

ORDINANCE 2018-05-10-0337

**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.

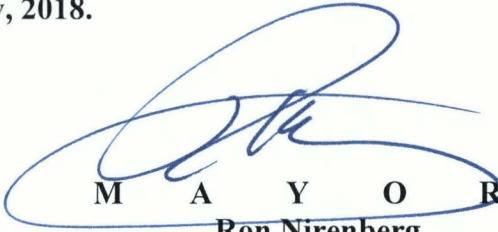
**SECTION 10.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers,



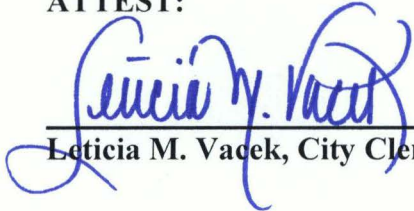
WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**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 10<sup>th</sup> day of May, 2018.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

<b>Agenda Item:</b>	<b>17 ( in consent vote: 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 )</b>						
<b>Date:</b>	05/10/2018						
<b>Time:</b>	09:18:57 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving 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. [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>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

TM  
05/10/18  
Item No. 17

# Attachment I



Donnie Boerner Surveying Company L.P.

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 6356 Square Foot Tract or 0.146 Acres of Land

**Being** a 6356 square foot tract or 0.146 acres of land being part of Applewhite Street as shown on plat recorded in Volume 9505, Page 151, Plat Records, Bexar County, Texas and Volume 642, Page 262, Plat Records, Bexar County, Texas, said 6356 square foot tract or 0.146 acre tract being more particularly described by metes and bounds as follows:

**Beginning** at ½" steel rod found with an orange "RPLS 5207" plastic cap at the intersection of the northwest line of Applewhite Street with the southwest line of Alvina B. Court and being the northeast corner of Lot 12, Block 1, New City Block 2856, City of San Antonio of the E & E Subdivision recorded in Volume 9505, Page 151, Plat Records, Bexar County, Texas, the northwest corner of the herein described tract;

**Thence**, crossing Applewhite Street, South 68 degrees 27 minutes 53 seconds East, a distance of 54.41 feet to a ½" steel rod found with an orange "RPLS 5207" plastic cap at the intersection of the southeast line of Applewhite Street with the southwest line of Alvina B. Court and being the northwest corner of Lot 18, New City Block 6302, City of San Antonio as shown on plat recorded in Volume 642, Page 262, Plat Records, Bexar County, Texas, the northeast corner of the herein described tract;

**Thence**, with the southeast line of Applewhite Street, the northwest line of Lot 18, New City Block 6302, South 20 degrees 19 minutes 55 seconds West, a distance of 116.84 feet to a point for the southeast corner of the herein described tract, said point bears, North 20 degrees 19 minutes 55 seconds East, a distance of 1.00 feet from ½" steel rod found with an orange "RPLS 5207" plastic cap at the southwest corner of Lot 18, New City Block 6302, the northwest corner of Lot 1, Block 3, New City Block 2858, City of San Antonio;

**Thence**, crossing Applewhite Street, North 68 degrees 27 minutes 18 seconds West, a distance of 54.41 feet to a point for the southwest corner of the herein described tract, said point bears, North 20 degrees 19 minutes 55 seconds East, a distance of 1.00 feet from ½" steel rod found with an orange "RPLS 5207" plastic cap at the southeast corner of Lot 12, Block 1, New City Block 2856, City of San Antonio of the E & E Subdivision,

**Thence**, with the northwest line of Applewhite Street, the southeast line of Lot 12, Block 1, New City Block 2856, City of San Antonio of the E & E Subdivision, North 20 degrees 19 minutes 55 seconds East, a distance of 116.83 feet to the **Place of Beginning** and containing 6356 square feet or 0.146 acres of land.

Note: A survey plat of the above described tract was prepared. Basis of bearing was established from the State Plane Coordinate System North American datum of 1983, Texas South Central Zone.



A handwritten signature in dark ink, appearing to read "D. D. Boerner".

Donald Dean Boerner

Registered Professional Land Surveyor No. 5207

## **Attachment II**



ALVINA B. COURT

30' RIGHT-OF-WAY  
VOLUME 642 PAGE 262  
PLAT RECORDS

LOT 12  
BLOCK 1  
NCB 2856

E & E SUBDIVISION  
VOLUME 9505 PAGE 151  
PLAT RECORDS

OWNER: SOFLO OF SA, LLC,  
A TEXAS CORPORATION  
VOLUME 17025 PAGES 2239-2240  
OFFICIAL PUBLIC RECORDS

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

S 68°27'53" E  
54.41'

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

POINT OF  
BEGINNING

N 20°19'55" E  
116.83'

6356  
SQUARE FEET  
OR 0.146  
ACRES

LOT 18  
NCB 6302

OWNER: SOFLO OF SA, LLC,  
A TEXAS CORPORATION  
VOLUME 17025 PAGES 2239-2240  
OFFICIAL PUBLIC RECORDS

LOT 19  
NCB 6302

VOLUME 642 PAGE 262  
PLAT RECORDS

LOT 10  
BLOCK 1  
NCB 2856

OWNER: SALVADOR ANGEL AND  
ANNA LAURA ANGEL  
VOLUME 4983 PAGES 400-402  
OFFICIAL PUBLIC RECORDS

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

LOT 11  
BLOCK 1  
NCB 2856

OWNER: JUSTIN T. DAY  
VOLUME 17297 PAGES 530-533  
OFFICIAL PUBLIC RECORDS

SEE  
DETAIL 2  
POINT

N 68°27'18" W  
54.41'

SEE  
DETAIL 1  
POINT

ST.

APPLEWHITE

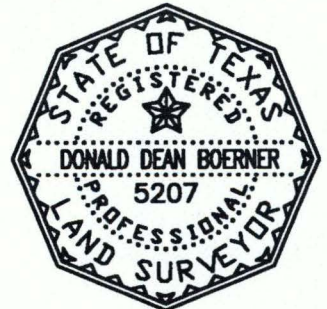
44.4' RIGHT-OF-WAY  
PER NEW CITY BLOCK  
2856 MAP AND 2858 MAP

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

LOT 1  
BLOCK 3  
NCB 2858

OWNER: VERONICA M. DELGADO  
VOLUME 5029 PAGES 1962-1965  
OFFICIAL PUBLIC RECORDS

LOT 2  
BLOCK 3  
NCB 2858



SIMON STREET

LOT 12  
BLOCK 1  
NCB 2856

E & E SUBDIVISION  
VOLUME 9505 PAGE 151  
PLAT RECORDS

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

POINT

N 68°27'18" W  
54.41'

N 20°19'55" E  
1.00'

LOT 11  
BLOCK 1  
NCB 2856

N 68°27'18" W  
54.41'

N 20°19'55" E  
1.00'

LOT 18  
NCB 6302

POINT

FOUND 1/2" STEEL ROD  
WITH AN ORANGE "RPLS"  
5207" PLASTIC CAP

LOT 1  
BLOCK 3  
NCB 2858

APPLEWHITE  
STREET

DETAIL 1

GENERAL NOTES:



# Exhibit A

