



City of San Antonio

Agenda Memorandum

File Number: 17-6479

Agenda Item Number: 25.

Agenda Date: 12/13/2017

In Control: Planning Commission

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E./Director

COUNCIL DISTRICTS IMPACTED: Council District 1

SUBJECT: Disposition: Improved Public Waterway ROW Closure

SUMMARY: A resolution recommending the closure, vacation and abandonment of 1.473 acres (64,169.70 square feet) of public waterway right-of-way located on East Market Street, near Bowie Street, in NCB 13812.

BACKGROUND INFORMATION:

New City Block 13812 located between East Market Street, East Commerce Street and near Bowie Street was platted as a 5.009 acre Public Waterway Right-of-Way in 1988 as part of the Civic Center, Project No. 5 Tex. R-83 Plat.

The City of San Antonio owns the property located at 889 East Market Street and leases the property to the Marriott Riverwalk Hotel. HMH Rivers L.P. (HMH) is the current hotel operator and owns the improvements. HMH requested the City of San Antonio declare as surplus and sell the property so it could finance and invest \$10 million in upgrades and renovations. Sale of the improved tract of land to HMH Rivers L.P. was authorized by City Council by Ordinance 2016-06-30-0511. The parties are preparing to close on the property to finalize the sale.

The property is Public Waterway Right-of-Way. The City Attorney's Office advised the subject property being sold to HMH must be closed, vacated and abandoned to remove the 'Public Waterway ROW' from the legal description prior to conveyance to HMH to avoid title defects. The subject property was canvassed throughout city departments and utilities and received conditional approval. HMH Rivers L.P. agreed to conditions imposed during the review of the request.

The city-owned Marina Garage abuts the property to the east and it also includes 'Public Waterway ROW' in

the legal description.

This is a city-initiated request to close, vacate and abandon a 1.473 acres (64,169.70 square feet) of a public waterway right-of-way located on Market Street, near Bowie Street, in NCB 13812. This request will remove the 'Public Waterway ROW' designation for the 0.801 acre tract being sold to HMH Rivers L.P. and the 0.672 acre tract for the Marina Garage.

ISSUE:

This resolution recommends a city-initiated request to close, vacate and abandon 1.473 acres of public waterway right-of-way located on East Market Street, near Bowie Street, in NCB 13812 so the city can complete sale of the property to HMH Rivers L.P. (Marriott Riverwalk); and to remove the Public Waterway Right-of-Way legal description for the Marina Garage.

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

If the Public Waterway Right-of-Way closure request is approved, the sale of city-owned property to HMH Rivers L.P., as authorized under Ordinance 2016-06-30-0511, can be completed and the ROW designation will be removed to avoid title issues. In addition, the ROW designation will be removed from the abutting city-owned property doing business as the Marina Garage.

ALTERNATIVES:

The Planning Commission could choose not to authorize this request, however, if the request is not approved, the Public Waterway Right-of-Way designation could create a cloud on the title of the property after the sale of property to the hotel; and the Public Waterway Right-of-Way designation will remain in the legal description of the Marina Garage.

FISCAL IMPACT:

There is no fiscal impact associated with this request since it is city-initiated to update legal descriptions impacting properties located within New City Block 13812.

RECOMMENDATION:

Staff recommends approval of this request to close, vacate and abandon a 1.473 acres of public waterway right-of-way located at 889 East Market Street.