

AN ORDINANCE **97707**

**CLOSING, VACATING AND ABANDONING SUBSURFACE PORTIONS OF MARTIN AND NAVARRO STREETS PUBLIC RIGHTS OF WAY, ADJACENT TO NCB 412, THAT INCLUDES A PORTION OF PETITIONER'S BASEMENT, SEVENTY-TWO (72) 24 - INCH DIAMETER SOLDIER PILES, POWER TRANSFORMER CONNECTION VALET, TRANSFORMER VENTILATION SHAFT AND A TRANSFORMER ACCESS SHAFT, AS REQUESTED BY SBC SERVICES, INC. FOR A TOTAL CONSIDERATION OF \$4,482.00.**

\* \* \* \* \*

**WHEREAS**, SBC Services, Inc., (Petitioner), has requested that the City of San Antonio close, vacate and abandon subsurface portions of Martin and Navarro Streets Public Rights of Way, adjacent to NCB 412, including a portion of Petitioner's basement, seventy-two (72) 24-inch diameter soldier piles, power transformer connection valet, transformer ventilation shaft and a transformer access shaft (Subject Property); and

**WHEREAS**, Petitioner has requested closure of the Subject Property in order to obtain ownership of this area which is the central telecommunications hub for a multi-state region; and

**WHEREAS**, the Subject Property is surplus to the needs of the City of San Antonio and it is proposed by staff that it be transferred by the City to Petitioner for the consideration of \$4,482.00; and

**WHEREAS**, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Asset Management Department and City Public Service Board; and

**WHEREAS**, the City Planning Commission considered this request at its regular meeting of April 23, 2003 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on May 29, 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.** The subsurface portions of Martin and Navarro Streets Public Rights of Way, adjacent to NCB 412, including a portion of Petitioner's basement, seventy-two (72) 24-inch diameter soldier piles, power transformer connection valet, transformer ventilation shaft and a transformer access shaft 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, as

requested by the SBC Services, Inc., as Petitioner, and such portion is shown on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

**SECTION 2.** Such closing, vacating and abandoning is contingent on the Petitioner's (1) tendering to the City the sum of \$4,482.00 within the time set forth in a Letter Agreement and (2) agreeing to the conditions set forth in such Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

**SECTION 3.** 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 SBC Services, Inc.

**SECTION 4.** The \$4,482.00 in proceeds to be collected from the Petitioner 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.

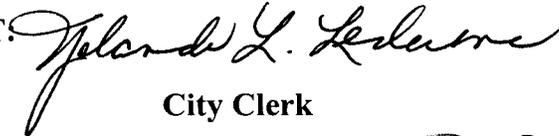
**SECTION 6.** This ordinance shall be effective on the 8th day of June, 2003.

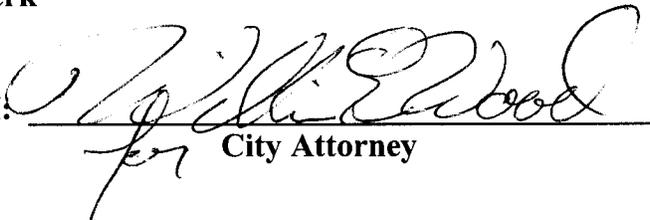
**PASSED AND APPROVED** this 29th day of May, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney