

AN ORDINANCE **97288**

TO CLOSE, VACATE AND ABANDON AN IMPROVED PORTION OF NORTH MITTMAN STREET LOCATED BETWEEN BURLESON AND SHERMAN STREETS ADJACENT TO NCB 1306 IN COUNCIL DISTRICT 2, AS REQUESTED BY THE PETITIONER, THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$13,426.00.

* * * * *

WHEREAS, the San Antonio Independent School District, (Petitioner), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of North Mittman Street Public Right of Way (Subject Property) located between Burleson and Sherman Streets adjacent to NCB 1306; and

WHEREAS, Petitioner has requested closure of the Subject Property in order to continue with the expansion and redevelopment of the Wheatley Middle School campus which was approved by the Petitioner's 1997 Bond Construction Program; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and it is proposed by staff that it be transferred by the City to Petitioner for the consideration of \$13,426.00; and

WHEREAS, the Petitioner will construct a cul-de-sac at the intersection of Burleson and Mittman, as required by the Unified Development Code; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Public Works, Development Services, Police, Fire, and Asset Management, as well as, City Public Service Board and Bexar Metropolitan Water District; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of February 26, 2003 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on March 6, 2003, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved portion of North Mittman Street Public Right of Way (Subject Property) located between Burleson and Sherman Streets adjacent to NCB 1306 and consisting of 0.428 acre(s), is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated and abandoned as City of San Antonio public right-of-way, as

requested by the San Antonio Independent School District, the abutting property owner, as Petitioner, and such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating and abandoning is contingent on the Petitioner's agreeing to the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property to the San Antonio Independent School District.

SECTION 4. The \$13,426.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 16th day of March, 2003.

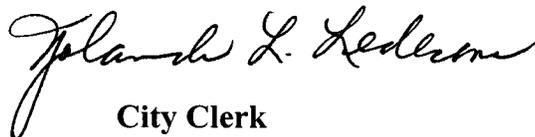
PASSED AND APPROVED this 6th day of March, 2003.



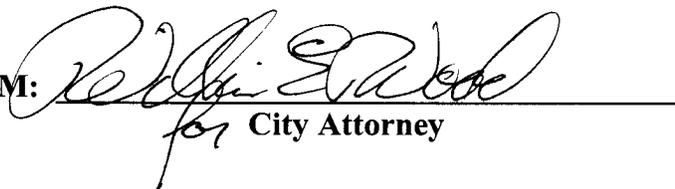
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney