



# City of San Antonio

## Agenda Memorandum

**File Number:** 18-4647

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**Agenda Item Number:** 12.

**Agenda Date:** 9/20/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, P.E.

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:** Disposition: Close, Vacate and Abandon Public Right-of-Way (East Commerce)

### **SUMMARY:**

An ordinance authorizing the closure, vacation and abandonment of a 36.00 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812 and a 15.00 square feet area of the East Market Street right-of-way adjacent to NCB 13812 removing the city's right-of-way easement interest and reflecting building encroachments into the right-of-way.

### **BACKGROUND INFORMATION:**

On June 20, 2016, City Council authorized the sale of a 0.801 acre improved tract of land located at 889 East Market Street to HMH Rivers LP (Marriott Riverwalk hotel operator) for \$ 6 million through Ordinance 2016-06-30-0511. The property had been leased by Host Hotels since 1978. In 1978 the City created a leasehold area, but never formally platted the property. As a condition to the sale in June of 2016 the City agreed to plat the property. As required in the platting process, any existing building encroachments into the Right of Way need to be reflected.

On January 18, 2018, City Council also authorized the authorized the closure, vacation and abandonment of a 1.473 acre segment of Public Waterway Right-of-Way to remove the waterway designation and update the legal descriptions of the Marriott Riverwalk Hotel and the city's Marina Garage through Ordinance 2018-01-18-0019.

Recent surveys identified building encroachments as listed below:

- A 36.00 square feet area of the Marriott Riverwalk Hotel encroaches onto the East Commerce Street right-of-way adjacent to NCB 13812; and

- A 15.00 square feet area of the Marina Garage encroaches onto the East Market Street right-of-way adjacent to NCB 13812

This action is a city-initiated request to close, vacate and abandon a 36.00 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and a 15.00 square feet area of the East Market Street right-of-way adjacent to NCB 13812. This request will remove the 'Public ROW' designation of a portion of the Marriott Riverwalk Hotel footprint that encroaches onto East Commerce Street and a portion of the Marina Garage footprint that encroaches onto East Market Street. Buildings are not allowed within the right-of-way. However, the structures were completed prior to the platting process. Removal of the right-of-way designation will allow the buildings to remain as-is and will be accurately reflected by the Bexar County Clerk (property recordings).

The removal of the public ROW designation on the subject properties were canvassed throughout city departments and utilities with no objections. In accordance with Municipal Code, Chapter 37, signs need not be erected, and letters need not be sent for slivers not affecting the path of public travel.

**ISSUE:**

This action is a city-initiated request to close, vacate and abandon a 36.00 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and a 15.00 square feet area of the East Market Street right-of-way adjacent to NCB 13812. This request will remove the 'Public ROW' designation to a portion of the Marriott Riverwalk Hotel footprint that encroaches onto East Commerce Street and a portion of the Marina Garage that encroaches onto East Market Street. Buildings are not permitted within public right-of-way. However, the structures were completed prior to the platting process. Removal of the right-of-way designation will allow the buildings to remain as-is and will be accurately reflected by the Bexar County Clerk (property recordings).

**ALTERNATIVES:**

City Council could choose not to authorize this request; however, if not approved, the buildings encroach into the right-of-way, and are in violation of the Unified Development Code.

**FISCAL IMPACT:**

There is no fiscal impact associated with this request since it is city-initiated to accurately reflect the building footprints (Marriott Riverwalk and Marina Garage) in the public records.

**RECOMMENDATION:**

The Planning Commission reviewed this request at its regular meeting on August 22, 2018.

Staff recommends approval of this request to close, vacate and abandon a 36.00 square feet area of the East Commerce Street right-of-way adjacent to NCB 13812; and a 15.00 square feet area of the East Market Street right-of-way adjacent to NCB 13812.

