

AN ORDINANCE

2016-04-07-0239

CLOSING, VACATING, AND ABANDONING APPROXIMATELY 0.076 ACRES OF FIRST STREET, AN UNIMPROVED PORTION OF PUBLIC RIGHT OF WAY IN COUNCIL DISTRICT 2, AS REQUESTED BY CITYBUILD COMMUNITY DEVELOPMENT CORPORATION AND WAIVING ASSOCIATED FEES.

* * * * *

WHEREAS, Citybuild Community Development Corporation is requesting the closure, vacation and abandonment of First Street; and

WHEREAS, First Street is unimproved public right of way; and

WHEREAS, this portion of right of way is surplus to the city's 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. Subject to the reservation below, as an exercise of its discretion the City Council closes, vacates, and abandons the right 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 fee set out below in 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:
1407 North Gevers St., SA, TX 78202	NCB 2862 Blk 37 N 33.7' of Lots 9 &10	PJH Family Trust
343 Gabriel, SA, TX 78202	NCB 2862 Blk 37 S 85' pf Lots 9 &10	Citybuild Community Development Corporation
339 Gabriel, SA, TX 78202	NCB 1312 Blk 15 Lot 10	Citybuild Community Development Corporation

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 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 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.

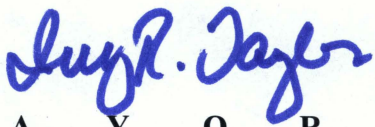
SECTION 7. All fees associated with this closure are waived. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

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 any 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 7th 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

Agenda Item:	10						
Date:	04/07/2016						
Time:	11:25:38 AM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance closing, vacating and abandoning 0.076 acres of unimproved Public Right of Way known as First Street, located between Gabriel Street and Douglas alley in Council District 2, as requested by Citybuild Community Development Corporation, for a fee of \$2,500.00. [Peter Zaroni, Deputy City Manager, Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1	x					
Alan Warrick	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				x
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Attachment I

TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290
TBPLS Firm No. 10164600

FIELD NOTES FOR A 27.80' WIDE STRIP OF LAND 0.076 ACRES (3,313 sqft)

BEING 0.076 acres (3,313 sqft) of land, the portion of FIRST STREET (27.80' wide) between an Alley (15' Public ROW) and GABRIEL STREET (40' Public ROW), BLOCK 37 of Subdivision or Addition known as L-8-R-3-D-1, NEW CITY BLOCK 2862, as shown on the City of San Antonio New City Block Map, Bexar County, Texas (R2), and said 0.760 acres being the same portion of N. GEVERS STREET (27.80' wide) between DOUGLAS ALLEY (15' Public ROW) and GABRIEL STREET (40' Public ROW), BLOCK 12-15-18 of Subdivision or Addition Known as WOODLAWN L-8-R-3-D-1, NEW CITY BLOCK 1312, as shown on the City of San Antonio New City Block Map, Bexar County, Texas (R1), said 0.076 acres being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2" rebar with no identification for the southwest corner of LOT 10, BLOCK 15, NEW CITY BLOCK 1312, the southeast corner of LOT 9, BLOCK 15, NEW CITY BLOCK 1312, on the northern ROW of GABRIEL STREET from which a found 1/2" rebar with no identification bears North 00°00'00" East for 119.38 feet (NORTH for 118.77 feet, R1) along the common lot line of said LOT 10 and said LOT 9, NEW CITY BLOCK 1312 for the northwest corner of said LOT 10, the northeast corner of said LOT 9, NEW CITY BLOCK 1312 on the southern ROW of DOUGLAS ALLEY for reference;

THENCE North 89°21'48" East for 43.00 feet (EAST for 43.00 feet, R1) along the southern boundary of said LOT 10, the northern ROW of GABRIEL to a found 1/2" rebar with plastic cap stamped "TX LANDMARK SURVEYING" for the southwest corner of this tract, the southeast corner of said LOT 9, NEW CITY BLOCK 1312, on the northern ROW of GABRIEL STREET, and the **POINT OF BEGINNING**;

THENCE North 00°05'44" East for 119.25 feet (NORTH for 118.77 feet, R1) along the western boundary of this tract, the eastern boundary of said LOT 10 to a found 1/2" rebar with plastic cap stamped "TX LANDMARK SURVEYING" for the northwest corner of this tract, the northeast corner of said LOT 10 on the southern ROW of DOUGLAS ALLEY;

THENCE North 89°32'24" East for 27.80 feet (EAST for 27.80 feet, R1) along the northern boundary of this tract, the southern ROW of DOUGLAS ALLEY to a found railroad spike for the northeast corner of this tract, the northwest corner of LOT 9, BLOCK 37, NEW CITY BLOCK 2862;

THENCE South 00°05'44" West for 119.17 feet (SOUTH for 118.77 feet, R2) along the eastern boundary of this tract, the western boundary of said LOT 9, NEW CITY BLOCK 2862 to a found 1/2" rebar with plastic cap stamped "TX LANDMARK SURVEYING" for the southeast corner of this tract, the southwest corner of said LOT 9, NEW CITY BLOCK 2862 on the northern ROW of GABRIEL STREET;

THENCE South 89°21'48" West for 27.80 feet (WEST for 27.80 feet, R2) along the southern boundary of this tract, the northern ROW of GABRIEL STREET to the **POINT OF BEGINNING**.

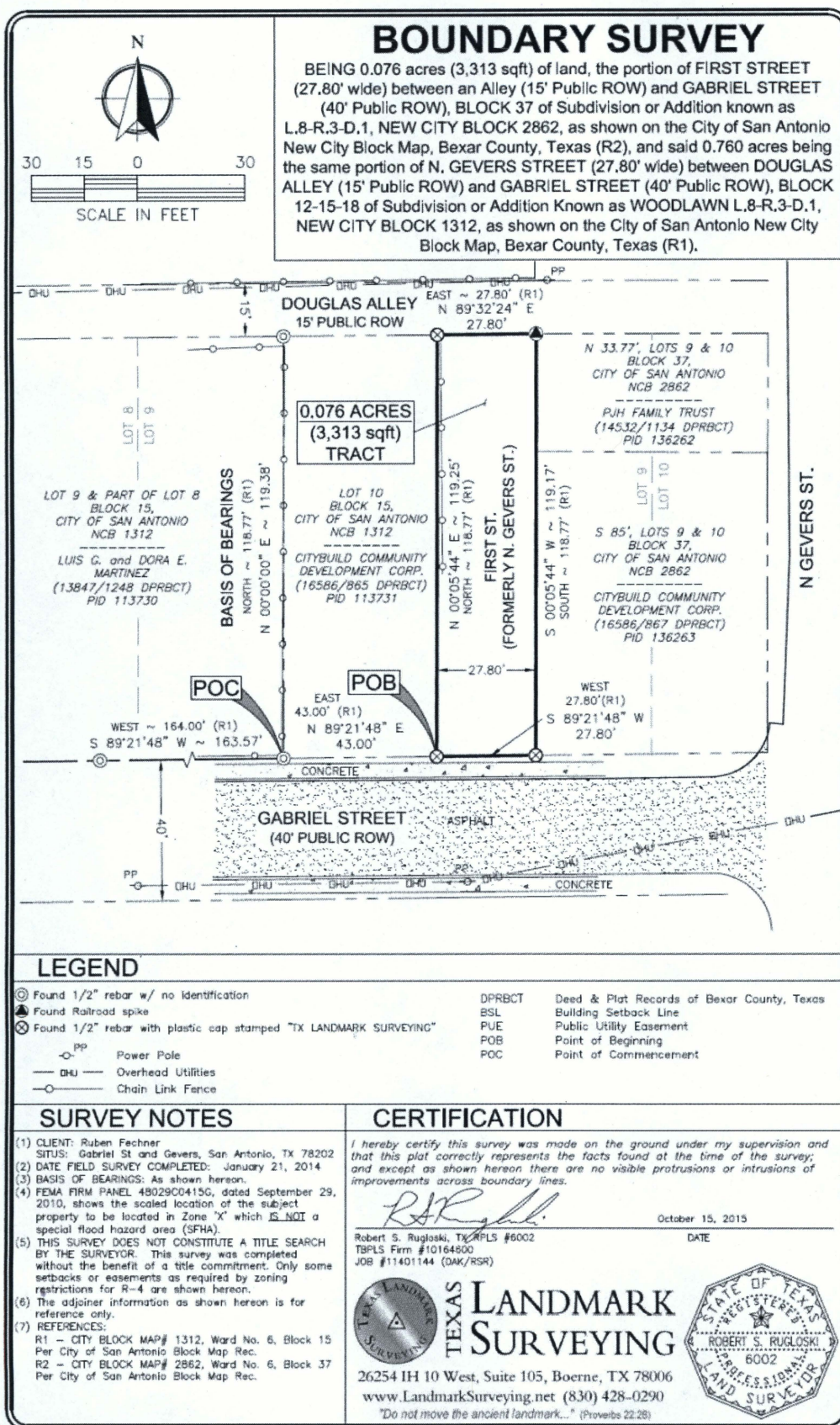
CONTAINING: 0.076 acres (3,313 sqft) of land.



The Basis of Bearings is the common lot line of LOT 10 and LOT 9 of BLOCK 15, NCB 1312, bearing NORTH (North 00°00'00" East). This description was based on a survey made on the ground under my supervision completed on January 21, 2014 from which an exhibit was prepared.

A handwritten signature in black ink, appearing to read "R. S. Rugloski", written over a horizontal line.

Robert S. Rugloski, RPLS #6002
Job #11401144 (DAK/RSR) | October 15, 2015



Attachment II

