

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

AN ORDINANCE

**AUTHORIZING THE CLOSURE, VACATION, AND
ABANDONMENT OF TWO TRACTS OF LAND, BEING 0.273 ACRE
OF IMPROVED PORTIONS OF BURNET STREET PUBLIC RIGHT-
OF-WAY BETWEEN BROOKLYN AVENUE AND LIVE OAK
STREET AND 0.077 ACRE OF IMPROVED PORTIONS OF LIVE
OAK STREET PUBLIC RIGHT-OF-WAY BETWEEN BROOKLYN
AVENUE AND ENTRANCE RAMP TO IH-37 NORTH AND
ACCEPTANCE OF A DEDICATION OF 0.012 ACRE OF REAL
PROPERTY FOR A FEE OF \$81,706.00**

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WHEREAS, Healy Murphy Center is a 501(c)3 non-profit organization providing education and counseling services to high school students as well as education classes, childcare, and health services for the community both at the Healy Murphy Center located on Live Oak Street; and

WHEREAS, Healy Murphy Center is managed by the Sisters of the Holy Spirit and Mary Immaculate Inc.; and

WHEREAS, StrEat Parks, LLC proposes to develop a mobile food truck park with a dining patio and music venue on its property located at 201 Burnet Street with a mentorship program to allow Healy Murphy Center students to learn about horticulture and the food industry via a community garden to be located on Burnet Street; and

WHEREAS, StrEat Parks, LLC and the Healy Murphy Center by and through the Sisters of the Holy Spirit and Mary Immaculate Inc. request: (1) the closure, vacation, and abandonment of 0.276 acres improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street as shown on **Exhibit “A”**; (2) the closure, vacation, and abandonment of 0.077 acre of improved portion of Live Oak Street located between Brooklyn Ave and the entrance ramp to IH37 North as shown on **Exhibit “B”**; and, (3) the dedication of 0.012 acres as shown in **Exhibit “C”** for a fee of Eighty One Thousand Seven Hundred Six 00/100 Dollars (\$81,706.00). The proposed street closures and dedication are depicted in **Exhibit “D”**; and

WHEREAS, currently, Live Oak Street is a 33.40 foot-wide, two (2) lane, one-way street running north from Nolan Street to Brooklyn Street and closure of the eastern-most lane, conversion of Live Oak Street to a 16.70 foot-wide, (1) lane, one-way street running north from entrance ramp of IH37 North to Brooklyn Avenue will accommodate the anticipated increase in pedestrians visiting the mobile food park, music venue, and community garden; and

WHEREAS, dedication of 0.012 of an acre from StrEat Parks, LLC to the City of San Antonio will allow large vehicles to turn right onto Brooklyn Avenue from Live Oak Street without entering into the oncoming traffic lane; and

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

WHEREAS, the closure fee established for this request totals \$261,957.00 (“Initial Closure Fee”), which includes the assessed value of the Public Rights of Way in the amount of \$261,613.00 plus \$344.00 for administrative costs. The closure fee, administrative costs excepted, has been reduced by 25% in accordance with the Inner City Reinvestment/Infill Policy (“ICRIP”). A credit of \$8,959.00 has been applied due to the property dedication to accommodate turning vehicles on Brooklyn. Based on Healy Murphy Center’s 501(c)(3) tax-exempt status and its mission benefitting the community, staff in consultation with City Council District 2 is supportive of a \$105,888.75 reduction the closure fee. The new established closure fee totals \$81,706.00 (“Final Closure Fee”); and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on June 13, 2018;

NOW THEREFORE,

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

SECTION 1. The City Council hereby authorizes following for a Final Closure Fee of \$81,706.00:

- A. The closure, vacation, and abandonment of its Right of Way interests as to .276 acres consisting of an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street, subject to the reservation listed below.
- B. The closure, vacation, and abandonment of its Right of Way interests as to 0.077 acres consisting of an improved portion of Live Oak Street located between Brooklyn Avenue and the entrance ramp to IH37 North, subject to the reservation listed below.
- C. The acceptance of a dedication of 0.012 of an acre from StrEat Parks, LLC.

SECTION 2. Detailed descriptions of the Right of Way segments are set forth on **Exhibits “A” and “B.”** Maps and pictures of the Right of Way segments are set forth on **Exhibit “D.”** All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibits “A” and “B”** control over any discrepancy between them and **Exhibit “D.”**

SECTION 3. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

SECTION 4. 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 5. 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. 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 _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney