

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**CLOSING, VACATING, AND ABANDONING A 1.00 ACRE IMPROVED SEGMENT OF SNELL DRIVE IN COUNCIL DISTRICT 2 AS REQUESTED BY MANHEIM REMARKETING INC FOR A FEE OF \$31,150.00.**

\* \* \* \* \*

**WHEREAS**, Manheim Remarketing, Inc, as an abutting property owner, is requesting the closure, vacation and abandonment of Snell Drive; and

**WHEREAS**, the only other abutting property owner has consented to the abandonment; 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 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.** The detailed description of the Right of Way Segment is set forth on **Attachment II**. Maps and pictures of the Right of Way Segment are set forth on **Attachment I**. 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:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
5666 Snell Dr.	NCB 17978 P-6 Formerly P-3, P-3B, P-3D, P-3E, P-3F, P-3H & CB 5098 P-3B	Manheim Remarketing Inc.
5666 Snell Dr.	NCB 17978 Blk 1 Lot 11	Manheim Remarketing Inc.
2042 Ackerman Rd.	NCB 17978 P-3G	Manheim Remarketing Inc.
5620 Snell Dr.	NCB 17978 P-3C	R C Properties X LLC

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 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 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 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 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 \$31,150.00 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

**APPROVED AS TO FORM:**

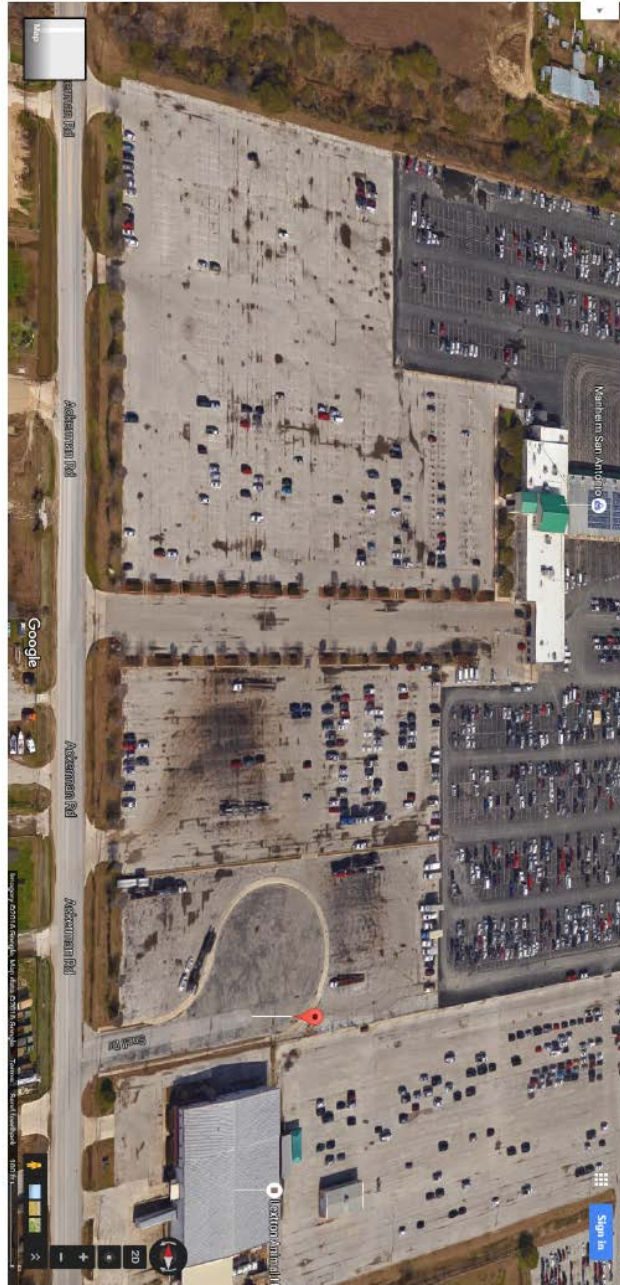
\_\_\_\_\_  
**Leticia M. Vacek, City Clerk**

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

**DRAFT**

## Attachment I

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## Attachment II

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**1.000 ACRES**  
**OF LAND**

1.000 acres of land being the existing right of way of Snell Drive, N.C.B. 17978, City of San Antonio, Bexar County, Texas as shown on the Resubdivision Plat of San Antonio Auto Auction Facility, according to the map or plat thereof recorded in Volume 9537, Page 7, Deed and Plat Records of Bexar County, Texas; said 1.000 acres being more particularly described as follows:

**BEGINNING**, at a found 1/2" iron rod located in the easterly right of way line of Ackerman Road and marking the northerly end of a curve at the intersection of the easterly right of way line of Ackerman Road with the northerly right of way line of Snell Drive;

**THENCE**, along the northerly, easterly and southerly right of way line of Snell Drive, the following course:

Southeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 89deg 59' 33", an arc length of 23.56 feet and a chord bearing: S 45deg 40' 08" E, 21.21 feet, to a found 1/2 inch iron rod;

North 89deg 20' 06" East, a distance of 61.59 feet, to a found 1/2 inch iron rod;

Northeasterly, along the arc of a curve to the left having a radius of 75.00 feet, a central angle of 78deg 27' 53", an arc length of 102.71 feet and a chord bearing: N 50deg 06' 09" E, 94.87 feet, to a found 1/2 inch iron rod;

Southwesterly, along the arc of a curve to the right having a radius of 100.00 feet, a central angle of 258deg 27' 41", an arc length of 451.10 feet and a chord bearing: S 39deg 53' 57" E, 154.92 feet, to a found 1/2 inch iron rod;

South 89deg 19' 58" West, a distance of 233.05 feet, to a found 1/2 inch iron rod;

Southwesterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 89deg 59' 33", an arc length of 23.56 feet and a chord bearing: S 44deg 20' 19" W, 21.21 feet, to a found 1/2 inch iron rod located in the easterly right of way line of Ackerman Road;

**THENCE**, North 00deg 40' 18" West, along the easterly right of way line of Ackerman Road, a distance of 90.00 feet, to the **POINT OF BEGINNING** and containing 1.000 acres (43,543 square feet) of land, more or less.

Basis of Bearings is the Texas State Plane Coordinate System, South Central Zone 4204, NAD 1983.

*James W. Russell 10/5/15*

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