

AN ORDINANCE 2017-08-17-0567

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.163 ACRE UNIMPROVED ALLEY LOCATED BETWEEN SW 40TH STREET AND SW 41ST STREET IN COUNCIL DISTRICT 6 AS REQUESTED BY MACEDONIA BAPTIST CHURCH FOR A FEE OF \$9,230.00.

* * * * *

WHEREAS, Macedonia Baptist Church (“Petitioner”) owns or has agreement from the owners abutting the property surrounding the proposed closure; and

WHEREAS, the alley is not used for public travel; and

WHEREAS, this portion of alley 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 closes, vacates, and abandons 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:

Address	Description	Owner Listed by Bexar County Appraisal District
963 SW 40TH ST	NCB 8996 BLK 6 LOT 30, 31, 32 & 33	MACEDONIA BAPTIST CHURCH
111 HOBART ST	NCB 8996 BLK 6 LOT 34, 35 & 36	MACEDONIA BAPTIST CHURCH
117 HOBART ST	NCB 8996 BLK 6 LOT 37, 38 & 39	MACEDONIA MISS BAPT CHURCH
119 HOBART ST	NCB 8996 BLK 6 LOT 40	MACEDONIA BAPTIST CHURCH

121 HOBART ST	NCB 8996 BLK 6 LOT 41	MACEDONIA BAPTIST CHURCH
125 HOBART ST	NCB 8996 BLK 6 LOT 42	MACEDONIA BAPTIST CHURCH
131 HOBART ST	NCB 8996 BLK 6 LOT 43, 44, 45 & 46	MACEDONIA BAPTIST CHURCH
135 HOBART ST	NCB 8996 BLK 6 LOT 47 & E 12.5 FT OF 48	GREATER SAN ANTONIO MACEDONIA BAPTIST CHURCH INC
139 HOBART ST	NCB 8996 BLK 6 LOT 49, 50, 51 & W 12.5 FT OF 48	MACEDONIA BAPTIST CHURCH
145 HOBART ST	NCB 8996 BLK 6 LOT 52 AND 53	GREATER SAN ANTONIO MACEDONIA BAPTIST CHURCH INC
151 HOBART ST	NCB 8996 BLK 6 LOT 54 AND 55	ESCAMILLA ROQUE & MARIA
151 HOBART ST	NCB 8996 BLK 6 LOT 56	MASSEY BETTY P
153 HOBART ST	NCB 8996 BLK 6 LOT 57	NUNEZ MARGIE
156 COOPWOOD AVE	NCB 8996 BLK 6 LOT 1,2 & 3	FUENTES YANETH & MARIA A FUENTES
148 COOPWOOD AVE	NCB 8996 BLK 6 LOT 4&5	BROTHERS SHERRI
144 COOPWOOD AVE	NCB 8996 BLK 6 LOT 6, 7, & 8	BROTHERS WILLIAM R
140 COOPWOOD AVE	NCB 8996 BLK 6 LOT 9 AND 10	ROMO FRANCISCO J & TRINIDAD
134 COOPWOOD AVE	NCB 8996 BLK 6 LOT 11, 12 & 13	MACEDONIA BAPTIST CHURCH
132 COOPWOOD AVE	NCB 8996 BLK 6 LOT 14	MACEDONIA BAPTIST CHURCH
128 COOPWOOD AVE	NCB 8996 BLK 6 LOT 15 AND 16	MACEDONIA BAPTIST CHURCH
124 COOPWOOD AVE	NCB 8996 BLK 6 LOT 17	MACEDONIA BAPTIST CHURCH
120 COOPWOOD AVE	NCB 8996 BLK 6 LOT 18, 19 & 20	MACEDONIA BAPTIST CHURCH
116 COOPWOOD AVE	NCB 8996 BLK 6 LOT 21 THRU 24	MACEDONIA BAPTIST CHURCH
947 SW 40TH ST 1	NCB 8996 BLK 6 LOT 25 & 26	ANALCO BERTHA
947 SW 40TH ST	NCB 8996 BLK 6 LOT 27, 28 & 29	ANALCO BERTHA

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 drainage, 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 realigned within the Right-of-Way segment) 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 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 \$9,230.00 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.

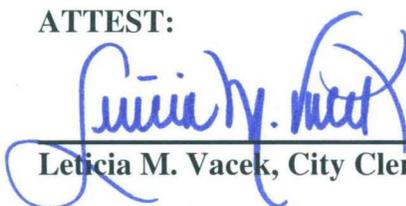
SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 17th day of August, 2017.

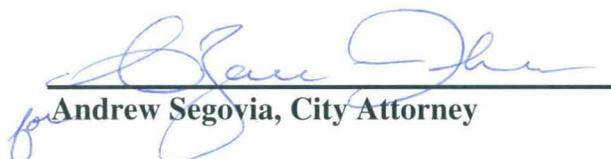

M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	11 (in consent vote: 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, 18, 19, 20, 22)						
Date:	08/17/2017						
Time:	09:50:39 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.163 acre unimproved alley located between SW 40th Street and SW 41st Street in Council District 6 as requested by Macedonia Baptist Church for a fee of \$9,230.00. [Peter Zanoni, Deputy 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				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x			x	
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				x
Clayton H. Perry	District 10		x				

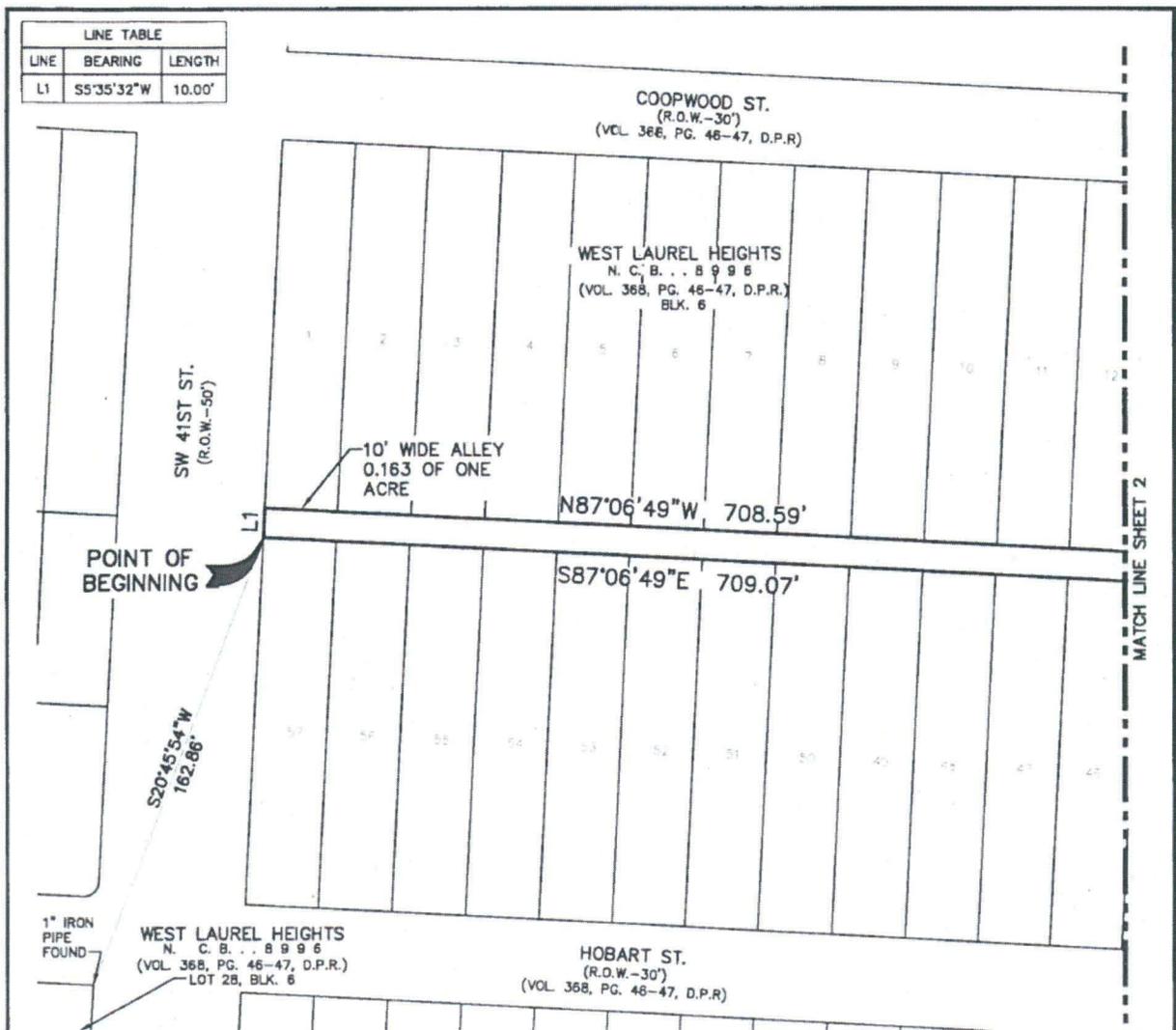
Attachment I

Attachment I



Attachment II

Attachment II



NOTES:

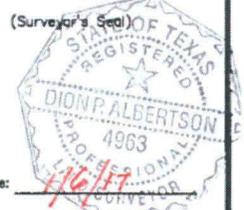
1. MONUMENTS NOT SET AT THIS TIME. WILL BE SET AT TIME OF PLATTING.
2. BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM. SOUTH CENTRAL ZONE (NAD83).
3. FIELD WORK COMPLETED ON 8/2014.
4. THERE IS A METES AND BOUNDS DESCRIPTION WITH LIKE JOB NUMBER.
5. D.P.R. DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.
O.P.R. DENOTES OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS.
R.P.R. DENOTES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specification for a Category 1B, Condition II Survey.



Dion P. Albertson
(Surveyor's signature)

4963
(Registration Number)



Date: 1/16/17

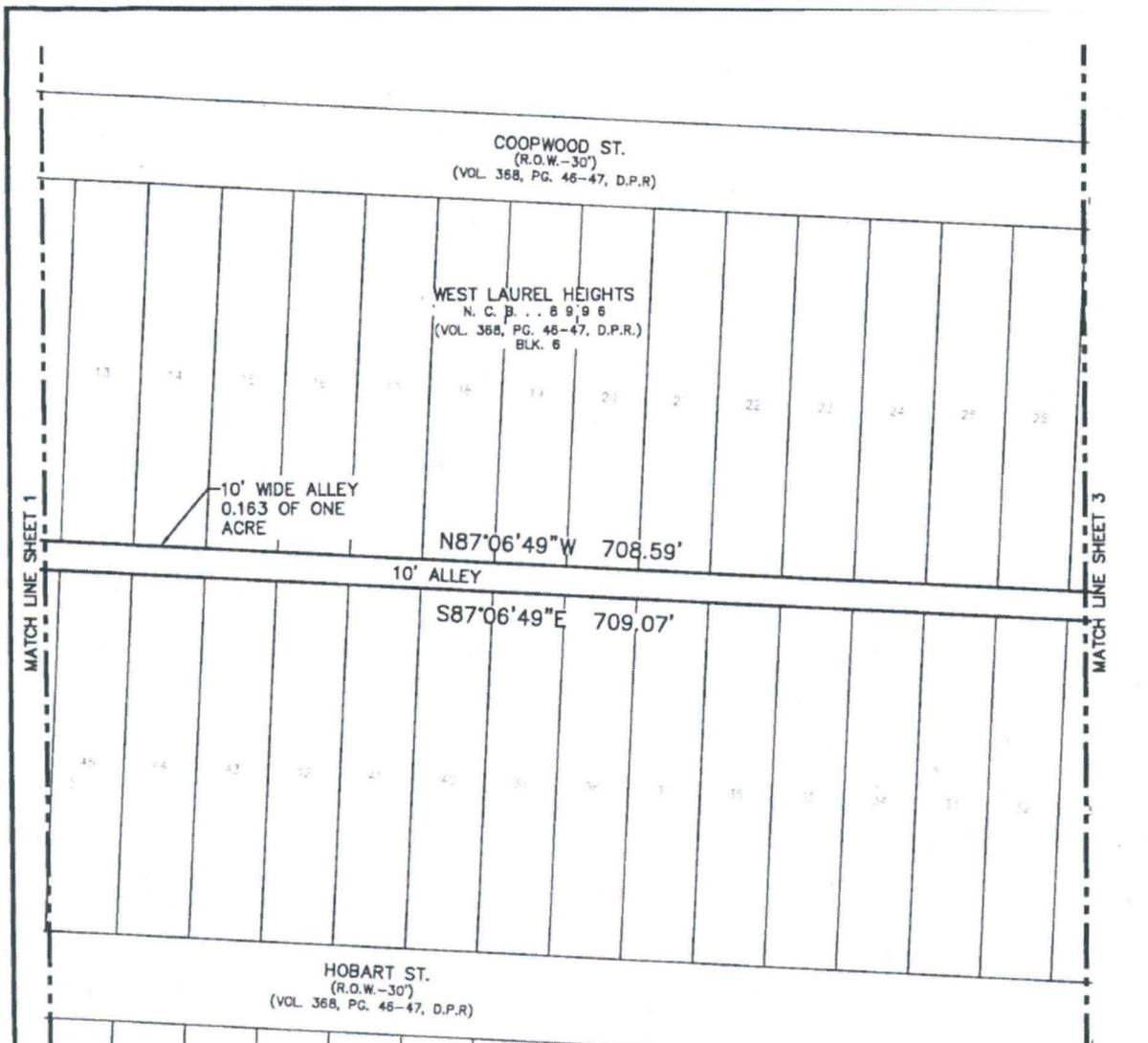
SCALE: 1" = 50'



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
11550 I.E. 10 WEST, SUITE 305
SAN ANTONIO, TEXAS 78230
P) 210.841.9999
F) 210.841.6440
Email: cec@cectexas.com
Engineering No.: F-2214
Surveying No.: 100410-00

EXHIBIT OF
AN EXISTING 10' WIDE ALLEY, WEST LAUREL HEIGHTS, BLOCK 6, N.C.B...8996
SAN ANTONIO BEXAR COUNTY TEXAS.

DATE	01/05/17
JOB NUMBER	E0535400
SHEET	1
OF	3



NOTES:

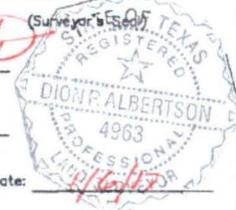
1. MONUMENTS NOT SET AT THIS TIME. WILL BE SET AT TIME OF PLATTING.
2. BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM. SOUTH CENTRAL ZONE (NAD83).
3. FIELD WORK COMPLETED ON 8/2014.
4. THERE IS A METES AND BOUNDS DESCRIPTION WITH LIKE JOB NUMBER.
5. D.P.R. DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.
O.P.R. DENOTES OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS.
R.P.R. DENOTES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specification for a Category 1B, Condition 1 Survey.



Dion P. Albertson
(Surveyor's signature)

4963
(Registration Number)



Date: 01/05/17

SCALE: 1" = 50'

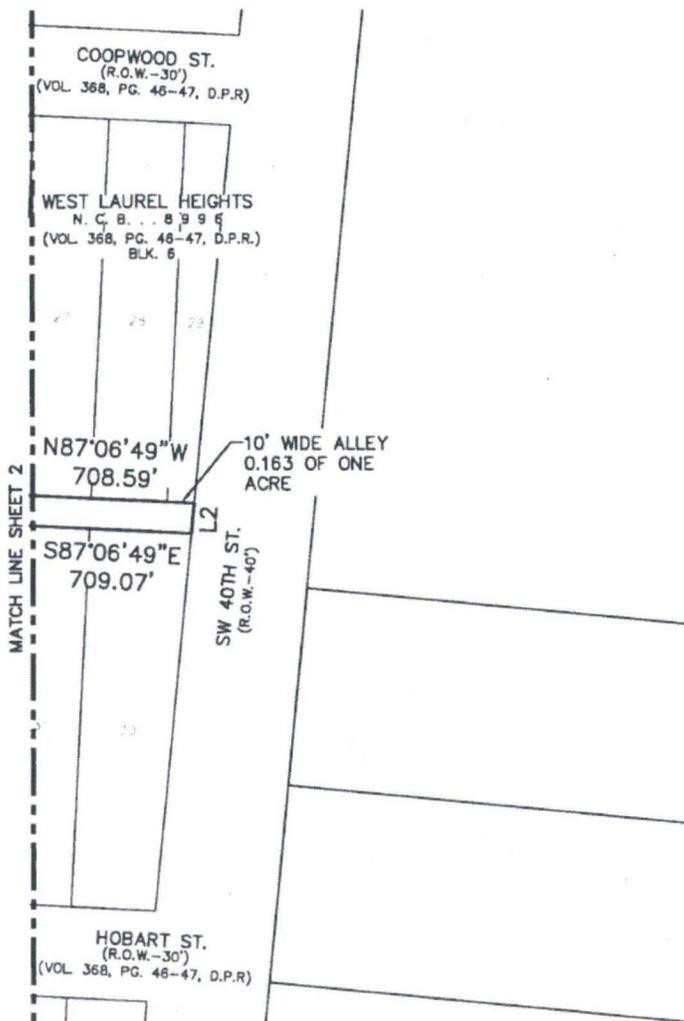


CIVIL ENGINEERING CONSULTANTS
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Email: ceo@ceotexas.com
Engineering No.: F-2214
Surveying No.: 100410-00

EXHIBIT OF
AN EXISTING 10' WIDE ALLEY, WEST LAUREL
HEIGHTS, BLOCK 6, N.C.B...8996
SAN ANTONIO BEXAR COUNTY TEXAS.

DATE	01/05/17
JOB NUMBER	E0535400
SHEET	2
OF	3

LINE TABLE		
LINE	BEARING	LENGTH
L2	N253°11'E	10.01'



NOTES:

1. MONUMENTS NOT SET AT THIS TIME. WILL BE SET AT TIME OF PLATTING.
2. BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM. SOUTH CENTRAL ZONE (NAD83).
3. FIELD WORK COMPLETED ON 8/2014.
4. THERE IS A METES AND BOUNDS DESCRIPTION WITH LIKE JOB NUMBER.
5. D.P.R. DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS. O.P.R. DENOTES OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS. R.P.R. DENOTES OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specification for a Category 1B, Condition II Survey.



(Surveyor's Seal)
Dion P. Albertson
 (Surveyor's signature)
 4963
 (Registration Number)
 Date: 1/6/17

SCALE: 1" = 50'



CIVIL ENGINEERING CONSULTANTS
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 Email: cec@cectexas.com
 Engineering No.: F-2214
 Surveying No.: 100410-00

EXHIBIT OF
 AN EXISTING 10' WIDE ALLEY, WEST LAUREL
 HEIGHTS, BLOCK 6, N.C.B...B996
 SAN ANTONIO BEXAR COUNTY TEXAS.

DATE	01/05/17
JOB NUMBER	E0535400
SHEET	3
OF	3



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

Page 1 of 1
January 6, 2017
Job No.: E0498600
10' Alley

DESCRIPTION OF A 10-FOOT WIDE STRIP OF LAND

Being a 10.00 foot wide strip of land, 0.163 of one acre, in New City Block (N.C.B.) 8996, San Antonio, Bexar County Texas. Said strip being the 10.00 foot wide alley in Block 6, as shown on the replat establishing West Laurel Heights as recorded in Volume 368 Pages 46-47, Deed and Plat Records, Bexar County and more particularly described by metes and bounds as follows:

BEGINNING at a point on the west right-of-way line of S.W. 41st Street, platted as Blesse Avenue as shown on said replat establishing West Laurel Heights, at the northwest corner of Lot 57, said Block 6, being the southwest corner of said alley and **POINT OF BEGINNING** of this strip of land, from which a 1" iron pipe found at the northeast corner of Lot 28, Block 16, N.C.B. 8995 bears South 20°45'54" West, a distance of 162.86 feet;

THENCE North 02°53'11" East, coincident with said right-of-way line, a distance of 10.00 feet, to a point at the common corner of Lot 1, said Block 6 and said alley, being the northwest corner of said alley and this strip of land;

THENCE South 87°06'49" East, departing said right-of-way line, coincident with the common line of said alley and Lots 1 thru 29, Block 6, a distance of 709.07 feet, to a point on the west right-of-way line of S.W. 40th Street, platted as McKinley Avenue as shown on said replat establishing West Laurel Heights, at the southeast corner of said Lot 29, being the northeast corner of said alley and this strip of land;

THENCE South 05°35'32" West, coincident with said right-of-way line, a distance of 10.01 feet to a point at the common corner of Lot 30, Block 6 and said alley, being the southeast corner of said alley and this strip of land;

THENCE North 87°06'49" West, departing said right-of-way line, coincident with the common line of Lots 30 thru 57 and said alley, a distance of 708.59 feet, to the **POINT OF BEGINNING**, and containing 0.163 of an acre of land, more or less.

The basis of bearing recited herein is the Texas State Plane Coordinate System, South Central Zone (NAD83). This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants (CEC) in August 2014.


Dion P. Albertson, B.P. 1983 No. 4963


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LAREDO · SAN ANTONIO · BRYAN / COLLEGE STATION