

ORDINANCE 2019-08-15-0638

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF 0.497 OF AN ACRE OF AN IMPROVED SECTION OF PUBLIC RIGHT OF WAY AT THE CORNER OF RIVERSIDE DRIVE AND ROOSEVELT AVENUE COMMONLY KNOWN AS H.F. MCCARTY DRIVE AS REQUESTED BY 2450 ROOSEVELT, LTD. FOR A FEE OF \$44,185.00 IN COUNCIL DISTRICT 3.**

\* \* \* \* \*

**WHEREAS**, 2450 Roosevelt, Ltd. ("Petitioner") has requested the closure, vacation and abandonment of 0.497 of an acre of an improved portion of public right of way located at the northeast corner of Riverside Drive and Roosevelt Avenue, commonly known as H.F. McCarty Drive, as depicted in **Attachment I**, in Council District 3; and

**WHEREAS**, Petitioner purchased a 5.4 acre property located at 2450 Roosevelt Avenue at the northeast corner of Roosevelt Avenue and Riverside Drive which had been vacant for over 10 years and has repurposed the property into 65 market rate apartments; and

**WHEREAS**, a small portion of the right-of-way between Roosevelt Avenue and the Petitioner's property was renamed H. F. McCarty Drive under Ordinance 63334, dated July 31, 1986; and

**WHEREAS**, the Petitioner has requested the closure, vacation, and abandonment of H. F. McCarty Drive in order to landscape the right-of-way, which will be incorporated within the footprint of the development for curb appeal for apartment occupants; and

**WHEREAS**, the Petitioner's request was reviewed and approved by City of San Antonio ("City") departments, utilities and the Texas Department of Transportation ("TXDoT"), as TXDoT maintains the portion of Roosevelt Avenue abutting the property. In accordance with Chapter 37 of the Municipal Code, notification signs were posted near the proposed closure and letters were sent to property owners within a 500 foot radius; and

**WHEREAS**, Planning Commission reviewed this request at its regular meeting on July 24, 2019; **NOW THEREFORE:**

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

**SECTION 1.** The City Council hereby authorizes the closure, vacation, and abandonment of 0.497 of an acre of an improved portion of public right of way located at the northeast corner of Riverside Drive and Roosevelt Avenue, commonly known as H.F. McCarty Drive, as described depicted in **Attachment II** in Council District 3. All attachments 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**.

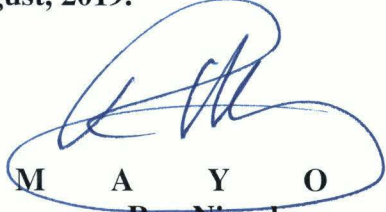
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**SECTION 2.** Funds generated by this Ordinance will be deposited into Fund 11001000 Internal Order 223000000253 and General Ledger Account 4903101.

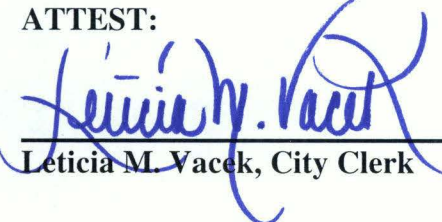
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** 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 15<sup>th</sup> day of August, 2019.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney

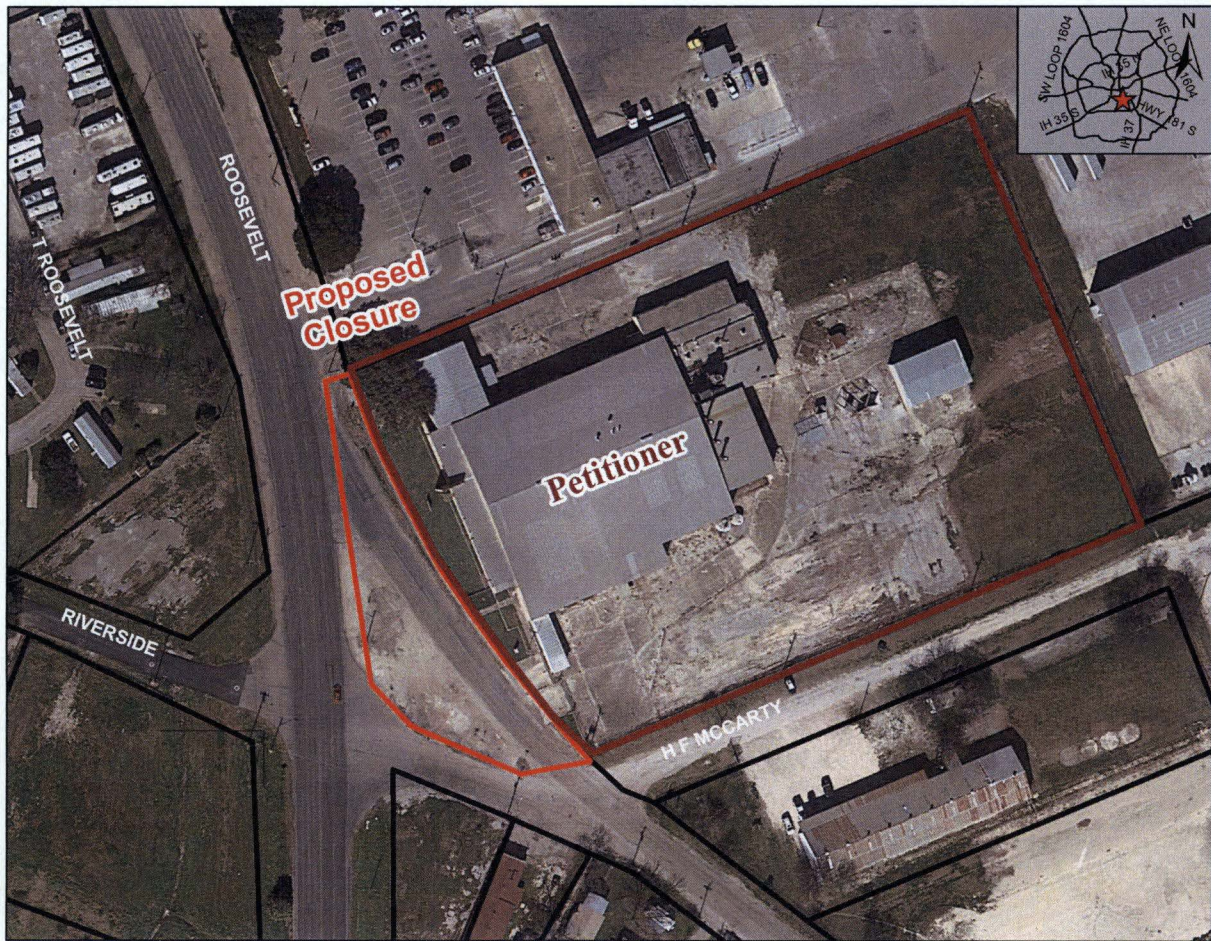
<b>Agenda Item:</b>	<b>14 ( in consent vote: 5, 6, 7, 9, 10, 12A, 12B, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 22B )</b>						
<b>Date:</b>	08/15/2019						
<b>Time:</b>	12:00:00 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving the closure, vacation and abandonment of 0.497 of an acre of a portion of improved right-of-way at the northeast corner of Riverside Drive and Roosevelt Avenue, also known as H. F. McCarty Drive located in Council District 3 as requested by 2450 Roosevelt, Ltd. for a fee of \$44,185.00. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim 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
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				
Dr. Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

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## ATTACHMENT I



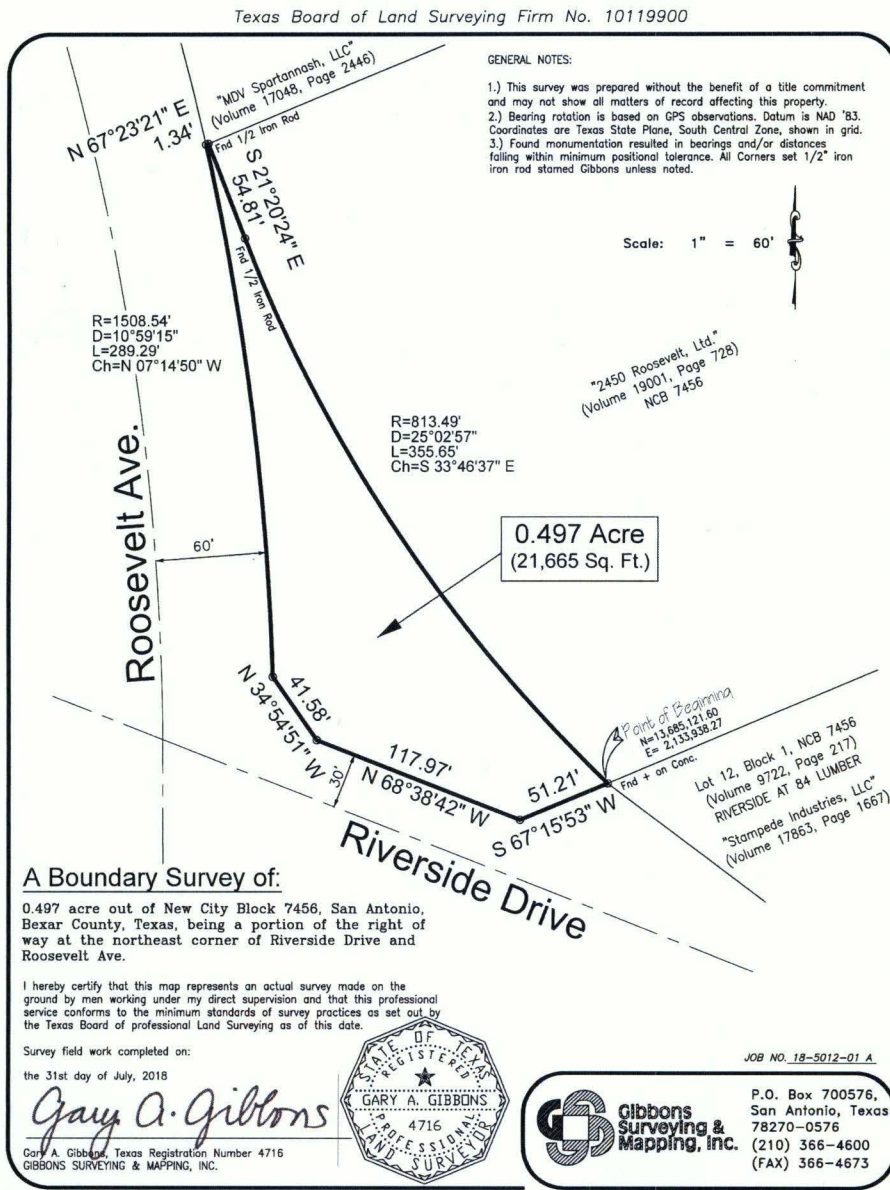
## Attachment I



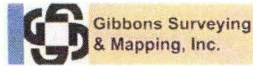
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## ATTACHMENT II

## Attachment II







FIELD NOTES FOR

0.497 ACRE OUT OF NEW CITY BLOCK 7456, SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING A PORTION OF THE RIGHT OF WAY AT THE NORTHEAST CORNER OF RIVERSIDE DRIVE AND ROOSEVELT AVE., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING: At a found "+" on concrete on the existing northeast right of way line of Riverside Drive (varying width public right of way), having Texas State Plain grid coordinates of N=13,685,121.60 and E=2,133,938.27, South Central Zone, the west corner of Lot 12, Block 1, NCB 7456, RIVERSIDE AT 84 LUMBER, according to the plat thereof recorded in Volume 9722, Page 217 of the Bexar County Deed and Plat Records, the south corner of a tract in the name of 2450 Roosevelt, Ltd., and recorded in Volume 19001, Page 728 of the Bexar County Real Property Records, the east corner of this tract;
- THENCE: South 67°15'53" West (bearings are based on GPS observations. Datum is NAD '83) 51.21' to a set 1/2" iron rod stamped "GIBBONS" on the new northeast right of way line of Riverside Drive, being 30' from the existing centerline, the south corner of this tract;
- THENCE: North 68°38'42" West 117.97' to a set 1/2" iron rod stamped "GIBBONS", the south end of a cut-back line joining the proposed right of way line of Roosevelt Ave.;
- THENCE: North 34°54'51" West 41.58' to a set 1/2" iron rod stamped "GIBBONS" on the new east right of way line of Roosevelt Ave., being 60' from the existing centerline, the beginning of a curve to the left;
- THENCE: With the proposed east right of way line of Roosevelt Ave. and the curve to the left (concave to the west), having a radius of 1508.54', a delta of 10°59'15", an arc length of 289.29' and a chord bearing North 07°14'50" West to a set 1/2" iron rod stamped "GIBBONS", the south corner of a tract in the name of MDC Spartannash, LLC and recorded in Volume 17048, Page 2446 of the Bexar County Real Property Records, a north corner hereof;
- THENCE: North 67°23'21" East 1.34' to a found 1/2" iron rod, the east corner of the 2450 Roosevelt tract, the northeast corner hereof;
- THENCE: South 21°20'24" East 54.81' with the west line of the 2450 Roosevelt tract and the old east right of way line to a found 1/2" iron rod, the beginning of a curve to the left;
- THENCE: With the curve to the left (concave to the northeast), having a radius of 813.49', a delta of 25°02'57", an arc length of 355.65' and a chord bearing South 33°46'37" East to the POINT OF BEGINNING of this 0.497 acre (21,665 square feet) tract in Bexar County, Texas.

THESE FIELD NOTES TOGETHER WITH A SURVEY MAP WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY EMPLOYEES OF GIBBONS SURVEYING & MAPPING, INC. WHO WERE WORKING UNDER MY SUPERVISION AND DIRECTION.

*Gary A. Gibbons*

Gary A. Gibbons, R.P.L.S. #4716  
Date: July 31, 2018; Job No: 18-5012  
Doc I.D.: fn 2450 Roosevelt Dr; GAG/ps



GIBBONS SURVEYING & MAPPING, INC.  
150 West Rhapsody Drive, San Antonio, TX 78216  
(210) 366-4600 www.gibbonsurveying.com  
TSPS Firm No. 10119900