City of San Antonio

Legislation Details (With Text)

File #:	18-4463
Type:	Procedural
In control:	City Council A Session
On agenda:	12/6/2018
Title:	Approving the following items related to Brooklyn Avenue (area located between Burnet Street and Live Oak Street) in City Council District 2: [Lori Houston, Assistant City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. MAP acquisition of Brooklyn, 2. MAP Disposition of Section of Brooklyn, 3. MAP Overview, 4. Brooklyn Avenue Legal Description, 5. Brooklyn Disposition Legal Description, 6. Draft Ordinance A, 7. Draft Ordinance B

Date	Ver.	Action By	Action	Result

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 2

SUBJECT:

Acquisition of public right-of-way known as Brooklyn Avenue, between Burnet Street and Live Oak Street and disposition of a 7 foot wide strip of unimproved land along Brooklyn Avenue.

SUMMARY:

A. An ordinance authorizing the City of San Antonio to acquire and accept a portion of a Texas Department of Transportation (TXDoT) roadway, known as Brooklyn Avenue between Burnet Street and Live Oak Street, of which payment for the property has been waived by TxDOT under the Texas Transportation Code 202.021(e), and the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way for public purpose.

B. An ordinance authorizing the declaration and sale of surplus property being a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to Brooklyn Avenue between Live Oak Street and Burnet Street for a fee of $26,643.38.

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BACKGROUND INFORMATION:

StrEat Park, LLC is working to develop a piece of property located at 201 Burnet Street adjacent to Brooklyn Avenue. StrEat Parks, LLC., proposes to develop a mobile food truck park, which will include food trucks providing food from well-known local restaurants, a two story dining patio, and a music venue. On June 21, 2018, City Council approved the closure of an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and an improved portion of Live Oak Street between Brooklyn Avenue and the entrance ramp onto IH-37 North to help facilitate the development and provide safe pedestrian access.

North of the proposed development is Brooklyn Avenue. A majority of Brooklyn Avenue is City-owned right-of-way, however the section of Brooklyn Avenue between Burnet Street and Live Oak Street, just north of the proposed development, is TXDoT owned right-of-way.

Previous Council Action
City Council approved Ordinance 2018-06-21-0481 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 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.

ISSUE:

A. This ordinance authorizes the City of San Antonio to acquire and accept a portion of a Texas Department of Transportation (TXDoT) roadway, known as Brooklyn Avenue between Burnet Street and Live Oak Street, of which payment for the property has been waived by TXDoT under the Texas Transportation Code 202.021(e), and the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way for public purpose.

StrEat Park, LLC is working to develop a piece of property located at 201 Burnet Street, just adjacent to Brooklyn Avenue as a mobile food truck park. On June 21, 2018, City Council approved the closure of an improved portion of Burnet Street located between Brooklyn Avenue and Live Oak Street and an improved portion of Live Oak Street between Brooklyn Avenue and the entrance ramp onto IH-37 North to help facilitate the development and provide safe pedestrian access.

North of the proposed development is Brooklyn Avenue. A majority of Brooklyn Avenue is City-owned right-of-way, however the section of Brooklyn Avenue between Burnet Street and Live Oak Street, just north of the proposed development, is TXDoT owned right-of-way. StrEat Park, LLC, has request to purchase 0.049 of an acre (2,153 square feet), an unimproved portion of the right-of-way, outside of the vehicular lanes, to increase the size of the park.

By accepting the portion of Brooklyn Avenue between Burnet Street and Live Oak Street, the City of San Antonio will assume jurisdiction, control and maintenance of the right-of-way and permit the review and consideration of an encroachment adjacent to the right-of-way. Acquisition of the roadway helps facilitate the continued commercial development of land adjacent to Brooklyn Avenue. TCI Streets Division assessed the section of Brooklyn Avenue between Burnet Street and Live Oak Street and supports the acquisition from

TxDOT. Maintenance costs will be programmed into future years of the Street Maintenance Program.

B. This ordinance authorizes the declaration and sale of surplus property being a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to Brooklyn Avenue between Live Oak Street and Burnet Street for a fee of $26,643.38.

StrEat Parks, LLC has requested the City declare as surplus and dispose of a 7 foot wide section of unimproved right-of-way containing 0.049 of an acre (2,153 square feet) adjacent to the Brooklyn Avenue right-of-way.

ALTERNATIVES:

City Council could choose not to approve this request and require StrEat Park, LLC to redesign the project, increasing costs and resulting in project delays.

FISCAL IMPACT:

A. Brooklyn Avenue between Burnet Street and Live Oak Street is being transferred by TXDoT to the City of San Antonio and payment for the property has been waived under Texas Transportation Code 202.021(e). The estimated value for the acquired right-of-way is $414,332.00 for approximately 25,111 square feet of Brooklyn Avenue between Burnet Street and Live Oak Street. Cost to maintain the section of Brooklyn Avenue between Burnet Street and Live Oak Street will be programmed into future years of the Street Maintenance Program.

B. The original disposition fee established for this request totals $35,524.50 which is the assessed value of the Public Right of Way. In accordance with Chapter 37, fair market value of the proposed closure and disposition was based on an independent State of Texas Certified Professional Appraisal Report.

The disposition fee has been reduced by 25% in accordance with the Inner City Reinvestment/Infill Policy (ICRIP). A credit of $8,881.12 has been applied. The established disposition fee totals $26,643.38. The revenue will be deposited into the General Fund in accordance with the FY2019 Adopted Budget. The section being sold will be placed on the tax rolls, which will generate revenue for the City of San Antonio as well as other taxing entities.

RECOMMENDATION:

A. Staff recommends approval of an ordinance authorizing acquisition of Brooklyn Avenue between Burnet Street and Live Oak Street by having the Texas Department of Transportation, transferring ownership to the City of San Antonio.

B. Staff recommends approval of an ordinance declaring as surplus and authorizing the disposition of a 7 foot wide section of unimproved right-of-way, consisting of 0.049 of an acre (2,153 square feet), adjacent to Brooklyn Avenue located between Live Oak Street and Burnet Street, in Council District 2.

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