

AN ORDINANCE

98917

CLOSING, VACATING AND ABANDONING PORTIONS OF NORTH LAS MORAS STREET AND AN INTERSECTING THIRTEEN (13')-FOOT WIDE ALLEY PUBLIC RIGHTS OF WAY LOCATED BETWEEN MORALES AND PEREZ STREETS ADJACENT TO NCB 2214 IN COUNCIL DISTRICT 1 FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT MARGIL ELEMENTARY SCHOOL, AS REQUESTED BY THE PETITIONERS, THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND OTHER OWNERS, WHOSE PROPERTIES ABUT THE ALLEY, FOR THE TOTAL CONSIDERATION OF \$12,725.00 PAID ENTIRELY BY THE SCHOOL DISTRICT.

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WHEREAS, Petitioner San Antonio Independent School District, as owner of properties abutting portions of North Las Moras Street and an intersecting 13-foot wide alley, all being Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214, and Petitioners Enrique Aguirre, Ruben D. Escobar, Anna M. Escobar, Adela F. Martinez, Elias Ruiz, Carolina Ruiz, Gilberto De La Rosa and Dora De La Rosa, also as owners of the properties abutting the alley, have requested that the City close, vacate, and abandon portions of said North Las Moras Street and the alley in connection with the expansion and redevelopment of Margil Elementary School; and

WHEREAS, this request was considered at the regular meeting of the Planning Commission held on February 25, 2004 and, following a public hearing, the Commission has recommended to the City Council approval of such request; and the City Council, following a public hearing on March 4, 2004, 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 portions of North Las Moras Street, and an intersecting 13 foot wide alley, all being Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214; further described and shown in Attachment I affixed hereto and incorporated herein verbatim for all purposes, all in the City of San Antonio, are closed, vacated, and abandoned as a public right of way of the City, as requested by Petitioners, San Antonio Independent School District, Enrique Aguirre, Ruben D. Escobar, Anna M. Escobar, Adela F. Martinez, Elias Ruiz, Carolina Ruiz, Gilberto De La Rosa and Dora De La Rosa, owners of property abutting the street and alley.

SECTION 2. The City Manager or her designee, is hereby authorized to execute any and all legal documents, deemed necessary by the City Attorney's Office, to facilitate the closing, vacation, and abandonment of the property described in **SECTION 1.**

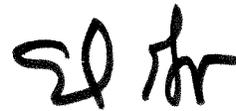
SECTION 3. The City acknowledges receipt from Petitioner San Antonio Independent School District of the sum of \$12,725.00, being the assessed value for the Public Rights of Way, an additional fee of \$144.00 for the posting of two signs notifying the public of the proposed closure, and \$35.00 for recording fees, as total consideration for such closing, vacation, and abandonment ("closing action"); however, such closing action by the City is contingent on the Petitioners agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioners, is affixed hereto and incorporated herein verbatim for all purposes as Attachment II.

SECTION 4. Proceeds collected from Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-008000 (Miscellaneous Special Revenue Reserve Fund) in index code 040337 entitled "Sale of Land".

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director 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 March 14th, 2004.

PASSED AND APPROVED this 4th day of March, 2004.



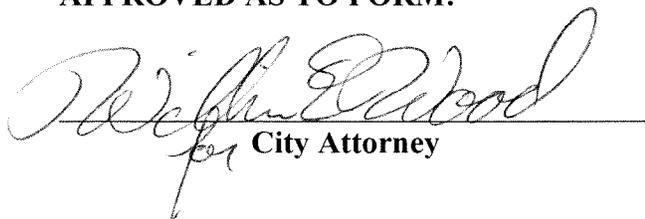
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney