

AN ORDINANCE 2014-11-06-0856

CLOSING, VACATING, AND ABANDONING AN APPROXIMATELY 0.321-ACRE IMPROVED PORTION OF EDGAR DRIVE IN COUNCIL DISTRICT 2 AND WAIVING FEES EXCEPT FOR ADMINISTRATIVE COSTS IN THE AMOUNT OF \$2,115.00.

* * * * *

WHEREAS, Richard M. Peacock & Co. has requested the abandonment of this City of San Antonio Right of Way segment; and

WHEREAS, the Right-of-Way Segment, as defined below, is within the Inner City Revitalization Infill Policy Area, the EastPoint footprint and the City of San Antonio Promise Zone; and

WHEREAS, closure of the Right-of-Way Segment will maximize the use of the underlying property and provide economic and employment benefit to the local community; and

WHEREAS, the Right-of-Way Segments are no longer needed for public purposes; and

WHEREAS, it is in the interest of the public that the City of San Antonio be relieved of the obligation to maintain the Right-of-Way Segment; **NOW THEREFORE**,

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

SECTION 1. Subject to the reservation below, as an exercise of its discretion, the City Council closes, vacates, and abandons the rights-of-way (“Right-of-Way Segment”) identified in Section 2 of this Ordinance. A condition of the closure, vacation, and abandonment is City’s receipt of the \$2,115.00 fee in accordance with the funding section of this Ordinance.

SECTION 2. The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment are 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 I controls over any discrepancy between it and Attachment II.

SECTION 3. The properties abutting the Right-of-Way Segment are:

Address: Description: Owner Listed by Bexar Appraisal District:

1814 N Walters	NCB 1195 BLK 5 LOT 6 & 7	ESTRADA ADRIANA C
820 Seguin St	NCB 1195 BLK 5 LOT 4A 5 A	PHILLIPS KENNETH
2615 Dignowity	NCB 1195 BLK 5 LOT SE IRR 35 FT OF 10, S IRR 82 FT OF 11 & 12	RAMIREZ NICK I & RAMIREZ JOHN

	EXC NW TRI 38 FT	
806 Seguin St	NCB 1195 BLK 5 LOT 1 EXC SE TRI 30.19 FT, NW TRI 75 FT OF 2 & NW TRI 15 FT OF 9	UNION PACIFIC RAILROAD CO

The listing above is made solely to facilitate indexing 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. All presently existing 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 used, repaired, enlarged, and maintained in the ordinary course of business. Any person wanting removal 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 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 public right of way. All existing drainage rights in the Right-of-Way Segments 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 right of way.

SECTION 5. The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this closure, abandonment, and vacation.

SECTION 6. The Right-of-Way Segments exist by easement. The underlying fee ownership of the Right-of-Way Segments by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned.


SECTION 7: Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 256000000001 and General Ledger 4903101.

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. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

SECTION 10. 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 6th day of November, 2014.


M A Y O R
Ivy R. Taylor

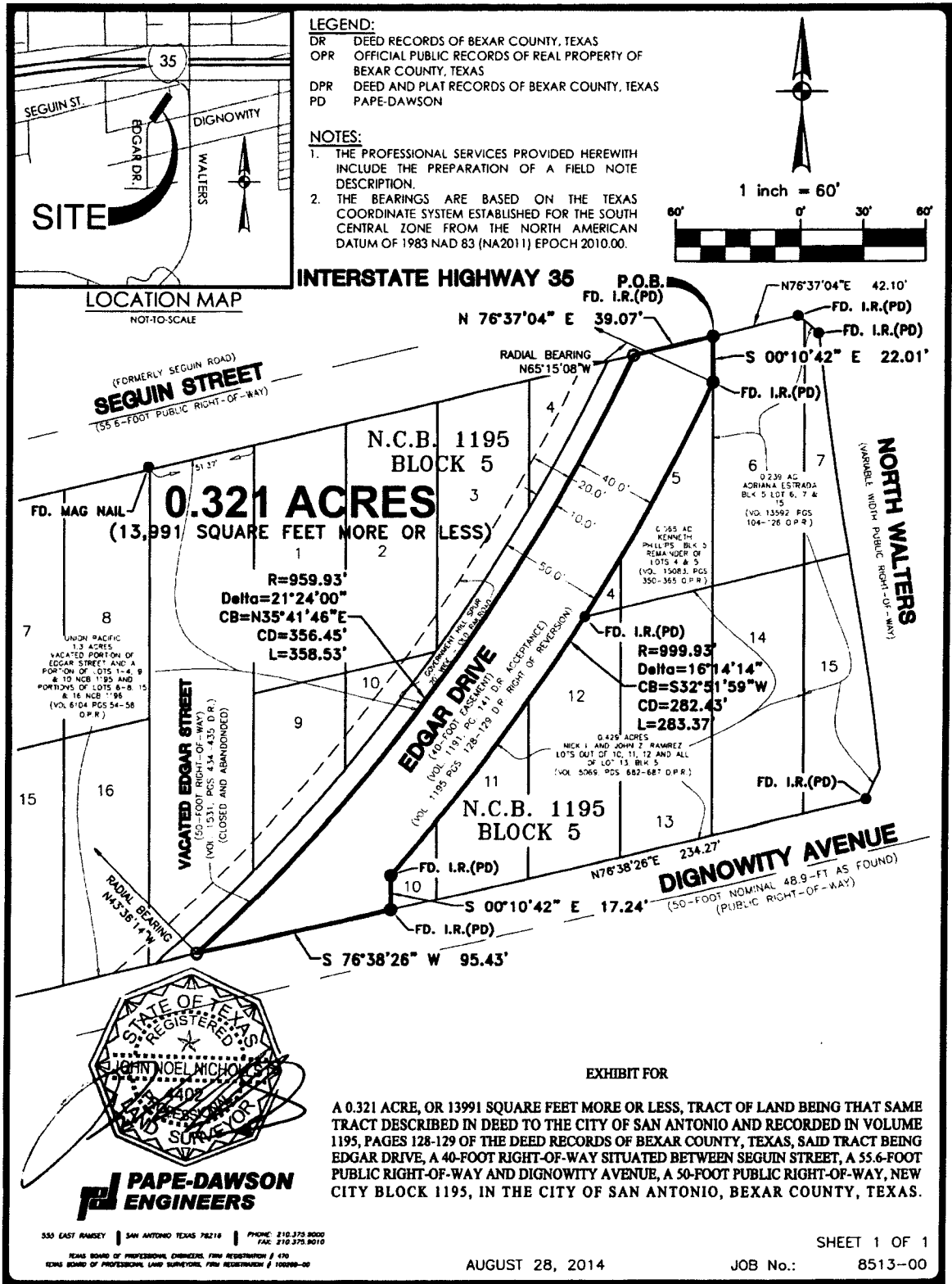
ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Robert F. Greenblum, City Attorney

Attachment I





LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES
FOR

A 0.321 acre, or 13991 square feet more or less, tract of land being that same tract described in deed to The City of San Antonio and recorded in Volume 1195, Pages 128-129 of the Deed Records of Bexar County, Texas, said tract being Edgar Drive, a 40-foot right-of-way situated between Seguin Street, a 55.6-foot public right-of-way and Dignowity Avenue, a 50-foot public right-of-way, New City Block 1195, in the City of San Antonio, Bexar County, Texas. Said 0.321 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

BEGINNING: At a found ½" iron rod with cap marked "Pape-Dawson" on the south right-of-way line of said Seguin Street at the intersection with the east right-of-way line of said Edgar Drive, at the northwest corner of Lot 6, Block 5 of said New City Block, from which a found ½" iron rod with cap marked "Pape-Dawson" at cutback to North Walters, a variable width public right-of-way, bears N 76°37'04" E, a distance of 42.10 feet;

THENCE: S 00°10'42" E, departing said south right-of-way line of said Seguin Street with said east right-of-way line of said Edgar Drive, a distance of 22.01 feet to a found ½" iron rod with cap marked "Pape-Dawson", a point on the west line of said Lot 6 and the west line of Lot 5 of said Block 5, the east right-of-way line of said Edgar Drive;

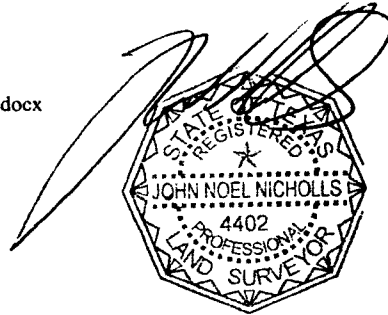
THENCE: Continuing with the east right-of-way line of said Edgar Drive, departing the east line of said Lot 5 and the west line of said Lot 6, over and across Lots 5, 4, 12, 11, and 10 of said Block 5, along a non-tangent curve to the right, said curve having a radial bearing of N 65°15'08" W, a radius of 999.93 feet, a central angle of 16°14'14", a chord bearing and distance of S 32°51'59" W, 282.43 feet, for an arc length of 283.37 feet to a found ½" iron rod with cap marked "Pape-Dawson";

THENCE: S 00°10'42" E, continuing with the east right-of-way line of said Edgar Drive and over and across said Lot 10, a distance of 17.24 feet to a found ½" iron rod with cap marked "Pape-Dawson" on the north right-of-way line of said Dignowity Avenue, for the southeast corner of the herein described tract, from which a found ½" iron rod with cap marked "Pape-Dawson" at the cutback to North Walters, a variable width right-of-way, bears N 76°38'26" E, a distance of 234.27 feet,

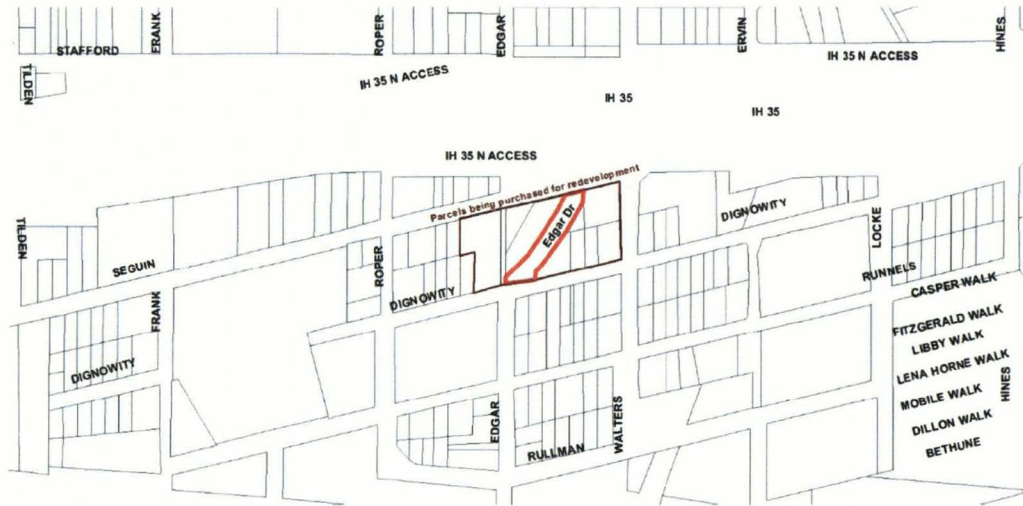
Edgar Street
0.321 Acres
Job No.: 9513-00

- THENCE: S 76°38'26" W, departing the east right-of-way line of said Edgar Drive, with the north right-of-way line of said Dignowity Avenue, a distance of 95.43 feet to a point at the southeast corner of a 3.1 acre tract described in deed to Union Pacific and recorded in Volume 6104, Pages 54-58 of the Official Public Records of Real Property of Bexar County, Texas, also being a point on the east line of Government Hill Spur, a 20-foot wide railroad spur easement, for a point of non-tangent curvature and the southwest corner of the herein described tract;
- THENCE: Departing the north right-of-way line of said Dignowity Avenue, with the west right-of-way line of said Edgar Drive and the east line of said 3.1 acre tract and said railroad easement, along a non-tangent curve to the left, said curve having a radial bearing of N 43°36'14" W, a radius of 959.93 feet, a central angle of 21°24'00", a chord bearing and distance of N 35°41'46" E, 356.45 feet, for an arc length of 358.53 feet to a point for the northwest corner of the herein described tract on the aforementioned south right-of-way line of said Seguin Street;
- THENCE: N 76°37'04" E, departing the west right-of-way line of said Edgar Drive, with the south right-of-way line of said Seguin Street, a distance of 39.07 feet to the POINT OF BEGINNING, and containing 0.321 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9150-14 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: August 28, 2014
JOB NO. 8413-00
DOC. ID. N:\CIVIL\8513-00\Word\FN8513-00.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00



Attachment II



S.P. 1829 Request to close, vacate and abandon an improved portion of Edgar Drive right-of-way located between Seguin and Dignowity

Agenda Item:	15						
Date:	11/06/2014						
Time:	10:56:26 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance closing, vacating, and abandoning an approximately 0.321 acre improved portion of Edgar Drive, located between Seguin Street and Dignowity Avenue in Council District 2, as requested by Richard M. Peacock & Co. and waiving \$84,000.00 in road closure fees while assesing \$2,115.00 in administrative fees. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1		x				
Keith Toney	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				x