

AN ORDINANCE      **9 8 8 4 1**

**CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SAN LUIS STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH CALAVERAS AND SOUTH CHUPADERAS STREETS ADJACENT TO NCB 2384 IN COUNCIL DISTRICT 5, FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT DE ZAVALA ELEMENTARY SCHOOL, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$10,033.00.**

\*   \*   \*   \*   \*

**WHEREAS**, the San Antonio Independent School District, ("Petitioner"), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of San Luis Public Right of Way ("Subject Property") located between South Calaveras and South Chupaderas Streets adjacent to New City Blocks 2384 and 2398 for the expansion and redevelopment of the De Zavala Elementary School; and

**WHEREAS**, the City Planning Commission considered this request at its regular meeting of January 28, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on February 5, 2004, which public hearing was continued until February 12, 2004 and at such later date, 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 San Luis Public Right of Way ("Subject Property") located between South Calaveras and South Chupaderas Streets adjacent to New City Blocks 2384 and 2398, 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 San Antonio Independent School District, 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.**      The City acknowledges receipt from the Petitioner of \$10,033.00 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 her 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 this property.

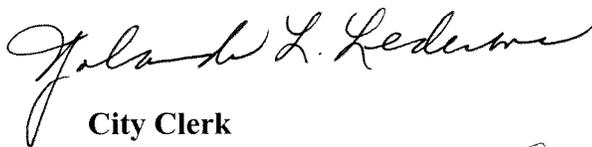
**SECTION 4.** The \$10,033.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

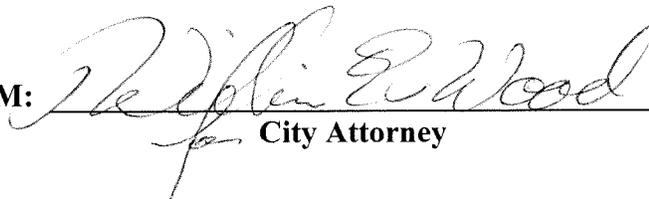
**SECTION 5.** The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** This ordinance shall be effective on the 22nd day of February 2004.

**PASSED AND APPROVED** this 12th day of February, 2004.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney