

AN ORDINANCE **98048**

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SHARP STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH LAREDO AND TUNSTALL STREETS ADJACENT TO NCBS 919 AND 920, AS REQUESTED BY THE ABUTTING PROPERTY OWNER, MAPCO, INC., FOR THE TOTAL CONSIDERATION OF \$14,546.00.

* * * * *

WHEREAS, Mapco, Inc., (Petitioner), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of Sharp Street public right of way (Subject Property) located between South Laredo and Tunstall Streets adjacent to NCBS 919 and 920; and

WHEREAS, Petitioner has requested closure of the Subject Property in order to continue with the development of a multi-story office complex; 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 \$14,546.00; and

WHEREAS, the Petitioner will construct a cul-de-sac at the intersection of Burleson and Mittman, as required by the Unified Development Code; 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, City Public Service, and Asset Management; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of August 13, 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 August 21, 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 improved portion of Sharp Street public right of way (Subject Property) located between South Laredo and Tunstall Streets adjacent to NCBS 919 and 920 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 Mapco, Inc., 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 (collectively "closing") is contingent on the Petitioner's agreeing to the conditions set forth in a 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 of this property.

SECTION 4. The \$14,546.00 in proceeds to be collected from the Petitioner for the closing of this property shall be deposited in Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

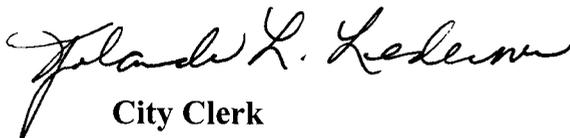
SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

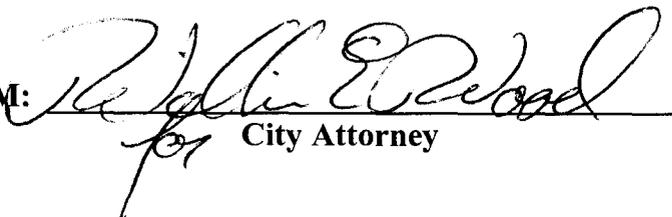
SECTION 6. This ordinance shall be effective on the 31st day of August, 2003.

PASSED AND APPROVED this 21st day of August, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney