

AN ORDINANCE **97813**

**CLOSING, VACATING AND ABANDONING PUBLIC RIGHTS OF WAY CONSISTING OF PORTIONS OF ROBARDS ROW AND A TWENTY FIVE FOOT WIDE ALLEY ABUTING NCB 17626, BETWEEN WEIMER WAY AND THE SOUTHWEST CITY LIMITS OF LIVE OAK, TEXAS, AS REQUESTED BY THE PETITIONERS, DREW M. STEWART, LINDA A. STEWART, HAMILTON W. DANIELS, AND ROSALINDA M. DANIELS, FOR THE TOTAL CONSIDERATION OF \$16,523.00.**

\* \* \* \* \*

**WHEREAS**, Petitioners, Drew M. Stewart, Linda A. Stewart, Hamilton W. Daniels, and Rosalinda M. Daniels, as owners of abutting property, have requested that the City close, vacate, and abandon portions of Robard Row and a twenty five foot-wide alley abutting NCB 17626 between Weimer Way and the Southwest City Limits of Live Oak, Texas; and

**WHEREAS**, abutting owners inadvertently built over the twenty five foot-wide alley prior to the area's annexation into the City in 1985, however, both the portions of Robard Row and the twenty five foot-wide alley ( collectively "Subject Property") are surplus to the needs of the City of San Antonio and City staff has proposed that such property be transferred by the City to Petitioners for the consideration of \$16,523.00; and

**WHEREAS**, Petitioners will seek closure of the remaining portion of Robards Row from the City of Live Oak; and

**WHEREAS**, in Compliance with City procedures, the request from Petitioners has been canvassed through interested City departments and utility agencies involved, and Petitioner has agreed to the conditions imposed by the City Planning Department, Public Works Department, Development Services Department, and Asset Management Department as well as the City Public Service, and Petitioners have executed a Letter of Agreement evidencing such agreement; and

**WHEREAS**, the City Planning Commission, at its regular meeting of June 11, 2003, considered said request and following a public hearing has presented its

finding to City Council; and the City Council, following a public hearing on June 19, 2003, approved the request to close, vacate, and abandon the Subject Property;

**WHEREAS**, this action is consistent with City Ordinances regulating the closure, vacation, and abandonment of public rights of way within the corporate limits of the City of San Antonio; **NOW THEREFORE**,

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

**SECTION 1.** A 0.067 acre (2,935.52 square feet) portion of Robards Row right of way, 0.268 (11,686.65 square feet) portion of Robards Row right of way, and a 0.064 acre (2,798.59 square feet) portion of Robards Row right of way, all being situated in the City of San Antonio, Bexar County, Texas, Robards, Texas (Second Unit), according to a plat recorded in Volume 2575, Page 44, Deed and Plat Records, Bexar County, Texas, and being more particularly described and shown on Exhibit A attached hereto and incorporated herein verbatim for all purposes, are hereby declared surplus to the needs of the City of San Antonio and are closed, vacated, and abandoned as public rights of way, as requested by Petitioners, Drew M. Stewart, Linda A. Stewart, Hamilton W. Daniels, and Rosalinda M. Daniels, as owners of abutting property.

**SECTION 2.** A 0.058 acre (2,511.19 square feet) portion of a 25' alley, a 0.115 acre (5,015.19 square feet) portion of a 25' alley, and a 0.058 acre (2,506.53 square feet) portion of a 25' alley, in the City of San Antonio, Bexar County, Texas, New City Block 17626, Robards, Texas (Second Unit), according to a plat recorded in Volume 2575, Page 44, Deed and Plat Records, Bexar County, Texas, and being more particularly described and shown on Exhibit B attached hereto and incorporated herein verbatim for all purposes, are hereby declared surplus to the needs of the City of San Antonio and are closed, vacated, and abandoned as public rights of way, as requested by the Petitioners.

**SECTION 3.** Such closing, vacation, and abandonment is contingent on the Petitioner s' (1) tendering to the City consideration in the amount of \$16,523.00, and (2) agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioners, is attached hereto as Exhibit C and incorporated herein verbatim for all purposes.

**SECTION 4.** The City Manager or her 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 Petitioners Drew M. Stewart, Linda A. Stewart, Hamilton W. Daniels, and Rosalinda M. Daniels.

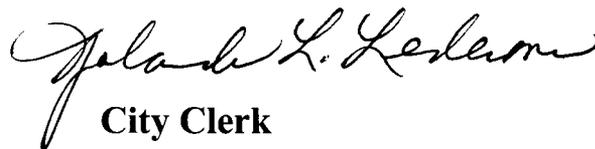
**SECTION 5.** Funds in the amount of \$16,523 are authorized to be received in Index Code 040337 entitled Sale of Land in Fund 29-008 (Special Revenue Reserve Fund) as consideration for the closure, vacation and abandonment of Public Right of Way.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director 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 7.** This Ordinance shall be effective on June 29, 2003.

**PASSED AND APPROVED** June 19, 2003.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

**APPROVED AS TO FORM:**  
  
City Attorney