

AN ORDINANCE

**98510**

**CLOSING, VACATING AND ABANDONING AN IRREGULAR 0.0417-ACRE PORTION OF NACOGDOCHES ROAD PUBLIC RIGHT OF WAY AND A 30-FOOT BY 72-FOOT PORTION OF PUBLIC RIGHT OF WAY LOCATED BETWEEN BROADWAY AVENUE AND NACOGDOCHES ROAD ADJACENT TO NCB 8702, AS REQUESTED BY THE HEIGHTS BUILDING, LTD., A TEXAS LIMITED PARTNERSHIP, AS SUCCESSOR TO THE ORIGINAL PETITIONER, CLARET, L.C., A TEXAS LIMITED LIABILITY COMPANY, FOR THE TOTAL CONSIDERATION OF \$22,169.00.**

\* \* \* \* \*

**WHEREAS**, The Heights Building, Ltd., as successor to the original petitioner, Claret, L.C., (“Petitioner”), and abutting property owner, has requested that the City of San Antonio close, vacate and abandon an irregular 0.0417 acre portion of Nacogdoches Road public right of way and a 30-foot by 72-foot portion of public right of way located between Broadway Avenue and Nacogdoches Road adjacent to New City Blocks 8702, in order to construct an office building and parking lot; and

**WHEREAS**, the City Planning Commission considered this request at its regular meeting of November 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 December 4, 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 irregular 0.0417 acre portion of Nacogdoches Road public right of way and a 30-foot by 72-foot portion of public right of way located between Broadway Avenue and Nacogdoches Road adjacent to New City Blocks 8702, are hereby declared surplus to the needs of the City of San Antonio and are closed, vacated and abandoned as City of San Antonio public rights-of-way, as requested by The Heights Building, Ltd., a Texas Limited Partnership, as successor to the original petitioner, Claret, L.C., a Texas Limited Liability Company, (“Petitioner”) and such portion are shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

**SECTION 2.** The City acknowledges receipt from the Petitioner of \$22,169.00 for the closing, vacating and abandoning (“closing”); however such closing is contingent on the Petitioner's -complying with 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 if and only if deemed necessary by the City Attorney’s Office, to facilitate the closing of these properties.

**SECTION 4.** The \$22,169.00 in proceeds collected from the Petitioner for the closing of these properties shall be deposited into 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 14th day of December 2003.

**PASSED AND APPROVED** this 4th day of December, 2003.



M A Y O R

EDWARD D. GARZA

**ATTEST:**

*Mary Lou Rodriguez*  
for City Clerk

**APPROVED AS TO FORM:**

*William E. Wood*  
for City Attorney