

AN ORDINANCE **2017-05-04-0295**

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.2834 ACRE UNIMPROVED PORTION OF JUNE AVENUE LOCATED BETWEEN DIGNOWITY AVENUE AND RUNNELS AVENUE IN COUNCIL DISTRICT 2 AS REQUESTED BY UNIVERSITY HEALTH SYSTEM FOR A FEE OF \$9,742.00.**

\* \* \* \* \*

**WHEREAS**, Bexar County Hospital District doing business as University Health System ("Petitioner") owns or has agreement from the owners abutting the property surrounding the proposed closure; and

**WHEREAS**, Petitioner is building a clinic that will provide primary care for adults and children to include immunizations, cancer screenings, women's health and mental health; and

**WHEREAS**, this portion of alley 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 :
601 RUNNELS	NCB 1206 BLK 9 LOT 1 THRU 16	BEXAR COUNTY HOSPITAL DISTRICT
2666 DIGNOWITY AVE	NCB 1205 BLK 12 LOT 17	PEREZ ERNESTINE
527 RUNNELS AVE	NCB 1205 BLK 12 LOT 19	REYNA RAMON ETAL

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 \$9,742.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 22300000253 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.

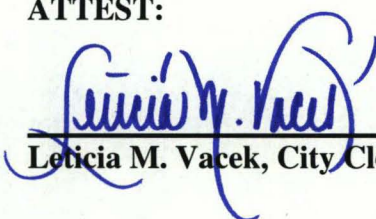
**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 4th day of May, 2017.

  
for M A Y O R  
Ivy R. Taylor

**ATTEST:**

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

**APPROVED AS TO FORM:**

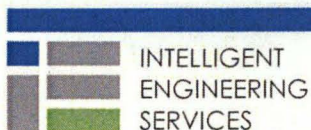
  
\_\_\_\_\_  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>8 ( in consent vote: 4, 5, 6, 7A, 7B, 7C, 8, 12, 15 )</b>						
<b>Date:</b>	05/04/2017						
<b>Time:</b>	09:34:32 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the closure, vacation and abandonment of a 0.2834 acre unimproved portion of June Avenue located between Dignowity Avenue and Runnels Avenue in Council District 2 as requested by University Health System for a fee of \$9,742.00. [Peter Zanoni, 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				
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				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 AND BOUNDS FOR 0.2834 ACRES

**BEING** 0.2834 acres of land (12,345 sf) consisting of June Avenue between Runnels Avenue on the south and Dignowity Avenue on the north and between New City Blocks (N.C.B.) 1205 and 1206 in the City of San Antonio, Bexar County, Texas, said 0.2834 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a set  $\frac{1}{2}$ " iron rod with yellow cap stamped IES RPLS 4905 on the south line of Dignowity Avenue, (a 50 foot wide right-of-way) for the northeast corner of Lot 17, Block 12, N.C.B. 1205 as shown on a plat of the Government Heights Addition of record in Volume 8000 Page 1 of the Deed and Plat Records of Bexar County, Texas and being the northwest corner of the tract described herein;

**THENCE:** N  $76^{\circ} 29' 40''$  E, a distance of 74.88 feet, with the south right of way line of Dignowity Avenue, to the point of intersection with the east right-of-way line of June Avenue for the northeast corner of the herein described tract, from which a found  $\frac{1}{2}$ " iron rod with Pape-Dawson cap on the south line of Dignowity Avenue bears N  $76^{\circ} 29' 40''$  E, a distance of 404.47 feet;

**THENCE:** S  $19^{\circ} 36' 40''$  W, a distance of 45.47 feet, departing the south line of Dignowity and with the east line of June Avenue to the point of intersection with a line parallel with and 50 feet east of the west right-of way line of June Avenue;

**THENCE:** S  $00^{\circ} 25' 22''$  E, a distance of 200.87 feet, with the east line of June Avenue to the point of intersection with the north right-of-way line of Runnels Avenue (a 50 foot wide right-of-way), for the southeast corner of the herein described tract;

**THENCE:** S  $76^{\circ} 37' 25''$  W, a distance of 64.04 feet, with the north line of Runnels Avenue, to a set  $\frac{1}{2}$ " iron rod with yellow cap stamped IES RPLS 4905 for the southeast corner of Lot 19, Block 12, N.C.B. 1205 as shown on a plat of the Government Heights Addition of record in Volume 8500 Page 116 of the Deed and Plat Records of Bexar County, Texas and being the southwest corner of the tract described herein, from which a found  $\frac{1}{2}$ " square axle rod on the south line of Runnels Avenue bears S  $20^{\circ} 05' 30''$  W a distance of 59.95 feet;

**THENCE:** with a non-tangent curve to the left having a radius of 16.00 feet, a central angle of  $77^{\circ} 02' 23''$ , an arc length of 21.51 feet and a chord bearing and distance of N  $38^{\circ} 05' 50''$  E, 19.93 feet, to a set  $\frac{1}{2}$ " iron rod with yellow cap stamped IES RPLS 4905 for a point of tangency;

**THENCE:** N  $00^{\circ} 25' 22''$  W, a distance of 219.56 feet, with the west line of June Avenue and east line of said Lots 19 and 12, to a set  $\frac{1}{2}$ " iron rod with yellow cap stamped IES RPLS 4905 for a point of curvature;

**THENCE:** with a curve to the left having a radius of 6.00 feet, a central angle of  $103^{\circ} 04' 58''$ , an arc length of 10.80 feet and a chord bearing and distance of N  $51^{\circ} 57' 512''$  W, 9.40 feet, to the POINT OF BEGINNING and containing 0.2834 acres of land in the City of San Antonio, Bexar County, Texas. Survey exhibit provided herewith. Basis of bearings is NAD83(2011) Texas State Plane South Central Zone.

Date Surveyed: February 24, 2017

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TBPLS Firm No 10194116

