



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-3461

**Type:** Street Closures

**In control:** City Council A Session

**On agenda:** 1/29/2015

**Title:** An Ordinance authorizing a Joint Use Agreement with Gates Realty LLC to use 0.019 of an acre of a public drainage easement located at 2930 MacArthur View in Council District 10 for the construction of a fence and landscaping. [Peter Zanoni, Deputy City Manager; Mike Etienne, Director, EastPoint & Real Estate Services Office]

**Sponsors:** Martha Almeria

**Indexes:** EastPoint Disposition

**Code sections:**

**Attachments:** 1. Plat 4500 - 5.pdf, 2. Survey.pdf, 3. Location Map.pdf, 4. Exhibit A.pdf, 5. Ordinance 2015.01.29.0061

Date	Ver.	Action By	Action	Result
1/29/2015	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Office of EastPoint and Real Estate Services

**DEPARTMENT HEAD:** Mike Etienne

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:**

Disposition: Joint Use Agreement to use a portion of a drainage easement located at 2930 MacArthur View

**SUMMARY:**

An ordinance authorizing a Joint Use Agreement with Gates Realty LLC to use 0.019 of an acre tract of land of a drainage easement Public Right of Way, located at 2930 MacArthur View in Council District 10 for the construction of a fence and landscaping.

**BACKGROUND INFORMATION:**

Gates Realty LLC (Petitioner) is requesting a Joint Use Agreement for the use of a portion of an 80 foot-wide drainage easement Public Right of Way as shown on attached Exhibit A and plat. Petitioner constructed a new commercial building at 2955 Nacogdoches Road and would like to relocate their fence on the abutting 0.019 of an acre portion of land (812 square feet) of the subject drainage easement in order to provide additional fire

access to the rear of the new building. The Petitioner proposes to landscape and maintain the subject property.

The drainage easement is owned in fee by San Antonio Baptist Association, which is located at 2930 MacArthur View. The City's authority over the 80 foot-wide drainage easement is based on a plat dedication of the easement to the City of San Antonio. The Association has also granted the Petitioner permission for use of the land.

#### **ISSUE:**

An ordinance authorizing a Joint Use Agreement with Gates Realty LLC to use of 0.019 of an acre tract of land (812 square feet) of an 80 foot-wide drainage easement Public Right of Way, located at 2930 MacArthur View in Council District 10 for the construction of a fence and landscaping.

Petitioner constructed a new commercial building at 2955 Nacogdoches Road and would like to fence in an abutting 0.019 of an acre portion of land (812 square feet) of the subject drainage easement in order to provide additional fire access to the rear of the new building. The Petitioner proposes to landscape and maintain the subject property.

The drainage easement is owned in fee by San Antonio Baptist Association, which is located at 2930 MacArthur View. The City's authority over the 80 foot-wide drainage easement is based on a plat dedication of the easement to the City of San Antonio. The Association has also granted the Petitioner permission for use of the land.

This action is consistent with City Code and Ordinances, which require City Council approval for use or disposition of City-owned or controlled real property.

#### **ALTERNATIVES:**

City Council could choose not to approve this request; however, this will disallow Gates Realty LLC from providing additional fire access to the rear of the new building and to maintain a previously unkempt portion of the easement.

#### **FISCAL IMPACT:**

In compliance with Chapter 37 of the City Code, Section 37-4, the City has only an easement; therefore, the Petitioner need not pay more than the processing fee of \$500, which has been deposited into the General Fund in accordance with FY2015 adopted budget.

#### **RECOMMENDATION:**

Staff recommends approval of this ordinance authorizing a Joint Use Agreement with Gates Realty LLC to use 0.019 of an acre tract of land of the drainage easement Public Right of Way, located at 2930 MacArthur View.

The City of San Antonio's Planning Commission will consider this request at its regular meeting of January 14, 2015.

