

AN ORDINANCE **2016-04-14-0277**

**AUTHORIZING THE CLOSURE, VACATION, ABANDONMENT AND TRANSFER OF AN APPROXIMATELY 0.171-ACRE SEGMENT OF PUBLIC RIGHTS OF WAY CONSISTING OF PORTIONS OF JACKSON STREET, BUFFALO RUN, AND NORTH MAIN AVENUE IN COUNCIL DISTRICT 1.**

\* \* \* \* \*

**WHEREAS**, the 2012 - 2017 General Obligation Bond provides \$40 million for the Downtown Streets Reconstruction Project; and

**WHEREAS**, the full reconstruction of the intersection at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, is one of the five areas included in Downtown Streets Reconstruction project; and

**WHEREAS**, in order to accomplish this design, the City needs to acquire property from three parcels along the west side of San Pedro; and

**WHEREAS**, staff is currently negotiating with the property owners for the necessary right of way and is recommending releasing of a portion of property along the north side of Buffalo Run and the east side of Jackson Street which is not needed by the City; and

**WHEREAS**, the transfer of this property will allow the owners to maintain lots large enough for development and is expected to decrease project land acquisition costs; **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 authorizes the closure, vacation, and abandonment of the right of way segments ("Right of Way Segments") identified in Section 2 of this Ordinance subject to the conditions identified in Section 3 of this Ordinance.

**SECTION 2.** The detailed descriptions of the Right of Way Segments are set forth in **Attachment I**. A map of the Right of Way Segments 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.** As an exercise of its discretion, the City Council authorizes closure, vacation, and abandonment of the affected Right of Way Segments by filing a certificate of closure, or multiple certificates of closure, executed by the City Manager, her designee, or the Director of the Transportation and Capital Improvements Department upon the occurrence of the following condition:

A. The acquisition through dedication of real property interests by the City of San Antonio in privately-owned real property in NCB 789 as necessary for the 2012 - 2017 General Obligation Bond Downtown Streets Reconstruction Project is complete.

The certificate of closure should be substantially in the form of **Attachment III**. The certificate of closure may be applied to all, none, or some of the segments as the condition is met. Upon filing of the Certificate of closure and to the extent which the City owns the underlying fee subject to any reservations, underlying fee ownership of the Right-of-Way Segments will be unburdened by the rights closed, vacated, and abandoned and fee ownership may be transferred to the adjacent lot owners.

**SECTION 4.** The properties abutting the Right-of-Way Segment are:

Address:	Description:	Owner:
131 San Pedro	0.024 of an acre out of Lot 11 Blk 1 NCB 789 Parcel 19441	Jackson Downtown Retail LP
San Pedro (no address)	0.084 of an acre out of Lot 12 Blk 1 NCB 789 Parcel 19442	SA Downtown TMC, LTD (Texas MedClinic)
San Pedro (no address)	0.030 of an acre out of Parcel II, NCB 789 Parcel 19440	American Payroll Institute

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 5.** 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 Segments 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 Segments based on a claim that the Right of Way Segments are public right of way. All existing drainage rights in the Right of Way Segments are retained by the City.

**SECTION 6.** 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 authorization for closure, abandonment, vacation and transfer.

**SECTION 7.** The closure, vacation, and abandonment and transfer of approximately 0.171 acres of public right way property consisting of portions of Jackson Street, Buffalo Run, and North Main Ave in NCB 789 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.

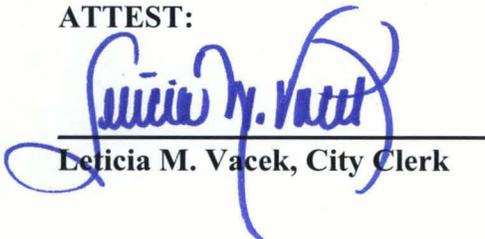
**SECTION 9.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

**PASSED AND APPROVED** this 14th day of April, 2016.

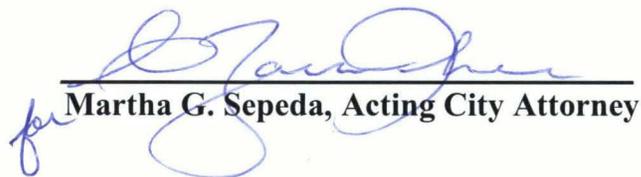


M A Y O R  
Ivy R. Taylor

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Martha G. Sepeda, Acting City Attorney

<b>Agenda Item:</b>	<b>11B ( in consent vote: 4, 5, 6, 7, 8, 11B, 11C, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 )</b>						
<b>Date:</b>	04/14/2016						
<b>Time:</b>	09:14:48 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation and abandonment and transfer of approximately 0.171 acres of public right of way consisting of portions of Jackson Street, Buffalo Run and N. Main Ave in NCB 789.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				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				

Attachment I

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**THE STATE OF TEXAS:**  
**COUNTY OF BEXAR:**

**Project Name: Downtown Streets**  
**Main / San Pedro / Navarro Project**  
**Project Number: 40-00300**

**Parcel No. 19443**

**BEING A 0.064 OF AN ACRE (2,769 SQ. FT.) TRACT OF LAND, OUT OF JACKSON STREET, RECORDED IN VOLUME 8000, PAGE 74, AND OUT OF BUFFALO RUN, RECORDED AS ROMANA STREET, IN VOLUME 9551, PAGES 120-122, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND OUT OF NORTH MAIN AVENUE, AS SHOWN ON THE ACCOMPANYING PARCEL PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at found chiseled "X" in Concrete, (N: 13,707,794.44; E: 2,129,672.17), in the existing east Right of Way line of said Jackson Street, a 57.8 foot right of way, for the west corner of said 0.4911 of an acre tract and the northwest corner of the herein described tract;

**THENCE**, S. 33°59'01" E., 105.47 feet, with the west line of said 0.4911 of an acre tract and the existing east Right of Way line of said Jackson Street, to a found mag nail with shiner, at the intersection of the existing east Right of Way line of said Jackson Street and the existing north Right of Way line of said Buffalo Run, a 55 foot right of way, for the southwest corner of said 0.4911 of an acre tract and an interior corner of the herein described tract;

**THENCE**, N. 86°03'36" E., 133.22 feet, with the south line of said 0.4911 of an acre tract and the existing north Right of Way line of said Buffalo Run, to a point, at the intersection of the existing north Right of Way line of said Buffalo Run with the existing west Right of Way line of said North Main Avenue, an 80 foot right of way, for the southeast corner of said 0.4911 of an acre tract and an interior corner of the herein described tract;

**THENCE**, N. 01°20'11" W., 69.61 feet, along the existing west Right of Way line of said North Main Avenue with the east line of said 0.4911 of an acre tract, to a set nail in concrete, for a point in a non-tangent curve to the right of the proposed west Right of Way line of said North Main Avenue, for the northeast corner of the herein described parcel from said point the intersection of the existing west Right of Way line of said North Main Avenue and existing west Right of Way line of San Pedro Avenue, a variable width Right of Way, Bears N. 01°20'11" W, 0.84 feet;

**THENCE**, an arc length of 56.20 feet, leaving said 0.4911 acre tract and entering the existing Right of Way of said North Main Avenue, with the proposed west Right of Way line of said North Main Avenue, along said non-tangent curve to the right having a radius of 184.00 feet, a tangent of 28.32 feet, a delta of 17°29'56", and a chord bearing and distance of S. 24°16'53" E., 55.98 feet, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", for the east corner of the herein described parcel;

**THENCE**, S. 22°01'39" W., 24.53 feet, with the proposed west Right of Way line of said North Main Avenue, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", at the intersection of the proposed west Right of Way line of said North Main Avenue with the proposed north Right of Way line of said Buffalo Run, for the southeast corner of the herein described parcel;

**THENCE**, S. 86°03'36" W., 153.76 feet, with the proposed north Right of Way line of said Buffalo Run, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", at the intersection of the proposed north Right of Way line of said Buffalo Run with the proposed east Right of Way line of said Jackson Street, for the southwest corner of the herein described parcel;

**THENCE**, N. 33°59'01" W., 105.46 feet, with the proposed east Right of Way line of said Jackson Street, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", for the northwest corner of the herein described tract;

**THENCE**, N. 56°01'19" E., 10.00 feet, leaving the proposed east Right of Way line of said Jackson Street, to the Point of Beginning and containing 0.064 of an acre (2,769 sq. ft.) of land more or less.  
69.61 feet

Bearing based on NAD 83(93), South Central Zone

No part of this Parcel has been dedicated previously by Plat or Replat

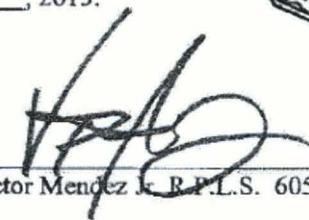
All coordinates are surface using a scale factor of: 1.00017

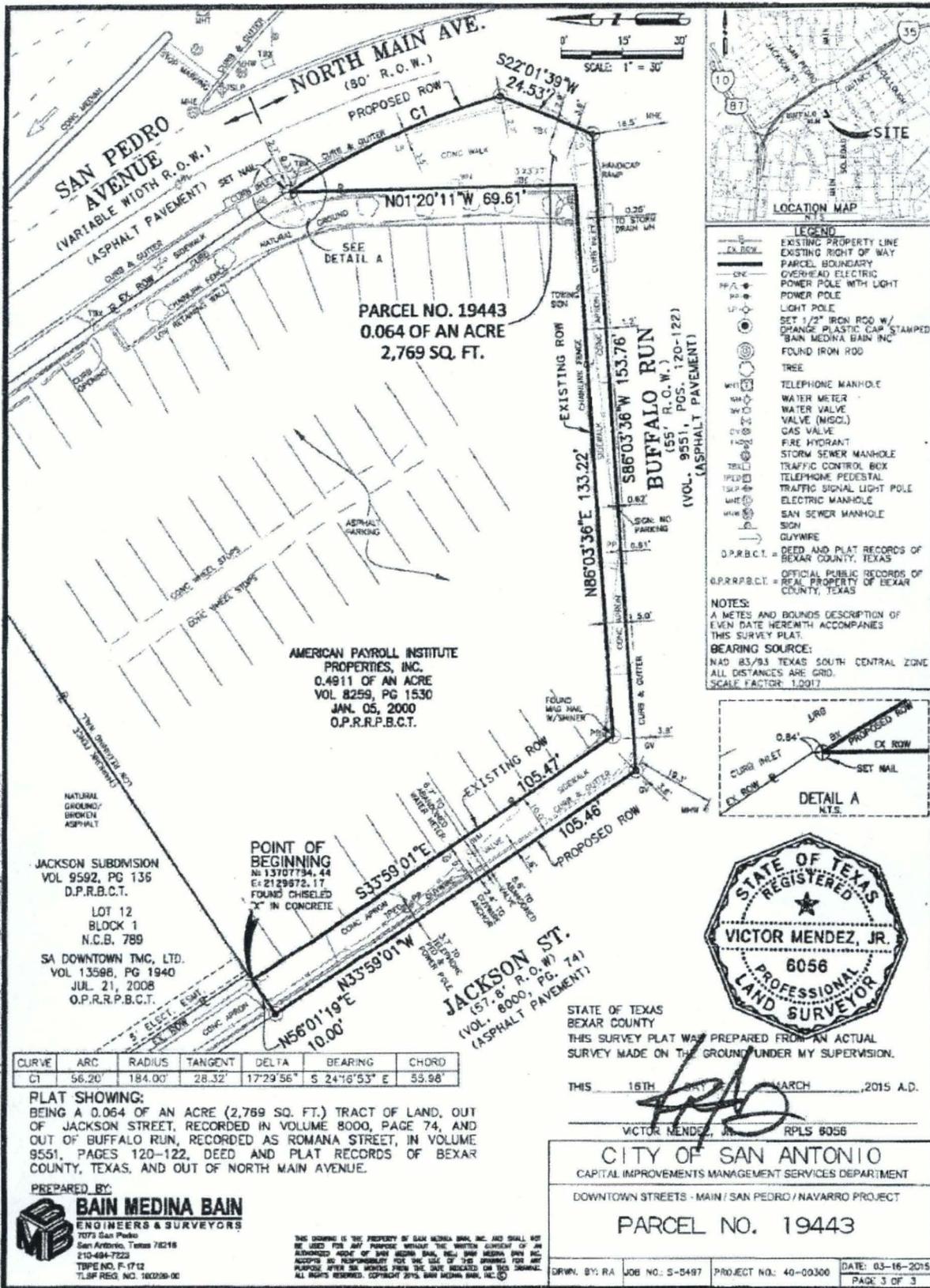
Plat prepared this day.

Surveyed on the ground 16<sup>th</sup> day of March, 2015.

Plat Prepared by Bain Medina Bain, Inc.



  
Victor Mendez, Jr. P.L.S. 6056



THE STATE OF TEXAS:  
COUNTY OF BEXAR:

Project Name: Downtown Streets  
Main / San Pedro / Navarro Project  
Project Number: 40-00300

**Parcel No. 19444**

**BEING A 0.052 OF AN ACRE (2,274 SQ. FT.) TRACT OF LAND, OUT OF JACKSON STREET, AS SHOWN ON A PLAT OF JACKSON SUBDIVISION AS RECORDED IN VOLUME 9592, PAGE 136, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AS SHOWN ON THE ACCOMPANYING PARCEL PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a point (N: 13,707,795.50; E: 2,129,673.75), in the existing east Right of Way line of said Jackson Street and in the northwest line of a 0.4911 of an acre tract recorded in Volume 8259, Page 1530, of the Official Public Records of Real Property of Bexar County, Texas for the south corner of Lot 12, Block 1, NCB 789, as shown on said plat of Jackson Subdivision and for the east corner of the herein described tract;

**THENCE, S. 56°01'19" W.**, along the existing east Right of Way line of said Jackson Street with the northwest line of said 0.4911 of an acre tract, at 1.90 feet passing a found chiseled "X" in concrete for the west corner of the said 0.4911 of an acre tract and a corner of the existing east Right of Way line of said Jackson Street, and entering the existing Right of Way of said Jackson Street, in all a total distance of 11.90 feet, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", in the proposed east Right of Way line of said Jackson Street, for the south corner of the herein described parcel;

**THENCE, N. 34°06'19" W.**, 191.07 feet, with the proposed east Right of Way line of said Jackson Street, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", for the west corner of the herein described parcel;

**THENCE, N. 55°46'56" E.**, 11.90 feet, leaving the proposed east Right of Way line of said Jackson Street, to a point on the existing east Right of Way line of said Jackson Street, the south corner of Lot 11, Block 1, NCB 789, of said Jackson Subdivision, and the west corner of said Lot 12, Block 1 and the north corner of the herein described parcel;

**THENCE, S. 34°06'19" E.**, 191.12 feet, along the existing east Right of Way line of said Jackson Street, with the west line of said Lot 12, to the Point of Beginning and containing 0.052 of an acre (2,274 sq. ft.) of land more or less.

Bearing based on NAD 83(93), South Central Zone

No part of this Parcel has been dedicated previously by Plat or Replat

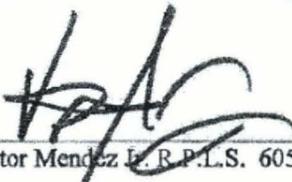
All coordinates are surface using a scale factor of: 1.00017

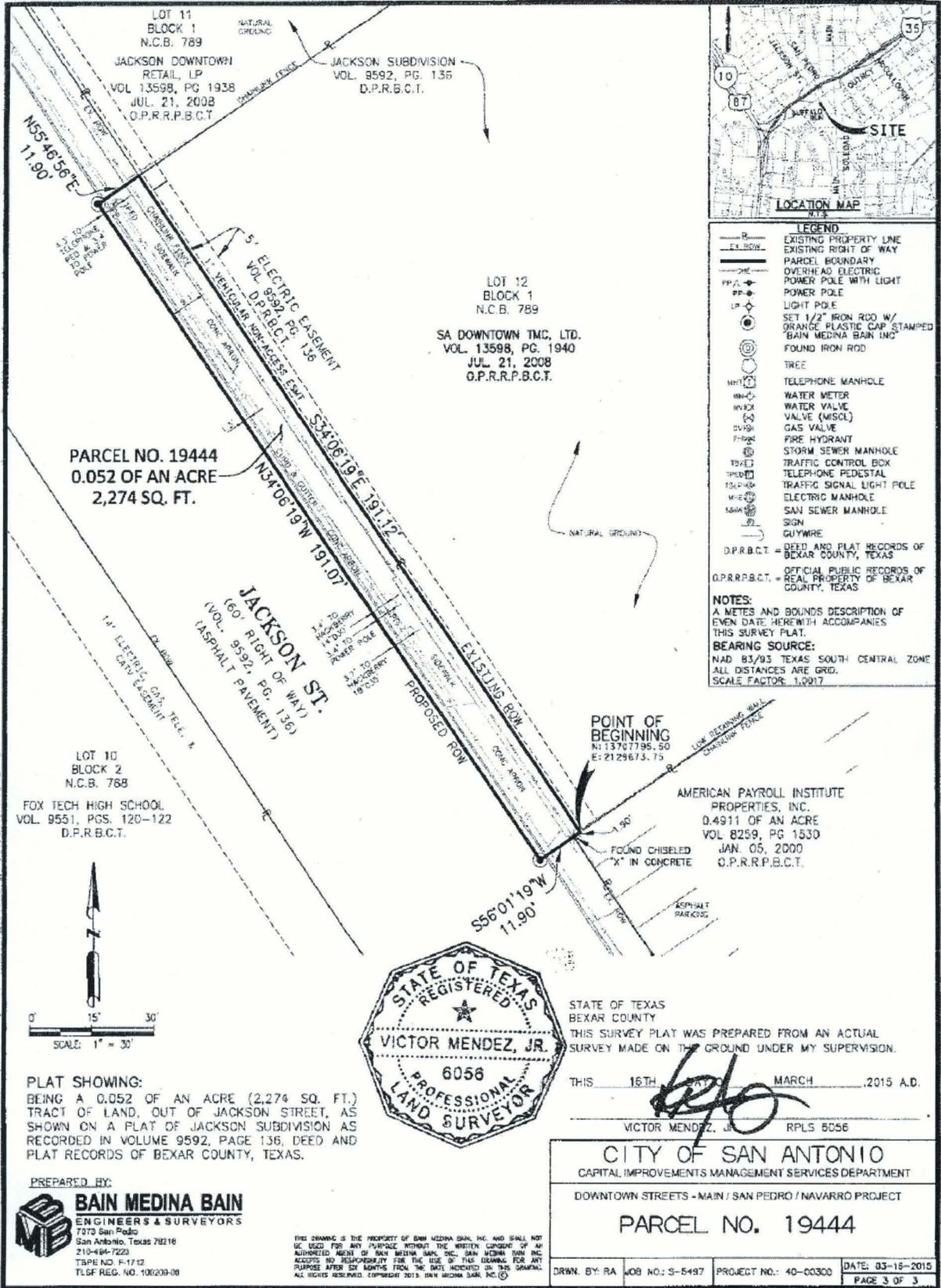
Plat prepared this day.

Surveyed on the ground 16<sup>th</sup>, day of March, 2015.

Plat Prepared by Bain Medina Bain, Inc.



  
Victor Mendez, Jr. P.L.S. 6056



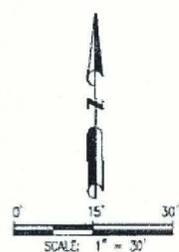
**LEGEND**

- EXISTING PROPERTY LINE
- EX. ROW
- PARCEL BOUNDARY
- OVERHEAD ELECTRIC
- PP/— POWER POLE WITH LIGHT
- PP— POWER POLE
- LP— LIGHT POLE
- SET 1/2" IRON ROD W/ ORANGE PLASTIC CAP STAMPED BAIN MEDINA BAIN INC.
- FOUND IRON ROD
- TREE
- TELEPHONE MANHOLE
- WATER METER
- WATER VALVE
- VALVE (MISCL)
- GAS VALVE
- FIRE HYDRANT
- STORM SEWER MANHOLE
- TRAFFIC CONTROL BOX
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL LIGHT POLE
- ELECTRIC MANHOLE
- SAN SEWER MANHOLE
- SIGN
- GUYWIRE

D.P.R.B.C.T. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS  
O.P.R.R.P.B.C.T. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS

**NOTES:**  
A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS SURVEY PLAT.  
**BEARING SOURCE:**  
NAD 83/93 TEXAS SOUTH CENTRAL ZONE  
ALL DISTANCES ARE GRID.  
SCALE FACTOR: 1.0017

S:\34-5497-Drawings-2015\15-204-EM-MEDINA-BAIN-35-2015-08-30-11-12-15.dwg, 4/30/2015, 3:43:03 PM



**PLAT SHOWING:**  
BEING A 0.052 OF AN ACRE (2,274 SQ. FT.) TRACT OF LAND, OUT OF JACKSON STREET, AS SHOWN ON A PLAT OF JACKSON SUBDIVISION AS RECORDED IN VOLUME 9592, PAGE 136, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



STATE OF TEXAS  
BEXAR COUNTY  
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.  
THIS 16TH DAY OF MARCH, 2015 A.D.  
VICTOR MENDEZ, JR. RPLS 6056

**CITY OF SAN ANTONIO**  
CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT  
DOWNTOWN STREETS - MAIN / SAN PEDRO / NAVARRO PROJECT  
**PARCEL NO. 19444**

THIS DRAWING IS THE PROPERTY OF BAIN MEDINA BAIN, INC. AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF BAIN MEDINA BAIN, INC. BAIN MEDINA BAIN, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS DRAWING FOR ANY PURPOSE AFTER SIX MONTHS FROM THE DATE INDICATED ON THIS DRAWING. ALL RIGHTS RESERVED. COPYRIGHT 2015, BAIN MEDINA BAIN, INC.

DRWN. BY: RA	JOB NO.: S-5497	PROJECT NO.: 40-C0300	DATE: 03-16-2015
			PAGE 3 OF 3

**THE STATE OF TEXAS:  
COUNTY OF BEXAR:**

**Project Name: Downtown Streets  
Main / San Pedro / Navarro Project  
Project Number: 40-00300**

**Parcel No. 19445**

**BEING A 0.055 OF AN ACRE (2,406 SQ. FT.) TRACT OF LAND, OUT OF JACKSON STREET, AS SHOWN ON A PLAT OF JACKSON SUBDIVISION AS RECORDED IN VOLUME 9592, PAGE 136, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AS SHOWN ON THE ACCOMPANYING PARCEL PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a point, (N: 13,708,122.82; E: 2,129,466.52), at the end north of a cutback, at the intersection of the existing east Right of Way line of Jackson Street, a 60 foot right of way, with the existing south Right of Way line of West Quincy Street, a 57.8 foot right of way, both shown on said plat of Jackson Subdivision, for the most northerly west corner of Lot 11, Block 1, NCB 789, Jackson Subdivision, for the most northerly corner of the herein described tract;

**THENCE**, S. 11°00'41" W., 16.86 feet, along said cutback and the west line of said Lot 11, to a point for a corner of said Lot 11, and of the herein described tract;

**THENCE**, S. 34°06'19" E., 184.21 feet, along the existing east Right of Way line of said Jackson Street, with the west line of said Lot 11, to a point for the south corner of said Lot 11, the west corner of Lot 12, Block 1 of said Jackson Subdivision, and for the east corner of the herein described parcel;

**THENCE**, S. 55°46'56" W., 11.90 feet, entering the existing Right of Way of said Jackson Street, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc." in the proposed east Right of Way line of said Jackson Street, for the southwest corner of the herein described parcel;

**THENCE**, N. 34°06'19" W., 196.22 feet, along the proposed east Right of Way line of said Jackson Street, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", for the intersection of the proposed east Right of Way of said Jackson Street and the proposed south Right of Way line of said West Quincy Street, and for the northwest corner of the herein described parcel;

**THENCE**, S. 56°07'23" E., 23.84 feet, with the proposed south Right of Way line of said West Quincy Street, to the Point of Beginning and containing 0.055 of an acre (2,406 sq. ft.) of land more or less.

Bearing based on NAD 83(93), South Central Zone

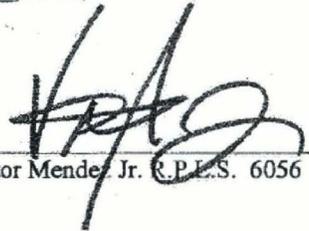
No part of this Parcel has been dedicated previously by Plat or Replat

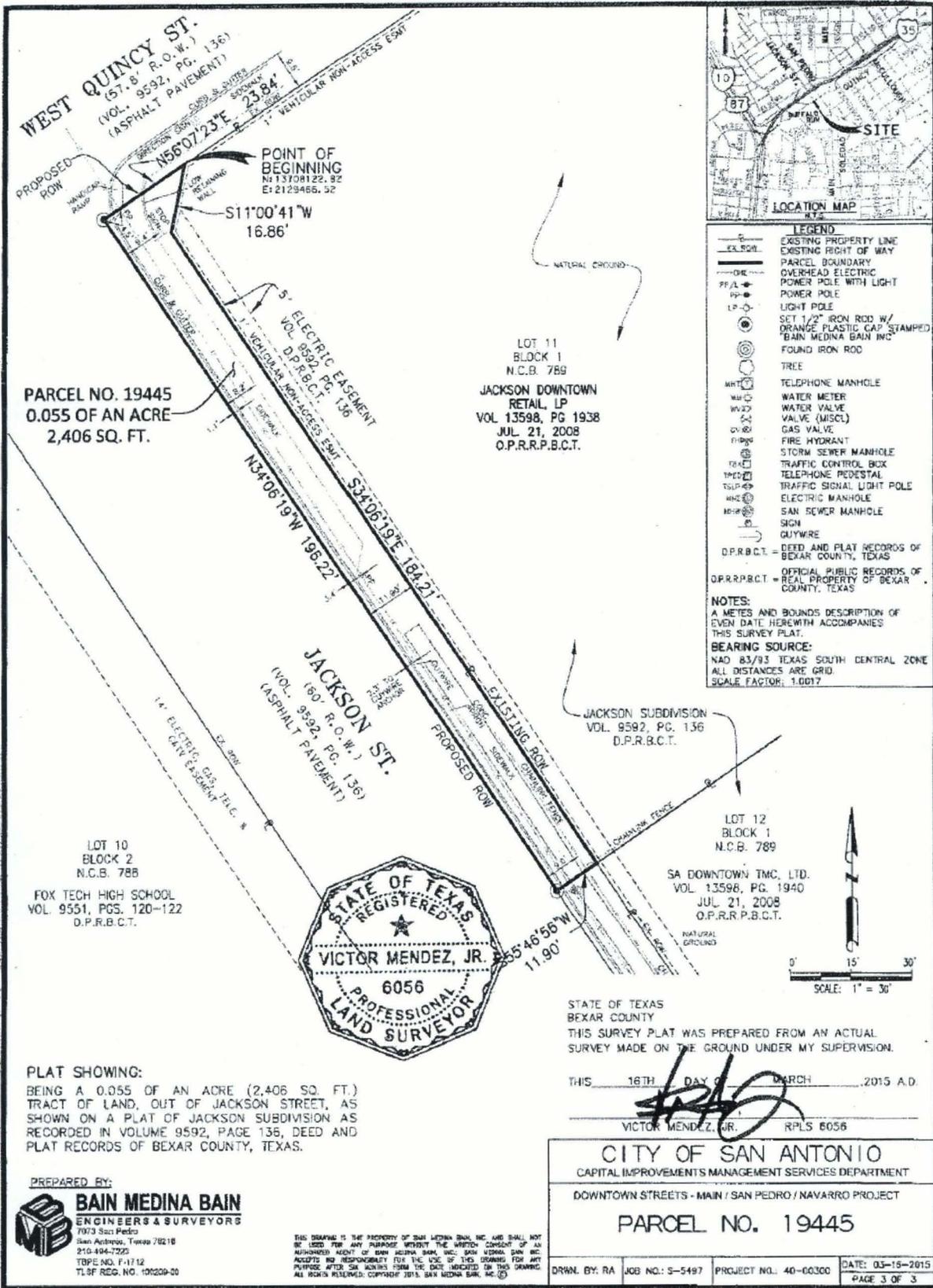
All coordinates are surface using a scale factor of: 1.00017

Plat prepared this day.

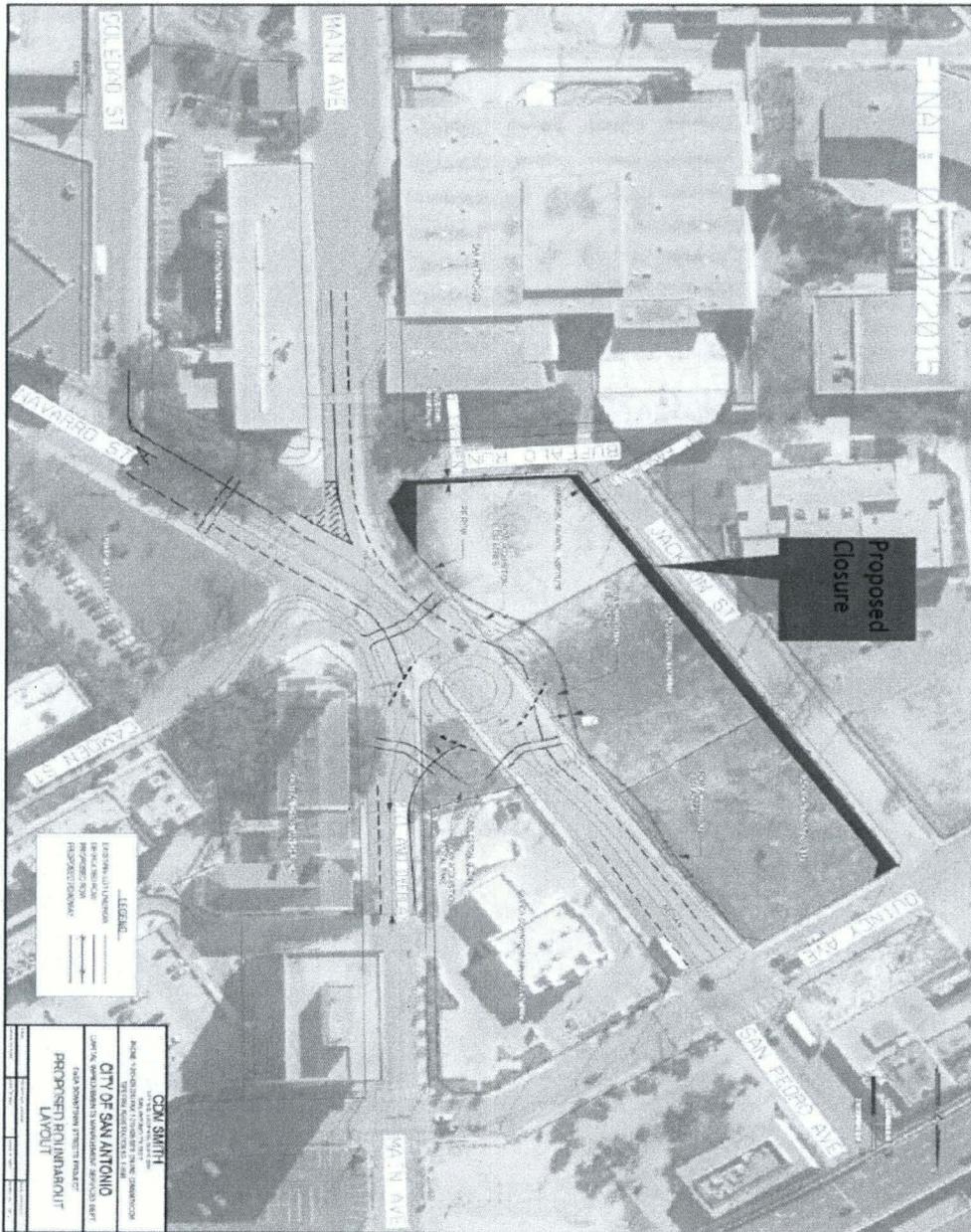
Surveyed on the ground 16<sup>th</sup>, day of March, 2015.  
Plat Prepared by Bain Medina Bain, Inc.



  
Victor Mendez, Jr. R.P.L.S. 6056



Attachment II



**Attachment III**

State of Texas     §  
                          §     **Know All By These Presents:**  
County of Bexar   §

**Street Closure Certificate**

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**Authorizing Ordinance:**

**Affected Right of Way:**

**Consideration:**     \$XX in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

*Predicate Facts:*

The City Council has previously declared the Affected Right of Way to be surplus and has authorized closure, vacation, and abandonment of the Affected Right of Way on the occurrence of certain conditions precedent.

The conditions precedent to closure, vacation, and abandonment have been satisfied.

*Closure, Vacation, and Abandonment:*

1. Under the authority of the Authorizing Ordinance, the Affected Right of Way is hereby closed, vacated and abandoned.
2. This Certificate does not release any public rights in the Affected Right of Way for drainage, water and wastewater lines, electric transmission lines, communication lines of all types, or any other rights except for the right of the public to travel on the Affected Right of Way.
3. This Certificate is effective on the date it is filed in the Official Records of Real Property of Bexar County, Texas.

**In Witness Whereof**, the parties have caused their representatives to set their hands.

**City of San Antonio, Texas,**  
a Texas municipal corporation

By: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved As To Form:**

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

State of Texas        §

County of Bexar     §

This instrument was acknowledged before me this date by \_\_\_\_\_, of the **City of San Antonio**, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

**After Recording, Please Return to:**

City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966  
Bexar County