

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

AN ORDINANCE

**CLOSING, VACATING, AND ABANDONING A 0.0169 ACRE
UNIMPROVED SEGMENT OF A 15 FOOT ALLEY LOCATED
BETWEEN SHARMAIN PLACE AND SUNGLO DRIVE AND A 0.0914
ACRE UNIMPROVED SEGMENT OF A 20 FOOT WIDE ALLEY
LOCATED BETWEEN PLEASANTON ROAD AND OPPENHEIMER
AVENUE IN COUNCIL DISTRICT 3 AS REQUESTED BY BBRH LLC
FOR A FEE OF \$8,031.75.**

* * * * *

WHEREAS, BBRH, LLC, (“Petitioner”) owns or has agreement from the owners abutting the property surrounding the proposed closure; 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 closes, vacates, and abandons the right of way segments (“Right of Way Segments”) 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 Segments are set forth on **Attachment I**. The detailed description of the Right of Way Segments, identified as A and B are 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.

The properties abutting the Right-of-Way Segments are:

<u>Address</u>	<u>Description</u>	<u>Owner Listed by Bexar County Appraisal District</u>
114 Sharmain Place , San Antonio, Texas 78221	NCB 9330 BLK 46 LOT 7	BBRH, LLC
2613 Pleasanton Road, San Antonio, Texas 78221	NCB 9330 BLK 46 LOTS 24 and 25	BBRH, LLC

111 Sunglo Drive, San Antonio, Texas 78221	NCB 9330 BLK 46 LOTS 13 and 14	BBRH, LLC
107 Sunglo Drive, San Antonio, Texas 78221	NCB 9330 BLK 46 LOT 12	BBRH, 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 3. Reservation of Utility Rights. All presently existing drainage, sewer, 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 4. 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 5. This property is within the City of San Antonio Inner City Reinvestment/Infill Policy (ICRIP) area. Per that policy, which has been approved by the city council, the proposed fee for this closure is reduced by 25%. Petitioner shall pay \$8,031.75 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 6. 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 7. 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 8. 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 _____ day of January, 2017.

M A Y O R
Ron Nirenberg

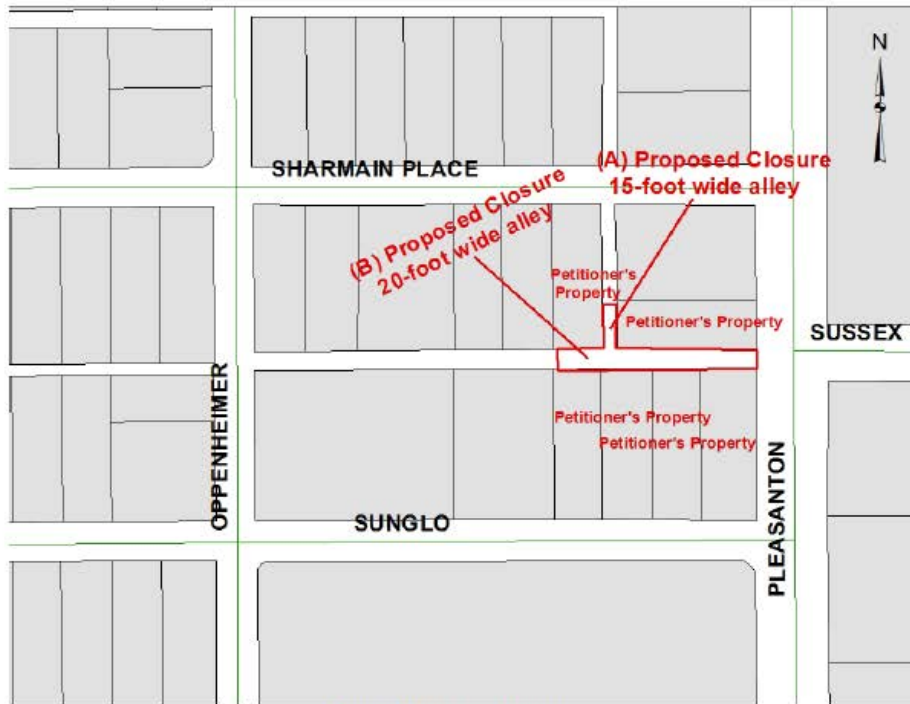
ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

Attachment I



Map of Proposed Closures



Aerial Map of Proposed Closures



Dye Enterprises
Engineers • Surveyors • Planners
TBPE, Firm Registration F-2257
TBPLS, Firm Registration 10087900

D. Scott Dye, P.E., R.P.L.S.

**15' ALLEY ABANDONMENT (A)
SAN ANTONIO, BEXAR COUNTY, TEXAS**

BEING 0.0169 acre (735 sq. ft.) of land out of a 15 foot wide alley, in the City of San Antonio, Bexar County, Texas, situated in Block 46, N.C.B. 9330, Mayfield Park, Seventh Filing, as recorded in Volume 980, Page 206 of the Deed and Plat Records, Bexar County, Texas; said alley being more particularly described by metes and bounds as follows. The recorded plat of Mayfield Park does not provide any bearings, therefore the bearings for this legal description are based on the assumption that Pleasanton Road is running due north and south:

BEGINNING: at a 1/2" steel rebar found for the southeast corner of Lot 7 of said subdivision and the southwest corner of this herein described tract;

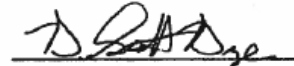
THENCE: North 00°00'00" West, along the east line of said lot 7 and the west line of said 15 foot alley, a distance of 49.00 feet to a point for the northwest corner of this herein described tract;

THENCE: North 90°00'00" East, upon, over and across said 15 foot alley, a distance of 15.00 feet to a point on the west line of Lot 24 of said subdivision and the northeast corner of this herein described tract;

THENCE: South 00°00'00" East, along the east line of said 15 foot alley and the west line of Lots 24 and 25 of said subdivision, a distance of 49.00 feet to a point for the southwest corner of said Lot 25, the southeast corner of this herein described tract, and the north line of a 20 foot alley of said subdivision;

THENCE: South 90°00'00" West, along the north line of said 20 foot alley, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 0.0169 acre (735 square feet) of land.

An Exhibit prepared this same date is attached and is a part of this Legal Description.



D. Scott Dye, R.P.L.S. #5315
Job #060035.01
Date: July 17, 2017
Rev. August 22, 2017



Z:\2016\160035-01 Pleasanton Rd 2627 - Smkhee BBQ (Alley)\Legal Description\160035-01 Pleasanton Rd 2627 - Smkhee BBQ (15' Alley) doc

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Dye Enterprises

Engineers • Surveyors • Planners

TBPE, Firm Registration F-2257

TBPLS, Firm Registration 10087900

D Scott Dye, P.E., R.P.L.S.

20' ALLEY ABANDONMENT (B) SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING 0.0914 acre (3,980 sq. ft.) of land out of a 20 foot wide alley, in the City of San Antonio, Bexar County, Texas, situated in Block 46, N.C.B. 9330, Mayfield Park, Seventh Filing, as recorded in Volume 980, Page 206 of the Deed and Plat Records of Bexar County, Texas; said alley being more particularly described by metes and bounds as follows. The recorded plat of Mayfield Park does not provide any bearings, therefore the bearings for this legal description are based on the assumption that Pleasanton Road is running due north and south:

BEGINNING: at a point on the west right-of-way line of Pleasanton Road (80 feet wide) for the northeast corner of Lot 11 of said subdivision and the southeast corner of this herein described tract;

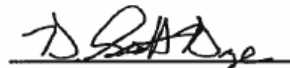
THENCE: South 90°00'00" West, departing said west right-of-way line of Pleasanton Road along the north line of Lots 11 through 14 of said subdivision, a distance of 199.00 feet to a point for southwest corner of this herein described tract, and being North 90°00'00" East, a distance of 1.00 feet from the north common corner of Lots 14 and 15 of said subdivision;

THENCE: North 00°00'00" West, upon, over, and across said 20 foot alley, a distance of 20.00 feet to a point on the north line of said 20 foot alley and the south line of Lot 7 of said subdivision for the northwest corner of this herein described tract, said point being North 90°00'00" East, a distance of 1.00 feet from a 1/2 inch steel rebar found for the south common corner of Lots 6 and 7 of said subdivision;

THENCE: North 90°00'00" East, with the north line of said 20 foot alley, the south line of said Lot 7, the south line of a 15' alley, and Lot 25 of said subdivision, a distance of 199.00 feet to a point on said west right-of-way line of Pleasanton Road for the southeast corner of said Lot 25 and the northeast corner of this herein described tract;

THENCE: South 00°00'00" East, along the west right-of-way line of said Pleasanton Road, a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.0914 acre (3,980 square feet) of land.

An Exhibit prepared this same date is attached and is a part of this Legal Description.



D. Scott Dye, R.P.L.S. #5315

Job #060035.01

Date: July 17, 2017

Rev.: August 22, 2017



Z:\2016\160035-01 Pleasanton Rd 2627 - Smihse BBQ (Alleys)\Legal Description\160035-01 Pleasanton Rd 2627 - Smihse BBQ (20' Alley) doc

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