



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-2162

**Type:** Real Property Sale

**In control:** City Council A Session

**On agenda:** 4/30/2015

**Title:** An Ordinance authorizing the closure, vacation, and abandonment of a 0.3910 acre unimproved right-of-way alley located between Anacacho Road and O'Connor Road in Council District 10 as requested by Big Diamond LLC for a fee of \$50,474.00 with conditions. [Peter Zaroni, Deputy City Manager; Mike Etienne, EastPoint & Real Estate Services]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. MAP\_Big Diamond Alley Closure.pdf, 2. PLAT and FIELD NOTES 0.3910 acre tract unimproved alley ROW\_Big Diamond .pdf, 3. LofA.pdf, 4. ROW dedication for 1087.pdf, 5. Draft Ordinance, 6. Ordinance 2015-04-30-0347

Date	Ver.	Action By	Action	Result
4/30/2015	1	City Council A Session	adopted	Pass

**DEPARTMENT:** EastPoint & Real Estate Services

**DEPARTMENT HEAD:** Mike Etienne

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:** Disposition ROW closure (alley between Anacacho and O'Connor)

**SUMMARY:** An ordinance authorizing the closure of a 0.3910 acre unimproved alley right-of-way located in Council District 10 between Anacacho Road and O'Connor Road as requested by Big Diamond LLC.

### BACKGROUND INFORMATION:

This ordinance will authorize the closure of a 0.3910 acre unimproved alley right-of-way located in Council District 10 between Anacacho Road and O'Connor Road as requested by Big Diamond LLC.

CST Brands, a Fortune 500 Company based in San Antonio, is one of the largest retailers of motor fuels and convenience merchandise in North America. CST has approximately 1,900 locations throughout the southwest and nearly 12,000 employees.

Big Diamond, LLC (petitioner) is a subsidiary of CST. It purchased properties at the corner of Stahl Road and O'Connor Road to develop a Corner Store. Development of the property will include a 4,000 square foot store for convenience items and limited prepared food sales, an automated car wash, and fuel station for purchase of gasoline and diesel fuel. The petitioner had the property rezoned to Community Commercial under Ordinance 2014-09-18-0726. The properties are separated by an unimproved alley right-of-way. The petitioner requested the city close, vacate and abandon its interest in the alley to allow for the store development. The petitioner

intends to replat the property and will incorporate its approximate one-half portion of the alley into the store footprint. The replat process has been initiated, and a traffic impact analysis is under review. The proposed level of investment is \$4,000,000.00 and the company intends to employ 30 people.

Each property owner abutting the right-of-way is the underlying fee owner, so if the closure is authorized, the property owners interest in the right-of-way is unencumbered. Lord of the Harvest Church owns property at the corner of Stahl Road and Anacacho Street and abuts approximately one-half of the alley proposed to be closed. Lord of the Harvest Church consented to the closure and plans to incorporate its portion of the unimproved alley into its campus.

### **ISSUE:**

Consideration of an ordinance authorizing the closure of a 0.3910 acre unimproved alley right-of-way located in Council District 10 between Anacacho Road and O'Connor Road as requested by Big Diamond LLC.

The petitioner purchased property at the corner of Stahl Road and O'Connor Road. The parcels are separated by an unimproved alley right-of-way. The petitioner requests the city close, vacate and abandon its interest in the alley which will allow for full development of the lots.

In recent years, the City has acquired property along O'Connor Road, including the parcels purchased by Big Diamond, as part of a road widening project. The petitioner has agreed, as a condition of the closure, to dedicate to the City of San Antonio the .0062 acre portion of property adjacent to the proposed closure on O'Connor Road for street purposes to ensure there are no inconsistencies with public travel and use of O'Connor Road. This will ensure that the proposed closure does not disrupt public travel or city use of that road.

### **ALTERNATIVES:**

City Council could choose not to approve the closure of the unimproved alley, however the property will not be utilized to its fullest potential by placing the property back on the tax rolls, and the city will still be responsible for maintaining it.

### **FISCAL IMPACT:**

In compliance with Chapter 37 of the Municipal Code, Section 37-2, fair market value was based on an Independent State of Texas Certified Professional Appraisal Report. The property was appraised for a total of \$48,000.00 by Sandison Appraisal Services on March 5, 2015. The appraisal cost and recording fees are \$2,474.00. Total proceeds of \$50,474.00 will be deposited in the General Fund in accordance with the FY2015 Adopted Budget. Big Diamond LLC has agreed to pay all costs associated with this closure request.

### **RECOMMENDATION:**

The Planning Commission reviewed and approved this request at its regular meeting on April 8, 2015.

Staff recommends approval of this request to close an unimproved alley located between Anacacho Road and O'Connor Road in NCB 15705 in Council District 10 as requested by Big Diamond, LLC.