

AN ORDINANCE

99369

CLOSING, VACATING AND ABANDONING AN IMPROVED 2.9946 ACRES PORTION OF OLD LOCKHILL-SELMA ROAD BETWEEN NEW LOCKHILL-SELMA ROAD AND DE ZAVALA ROAD OUT OF NCB 17627, ADJACENT TO NCB 18598, IN COUNCIL DISTRICT 8, AS REQUESTED BY THE PETITIONERS AND OWNERS OF ABUTTING PROPERTIES, SHAVANO/LDR NO. 3 COMMERCIAL PARTNERSHIP, LTD., A TEXAS LIMITED PARTNERSHIP, AND ROGERS SHAVANO RANCH, LTD., A TEXAS LIMITED PARTNERSHIP, ET AL. FOR THE TOTAL CONSIDERATION OF \$40,545.00.

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WHEREAS, Shavano/LDR No. 3 Commercial Partnership, LTD., a Texas Limited Partnership, and Rogers Shavano Ranch, LTD., a Texas Limited Partnership, and the City of San Antonio, acting by and through its municipal board, the City Public Service Board of San Antonio, as Petitioners and owners of property abutting an improved 2.9946 acres portion of Old Lockhill-Selma Road between New Lockhill-Selma Road and De Zavala Road out of NCB 17627, adjacent to NCB 18598 ("Subject Property"), have requested that the City of San Antonio close, vacate, and abandon such portion; and

WHEREAS, in consideration for the City's agreement to such closure, Petitioners Shavano/LDR No. 3 Commercial Partnership, LTD. and Rogers Shavano Ranch, LTD. have paid \$40,545.00 and agreed to convey to the City, acting by and through its municipal board, the City Public Service Board of San Antonio, 0.82 of an acre for expansion of the CPS De Zavala Substation, along with a new public right of way, to be dedicated by plat, to provide access to the Substation from New Lockhill-Selma Road; and

WHEREAS, City staff recommended such closure and the City Planning Commission considered this request at its regular meeting of June 9, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public meeting on June 24, 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 2.9946 acres improved portion of Old Lockhill-Selma Road public right of way located between De Zavala Road and New Lockhill-Selma Road, is declared surplus to the needs of the City of San Antonio, Bexar County, Texas, and is closed, vacated, and abandoned as City of San Antonio public right of way, as requested by Petitioners, Shavano/LDR No. 3 Commercial Partnership, LTD., a Texas Limited Partnership, and Rogers Shavano Ranch, LTD., a Texas Limited Partnership, and the City of San Antonio, acting by and through its municipal board, the City Public Service Board of San Antonio, as Petitioners and owners of property abutting such portion. The 2.996 acres consists of 3.0116 acres described on **Exhibit A-1**, save and except 0.017 of an acre described on **Exhibit A-2**, both exhibits being attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. As consideration for such closure, the City of San Antonio accepts from Petitioners, Shavano/LDR No. 3 Commercial Partnership, LTD. and Rogers Shavano Ranch, LTD. the total consideration of \$40,545.00 and an agreement to convey to the City of San Antonio, acting by and through its municipal board, the City Public Service Board of San Antonio, 0.82 of an acre for expansion of the CPS De Zavala Substation, along with a new public right of way, to be dedicated by plat, to provide access to the Substation from New Lockhill-Selma Road, such public right of way, anticipated to be formally accepted by the City, through dedication by a plat to be considered by the City Planning Commission for approval in July, 2004. A copy of the proposed location of the new public right of way is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes. The two Petitioners have agreed to provide continuous access for CPS to the Substation until such time as construction of the new public right of way is completed and accepted by the City of San Antonio.

SECTION 3. Legal representatives of Petitioners, Shavano/LDR No. 3 Commercial Partnership, LTD. and Rogers Shavano Ranch, LTD. have agreed and acknowledged that action taken by the City of San Antonio under this Ordinance to close, vacate and abandon the 2.996 acres will be effective without further documentation from the City, unless requested at a later date by such Petitioners. Should such request be made, the City Manager or her designee is authorized to execute any and all legal documents if also deemed necessary by the City Attorney's Office to facilitate such action.

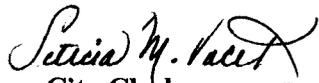
SECTION 4. Funds received in the amount of \$40,545.00 shall be deposited in Fund 11-000000 (General Fund) in Index Code 040337 entitled "Sale of Land".

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 the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney