

AN ORDINANCE

97549

**AUTHORIZING THE EXECUTION OF A TERMINATION OF EASEMENT AGREEMENT BETWEEN NAVARRO-TRAVIS GARAGE CORPORATION (“GARAGE CORP.”) AND HELEN NIX COINER, TRUSTEE, AND DAVID BROOKS, TRUSTEE OF BIRDIE L. NIX TRUST (“NIX TRUST”) DATED MAY 29, 1970 TO TERMINATE AN EASEMENT (“EASEMENT”) GRANTED BY GARAGE CORP. TO NIX TRUST, ITS PERMITTEES, AND SUCCESSORS, INCLUDING THE CITY OF SAN ANTONIO, CURRENT OWNER OF THE NIX TRUST PROPERTY, ON WHICH THE ST. MARY’S STREET PARKING GARAGE WAS CONSTRUCTED AT THE INTERSECTION OF E. TRAVIS STREET, E. PECAN AND N. ST. MARY’S STREET, FOR NIX TRUST’S USE TO CROSS WITH VEHICULAR OR PEDESTRIAN TRAFFIC FOR ACCESS FROM ITS PROPERTY AT SUCH INTERSECTION TO AND FROM THE PUBLIC ALLEYWAY ADJOINING THE GARAGE CORP. PROPERTY, SUCH TERMINATION OF EASEMENT HAVING BEEN REQUESTED BY TRAVIS PARK PLAZA, L.P., CURRENT OWNER OF THE GARAGE CORP. PROPERTY, AND AGREED TO BY THE CITY, WHICH NO LONGER HAS A NECESSITY FOR THE EASEMENT.**

\* \* \* \* \*

**WHEREAS**, an Easement Agreement was entered into between Navarro-Travis Garage Corporation, a Texas corporation (“Garage Corp”) and Helen Nix Coiner, Trustee, and David Brooks, Trustee, Trustees of the Birdie L. Nix Trust dated May 29, 1970, granting an easement (“Easement”) for the use of the Nix Trust, its successors and their permittees, to cross with vehicular or pedestrian traffic for access from the Nix Trust Property to and from the public alleyway, and the Easement was recorded in Volume 6365, Page 347 of the Deed Records of Bexar County, Texas, regarding real property described as generally located at the intersection of E. Travis Street and N. St. Mary’s Street; and

**WHEREAS**, Travis Park Plaza, L.P., present owner of the Garage Corp. property, has requested that the City agree to terminate the Easement; and

**WHEREAS**, the City, current owner of the Nix Trust Property, has constructed the St. Mary’s Street Parking Garage thereon and the City has no further need for such Easement or the access rights granted under the Easement; **NOW THEREFORE**;

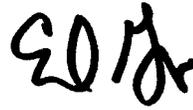
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The execution by the City Manager or her designee of a "Termination of Easement Agreement" with Travis Park Plaza, L.P. is hereby authorized in connection with the Easement Agreement between Navarro-Travis Garage Corporation, a Texas corporation (“Garage Corp”) and Helen Nix Coiner, Trustee, and David Brooks, Trustee, Trustees of the Birdie L. Nix Trust dated May 29, 1970, granting an easement (“Easement”) for the use of the Nix Trust, its

successors and their permittees, to cross with vehicular or pedestrian traffic for access from the Nix Trust Property to and from the public alleyway, which Easement was recorded in Volume 6365, Page 347 of the Deed Records of Bexar County, Texas, regarding real property described as generally located at the intersection of E. Travis Street and N. St. Mary's Street. A copy of the Termination of Easement Agreement, signed by a representative of Travis Park Plaza, L.P. is affixed hereto as Attachment I and incorporated verbatim for reference for all purposes, as is Attachment II affixed hereto, which shows the location of the Easement.

**SECTION 2.** This Ordinance will be effective on the 11<sup>th</sup> day of May, 2003.

**PASSED AND APPROVED** this 1<sup>st</sup> day of May, 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST: Jolanda Y. Ledesma  
City Clerk

APPROVED AS TO FORM: William P. Reed  
for City Attorney