

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

AN ORDINANCE

**AUTHORIZING THE RELEASE OF A 0.0104 ACRE UTILITY
EASEMENT LOCATED IN NEW CITY BLOCK 173 IN COUNCIL
DISTRICT 1 AS REQUESTED BY DELTA MAIN AND DWYER, LLC.**

* * * * *

WHEREAS, the City of San Antonio ("City") owned and operated the Dwyer Avenue Center for Transitional Housing located at 307 Dwyer Avenue; and

WHEREAS, in 1991, the City acquired a utility easement from the abutting property owner located at 410 S. Main Avenue to provide electrical service for the shelter as described in **Exhibit A** and shown in **Exhibit B**; and

WHEREAS, in 2010, the services provided at the Dwyer Avenue Center for Transitional Housing were relocated to Haven for Hope and the City sold the property to the petitioner, Delta Main and Dwyer, LLC in 2017 ("Petitioner"); and

WHEREAS, the Petitioner also purchased the property at 410 S. Main where the utility easement is located; and

WHEREAS, the Petitioner is replatting the property for a multi-family development and the utility easement is no longer needed and as such Petitioner requests the City release its utility easement so that Petitioner may replat the property; and

WHEREAS, CPS Energy removed cable and equipment from the easement at the Petitioner's request; and

WHEREAS, the request was reviewed and approved by city departments and utilities; **NOW THEREFORE**

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

SECTION 1. The City Manager or her designee, severally, are authorized to execute and deliver releases of the 0.0104 acre (457.11 square feet) utility easement located in New City Block 173, located in Council District 1, as requested by Delta Main and Dwyer, LLC.

SECTION 2. All attachments to this ordinance are incorporated into it by reference for all purposes as if fully set forth. The City Manager, or her designee, is further authorized to execute and deliver all other documents necessary or convenient to effect the transactions contemplated in the above agreement; and other to do all things necessary or convenient to effectuate the transaction.

SECTION 3. The disposition of 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 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 released utility easements without first reaching an agreement with a utility having lines or facilities in the segment does so at his own risk. After the date of this Ordinance, no utility may add additional utility lines or facilities in the released utility easements.

SECTION 5. 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 _____, 2018.

M A Y O R
Ron Nirenberg

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A

Insert Attachment #3 in Granicus

DRAFT

EXHIBIT B

