

AN ORDINANCE     **2016-12-08-0966**

**CLOSING, VACATING, AND ABANDONING A 0.007 ACRE IMPROVED  
SEGMENT OF NEWELL AVENUE IN COUNCIL DISTRICT 2 AS  
REQUESTED BY BROADWAY SA INVESTORS FOR A FEE OF  
\$7,545.00.**

\* \* \* \* \*

**WHEREAS**, Broadway SA Investors, as an abutting property owner, is requesting the closure, vacation and abandonment of a portion of Newell Avenue; 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.** 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:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District:</i>
226 Newell Ave	NCB 6326 Blk D Lot 1 thru 4, 7 thru 12 & NW Irr 42.32 Ft of 5 Total: 2.122 Ac	Broadway SA Investors GP 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.

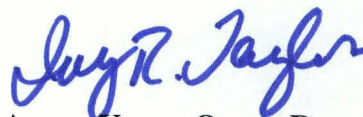
**SECTION 6.** Petitioner shall pay \$7,545.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101 .

**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.

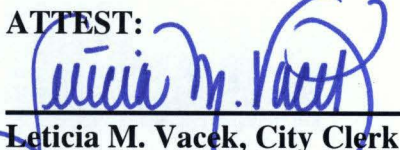
**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.

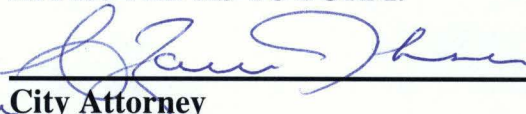
**PASSED AND APPROVED** this 8th day of December, 2016.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
Leticia M. Vacek, City Clerk

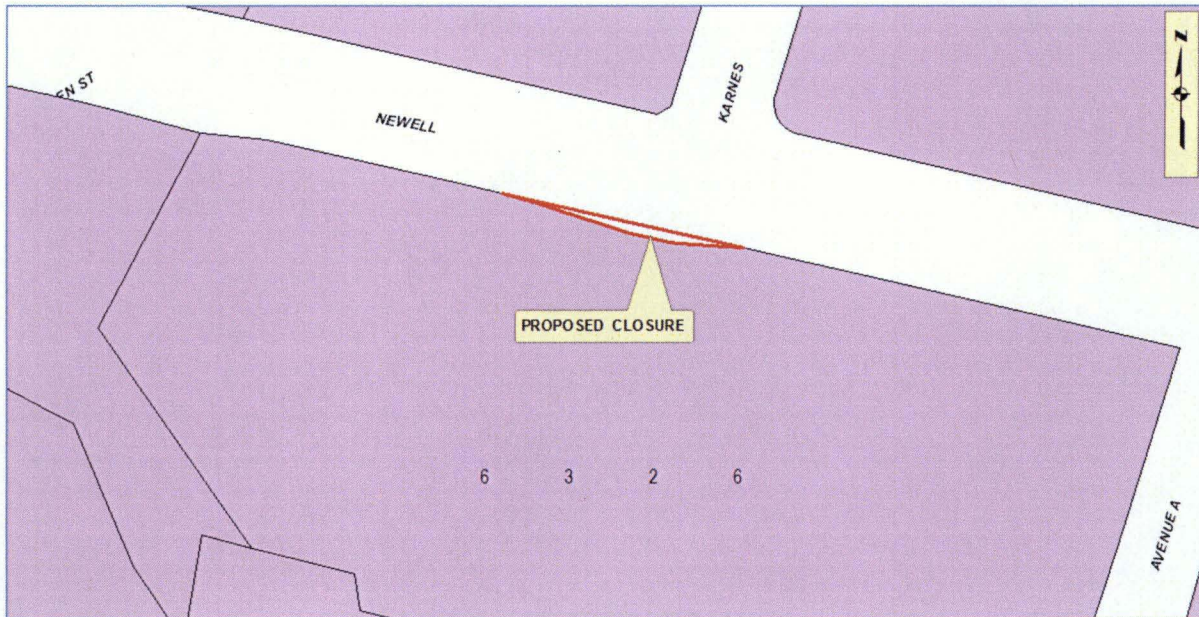
**APPROVED AS TO FORM:**

  
City Attorney

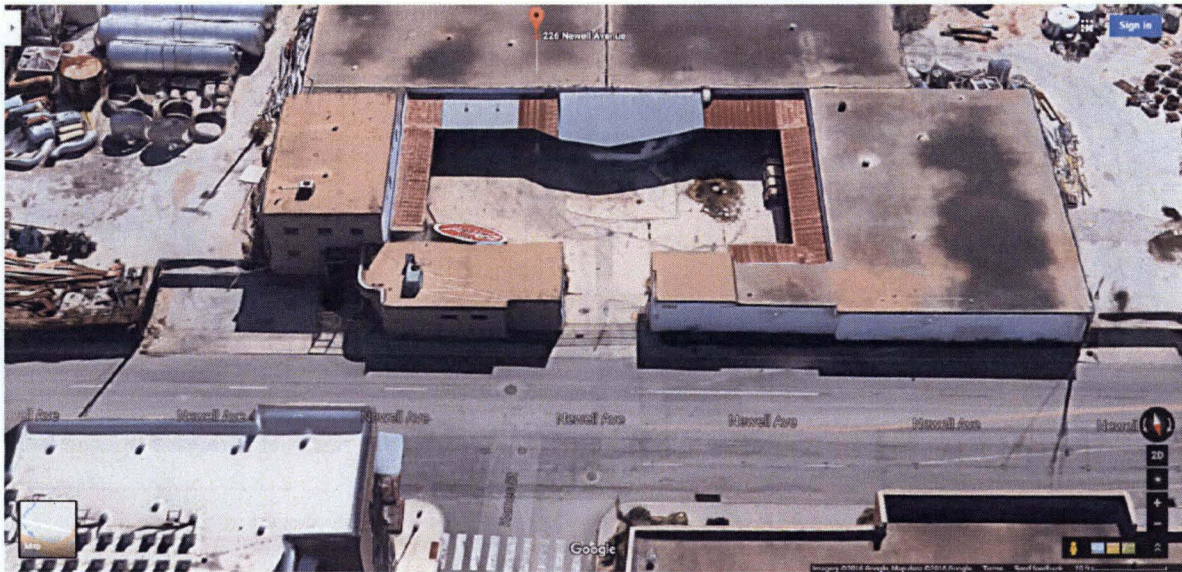
<b>Agenda Item:</b>	<b>15 ( in consent vote: 4, 5, 6, 7, 9, 10, 11A, 11B, 13, 14, 15, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28 )</b>						
<b>Date:</b>	12/08/2016						
<b>Time:</b>	09:19:00 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance closing, vacating and abandoning 0.007 of an acre of Newell Avenue Public Right of Way, abutting 226 Newell Avenue in Council District 1 for a fee of \$7,545.00. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
<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			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				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



## Attachment I







## Attachment II



### METES & BOUNDS DESCRIPTION FOR THE NEWELL AVENUE TRACT 1

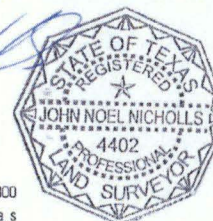
- (1) A 0.007 acre, or 314 square feet more or less, tract of land out of that 0.0657 acre Parcel 2 tract described in lis pendens recorded in Volume 3405, Pages 1420-1423, and out of Lots 7, 8 and 9 of New City Block 6326 of the City of San Antonio, Bexar County, Texas. Said 0.007 acre tract being more 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;
- (2) COMMENCING at the southeast corner of said 0.0657 acre tract, being the current intersection of the south right-of-way line of Newell Avenue, a 55-foot public right-of-way, and Avenue A, a 55.6-foot public right-of-way as established in the Texas Department of Transportation right-of-way map for Interstate Highway 35 in 1985, and the northeast corner of that 2.122 acre tract described in deed to Broadway SA Investors GP, LLC recorded in Volume 14203, Pages 1918-1924 of the Official Public Records of Real Property of Bexar County, Texas and at North 13,708,007.36, and East 2,133,985.22 feet of said coordinate system;
- (3) THENCE: N 77°33'55" E, with a south line of said 0.0657 acre tract, and north line of said 2.122 acre tract, a distance of 210.02 feet to a set ½" iron rod with cap marked "Pape-Dawson" at an angle of said 0.0657 acre tract and said 2.122 acre tract;
- (4) N 86°13'06" W, a distance of 0.40 feet to the POINT OF BEGINNING and east corner of the herein described tract;
- (5) THENCE: With said 2.122 acre tract the following bearings and distances:  
N 86°13'06" W, a distance of 29.97 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";
- (6) N 77°28'19" W, a distance of 23.97 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";
- (7) N 73°14'59" W, a distance of 59.72 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson" at the west corner of the herein described tract from which a set ½" iron rod with cap marked "Pape-Dawson" at an angle of said 0.0657 acre and 2.122 acre tracts bears N 73°14'59" W, a distance of 0.48 feet;
- (8) THENCE: S 77°33'12" E, over and across said 0.0657 acre tract a distance of 113.16 feet to the POINT OF BEGINNING, and containing 0.007 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 9222-14 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: August 15, 2016  
JOB NO. 9222-14, 9215-16  
DOC. ID. N:\Survey14\14-9200\9222-14\Word\9222-14-2016 Newell Tract-1.docx

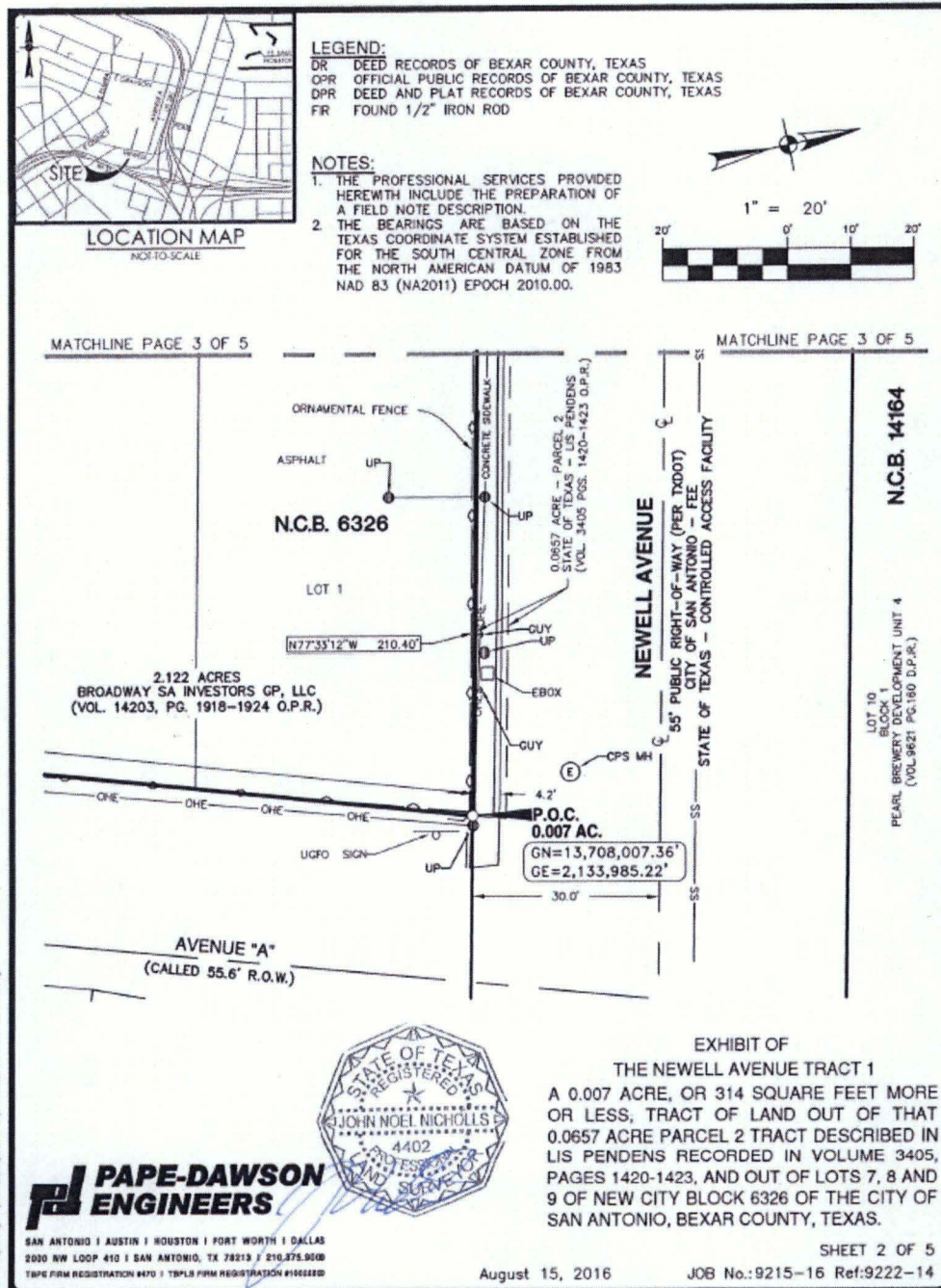
Page 1 of 5

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

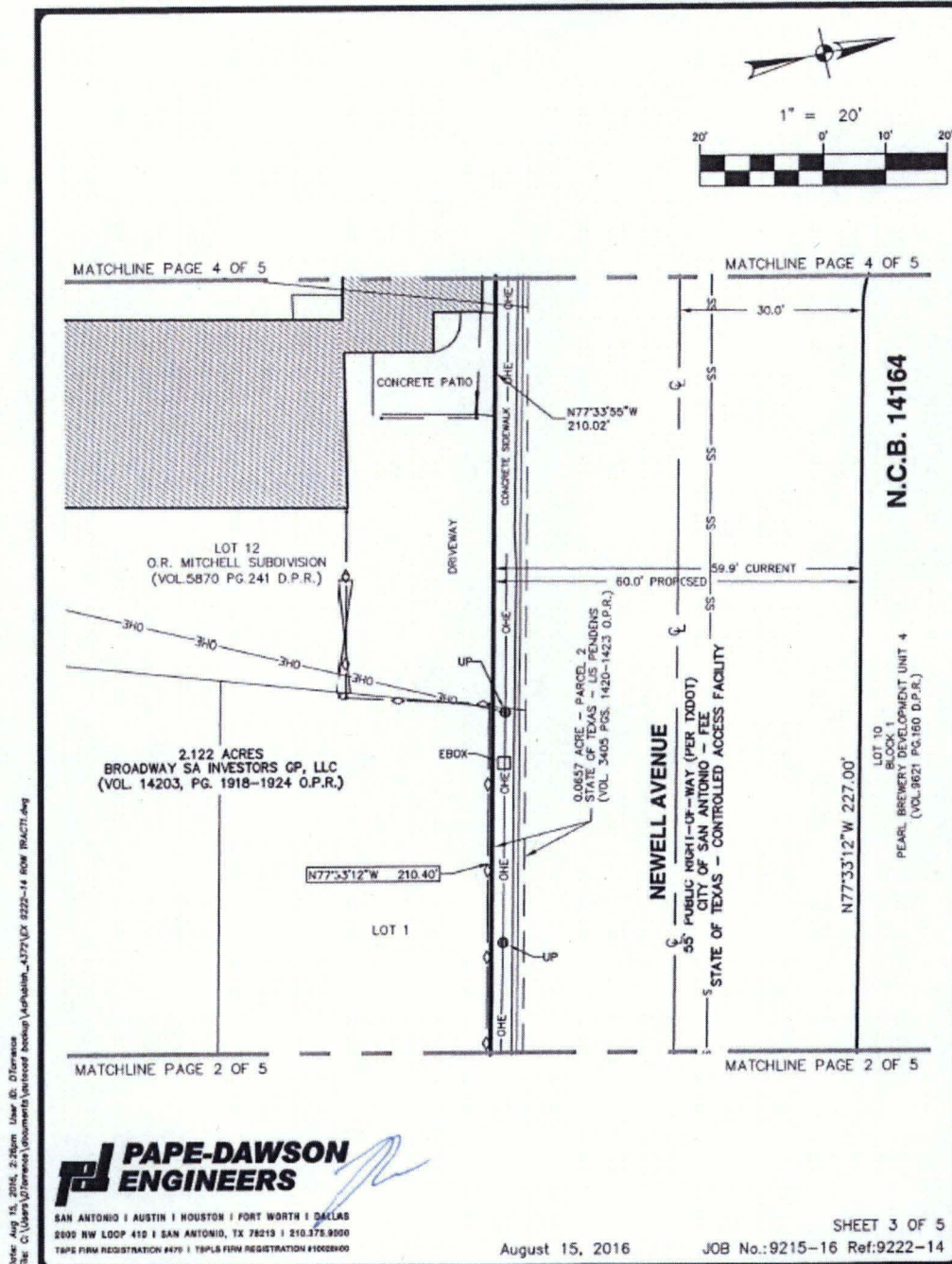
San Antonio | Austin | Houston | Fort Worth | Dallas  
Transportation | Water Resources | Land Development | Surveying | Environmental  
2000 NW Loop 410 San Antonio, TX 78213 T. 210.375.9000 www.Pape-Dawson.com





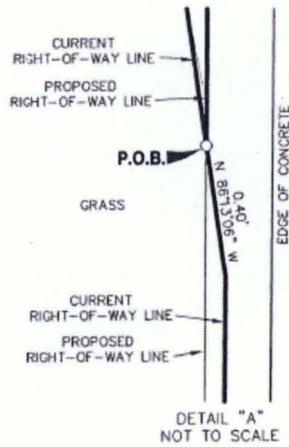
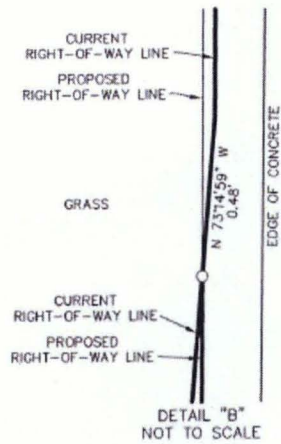


Date: Aug 15, 2016, 2:50pm User ID: D:\pape\14-EX-9222-14 ROW TRACT.dwg  
File: N:\Survey\14-EX-9222-14 ROW TRACT.dwg









**PAPE-DAWSON**  
**ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.8000  
TSPC FIRM REGISTRATION #920 | TSPS FIRM REGISTRATION #10001800

August 15, 2016

JOB No.: 9215-16 Ref: 9222-14

SHEET 5 OF 5

Date: Aug 15, 2016, 2:30pm User ID: 07090000  
File: C:\Users\07090000\Documents\Unlocked\book\9222-14 ROW TRACT1.dwg