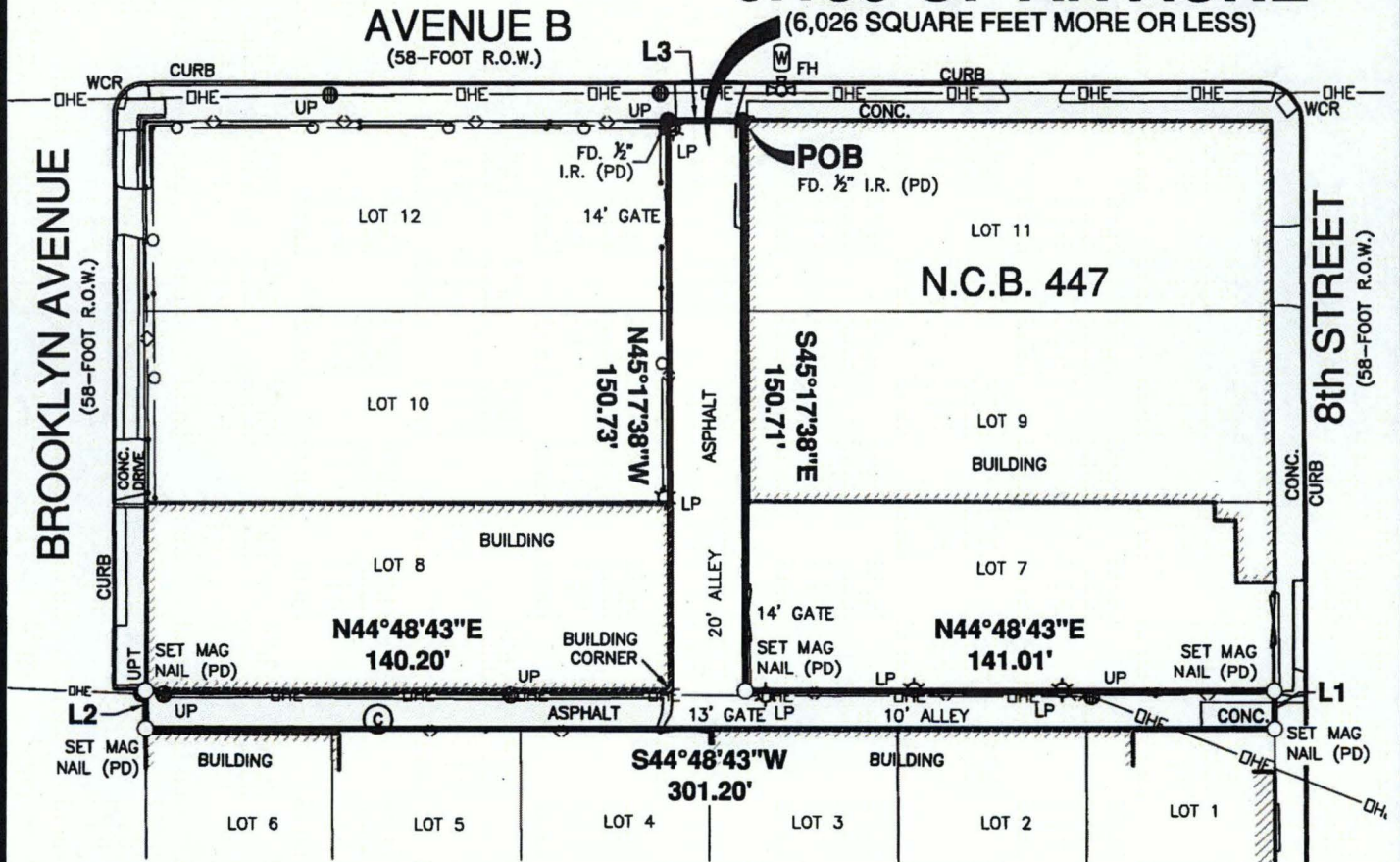
- COMMUNICATION MANHOLE
- FIRE HYDRANT
- GATE
- LAMP POST
- SIGN
- UP UTILITY POLE
- WATER VALVE

LINE LEGEND

- CHAIN LINK FENCE
- WROUGHT IRON/ORNAMENTAL FENCE
- OVERHEAD UTILITY

0.138 OF AN ACRE

(6,026 SQUARE FEET MORE OR LESS)



LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°12'35"E	10.00'
L2	N45°17'38"W	10.00'
L3	N44°51'29"E	20.00'

PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TBPE FIRM REGISTRATION #470 | TSPS FIRM REGISTRATION #10028800



MAY 4, 2018

SHEET 1 OF 1
 JOB No.: 9127-14

Date: May 04, 2018, 4:37pm User: D:\DW\pape Date: 14/01/27-14 EX ALLEY.dwg