

**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 0.409 ACRE IMPROVED PORTION OF ROUSE AVENUE AND A 0.378 ACRE IMPROVED PORTION OF PEACOCK AVENUE IN COUNCIL DISTRICT 7 AS REQUESTED BY THE SALVATION ARMY BOYS AND GIRLS CLUB; AND WAIVING ASSOCIATED FEES.**

\* \* \* \* \*

**WHEREAS**, the Salvation Army Boys and Girls Club (“Petitioner”) owns the property surrounding the proposed closures; and

**WHEREAS**, the city’s traffic engineering department recommends these street closures to control access to the area in order to ensure the safety of Boys and Girls Club members; 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:

Address:	Description:	Owner Listed by Bexar Appraisal District :
2603 W ASHBY PL	NCB 2004 BLK 43 LOT 1 THRU 12	SALVATION ARMY INC
2709 W ASHBY PL	NCB 2005 BLK 47 LOT 1 THRU 12	SALVATION ARMY INC
W ASHBY	NCB 2006 BLK 50 LOT 14 (CATHERINE BOOTH SUBD)	SALVATION ARMY INC

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.** All fees associated with this street closure are waived.

**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 \_\_\_\_\_, 2017.

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

**ATTEST:**

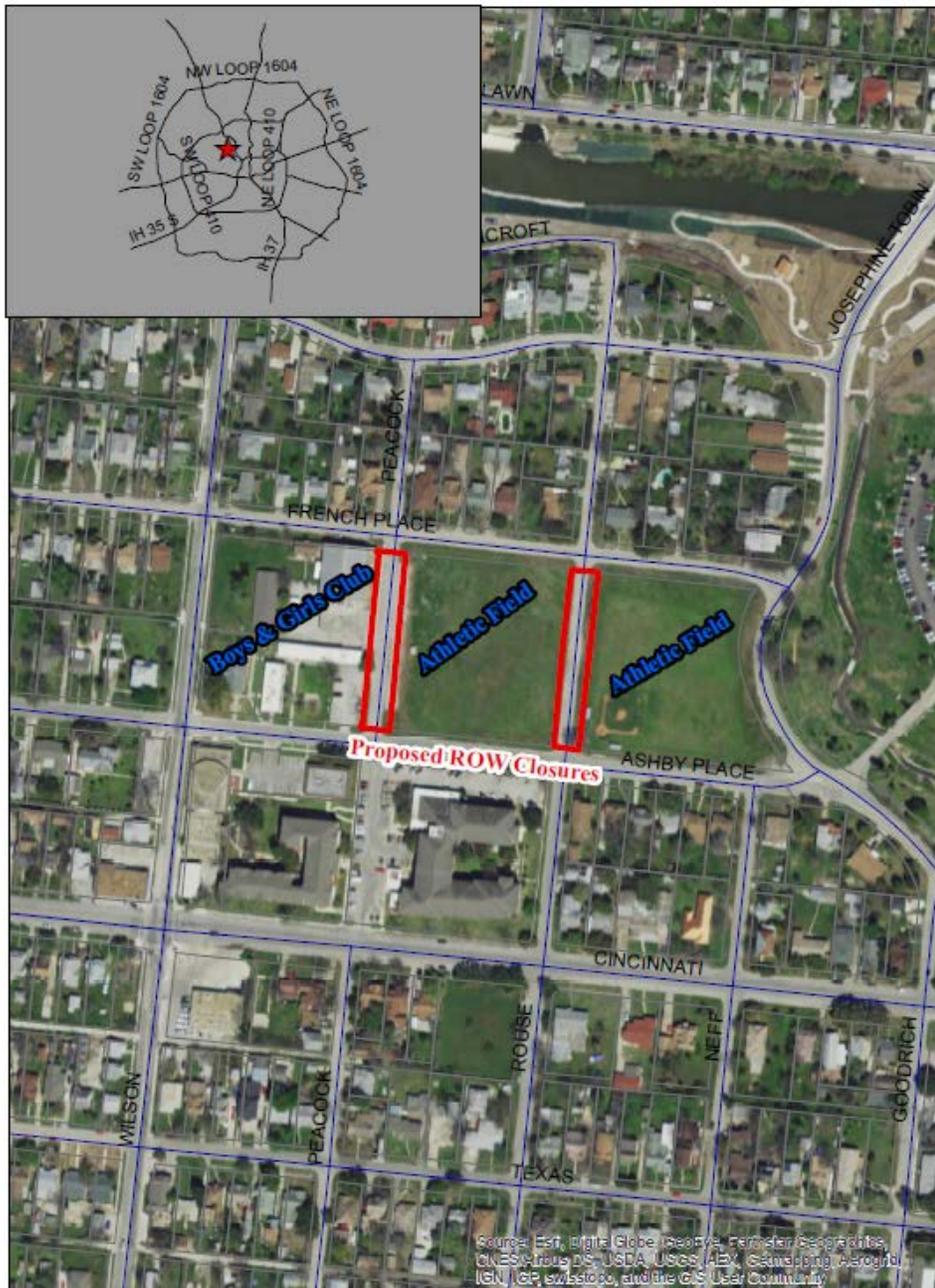
**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
**Andrew Segovia, City Attorney**

**DRAFT**

# Attachment I



## Attachment II

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DRAFT



*Ace Surveying, Inc.*

**RHONDA K. BUTLER**  
REGISTERED PROFESSIONAL  
LAND SURVEYOR #5409

P. O. BOX 597  
DEVINE, TEXAS 78016  
Phone: 830-334-7264  
Fax: 830-665-5796  
Email: [acesurveying@sbcglobal.net](mailto:acesurveying@sbcglobal.net)

A field note description of 0.378 of an acre (16,487.92 S.F.) tract of land, said tract being the right-of-way of Peacock Avenue (50' R.O.W.) located north of West Ashby Place (60' R.O.W.), south of West French Place (60' R.O.W.), east of Lot 14, Block 50, N.C.B. 2006, and west of Lots 6 & 7, Block 47, N.C.B. 2005, and being more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the herein described tract, at the northwest intersection of said Peacock Avenue and said West Ashby Place, being the Point of Curvature of a curve to the left,

Thence with said curve to the left whose radius is 10.00 feet and whose central angle is  $90^{\circ}00'00''$ , an arc distance of 15.71 feet (Chord bears  $N 38^{\circ}42'38'' E$  a distance of 14.14 feet) to the northwest corner of the herein described tract, being the Point of Tangent of said curve in the south right of way line of said Peacock Avenue and the east line of said Lot 14;

Thence  $N 06^{\circ}17'22'' E$  a distance of 308.90 feet along the west right of way line of said Peacock Avenue and the east line of said Lot 14 to the Point of Curvature of a curve to the left;

Thence with said curve to the left whose radius is 10.00 feet and whose central angle is  $90^{\circ}00'00''$ , an arc distance of 15.71 feet (Chord bears  $N 42^{\circ}40'00'' W$  a distance of 14.14 feet) to the northwest corner of the herein described tract, being the Point of Tangent of said curve, in the South right of way line of said West French Place;

Thence  $S 83^{\circ}42'38'' E$  a distance of 60.00 feet along the south right of way line of said West French Place to the northeast corner of the herein described tract, being the northwest corner of said Lot 7;

Thence  $S 06^{\circ}17'22'' W$  along the east right of way line of said Peacock Avenue, and the west line of said Lots 6 & 7, a distance of 328.90 feet to the southeast corner of the herein described tract and the southwest corner of said Lot 6, in the north right of way line of said West Ashby Place;

Thence N 83°42'38" W along the North right of way line of said West Ashby Place, a distance of 60.00 feet to the place of beginning and containing 0.378 acres, or 16,487.92 square feet of land according to a survey made on the ground by Ace Surveying, Inc.



Rhonda K. Butler  
Registered Professional  
Land Surveyor #5409  
File Name: peacock



CURVE	RADIUS	LENTH	TANGENT	DELTA
C1	10.00'	15.71'	10.00'	90°00'00"

THE SALVATION ARMY INC.  
P.O. BOX 12668  
SAN ANTONIO TEXAS 78212  
LOT 14 BLOCK 50 N.C.B. 2006  
CATHERINE BOOTH SUBDIVISION  
VOL. 9610 P6. 11

SCALE 1" = 80'

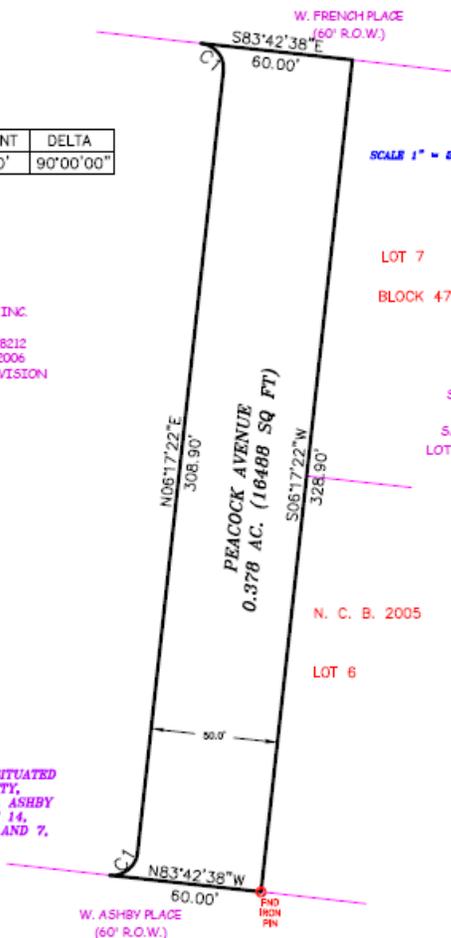
LOT 7  
BLOCK 47

SALVATION ARMY INC.  
P. O. BOX 12668  
SAN ANTONIO, TX 78212  
LOTS 1-12 BLOCK 47 NCB 2006  
VOL. 7096, P6. 712

N. C. B. 2005

LOT 6

SURVEY OF A 0.378 ACRE TRACT OF LAND SITUATED  
IN THE CITY OF SAN ANTONIO, BEXAR COUNTY,  
TEXAS, BEING PEACOCK AVENUE BETWEEN W. ASHBY  
PLACE AND W. FRENCH PLACE, EAST OF LOT 14,  
BLOCK 50, NCB 2006 AND WEST OF LOTS 6 AND 7,  
BLOCK 47, NCB 2005.



STATE OF TEXAS:  
COUNTY OF MEDINA:

I, RHONDA K. BUTLER, DO HEREBY CERTIFY THAT  
THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY  
MADE ON THE GROUND BY ME UNDER MY  
SUPERVISION.

*Rhonda K. Butler*

**RHONDA K. BUTLER**

REGISTERED PROFESSIONAL LAND SURVEYOR #5409

SURVEYED: SEPTEMBER 21, 2016  
FILE NO: ACAD\_Peacock Survey.dwg

**AS Ace Surveying, Inc.**

P. O. BOX 597  
DEVINE, TEXAS 78016  
830-334-7264  
830-665-5796 FAX  
acesurveying@sbcglobal.net



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**0.409 OF AN ACRE  
BEXAR COUNTY, TEXAS**

A field note description of a 0.409 of an acre (17816 square feet) of land situated in Bexar County, Texas, being Rouse Avenue between W. Ashby Place and W. French Place, East of Lots 1 and 12, Block 47, NCB 2005 and West of Lots 6 and 7, Block 43, NCB 2004 and being more particularly described by metes and bounds as follows: (Note: All iron pins set are ½" rebar with pink plastic cap stamped "RKB 5409", Basis of bearing is WGS 84)

Beginning at an iron pin found for the southeast corner of the herein described tract and the southwest corner of said NCB 2004, at the intersection of the north right-of-way line of said W. Ashby Place and the east right-of-way line of said Rouse Avenue;

Thence N 84°33'23" W, 54.70 feet to the southwest corner of the herein described tract and the southeast corner of said NCB 2005, at the intersection of the north right-of-way line of said W. Ashby Place and the west right-of-way line of said Rouse Avenue;

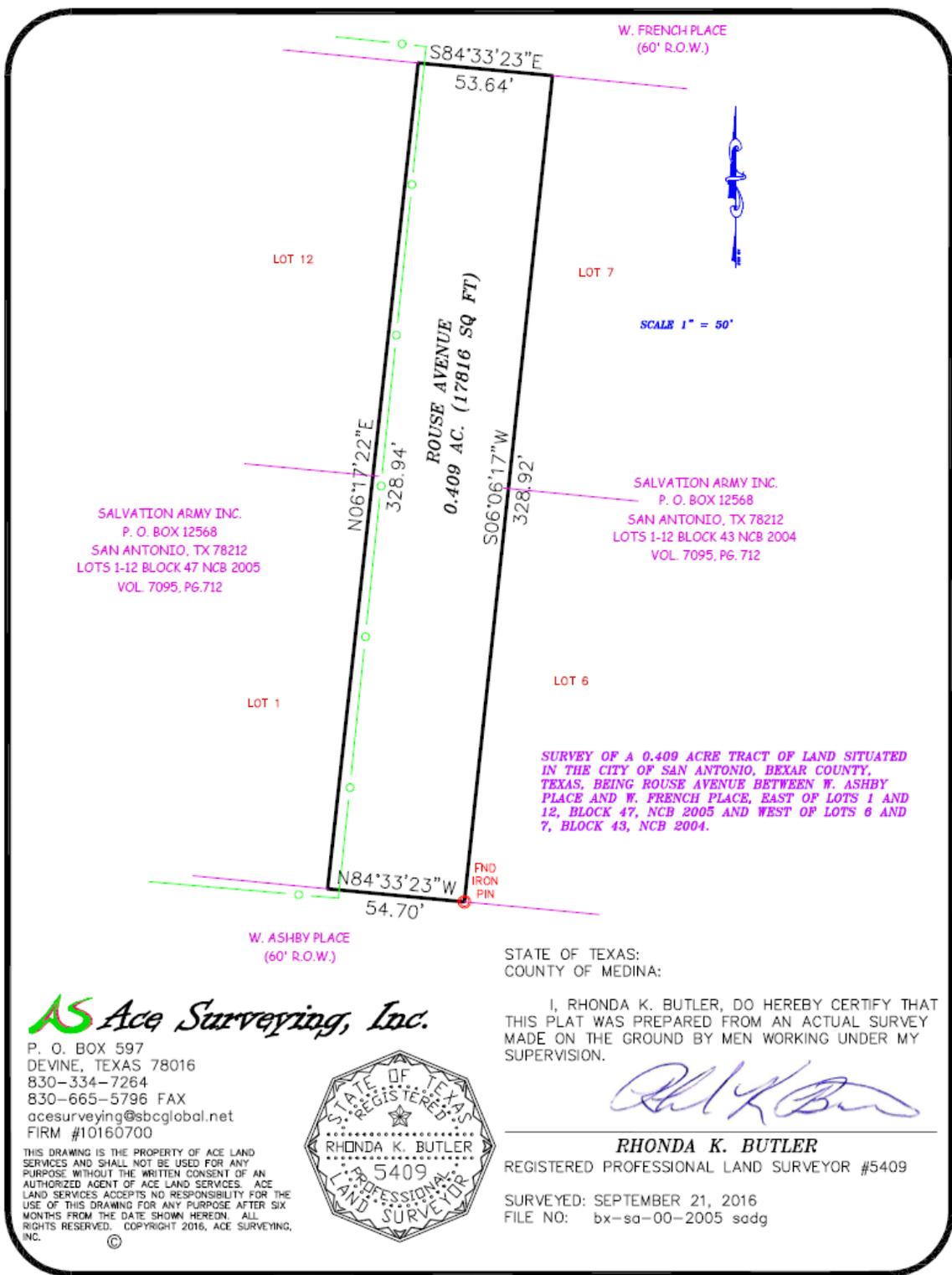
Thence N 06°17'22" E, 328.94 feet along the west line of the herein described tract and said Rouse Avenue and the east line of said NCB 2005 to the northwest corner of the herein described tract and said NCB 2005, at the south right-of-way line W. French Place and the west right-of-way line of said Rouse Avenue;

Thence S 84°33'23" E, 53.64 feet along the north line of the herein described tract, across said Rouse Avenue to the northeast corner of the herein described tract and the northwest corner of said NCB 2004;

Thence S 06°06'17" W, 328.92 feet along the east line of the herein described tract and said Rouse Avenue and the west line of said NCB 2004 to the place of beginning and containing 0.409 of an acre of land according to a survey made on the ground on September 21, 2016 by Ace Surveying, Inc.

Rhonda K. Butler  
Registered Professional  
Land Surveyor #5409  
File: rouse  
Corresponding Plat Prepared





STATE OF TEXAS:  
COUNTY OF MEDINA:

I, RHONDA K. BUTLER, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY MEN WORKING UNDER MY SUPERVISION.

**RHONDA K. BUTLER**  
REGISTERED PROFESSIONAL LAND SURVEYOR #5409

SURVEYED: SEPTEMBER 21, 2016  
FILE NO: bx-sa-00-2005 sadg

**AS Ace Surveying, Inc.**

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