



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2275

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**Agenda Item Number:** 6.

**Agenda Date:** 4/25/2018

**In Control:** Planning Commission

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**DEPARTMENT:** Transportation & Capital Improvements

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

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:** Disposition: Public Alley Right-of-Way Closure

### SUMMARY:

Resolution authorizing the closure, vacation and abandonment of 1.59 linear feet (147.6 square feet) of Right of Way out of a portion of Peacock Alley, between Navarro and Jefferson Streets, in NCB 415, Block 18, Lots A7, A8, A9, P100 and P102, to resolve a building encroachment.

### BACKGROUND INFORMATION:

Peacock Alley is located between the landmark Kress and Grant Buildings and the St. Anthony Hotel to the north. The Kress Subdivision (Plat No. 170227) includes the Kress and Grant Buildings which currently encroaches a maximum on 1.59 linear feet out into a portion of Peacock Alley for a total of approximately 147.6 square feet.

GreyStreet Houston, LLC as owner, has petitioned for the vacation, closure and abandonment of the encroaching area. Partial removal of the alleyway designation will resolve the building encroachment and the resulting constraints on the property title. The neighboring property owner, BCL St. Anthony ML, LP supports the request for the closure as documented by the Petition.

Peacock Alley is not shown to be part of the City of San Antonio Major Thoroughfare Plan. The Kress and Grant Buildings are not located in a Historical District. The closure was canvassed throughout City Departments and Utilities with no objections.

### ISSUE:

The Kress and Grant Buildings extend over the property line into Peacock Alley by 1.59 linear feet (147.6 square feet). The petition to close, vacate and abandon of the encroaching area only will remedy the title issue. The remainder of the alley is sufficient for public access and will remain open.

If the Peacock Alley closure request is approved, the right-of-way designation will be removed to avoid title issues.

#### **ALTERNATIVES:**

Should the Planning Commission choose not to authorize this request, the building encroachment will remain a cloud on the title of the property. One alternative solution would be to remove the portion of encroaching building. Due to structural and historic constraints of altering the building, this is not feasible. The option that the City could grant a variance through Planning & Development is not recommended by City Attorney's Office as it is a temporary solution for the current owner of record only.

#### **FISCAL IMPACT:**

No fiscal impact.

#### **RECOMMENDATION:**

Staff recommends approval of this request to close, vacate and abandon 1.59 linear feet (147.6 square feet) of Peacock Alley.