

AN ORDINANCE

97496

CLOSING, VACATING AND ABANDONING IMPROVED AND UNIMPROVED PORTIONS OF PUBLIC RIGHT OF WAY LOCATED WITHIN VIDAURRI PARK, LOCATED IN COUNCIL DISTRICT 5, WHICH ARE NO LONGER UTILIZED FOR ACCESS PURPOSES AND HAVE BEEN LARGELY INCORPORATED INTO GREEN SPACE WITHIN VIDAURRI PARK, AS REQUESTED BY THE PETITIONERS, THE CITY OF SAN ANTONIO, EUSEBIO S. PEREZ, JR. AND LUZ CANO PEREZ, AND ESQUIO R. HERNANDEZ AND GLORIA T. HERNANDEZ, ABUTTING PROPERTY OWNERS, FOR THE TOTAL CONSIDERATION OF \$6,298.00, TO BE PAID BY PETITIONERS, PEREZ AND HERNANDEZ.

* * * * *

WHEREAS, Petitioner, the City of San Antonio, as abutting property owner of portions of Public Right of Way described herein located within Vidaurri Park, at 1201 Merida, along with Petitioners Eusebio S. Perez, Jr. and Luz Cano Perez (collectively "Perez"), and Esiquio R. Hernandez and Gloria T. Hernandez (collectively "Hernandez"), also abutting property owners of portions of Public Right of Way described herein located outside of the park, have requested that the improved and unimproved portions of such Public Rights of Way bounded on the north by Saltillo Street, on the south by Merida, on the west by Barclay Street, and on the east by S.W. 21st Street ("Subject Property") be closed, vacated, and abandoned by the City as Public Rights of Way since the Subject Property is no longer utilized for access purposes and those portions of the Subject Property located within Vidaurri Park have been largely incorporated into green space within the park; and

WHEREAS, those portions of the Subject Property requested by the City to be closed, vacated and abandoned will be retained by the City for municipal purposes, while those portions requested by Petitioners Perez and Hernandez, as private property owners, for closure, are not currently being used and will not, upon closure, be used by them for park purposes; and

WHEREAS, in response to such request, and as required by City Ordinances, the Department of Asset Management canvassed all interested City departments and utility agencies involved and Petitioners Perez and Hernandez have agreed to the conditions imposed by the City Departments of Planning, Development Services, Parks and Recreation, and City Public Service, as specifically detailed in two Letters of Agreement, copies of which are attached hereto; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and City staff has proposed that portions of the Subject Property located within Vidaurri Park be closed, vacated and abandoned as Public Rights of Way, as requested by the City, as Petitioner, and those portions located outside Vidaurri Park be closed, vacated and abandoned by the City as Public Right of Way, as requested by Petitioners Perez and Hernandez, as abutting property owners, for the total consideration of \$6,298.00; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of April 9, 2003 and, following a public hearing, has recommended to the City Council approval of such request and the City Council, also following a public hearing on April 17, 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. Portions of improved and unimproved Public Right of Way bounded on the north by Saltillo Street, on the south by Merida, on the west by Barclay Street, and on the east by S.W. 21st Street (“Subject Property”), are declared surplus to the needs of the City of San Antonio and are hereby closed, vacated, and abandoned as Public Right of Way, as requested by the City of San Antonio, an abutting property owner of portions of the Subject Property located within Vidaurri Park at 1201 Merida, and as requested by Petitioners Eusebio S. Perez, Jr. and Luz Cano Perez (collectively “Perez”), and Esiquio R. Hernandez and Gloria T. Hernandez (collectively “Hernandez”), abutting property owners of portions of the Subject Property located outside of the park. The Subject Property is shown on **Attachment I** affixed hereto and incorporated herein verbatim for all purposes.

SECTION 2. Approval of the closure of the portions of the Subject Property, as requested for closure by Petitioners Perez and Hernandez, is contingent upon (1) payment by Petitioner Perez of \$4,414.00 and by Petitioner Hernandez of \$1,884.00, for a total consideration of \$6,298.00 for such closure and (2) agreement by said Petitioners to certain conditions, as indicated in two Letters of Agreement, one signed by each of them, copies of which are affixed hereto as **Attachment II** and **Attachment III** and incorporated herein verbatim for all purposes.

SECTION 3. Proceeds collected from Petitioner Perez and Petitioner Hernandez for the closing, vacation, and abandonment of those portions of the Subject Property located outside the boundaries of Vidaurri Park shall be deposited in Fund 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled “Sale of Land.”

SECTION 4. 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 5. This Ordinance shall become effective on the 27th day of April, 2003.

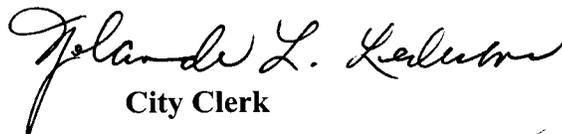
PASSED AND APPROVED this 17th day of April, 2003.



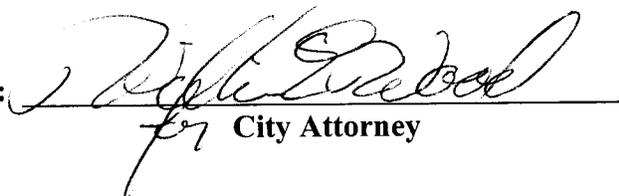
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney