



**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT**

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

March 20, 2020

HEB Grocery Company, LP
C/o Pape-Dawson Engineers, Inc.
Attn: David Martinez, P.E. Associate Vice President
2000 NW Loop 410
San Antonio, TX 78213

Re: S.P. No. 2206 – Request to close, vacate and abandon an improved 56-foot wide Drainage Public Right-of-Way adjacent to New City Blocks 13631 and 14527

Dear Mr. Martinez:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of the request subject to the following conditions:

DEVELOPMENT SERVICES DEPARTMENT: Provided proper permits are obtained. (See applicable UDC Sections: 35-506, 35-515, 35-523, 35-477 and 35-B123)

The site must be platted, as applicable, with the Unified Development Code, per section 35-430. Please note there are platting exceptions that may apply, please see the enclosed information Bulletin: <https://webapps1.sanantonio.gov/dsdocumentscentral/upload/IB531.pdf>.

This platting process will require a tree application. See applicable UDC Sections: (35-523, 35-510, 35-511, 35-477).

SAN ANTONIO WATER SYSTEM (SAWS): San Antonio Water System (SAWS) has existing facilities within the Public Right of Way under or near where Petitioner is requesting to close, vacate, and abandon a 56 foot wide Drainage Public Right-of-Way adjacent to New City Blocks 13631 and 14527 in Council District 2, SAWS engineering department approved the final design plans on November 8, 2019.

PUBLIC WORKS DEPARTMENT: Program Management: Public Works Storm Water Engineering approves the closing, vacating abandonment of the Drainage Public Right-of-Way and the timing of the closing, vacating, and abandonment of the Drainage Public Right-of-Way (e.g. immediately, upon completion of the construction, upon approval of the building permit) is in accordance with the standard practice of the City. Storm Water Engineering: Engineering study to be submitted to determine if any adverse impacts (backwater, scour and downstream impacts) will be created with the abandonment of the existing drainage easement after City Council approval. Environmental Services: It is the Petitioner's responsibility to conduct their own due diligence for this area. The City does not warranty that environmental impacts are not to be encountered when disturbing the land. The City shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue. Right of Way: Contact and confirm with all utilities that there no conflicts.

The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closure will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

The fee established for this request is \$63,100.00, which includes the assessed value of the Drainage Public Right-of-Way of \$63,000.00 plus \$100.00 for the recording fees.

This Letter of Agreement is being offered by City of San Antonio only to the petitioners named below and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, please countersign this letter in the space provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$63,100.00, a Contracts Disclosure Form (to be completed on the <http://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf> website link then printed and signed) and Form 1295 (located at <http://www.ethics.state.tx.us/dfs/1295Certificates.html> and emailed to ethics@sanantonio.gov), we will continue processing your request.

Sincerely,

Kevin Diller for STEVE HODGES

Steve Hodges
Real Estate Manager

AGREED AS TO TERMS AND CONDITIONS:

BN
By: *BENJAMIN R. SAED*

VICE PRESIDENT OF REAL ESTATE SAED

Title:

8/4/2020

Date: