



City of San Antonio

Legislation Details (With Text)

File #: 18-3480

Type: Street Closures

In control: City Council A Session

On agenda: 6/21/2018

Title: Ordinance closing, vacating and abandoning a 0.276 of an acre improved portion of Burnet Street Public Right of Way located between Brooklyn Avenue and Live Oak Street and a 0.077 of an acre improved portion of Live Oak Street Public Right of Way located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North and accepting the dedication of a 0.012 of an acre tract of real property as requested by StrEat Parks, LLC., Sisters of the Holy Spirit and Mary Immaculate Inc. and Healy Murphy Center Inc., for a fee of \$81,706.00, in City Council District 2 [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Burnet Street Survey, 3. Live Oak Street Survey, 4. Dedication Survey, 5. Letter of Agreement, 6. Fiscal Impact Form, 7. Contracts Disclosure Forms, 8. Schematics, 9. Draft Ordinance, 10. Ordinance 2018-06-21-0481, 11. Staff Presentation

Date	Ver.	Action By	Action	Result
6/21/2018	1	City Council A Session	adopted	Pass

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 2

SUBJECT:

Closures of two portions of improved Public Rights of Way (Burnet Street and Live Oak Street) and acceptance of a dedication of real property

SUMMARY:

An ordinance authorizing the closure, vacation and abandonment of a 0.276 of an acre improved portion of Burnet Street Public Right of Way located between Brooklyn Avenue and Live Oak Street and a 0.077 of an acre improved portion of Live Oak Street Public Right of Way located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North, and accepting the dedication of a 0.012 of an acre tract of real property in City Council District 2 as requested by StrEat Parks, LLC., Sisters of the Holy Spirit and Mary Immaculate Inc. and Healy Murphy Center Inc. (Petitioners) for a fee of \$81,706.00.

BACKGROUND INFORMATION:

Petitioners are requesting the closure, vacation and abandonment of a 0.276 of an acre (12,003 square feet) improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and a 0.077 (3,386 square feet) of an acre improved portion of Live Oak Street located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North. The proposed closures are abutted by the Petitioners. Petitioners intend to develop a mobile food truck park with a dining patio, music venue and community garden.

Healy Murphy Center is a 501(c)3 non-profit organization that provides educational and counseling services to students who attend the Healy Murphy Center, a high school located at 618 Live Oak Street. Healy Murphy Center also offers GED classes, childcare, early childhood education, and health services for the community. Healy Murphy Center is managed by the Sisters of the Holy Spirit and Mary Immaculate Inc., who are working with the StrEat Parks, LLC.

StrEat Parks, LLC. proposes to develop a mobile food truck park on their property located at 201 Burnet Street. The mobile food truck park will include food trucks providing food from well-known local restaurants, a two story dining patio, and a music venue, which will provide a positive and safe place for the community to gather. StrEat Parks, LLC. will have a mentorship program to allow Healy Murphy Center students to learn about horticulture and the food industry via a community garden to be located on Burnet Street. Students will participate in the growing of herbs and vegetables in the community garden and also will learn how horticulture is tied to the food industry and nutrition. The project is anticipated to start in June, 2018 and be completed by June, 2019.

Currently, Live Oak Street is a 33.40 feet-wide, two (2) lane, one-way street running north from Nolan Street to Brooklyn Street. The portion of Live Oak Street proposed to be closed is the eastern-most lane, just past the on-ramp to IH-37. Upon the closure, Live Oak Street will convert to one a 16.70 feet-wide, (1) lane, one-way street running north from the entrance ramp of Interstate Highway 37 North to Brooklyn Avenue. The closure of the eastern-most lane will accommodate the anticipated increase in pedestrians visiting the mobile food truck

park, music venue and community garden.

In addition, to ensure large vehicles are able to turn right onto Brooklyn Avenue from Live Oak Street without entering into the oncoming traffic lane, StrEat Parks, LLC. has agreed to dedicate a 0.012 of an acre (527 square feet) tract of real property to the City of San Antonio. The proposed street closures and dedication are depicted on attached Exhibit "A".

ISSUE:

This ordinance will close, vacate and abandon an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and an improved portion (eastern-most lane) of Live Oak Street located between Brooklyn Avenue and the entrance ramp to Interstate Highway 37 North, and accept the dedication of a tract of real property in City Council District 2 as requested by Petitioners for a fee of \$81,706.00.

In accordance with Chapter 37 of the Municipal Code, signs were placed at the proposed closures and letters were sent to property owners within a 500-foot radius, to provide notice and the public hearing date of the proposed closures.

If approved, Petitioners will develop a mobile food truck, patio, music venue and a community garden. The proposed closures would ensure safe pedestrian travel throughout the area. To ensure that large vehicles are able to turn right onto Brooklyn Avenue from Live Oak Street without entering into the oncoming traffic lane, StrEat Parks, LLC. has agreed to dedicate a 0.012 of an acre (527 square feet) tract of real property to the City of San Antonio. The proposed street closures and dedication are depicted on attached Exhibit "A".

This action is consistent with City Code and Ordinances, which requires City Council approval for the sale, disposition or acquisition of City-owned or controlled real property.

ALTERNATIVES:

City Council could choose not to approve this request. However, if not approved, the rights-of-way will remain without realizing the redevelopment of the area and continued contribution to the community.

FISCAL IMPACT:

The original closure fee established for this request totals \$261,957.00 which includes the assessed value of the Public Rights of Way in the amount of \$261,613.00 plus \$344.00 for administrative costs. In accordance with Chapter 37, Section 2(g)(1) of the City Code, fair market value of the proposed closures and the proposed dedication was based upon an independent State of Texas Certified Professional Appraisal Report prepared by Sandison Appraisals, LLC on March 23, 2018.

The closure fee has been reduced by 25% in accordance with the Inner City Reinvestment/Infill Policy (ICRIP). A credit of \$8,959.00 has been applied due to the property dedication to accommodate turning vehicles on Brooklyn. Based on the Healy Murphy Center's 501(c)3 tax-exempt status and its mission benefiting the community, staff in consultation with Council District 2, is supportive of a \$105,888.75 reduction in the closure fee. The new established closure fee totals \$81,706.00. The revenue will be deposited into the General Fund in accordance with the FY 2018 Adopted Budget.

The Public Rights of Way closures will be placed on the tax rolls, which will generate revenue for the City of San Antonio as well as other taxing entities.

RECOMMENDATION:

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on June 13, 2018.

Staff recommends approval of this request to close, vacate and abandon improved portions of Burnet Street and Live Oak Street Public Rights of Way and accept a dedicated tract of real property located in Council District 2.

