

AN ORDINANCE 99607

CLOSING, VACATING AND ABANDONING AN UNIMPROVED 1.973 ACRE PORTION OF ROGERS ROAD FROM THE NORTHWEST INTERSECTION OF WISEMAN BOULEVARD AND STATE HIGHWAY 151 TO THE SOUTH OF THE MOUNTAIN VIEW SUBDIVISION ADJACENT TO NEW CITY BLOCKS 17640 AND 17642, LOCATED IN COUNCIL DISTRICT 6, AS REQUESTED BY THE PETITIONER, WESTOVER HILLS DEVELOPMENT PARTNERS, L.P., FOR THE TOTAL CONSIDERATION OF \$20,755.00.

* * * * *

WHEREAS, Westover Hills Development Partners, L.P. (Petitioner), the abutting property owner, has requested that the City of San Antonio close, vacate, and abandon an unimproved approximate 1.973 acre portion of Rogers Road, from the Northwest intersection of Wiseman Boulevard and State Highway 151 to the South of the Mountain View Subdivision adjacent to New City Blocks 17640 and 17642; and

WHEREAS, if such closure, vacation, and abandonment is approved by the City, Petitioner intends to dedicate by plat an 86 foot secondary arterial public Right of Way for the realignment of Rogers Road, to be consistent with the City's Major thoroughfare Plan; 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 subject to the Petitioner's compliance with the conditions referenced in Section 2. below; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of August 11, 2004, and has recommended approval to the City Council; and the City Council, following a public hearing on August 19, 2004, approved such request; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The approximate 1.973 acre unimproved portion of Rogers Road, extending from the northwest intersection of Wiseman Boulevard and State Highway 151 to the South of the Mountain View Subdivision, adjacent to New City Blocks 17640 and 17642, 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 **Westover Hills Development Partners, L.P.**, the Petitioner and abutting property owner, for consideration of \$20,755.00, and such portion is described in and shown on **Attachment I** affixed hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating, and abandoning is contingent upon Petitioner's agreeing to conditions set forth in a Letter Agreement dated July 13, 2004, a copy of which, executed on behalf of the Petitioner on July 16, 2004, is attached hereto and incorporated herein verbatim for all purposes as **Attachment II**.

SECTION 3. The City Manager, or her designee, is hereby authorized to execute any and all legal documents, as deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property in response to the request made by **Westover Hills Development Partners, L.P.**

SECTION 4. The \$20,755.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund 29-0008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECITON 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 Managers' designee, correct allocation to specific Index Codes and Fund Numbers, as necessary, to carry out the purposes of this Ordinance.

SECTION 6. This ordinance shall take effect on the 29th day of August, 2004.

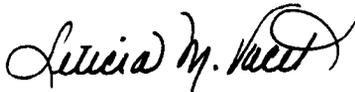
PASSED AND APPROVED this 19th day of August, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney