

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

**AN ORDINANCE**

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF  
0.146 OF AN ACRE OF UNIMPROVED APPLEWHITE STREET PUBLIC  
RIGHT OF WAY, LOCATED BETWEEN 1602 SOUTH FLORES STREET  
AND 202 PETERS 1, IN COUNCIL DISTRICT 5, AS REQUESTED BY  
SOFLO OF SA LLC, FOR A FEE OF \$48,355.00.**

\* \* \* \* \*

**WHEREAS**, SOFLO OF SA LLC (Petitioner) is requesting the closure, vacation, and abandonment of an unimproved 0.146 of an acre (6,356) square feet of Applewhite Street public right-of-way in City Council District 5; and

**WHEREAS**, the proposed closure allows Petitioner, as sole abutting property owner, to combine and plat the properties into a unified parcel of land, which would facilitate future development of the site, currently zoned as I-1 General Industrial District and I-2 Heavy Industrial District; and

**WHEREAS**, City procedures for the sale or disposition of City-owned or controlled real property have been followed, including collection of \$48,355.00 in fees consisting of \$48,305.00 utilizing Bexar County Appraisal District assessed land values combined with a \$50.00 administrative cost and most recently, Planning Commission approval at the March 28, 2018 regular meeting; and

**WHEREAS**, City Council authorization is now necessary. **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City finds that the subject right-of-way ("Right-of-Way Segment") is no longer essential to the safe and efficient flow of traffic in the area in which the right of way is located. As an exercise of its authority, the City Council hereby authorizes the closure, vacation, and abandonment of the right-of-way ("Right-of-Way Segment") identified in Section 2 immediately below.

**SECTION 2.** The detailed description of the Right-of-Way Segment is set forth on **Attachment I**. Maps and pictures of the Right-of-Way Segment are set forth on **Attachment II**. Both Attachments are incorporated into this Ordinance as if fully set forth herein. **Attachment I** controls over any discrepancy between it and **Attachment II**.

**SECTION 3.** The properties abutting the Right-of-Way Segment are:

<i>Address:</i>	<i>Description:</i>	<i>Owner Listed by Bexar Appraisal District</i>
1602 South Flores Street	NCB 2856 BLK 1 Lot 12 E & E SUBD	SOFLO OF SA LLC
202 Peters 1	NCB 6302 BLK Lot 18 Thru W42 OF 27	SOFLO OF SA LLC

The listing above is made solely to facilitate indexing this Ordinance in the real property records. If the listing is inaccurate or not comprehensive, it does not impact validity of the closure.

**SECTION 4.** All presently existing water and wastewater lines and facilities, electric transmission and distribution 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 used, repaired, enlarged, and maintained in the ordinary course of business. Any person wanting removal of an existing utility 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 lines or facilities in the segment does so at his or her own risk. After the date of this Ordinance, no utility may add additional utility 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 existing drainage rights in the Right-of-Way Segments 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 right of way.

**SECTION 5.** The City Council authorizes closure, vacation, and abandonment of the affected right of way by filing a certificate of closure executed by the Director of the Transportation & Capital Improvements Department subject to the following:

- A. City's receipt of \$48,355.00 in fees, which includes the land value of \$48,305.00 and \$50.00 for recordation of documents; and
- B. The letter of agreement dated February 15, 2018, signed and agreed to March 14, 2018 and attached as Attachment III.

The certificate of closure should be substantially in the form of Attachment IV.

**SECTION 6.** The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this closure, abandonment, and vacation.

**SECTION 7.** The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owner is now unburdened by the rights closed, vacated, and abandoned.

**SECTION 8.** Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

**SECTION 9.** 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 10.** 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 11.** This Ordinance shall become effective immediately upon its passage by eight affirmative votes; otherwise it shall become effective on the tenth day after passage thereof.

**PASSED and APPROVED this \_\_\_\_th day of May, 2018.**

**M     A     Y     O     R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Leticia M. Vacek, City Clerk**

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**Andrew Segovia, City Attorney**