



**CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS**

January 2, 2017

Caliburn Capital
c/o Brown & Oritz, P.C.
Attn: Nina Prado
Attorney at Law
112 E. Pecan St., Suite 1360
San Antonio, TX 78205

SUBJECT: S. P. No. 1995—Request to close, vacate and abandon unimproved Blackberry and Lealand Drives Public Rights of Way

Dear Ms. Prado:

With reference to the captioned project, please be advised that the canvassing process has been completed and staff will recommend approval of your request subject to the following conditions:

DEVELOPMENT SERVICES DEPARTMENT

The site must be platted as applicable in accordance with the Unified Development Code (UDC), per Section 35-430. All remaining property must be re-platted to provide lot frontage to a public or private street. Area shall be platted as required. This project will require a tree permit and shall meet the City's minimum tree preservation, tree canopy, landscape and irrigation requirements. See applicable UDC Sections: 35-523, 35-477 and 35-B123.

TRANSPORTATION & CAPITAL IMPROVEMENTS DEPT. (TCI)

The closure, vacation and abandonment of these Public Rights of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closures will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. Petitioner asserts that all evidence of ownership of property abutting the Public Rights of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Rights of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit,

etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

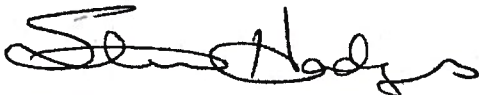
The fee established for this closure is \$120,678.00, which includes the assessed value of \$120,628.00 and \$50.00 for recordation of documents. ***Accordingly, Petitioner agrees to remit a closure fee of \$120,678.00. This closure fee will be due and payable to the City of San Antonio, and is to be submitted with the return of this executed Letter of Agreement.*** If for some reason the closures are not approved by City Council, the closure fee will be refunded.

In addition, a Contracts Disclosure Form and a 1295 Form are required. Please fill out online at <https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>, and https://www.ethics.state.tx.us/whatsnew/elf_form1295.htm, print, sign and notarize accordingly; and submit along with this letter.

This Letter of Agreement is being offered by City of San Antonio only to the Petitioner named here in and will expire thirty (30) days after date of issuance unless a specific extension is requested by the Petitioner and granted by the City.

If Petitioner concurs with the above mentioned conditions, please countersign this letter in the spaces provided below and return to Ms. Martha Almeria at the above address. *Upon receipt of this executed Letter of Agreement, the Disclosure and 1295 forms and the closure fee, we will continue processing your request with hearings before the Planning Commission and City Council.*


Sincerely,



Steve Hodges
Real Estate Manager
Transportation & Capital Improvements

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER: CALIBURN CAPITAL



By Paul S. Covey
Print Name
1/23/17
Date