

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

**AN ORDINANCE**

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.038 ACRE UNIMPROVED SEGMENT OF ALLEY ADJACENT TO KALTEYER STREET IN COUNCIL DISTRICT 3 AS REQUESTED BY 210 DEVELOPMENT GROUP LLC FOR A FEE OF \$3,029.00.**

\* \* \* \* \*

**WHEREAS**, the Archbishop of San Antonio (“Petitioner”) owns a 12.15-acre parcel which includes Mission Concepción and the old St. John’s Seminary School campus; and

**WHEREAS**, the Archbishop of San Antonio selected 210 Development Group, LLC to redevelop the site into a residential development; and

**WHEREAS**, the Petitioner owns the property surrounding the remaining 0.038 acre of a 16’ unimproved alley, and requests that the city close, vacate and abandon its interest in the alley right-of-way so it can be incorporated into the St. John’s Seminary Mixed Use Subdivision Plat; 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:

| <i>Address:</i>           | <i>Description:</i>   | <i>Owner Listed by<br/>Bexar Appraisal<br/>District:</i> |
|---------------------------|---|--|
| 222 E. Mitchell<br>Street | Lot 1-4,6-10,17- 21,29, N Irr<br>Pt 4 OF A29,A-31A, P-100 &<br>Adj 16' Strip, Block 1, NCB<br>3975 Mission Park | Archbishop of SA   |
| 222 E. Mitchell<br>Street | Lot 11 and P-101 (.0620<br>acres), Block 1, NCB 3975<br>Mission Park  | Archbishop of SA   |
| 278 E. Mitchell<br>Street | Lot 5, Block 1, NCB 3975<br>Mission Park  | Archbishop of SA   |

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 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 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 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 \$3,029.00 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**M A Y O R**  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
City Attorney

# Attachment I

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## Attachment II

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METES AND BOUNDS DESCRIPTION  
FOR A  
0.038 OF AN ACRE TRACT OF LAND

Being 0.038 of an acre of land out of New City Block 3975, City of San Antonio, Bexar County, Texas, and being a portion of a 16 foot alley as recorded in Volume 105, Page 308 of the Deed and Plat Records of Bexar County, Texas, and said 0.038 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin found for the Southeasterly corner of Tract 2: Lot 5, Block 1, New City Block 3975, as conveyed to the Archbishop of San Antonio as described in Volume 16520, Page 2189, of the Deed Records of Bexar County, Texas, being in the Southwesterly right-of way line of Kalteyer Street, and being the Northeasterly corner of this herein described 0.038 acre tract of land;

THENCE along the Southwesterly right-of way of Kalteyer Street, S 07° 56' 40" E a distance of 16.75 feet to a ½" iron pin found for the Northeasterly corner of Tract 3: Lot 11, Block 1, New City Block 3975, as conveyed to the Archbishop of San Antonio as described in Volume 16520, Page 2189, of the Deed Records of Bexar County, Texas, and being the Southeasterly corner of this herein described 0.038 acre tract of land;


THENCE departing the Southwesterly right-of way of Kalteyer Street, along the Northerly line of said Tract 3: Lot 11, Block 1, N 80° 42' 19" W a distance of 105.66 feet to a point for and interior corner of Tract 1: 11.017 Acres as conveyed to the Archbishop of San Antonio as described in Volume 15010, Page 909, of the Deed Records of Bexar County, Texas, and being the Southwesterly corner of this herein described 0.038 of an acre tract of land;

THENCE with an Easterly Line of said Tract 1: 11.017 Acres, N 13° 19' 10" E a distance of 16.04 feet to a point for the Southwesterly corner of said Tract 2: Lot 5, Block 1, and being the Northwesterly corner of this herein described 0.038 acre tract of land;

THENCE with the Southerly line of said Tract 2: Lot 5, Block 1, S 80° 42' 19" E a distance of 99.57 feet to the POINT OF BEGINNING and containing a 0.038 of an acre tract of land;

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

February 17, 2016

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
132 Caddell, New Braunfels, Tx 78130  
BRD080 - 0.038 AC ABND



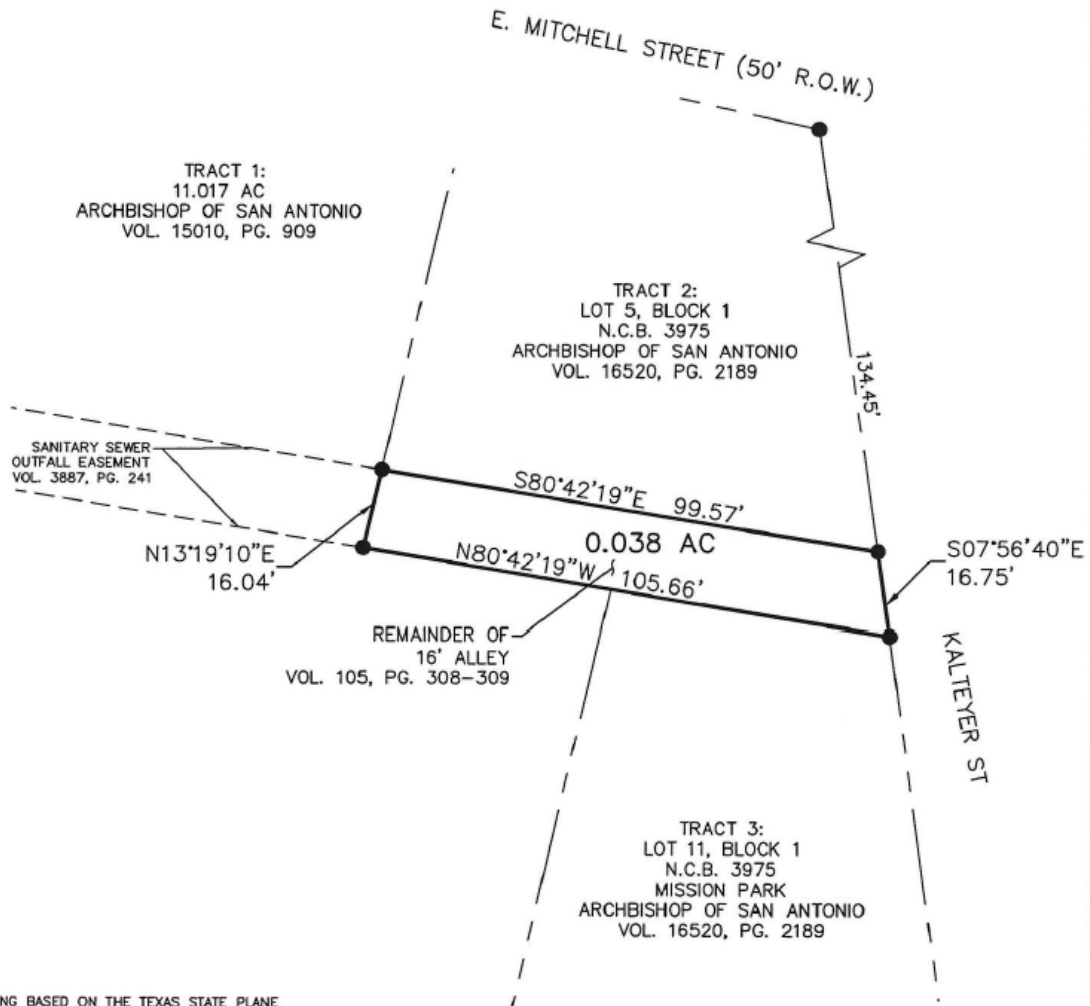


BEING 0.038 OF AN ACRE OF LAND OUT OF NEW CITY BLOCK 3975, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING A 16-FOOT ALLEY AS RECORDED IN VOLUME 105, PAGE 308 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

SCALE: 1"=30'

LEGEND:

● = (IPF) (RF) FND 1/2" IRON PIN  
UNLESS OTHERWISE NOTED



NOTES:

1. BEARING BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

**D-A MAWYER**  
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STATE OF TEXAS  
COUNTY OF COMAL

THIS 16 DAY OF FEB 2016

*Drew A. Mawyer*  
 DREW A. MAWYER  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

DATE: FEBRUARY 2016, JOB BRD080

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