

AN ORDINANCE

**97419**

**CLOSING, VACATING AND ABANDONING AN UNIMPROVED PORTION OF BULVERDE ROAD LOCATED DIRECTLY NORTH OF LOOP N. 1604 E. ADJACENT TO NCB 17727, AS REQUESTED BY THE PETITIONER, FCS FISCHER, LTD., FOR THE TOTAL CONSIDERATION OF \$5,605.00.**

\* \* \* \* \*

**WHEREAS**, FCS Fischer, Ltd., a Texas Limited Partnership, (Petitioner), the abutting owner, has requested that the City of San Antonio close, vacate and abandon an unimproved portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727 (Subject Property); and

**WHEREAS**, Petitioner has requested closure of the Subject Property in order to incorporate the closure with their property for future commercial development; 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 \$5,605.00; 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 Departments of Planning, Public Works, Development Services, and Asset Management, as well as, City Public Service Board and San Antonio Water System; and

**WHEREAS**, the City Planning Commission considered this request at its regular meeting of March 26, 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 April 3, 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 unimproved portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727, 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 FCS Fischer, Ltd., a Texas Limited Partnership, the abutting property owner, as Petitioner, and such portion is shown and legally described 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 \$5,605.00 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 FCS Fischer, Ltd., a Texas Limited Partnership.

**SECTION 4.** The \$5,605.00 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.

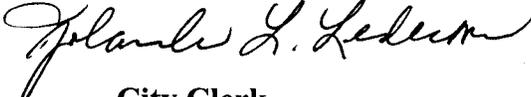
**SECTION 6.** This ordinance shall be effective on the 13th day of April, 2003.

**PASSED AND APPROVED** this 3rd day of April, 2003.



M A Y O R

EDWARD D. GARZA,

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney