

AN ORDINANCE **9 7 0 2 1**

CLOSING, VACATING AND ABANDONING A 0.142 ACRE PORTION OF RIVER ROAD PUBLIC RIGHT OF WAY LOCATED BETWEEN EAST ASHBY STREET AND HIGHWAY 281 NORTH, AS REQUESTED BY THE PETITIONER, DAVID H. ARRINGTON IN EXCHANGE FOR A 0.183 ACRE PARCEL OF LAND LEGALLY DESCRIBED AS THE REMAINDER OF NCB A-2, AND ALSO DESCRIBED AS TRACT "C", BOUNDED BY RIVER ROAD, EAST ASHBY STREET, AND ELMIRA STREET, BOTH PARCELS VALUED EQUALLY AT \$24,854.00, AS CONSIDERATION.

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WHEREAS, Petitioner David H. Arrington has requested that the City close, vacate, and abandon a 0.142 acre portion of River Road consisting of Public Right of Way valued at \$24,854.00, located between East Ashby Place and Highway 281 North, upon which the Borden Dairy Building and loading docks have been found to have been inadvertently constructed over 50 years ago; and

WHEREAS, in consideration of, and in exchange for, the City's closing, vacating, and abandoning the above described Public Right of Way, Petitioner agrees to convey by Exchange Deed, a 0.183 acre parcel of land of equal value, bounded by River Road, East Ashby and Elmira Streets, legally described as the remainder of NCB A-2 and also described as Tract "C", City of San Antonio, Bexar County, Texas; and

WHEREAS, as additional consideration Petitioner has tendered a Release of Claims against the City made by the previous owner of the 0.183 acre parcel; and

WHEREAS, in compliance with City procedures, the request from Petitioner has been canvassed through interested City departments, and Petitioner has executed a Letter of Agreement stating all conditions imposed through said canvassing; and

WHEREAS, the City Planning Commission, at its regular meeting of November 27, 2002, considered said request and has reported its findings to City Council; and

WHEREAS, this action is consistent with City Ordinances regulating closing, vacating, and abandoning Public Right of Way within the Corporate Limits of the City of San Antonio; **NOW THEREFORE**,

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

SECTION 1. A 0.142 acre portion of River Road Public Right of Way located between East Ashby Place and Highway 281 North, as shown on Exhibit "A" attached hereto and incorporated herein verbatim for all purposes, is hereby closed, vacated and abandoned as public right of way, as requested by Petitioner, David H. Arrington, in exchange for a 0.183 acre parcel of land legally described as the remainder of NCB A-2, and also described as Tract "C", bounded by

River Road, East Ashby Street, and Elmira Street, as shown on Exhibit "B" attached hereto and incorporated herein verbatim for all purposes, both parcels valued equally at \$24,854.00, as consideration.

SECTION 2. Approval of the closure and transfer to Petitioner, of said 0.142 acre portion of River Road Public Right of Way is contingent upon Petitioner's compliance with the specific conditions set forth in a Letter Agreement executed by said Petitioner, a copy of which is attached hereto and incorporated herein verbatim for all purposes as part of Exhibit "C".

SECTION 3. Approval of said closure and transfer of said 0.142 acre portion to the Petitioner by the City is further contingent upon Petitioner's representations agreeing not to place signs on the 0.142 acre portion, set forth in a letter dated January 8, 2003, a copy of which letter is attached hereto as part of Exhibit "C" and incorporated herein verbatim for all purposes, and City Staff is directed not to issue any building permits for placing or causing to be placed any free standing signs, pylon signs, banners or any other signage on the 0.142 acre portion.

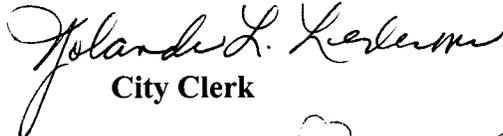
SECTION 4. The City Manager or her designee, is hereby authorized to execute the "Exchange Deed Without Warranty", a copy of which is attached hereto and incorporated herein for all purposes as Exhibit "D", conveying the 0.142 acre property described in **SECTION 1** above to David H. Arrington in exchange for the transfer to the City of a 0.183 acre parcel of land of equal value, as also described in **SECTION 1**.

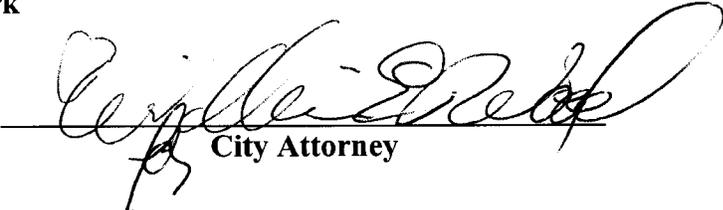
SECTION 5. The City acknowledges and accepts from Petitioner as additional consideration for the exchange, a Release of Claims against the City, executed on behalf of R. S. Menefee, Jr., previous owner of the 0.183 acre property. A copy of said Release is attached hereto as Exhibit "E" and incorporated herein verbatim for all purposes.

SECTION 6. This ordinance shall be effective on the 19th day of January, 2003.

PASSED AND APPROVED this 9th day of January, 2003.


M A Y O R PRO TEM

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney