

AN ORDINANCE

97659

CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF LOU MELL ROAD (FORMERLY BACON ROAD) PUBLIC RIGHT OF WAY LOCATED NORTH OF N. LOOP 1604 WEST, IN NEW CITY BLOCK 14852, AS REQUESTED BY THE PETITIONER, MARTIN MARIETTA MATERIALS SOUTHWEST, LTD., FOR THE TOTAL CONSIDERATION OF \$42,597.00.

* * * * *

WHEREAS, Martin Marietta Materials Southwest, Ltd. (“Petitioner”), and owner of abutting property, has requested that the City of San Antonio close, vacate, and abandon a portion of unimproved Lou Mell Road (formerly known as Bacon Road) Public Right of Way located north of North Loop 1604 West in NCB 14582 (“Subject Property”); and

WHEREAS, Petitioner has requested a street closure of the Subject Property to ensure safety through the prevention of entrance by the public into quarry operations which might prove hazardous; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio and City staff has recommended that the City close, vacate and abandon the Subject Property, in exchange for the tender by Petitioner of consideration in the amount of \$42,597.00 and compliance with certain conditions and/or restrictions; 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, with the City Departments of Asset Management, Public Works, Development Services and City Public Service, having imposed conditions and/or restrictions to approval of this request, to which the Petitioner has formally assured compliance; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of May 14, 2003 following a public hearing, and presented its findings to City Council, and City Council, following a public hearing on May 22, 2003, approved the request to close, vacate and abandon said portion of unimproved Lou Mell Road (formerly known as Bacon Road) Public Right of Way; **NOW THEREFORE**,

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

SECTION 1. The certain portion of unimproved Lou Mell Road (formerly known as Bacon Road), located north of North Loop 1604 West adjacent to NCB 14582, as more particularly described in the field notes and other documents set out in Exhibit A attached hereto and incorporated herein verbatim for all purposes, 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.

SECTION 2. Closure, vacation and abandonment of the above described unimproved Lou Mell Road is hereby authorized contingent upon (1) receipt from Martin Marietta Materials Southwest, Ltd., the abutting property owner, of the sum of \$42,597.00, as consideration for such closure, (2) dedication by Martin Marietta Materials Southwest, Ltd., of a 100-foot cul-de-sac right of way, as shown on Exhibit B attached hereto and incorporated herein verbatim for all purposes, and (3) compliance with all of the conditions and/or restrictions set forth in the Letter Agreement executed by said entity, a copy of which is attached hereto and incorporated herein verbatim for all purposes as Exhibit C.

SECTION 3. The City Manager or her designee, is hereby authorized, for 45 days following the effective date of this Ordinance, to execute any and all legal documents deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandonment of this property, as requested by Martin Marietta Materials Southwest, Ltd., the abutting property owner.

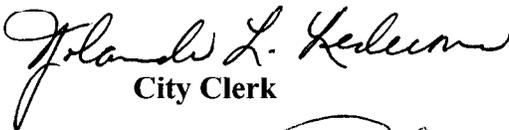
SECTION 4. The \$42,597.00 in proceeds to be collected from the Petitioner as consideration for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

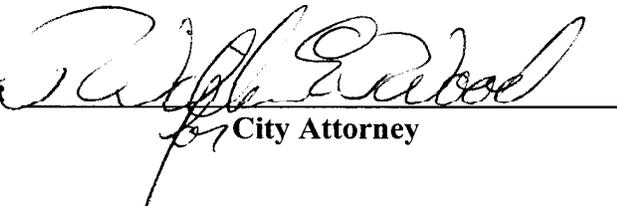
SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall become effective on the 1st day of June, 2003.

PASSED AND APPROVED this 22nd day of May, 2003.


M A Y 0 R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM 
City Attorney