

AN ORDINANCE **97352**

CLOSING, VACATING AND ABANDONING MOBERLY PLACE AND A PORTION OF AN UNIMPROVED SIXTEEN FOOT (16') WIDE ALLEY AND ACCEPTING A SIXTEEN FOOT (16') WIDE ALLEY DEDICATION ALONG THE WEST PROPERTY LINE OF LOT 5, NCB 3243, IN COUNCIL DISTRICT 1, AS REQUESTED BY THE PETITIONER, SOUTHERN FOODS GROUP, L.P., DBA OAK FARMS DAIRY, FOR THE TOTAL CONSIDERATION OF \$28,130.00.

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WHEREAS, Petitioner, Southern Foods Group, L.P., d/b/a Oak Farms Dairy, as the abutting property owner, has requested that the City close, vacate, and abandon Moberly Place and a portion of a sixteen (16') foot wide unimproved alley and authorize the acceptance of a sixteen (16') foot wide alley dedication along the West property line of Lot 5, NCB 3243, for the total consideration of \$28,130.00, in order to expand its production plant operations; and

WHEREAS, Moberly Place and a portion of a sixteen (16') foot wide unimproved ("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 Petitioner for the consideration of \$28,130.00 and the additional consideration of a dedication by the Petitioner of a sixteen (16') foot wide alley dedication along the West property line of Lot 5, NCB 3243; and

WHEREAS, in compliance with City procedures, the request from Petitioner 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 San Antonio Water System and City Public Service and Petitioner has executed a Letter of Agreement evidencing such agreement; and

WHEREAS, the City Planning Commission, at its regular meeting of March 12, 2003, considered said request 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 20, 2003, approved the request to close, vacate and abandon the Subject Property; and to accept dedication of the sixteen (16') foot wide alley; **NOW THEREFORE**,

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

SECTION 1. A 0.4840 acre tract, being the remaining portion of Moberly Place [Street], as recorded in the Lincoln Place Subdivision, and a 0.0213 tract, being a portion of an unimproved sixteen (16') foot wide alley, in Block 1, New City Block 3243, Lincoln Place Subdivision, both tracts being more specifically legally described and shown respectively on **Exhibits "A" and "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 Petitioner, Southern Foods Group, L.P, d/b/a Oak Farms Dairy, the abutting property owner to such properties.

SECTION 2. The Dedication from Southern Foods Group, L.P., d/b/a Oak Farms Dairy of a 0.0503 acre tract, being a portion of a sixteen (16') foot wide alley along the west property line of Lot 5, New City Block 3243, Lincoln Place Subdivision, as further described and shown on **Exhibit "C"** attached hereto and incorporated herein verbatim for all purposes, is hereby accepted.

SECTION 3. Such closing, vacation and abandonment and acceptance of the dedication is contingent on the Petitioner's agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit "D"** and incorporated herein verbatim for all purposes.

SECTION 4. 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 Southern Foods Group, L.P., d/b/a Oak Farms Dairy.

SECTION 5. The instrument of dedication from Southern Foods Group, L.P., d/b/a Oak Farms Dairy, which shall be submitted to the City Attorney for approval under Section 54, Charter of the City of San Antonio. If said instrument is approved by the City Attorney, then the City of San Antonio accepts title to the parcel upon closing of the transaction.

SECTION 6. The \$28,130.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 7. 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.

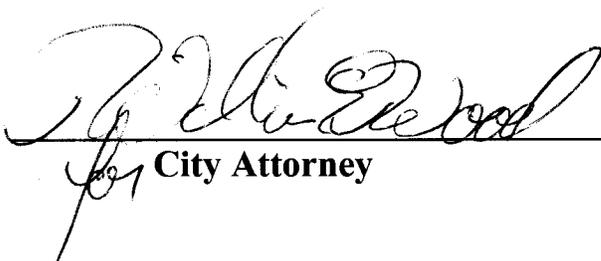
SECTION 8. This Ordinance shall be effective on the 30th day of March, 2003.

PASSED AND APPROVED this 20th day of March, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney