

AN ORDINANCE **2017-04-06-0200**

AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.069 ACRE UNIMPROVED PUBLIC ALLEY LOCATED BETWEEN ALLING STREET AND APPLER STREET IN COUNCIL DISTRICT 2 AS REQUESTED BY NORTH ALAMO PROPERTIES LLC FOR A FEE OF \$81,575.00.

* * * * *

WHEREAS, North Alamo Properties LLC ("Petitioner") owns, or has agreement from the owners, abutting the proposed closure; 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 authorizes the closure, vacation, and abandonment of 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:

Address:	Description:	Owner Listed by Bexar Appraisal District :
2100 Broadway	NCB 1763 Blk 33 Lot 1	North Alamo Properties LLC
2106 Broadway	NCB 1763 Blk 33 Lot 2	Carlos Roberto Architect PLLC
2110 Broadway	NCB 1763 Blk 33 Lot 3	North Alamo Properties LLC
2112 Broadway	NCB 1763 Blk 33 Lot 4	North Alamo Properties LLC
2122 Broadway	NCB 1763 Blk 33 Lot 5 & 6	Kreusel Elizabeth Kocian
100 Appler	NCB 1763 Blk 33 Lot 7, 8, 9, 10 & N 25 ft of 11	North Alamo Properties LLC
117 Alling	NCB 1763 Blk 33 Lot W 50 ft of S 25 ft of 11 & W 50 ft of 12	North Alamo Properties LLC
121 Alling	NCB 1763 Blk 33 Lot S 25 ft of E 50 ft of 11 & E 50 ft of 12	North Alamo Properties 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 drainage, 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 realigned within the Right-of-Way segment) 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 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 \$81,575.00 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.

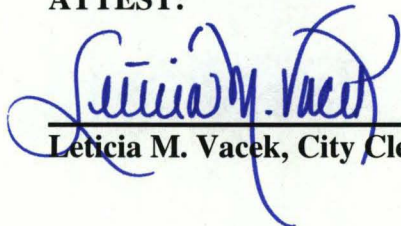
SECTION 9. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 6th day of April, 2017.



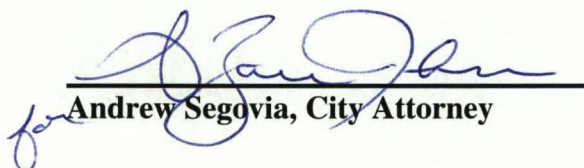
M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	8						
Date:	04/06/2017						
Time:	09:52:32 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the closure, vacation and abandonment of a 0.069 acre unimproved alley located between Alling Street and Appler Street in Council District 2 as requested by North Alamo Properties LLC for a fee of \$81,575.00. [Peter Zanoni, 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				
Joe Krier	District 9	x					
Michael Gallagher	District 10		x				x

Attachment I

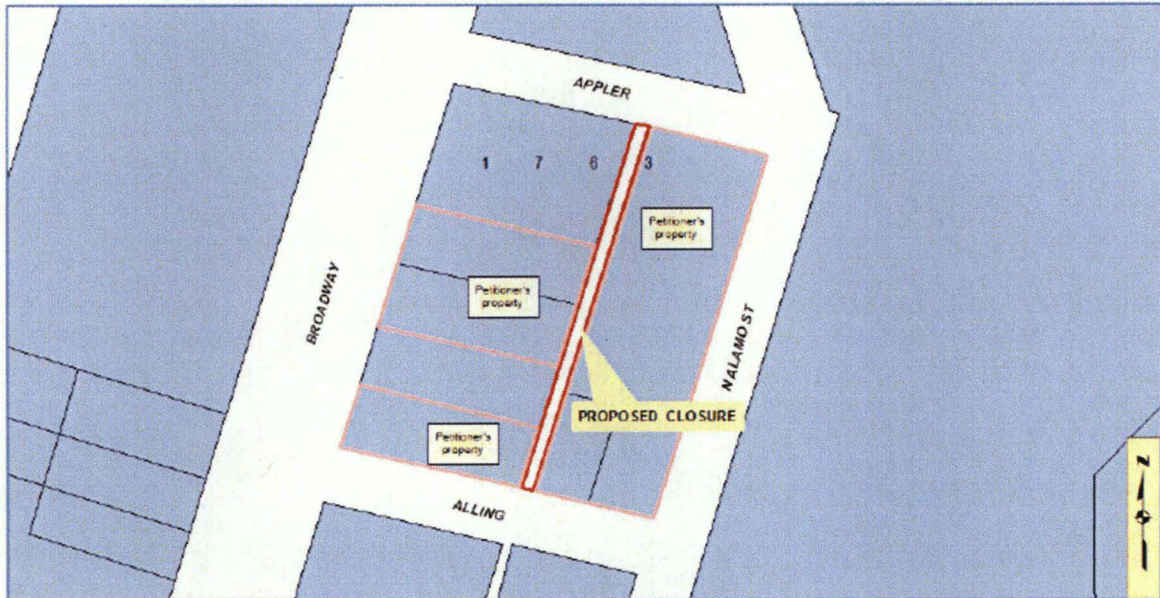


Exhibit A

S. P. No. 1945

Petitioner: North Akano Properties, LLC

Attachment II



METES AND BOUNDS DESCRIPTION
FOR A
0.069 OF AN ACRE TRACT OF LAND

Being a 0.069 of an acre tract of land, and being a 10 strip of land (Alley) located in Block 33, New City Block (N.C.B.) 1763, in the City of San Antonio, and being located between Appler Street and Alling Street, and being more particularly described as follows:

BEGINNING at a ½" iron pin set in the Southwesterly line of Appler Street, and being the Northeast corner of Lot 6, Block 33, N.C.B. 1763, as conveyed to Elizabeth Kocian and recorded in Volume 5439 Page 830 of the Official Public Records of Bexar County, Texas;

THENCE with the Southwesterly right-of-way line of Appler Street, S 77° 17' 52" E a distance of 10.03 feet to a ½" iron pin found for the Northwesterly corner of Lot 7, Block 33, N.C.B. 1763, as conveyed to North Alamo Properties LLC. and recorded in Volume 16725 Page 1871 of the Official Public Records of Bexar County, Texas;

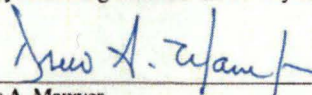
THENCE departing Appler Street and with the Southeasterly line of said Alley, and with the Northwesterly lines of Lot 7, Lot 8, Lot 9, Lot 10, and a portion of Lot 11, N.C.B. 1763, as recorded in Volume 16725 Page 1871 of the Official Public Records of Bexar County, Texas, and continuing with the Northwesterly lines of Lot 11, and Lot 12 of said N.C.B. 1763 as recorded in Volume 16706 Page 1355 of the Official Public Records of Bexar County, Texas, S 17° 12' 50" W a distance of 300.57 feet to a ½" iron pin found in the Northeasterly line of Alling Street, the Southwesterly corner of said Lot 12;

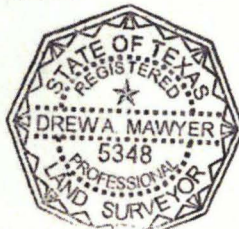
THENCE with the Northeasterly right-of-way line of Appler Street, N 77° 16' 09" W a distance of 10.03 feet to a ½" iron pin set for the Southeasterly corner of Lot 1, Block 33, N.C.B. 1763, as conveyed to said North Alamo Properties LLC., and recorded in Volume 17233 Page 1453 of the Official Public Records of Bexar County, Texas;

THENCE departing Alling Street and with the Northwesterly line of said Alley, and with the Southeasterly line of said Lot 1, and continuing with Lot 2, as conveyed to Roberto Carlo Architect, and recorded in Volume 13224, Page 826 of the Official Public Records of Bexar County, Texas, Lot 3 and Lot 4 as conveyed to said North Alamo Properties LLC., and recorded in said Volume 17233 Page 1453 of the Official Public Records of Bexar County, Texas, continuing with Lot 5 and Lot 6 as conveyed to Elizabeth Kocian and recorded in Volume 5439 Page 830 of the Official Public Records of Bexar County, Texas, N 17° 12' 50" E a distance of 300.57 feet to the POINT OF BEGINNING and containing a 0.069 of an acre of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D. 1983.

Surveyed on the ground this the 14th day of September, 2016.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
SA_DAM-MLV_2016 Projects\BRD108-ALLEY.doc





BEING A 0.069 OF AN ACRE TRACT OF
LAND, AND BEING A 10 STRIP OF LAND
(ALLEY) LOCATED IN BLOCK 33, NEW CITY
BLOCK (N.C.B.) 1763, IN THE CITY OF SAN
ANTONIO, BEXAR COUNTY, TEXAS AND
BEING LOCATED BETWEEN APPLER STREET
AND ALLING STREET.

LEGEND:

○ = (IPS) SET 1/2" IRON PIN W/ A PLASTIC
CAP STAMPED "DAM #5348 PROP. COR."
UNLESS OTHERWISE NOTED

● = (IRF) FND 1/2" OVERHEAD ELECTRIC
UNLESS OTHERWISE NOTED

— = ONE

⊙ = POWER POLE

Y = GUY WIRE

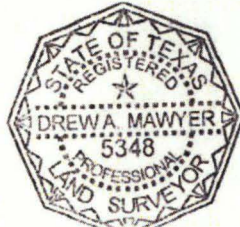
⊞ = LIGHT POLE

NOTE:

1. THE PROPERTY IS LOCATED WITHIN THE
EXISTING SPECIAL FLOOD HAZARD ZONE X.
OTHER FLOOD AREAS, AREAS DETERMINED TO
BE OUTSIDE THE 0.2% ANNUAL CHANCE
FLOODPLAIN, AS DEFINED BY THE COMAL
COUNTY, TEXAS COMMUNITY PANEL NUMBER
48029C0405G, REVISED SEPTEMBER 29, 2010
AS PREPARED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY.
2. BEARING BASED ON THE TEXAS STATE PLANE
COORDINATE SYSTEM, TEXAS SOUTH CENTRAL
ZONE (4204), NORTH AMERICAN DATUM 1983.

D-A MAWYER
LAND SURVEYING
132 CADDELL LANE
NEW BRAUNFELS, TX 78130
PH: (830)632-5092
drew@mawyer-dl.com
FIRM #0101500

DATE: XXXXX 2016, JOB XXXXX



SURVEYOR CERTIFICATION

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS
SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND
SPECIFICATIONS FOR A CATEGORY 1B, CONDITION II SURVEY.

THIS 16 DAY OF Sept 2016

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

