

ORDINANCE 2018-06-14-0446

**CLOSING, VACATING AND ABANDONING AN UNIMPROVED 0.200 ACRE ALLEY LOCATED BETWEEN EAST JONES AVENUE AND 10TH STREET, IN COUNCIL DISTRICT 1, AS REQUESTED BY LIBERTY PROPERTIES, FOR A FEE OF \$97,518.00.**

\* \* \* \* \*

**WHEREAS**, Liberty Properties (Petitioner) is requesting the closure, vacation and abandonment of an unimproved 0.200 acre alley Public Right-of-Way located between East Jones Avenue and 10th Street; and

**WHEREAS**, Petitioner is the sole abutting property owner and would like to re-plat and re-develop the property for the construction of a new multi-family and mixed use development; and

**WHEREAS**, the new development will consist of approximately 280 multi-family units in a five-story building, with a parking garage, leasing center, fitness area, pool, and 7,500 square feet of retail space; and

**WHEREAS**, the City Planning Commission recommended approval for this request at its May 23, 2018 regular meeting; 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 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 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:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
210 E Jones Ave.	NCB 458 Blk 36 Lot 5&6, 7& 8	Liberty Properties
1002 Avenue B	NCB 458 Blk 36	Liberty Properties

	Lot 1 thru 4	
1001 Broadway St.	NCB 458 Blk 36 Lot 9 thru 16	Liberty Properties

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 Right-of-Way Segment without first reaching an agreement with a utility having lines or facilities in the segment 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 Right-of-Way Segment based on a claim that the Right-of-Way Segment is a 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 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 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 proposed fee for this closure is reduced by 75% due to the anticipated project investment of \$50 million or greater. Petitioner shall pay \$97,518.00 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.

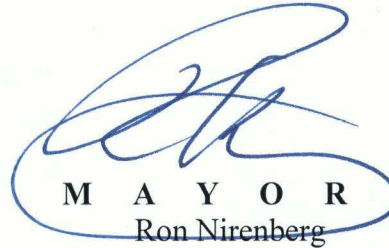
**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.



TM/ag  
06/14/18  
Item No. 20

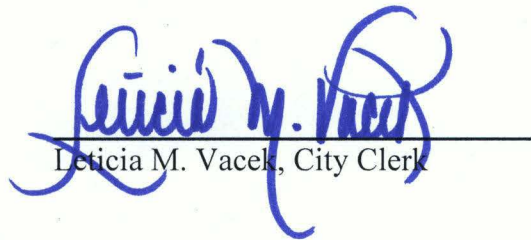
**SECTION 9.** This Ordinance is effective immediately upon its passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

**PASSED AND APPROVED** this 14<sup>th</sup> day of June, 2018.



**M A Y O R**  
Ron Nirenberg

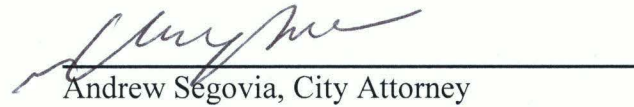
**ATTEST:**



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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



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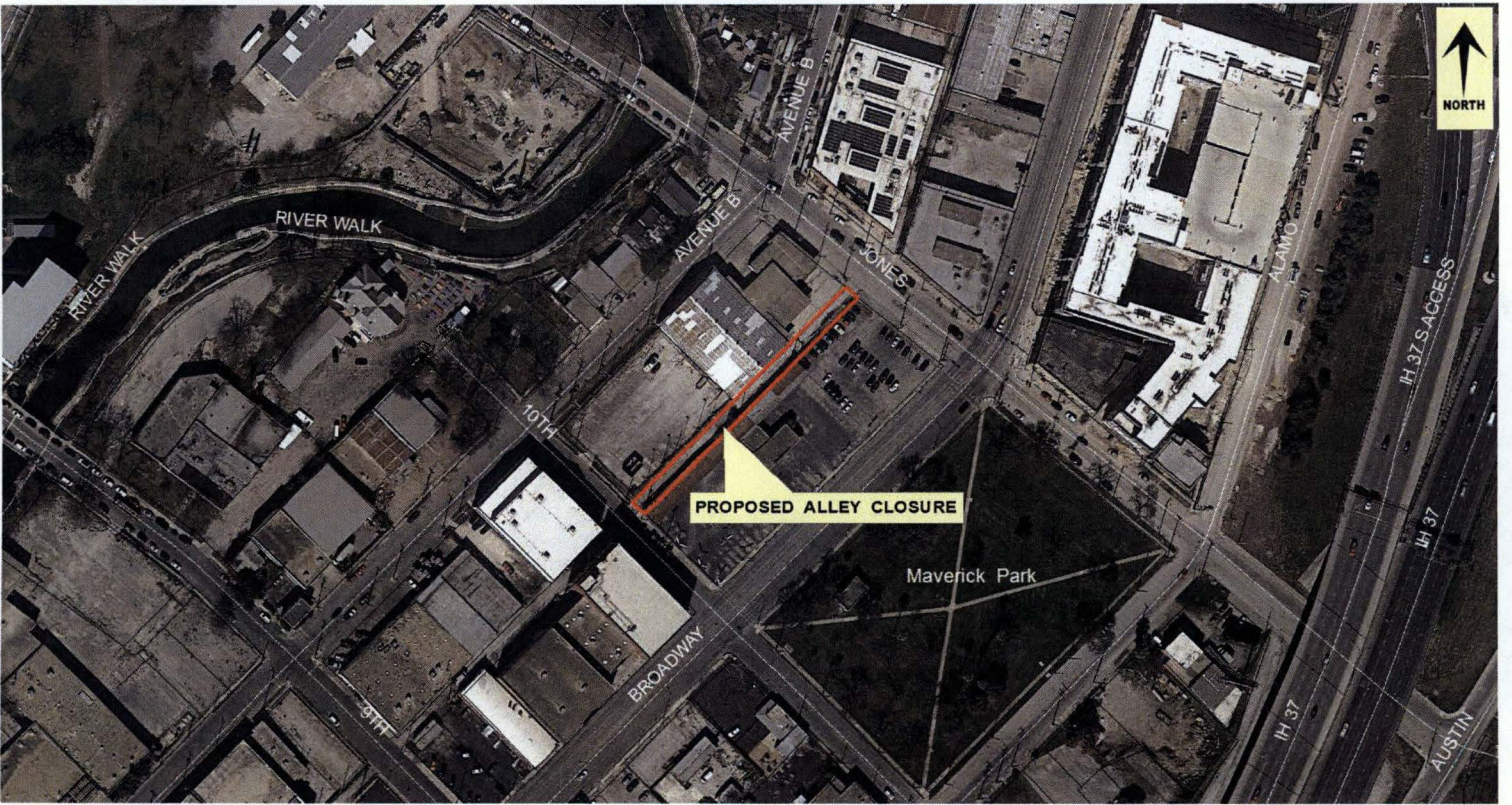
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	20						
<b>Date:</b>	06/14/2018						
<b>Time:</b>	10:21:38 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance closing, vacating and abandoning an unimproved 0.200 acre alley located between East Jones Avenue and 10th Street as requested by Liberty Properties for a fee of \$97,518.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor				x		
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			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				

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# ATTACHMENT I





**Exhibit A**

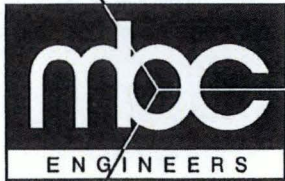
S. P. No. 2108

Petitioner: Liberty Properties



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## **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**  
**0.200 ACRE TRACT – 22 FOOT WIDE ALLEY**

A 0.200 ACRE (8,722 SQUARE FEET) OF LAND, BEING A 22 FOOT WIDE ALLEY, SITUATED IN NEW CITY BLOCK 458, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-Inch Iron Rod with cap stamped "MBC ENGINEERS" Found on the Northeast Right-of-Way line of 10<sup>th</sup> street, and marking the Southernmost corner of lot 1, Block 36, New City Block 458 and marking the Northwest corner of this 0.200 Acre Tract (22 Foot wide Alley), and from which a Mag Nail with washer stamped "MBC" marking the Westernmost corner of said Lot 1, Block 36, New City Block 458, and marking the intersection of the Southeast Right-of-Way line of Avenue B with the Northeast Right-of-Way line of said 10<sup>th</sup> Street, bears S 45°15'07" E a distance of 140.65 feet;

**THENCE** N 44°53'49" E a distance of 395.45 feet departing the Northeast Right-of-Way line of said 10<sup>th</sup> Street, along and with the Northwest line of this 0.200 Acre Tract (22 foot wide Alley), to a 1/2-inch Iron Rod Found on the Southwest Right-of-Way line of Jones Avenue and marking the Easternmost corner of Lot 8, Block 36, New City Block 458, and from which a Mag Nail Found marking the Northernmost corner of said Lot 8, Block 36, New City Block 458 and marking the intersection of the Southeast Right-of-Way line of said Avenue B with the Southwest Right-of-Way line of said Jones Avenue, bears S 50°29'59" E a distance of 141.27 feet;

**THENCE** S 50°29'59" E a distance of 22.10 feet along and with the Southwest Right-of-Way line of said Jones Avenue, to a 1/2-inch Iron Rod Found marking the Southeast corner of said 0.200 Acre Tract (22 foot wide alley) and marking the Northernmost corner of Lot 16, Block 36, New City Block 458, and from which a 1/2-inch Iron Rod Found marking the Easternmost corner of said Lot 8, Block 36, New City Block 458 and marking the intersection of the Northwest Right-of-Way line of Broadway with the Southwest Right-of-Way line of said Jones Avenue, bears S 50°29'59" W a distance of 141.24 feet;

**THENCE** S 44°53'49" W a distance of 397.47 feet departing the Southwest Right-of-Way line of said Jones Avenue, along and with the Southeast line of said 0.200 Acre Tract (22 foot wide Alley), to a 1/2-inch Iron Rod Found on the Northeast Right-of-Way line of said 10<sup>th</sup> Street and marking the Westernmost corner of Lot 9, Block 36, New City Block 458;

**THENCE** N 44°15'07" W a distance of 22.00 feet along and with the Northeast Right-of-Way line of said 10<sup>th</sup> Street to the **POINT OF BEGINNING** and containing 0.200 Acre (8,722 square feet +/-) of land, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc. under the direct supervision of Joel Christian Johnson, R.P.L.S.;

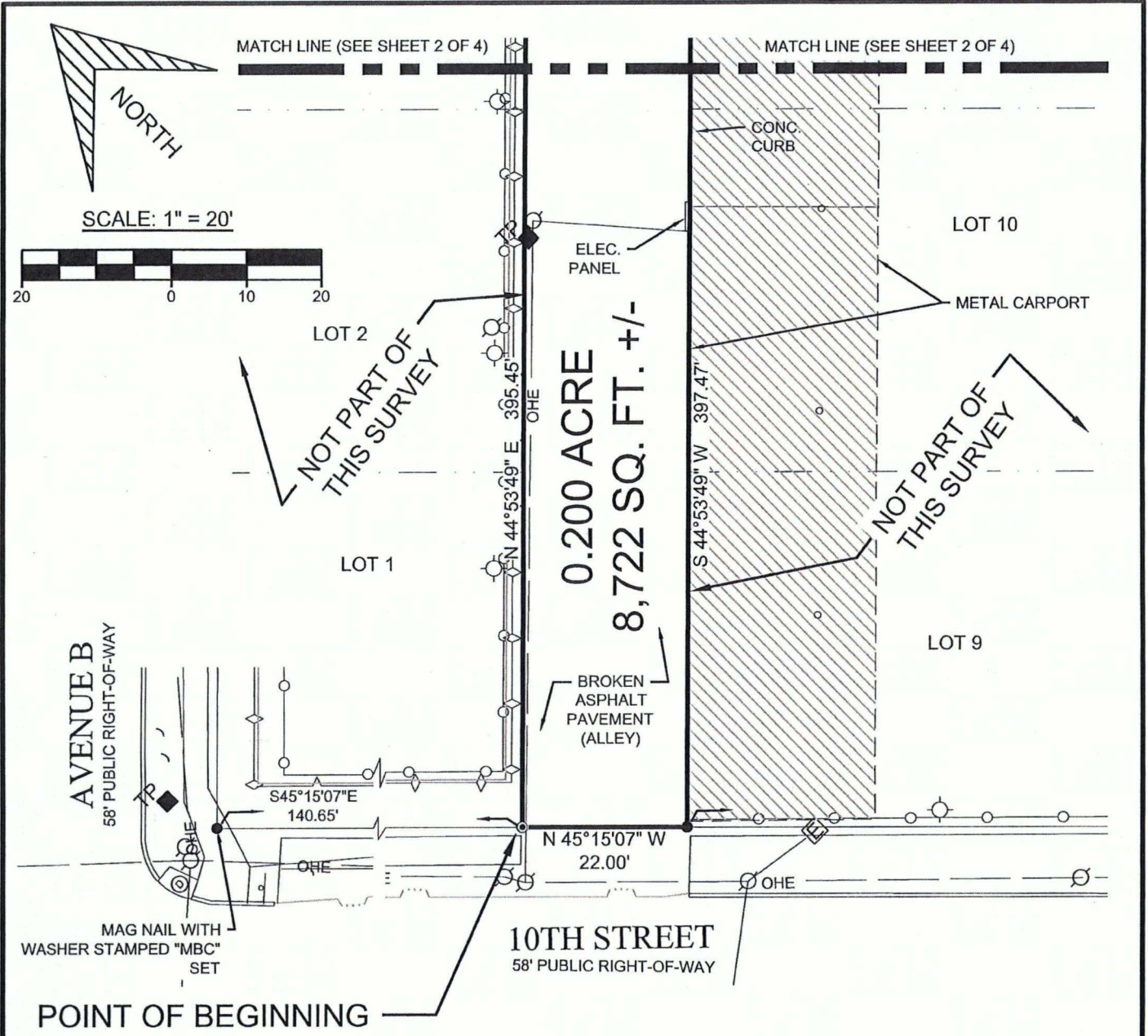
Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.



Joel Christian Johnson, R.P.L.S. No.5578  
TBPLS FIRM REGISTRATION #10011700

31744-1370  
March 23, 2018





THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B CONDITION II SURVEY.

*[Signature]*  
 JOEL CHRISTIAN JOHNSON

R.P.L.S. NO. 5578

NOTE:  
 SEE SHEET 4 OF 4 FOR SURVEYORS NOTES AND LEGEND.



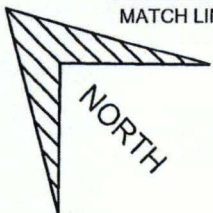
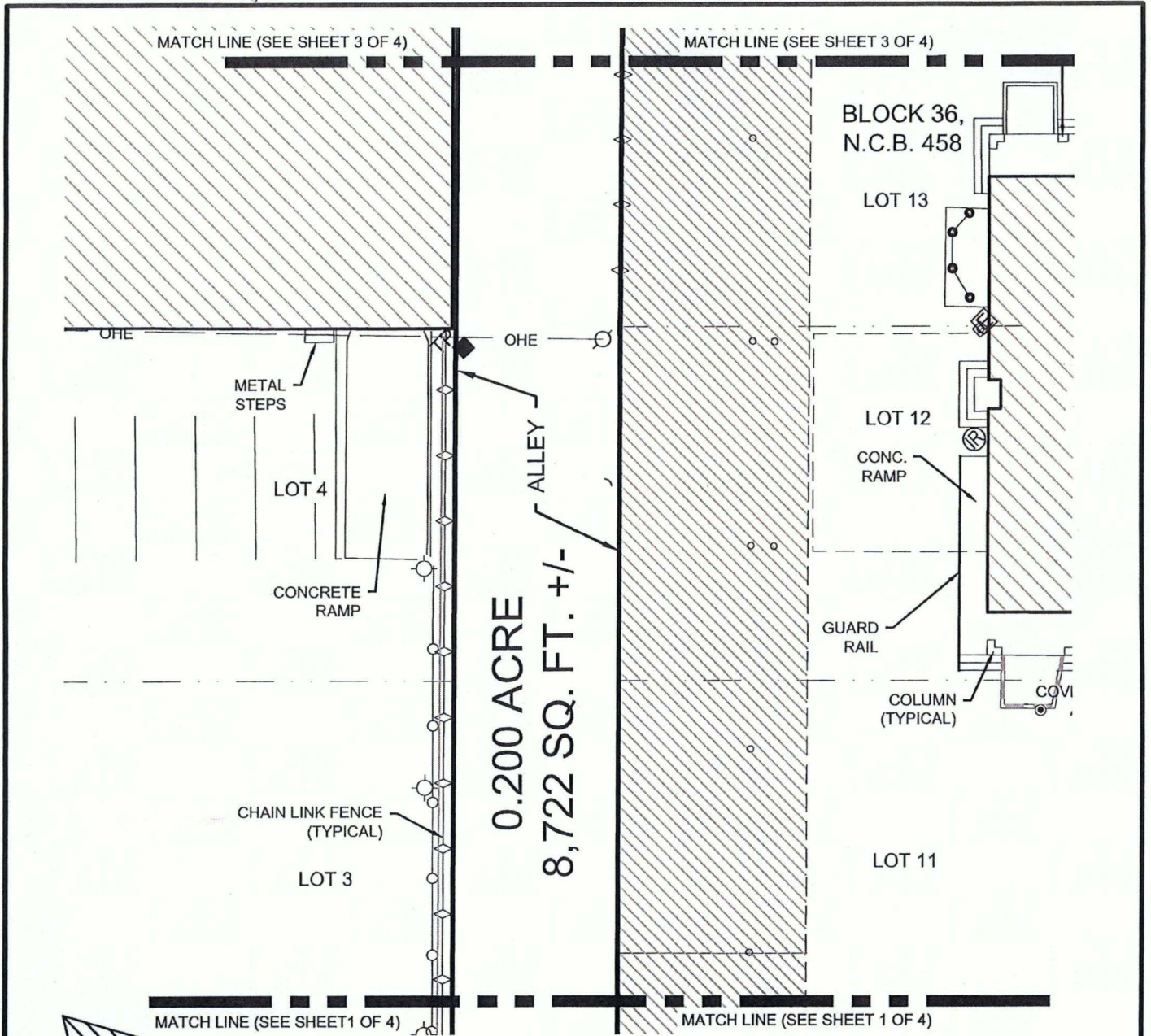
1035 Central Parkway North  
 San Antonio, Texas 78232  
 (210) 545-1122 FAX (210) 545-9302  
 FIRM REGISTRATION NUMBER:  
 T.B.P.E. F-784 & T.B.P.L.S. 10011700

**BOUNDARY AND IMPROVEMENT SURVEY OF:**

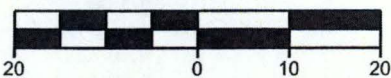
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DESIGN	JCJ
DRAWN	JJA
CHECKED	JCJ
DATE	03-28-18
JOB NO.	31744-1370
PAGE	1 of 4





SCALE: 1" = 20'



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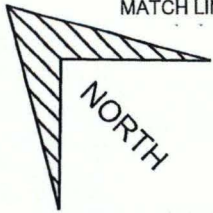
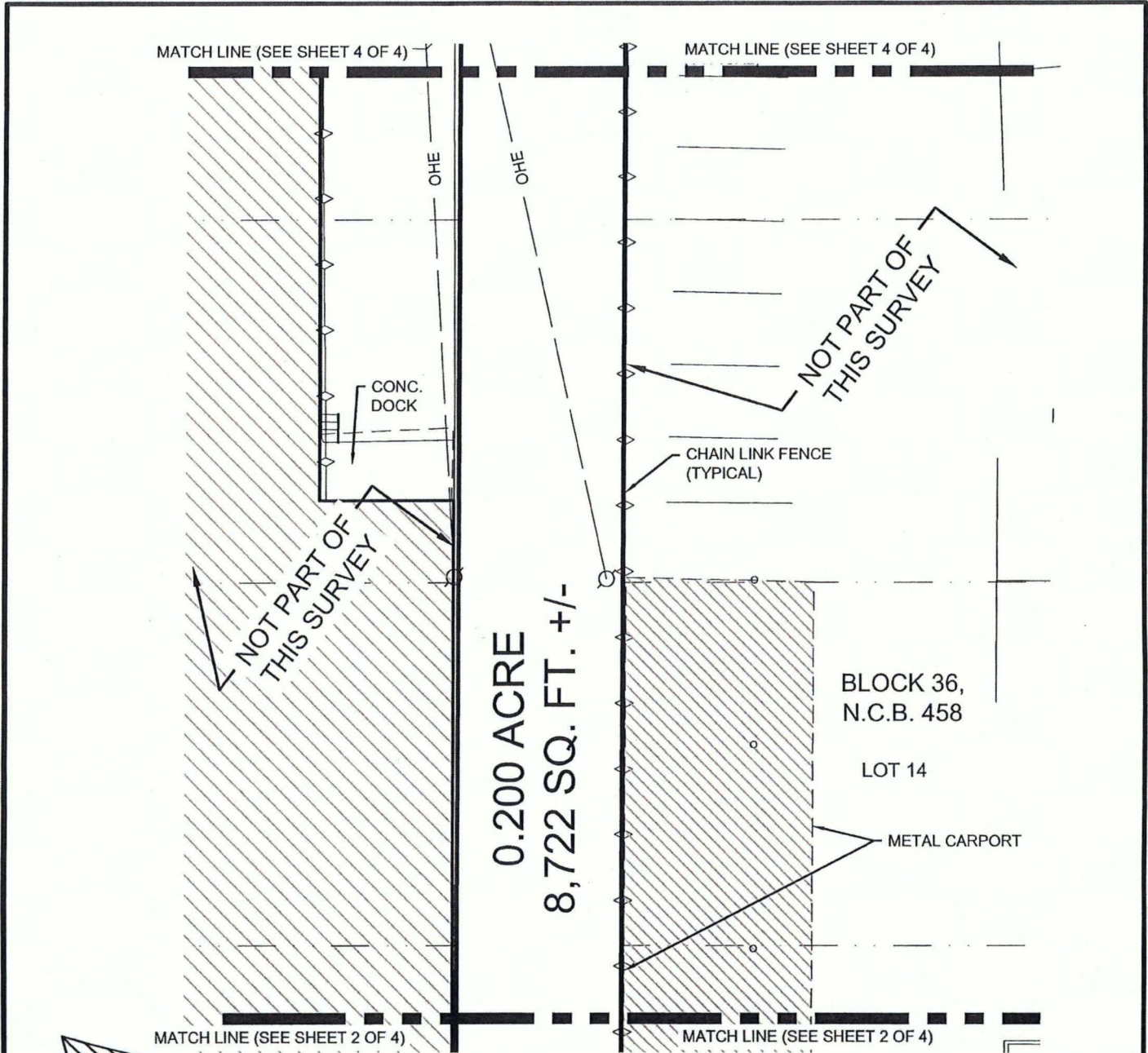
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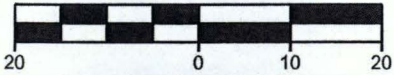
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**SURVEYOR NOTES:**

1) BASED ON A MAP TO MAP TRANSFER (BY VISUAL INSPECTION OR SCALING ONLY) THE SUBJECT PROPERTY HEREON IS SHOWN TO BE LOCATED IN ZONE "X" (UNSHADED) ON COMMUNITY PANEL NUMBER 48029C0415 G DATED SEPTEMBER 29, 2010 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP.  
 FLOOD ZONE DEFINITION:  
 ZONE X (UNSHADED): AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

FOR MORE INFORMATION PLEASE CONSULT FLOOD MAP(S).

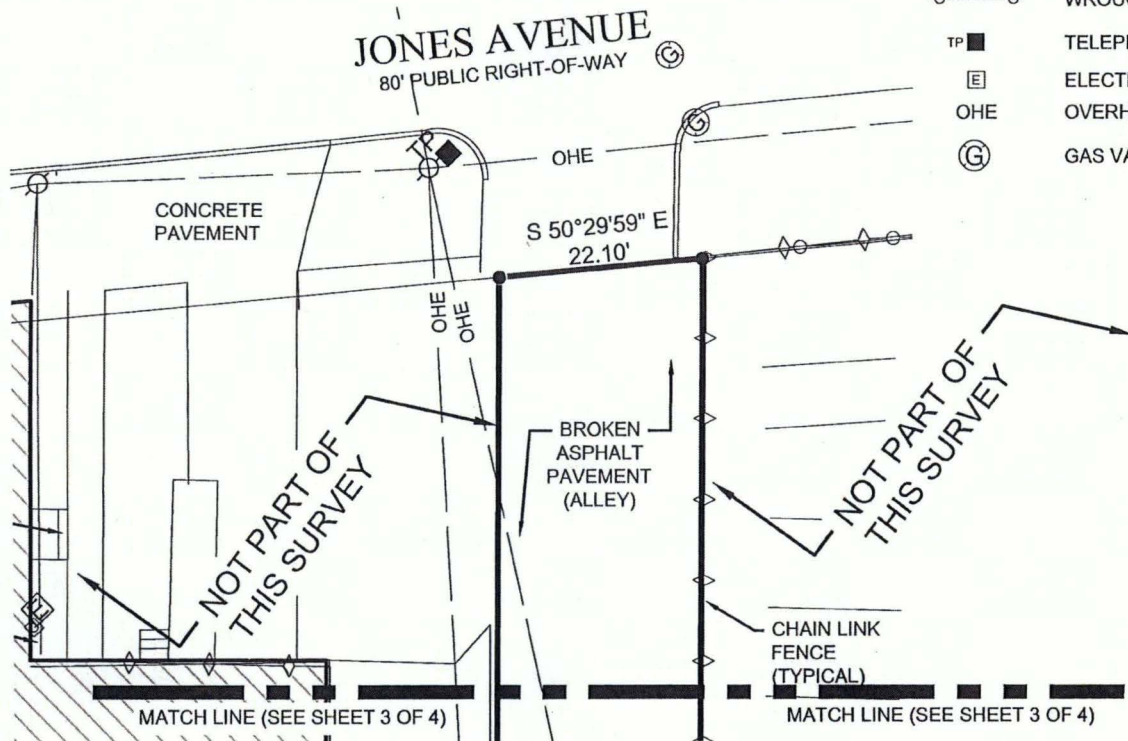
2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND MAY NOT SHOW ALL EASEMENTS OR OTHER MATTERS THAT AFFECT THIS PROPERTY.

3) BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE ESTABLISHED BY GPS.

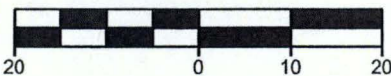
4) ONLY VISIBLE UTILITY FEATURES SHOWN HEREON. CALL 811 FOR UTILITY LOCATES PRIOR TO CONSTRUCTION.

**LEGEND**

- CLEAN OUT
- ⊗ FIRE HYDRANT
- +— TRAFFIC SIGN
- ⊗ LIGHT POLE
- ) GUY ANCHOR
- POWER POLE
- ⊙ MANHOLE
- ⊗ WATER VALVE
- ◇ CHAIN-LINK FENCE
- ≡ WOOD FENCE
- WROUGHT IRON FENCE
- TP ■ TELEPHONE PEDESTAL
- ELECTRIC PEDESTAL
- OHE OVERHEAD ELECTRIC LINE
- ⊙ GAS VALVE



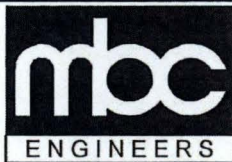
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