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CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

October 31, 2017

BBRH, LLC, a Texas limited liability company
C/o: Big Red Dog Engineering Consulting
Attention: Taylor Allen
5710 W. Hausman (Suite 115)
San Antonio, Texas 78249

S.P. No. 2040 – A. Request to close, vacate and abandon an unimproved portion of a 15-foot wide alley Public Right of Way located between Sharmain Place and a 20-foot wide alley public right of way adjacent to New City Block 9330 B. Request to close vacate and abandon a portion of an unimproved portion of a 20-foot wide alley Public Right of Way located between Pleasanton Road and Oppenheimer Avenue adjacent to New City Block 9330

Dear Mr. Allen:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of the request subject to the following conditions:

DEVELOPMENT SERVICES DEPARTMENT: Provided proper permits are obtained (see applicable UDC Sections: 35-506, 35-515, 35-523, 35-477 and 35-B123). The property must be platted, as applicable, in the in the Unified Development Code, per section 35-430. Please note there are platting exceptions that may apply, please see the enclosed information Bulletin: <https://webapps1.sanantonio.gov/dsddocumentscentral/upload/IB531.pdf>

DEPARTMENT OF TRANSPORTATION & CAPITAL IMPROVEMENTS (TCI): **Program Management (David McBeth 207-6342):** Comply with any easement requirements for existing utilities that may be in the alley.

Environmental (John Cantu 207-1450): It is the Buyer's responsibility to conduct the due diligence process (environmental assessments) for this area. The City does not warranty that environmental impacts are not to be encountered when disturbing the land. The City shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue.

Right of Way (Ron Dominguez 207-6949): Contact and confirm with all utilities that there are no conflicts.

The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closure 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 Right 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 Right 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 closure fee established for this request is \$10,709.00, which includes the assessed value of the Public Rights of Way of \$10,609.00 (based on surrounding Bexar Appraisal District land values) plus \$100.00 for the recording fees. However, staff will recommend to City Council that 25% of the closure fee be waived since an application for the Inner City Revitalization / Infill Policy (ICRIP) has been approved. Petitioner agrees to pay a closure fee of \$8,031.75. The closure fee will be due and payable to the City of San Antonio prior to City Council consideration.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named below 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 you concur with the above mentioned conditions, please countersign this letter in the space provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$8,031.75, a Contracts Disclosure Form (to be completed on the <http://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf> website link then printed and signed) and Form 1295 (located at <http://www.ethics.state.tx.us/dfs/1295Certificates.html> and emailed to ethics@sanantonio.gov), we will continue processing your request.

Sincerely,

Steve Hodges
Real Estate Manager

 11/10/2017

BRUCE F. FINLEY
BBRH LLC

AGREED AS TO TERMS AND CONDITIONS:

By: 

Title:

Real Estate Manager

Date:

11-3-17