



# City of San Antonio

## Agenda Memorandum

**File Number:**15-1933

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**Agenda Item Number:** 15.

**Agenda Date:** 4/9/2015

**In Control:** City Council A Session

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**DEPARTMENT:** EastPoint and Real Estate Services

**DEPARTMENT HEAD:** Mike Etienne

**COUNCIL DISTRICTS IMPACTED:** 10

**SUBJECT:** Disposition: Closure of an unimproved portion of a 15-foot wide alley Public Right of Way

### SUMMARY:

An ordinance authorizing the closure, vacation, and abandonment of an unimproved portion of a 15-foot wide alley Public Right of Way perpendicular to Higgins Road between Durham Drive and Stahl Road adjacent to NCB 15704, in Council District 10, as requested by I.P.L. Y Reduccion De Peso Inc., a Texas corporation for a fee of \$4,950.00.

### BACKGROUND INFORMATION:

I.P.L. Y Reduccion De Peso Inc. (Petitioner) is requesting the closure, vacation and abandonment of an unimproved portion of a 15-foot wide alley public right of way perpendicular to Higgins Road between Durham Drive and Stahl Road within NCB 15704, in Council District 10, as shown on Exhibit "A". The proposed closure consists of .082 of an acre (3,574.30 square feet) and is undeveloped. Petitioner is the only abutting owner to the proposed closure. As a condition to the closure, Petitioner will dedicate a Public Access Easement consisting of .0727 of an acre (3,166.38 square feet) for egress/ingress purposes. If approved, Petitioner proposes to incorporate the Public Right of Way Closure with its abutting 9.106 acre tract of land for a gated garden home development with a small commercial portion located at the corner of Stahl Road and Higgins Road.

### ISSUE:

This Ordinance will authorize the closure, vacation, and abandonment of an unimproved portion of a 15-foot-wide alley public right of way perpendicular to Higgins Road between Durham Drive and Stahl Road adjacent to NCB 15704, in Council District 10, as requested I.P.L. Y Reduccion De Peso Inc. for a fee \$4,950.00. The proposed closure consists of .082 of an acre (3,574.30 square feet) and is undeveloped. Petitioner is the only abutting owner to the proposed closure. As a condition to the closure, Petitioner will dedicate a Public Access Easement consisting of .0727 of an acre (3,166.38 square feet) for egress/ingress purposes. If approved, Petitioner proposes to incorporate the Public Right of Way Closure with its abutting 9.106 acre tract of land for

a gated garden home development with a small commercial portion located at the corner of Stahl Road and Higgins Road.

This action is consistent with City Code and Ordinances relative to closing Public Rights of Way.

**ALTERNATIVES:**

The closure, vacation and abandonment of an unimproved portion of a 15-foot-wide alley will allow Petitioner to replat and develop the property into a gated garden home development with a small commercial portion. City Council could choose not to approve this request; however, this will disallow I.P.L. Y Reduccion De Peso Inc. from utilizing and developing property.

**FISCAL IMPACT:**

Petitioner has agreed to pay a total fee of \$4,950.00 for this closure, which includes the alley's assessed value of \$4,800.00 plus \$150.00 for the recording fees. The assessed value was based on an independent State of Texas Certified Professional Appraisal Report conducted by Eckmann Groll Inc. on October 31, 2014. This fund will be deposited into the General Fund in accordance with FY 2015 Adopted Budget.

The property will be placed on the tax rolls, which will generate revenue for the City of San Antonio as well as other taxing entities.

**RECOMMENDATION:**

Staff recommends approval of this ordinance to authorize the closure, vacation and abandonment of a portion of 15-foot wide alley Public Right of Way in Council District 10.

The City of San Antonio's Planning Commission will consider this request at its regular meeting of March 25, 2015.