

AN ORDINANCE 101026

CLOSING, VACATING AND ABANDONING THE EASTERN PORTION OF AN UNIMPROVED ALLEY PUBLIC RIGHT OF WAY CONSISTING OF 6,267 SQUARE FEET, 414 FEET IN LENGTH AND 15 FEET IN WIDTH, LOCATED BETWEEN DURHAM DRIVE AND SANTA GERTRUDIS STREET ADJACENT TO NCB 15707 IN COUNCIL DISTRICT 10, FOR CONSTRUCTION OF A MINI-STORAGE FACILITY, AS REQUESTED BY THE PETITIONER, MADISON SELF STORAGE, LTD., FOR THE TOTAL CONSIDERATION OF \$2,085.00.

* * * * *

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

SECTION 1. Subject to the reservation of Section 2, the City finds the following tract is surplus to its needs and hereby closes, vacates, and abandons it:

A 15 foot wide alley between Lots 7 and 4 and Lots 5 and 6, New City Block 1507, City of San Antonio, Bexar County, Texas, as more particularly described on **Exhibit A**, which is incorporated herein by reference for all purposes.

SECTION 2. This ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

SECTION 3. The Letter Agreement, attached as **Exhibit B** and incorporated by reference for all purposes as if it were fully set forth, on the basis of which the City agreed to take the action effected by this ordinance is hereby in all things ratified and approved.

SECTION 4. The City Manager or his designee is authorized and directed to execute and deliver all documents and to do all other things necessary or convenient to reflect this closure, abandonment, and vacation.

SECTION 5. Funds in the amount of \$2,085.00 will be deposited into Fund 29027000 entitled, "Special Revenue Reserve Fund", Internal Order Number 224000000010 and General Ledger 4903101 entitled, "Sale-Land".

SECTION 6. 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 allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. This ordinance shall become effective June 26, 2005, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it shall be effective immediately.

PASSED AND APPROVED this 16th day of June, 2005.



M A Y O R

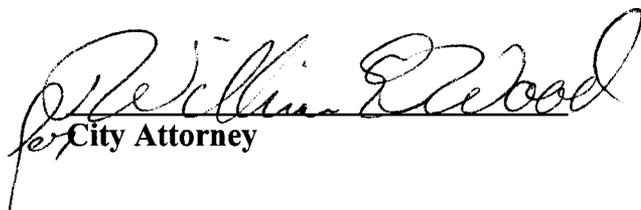
EDWARD D. GARZA

ATTEST



City Clerk

APPROVED AS TO FORM:



City Attorney

Agenda Voting Results

Name: 4.

Date: 06/16/05

Time: 03:06:43 PM

Vote Type: Multiple selection

Description: 4. 3:00 P.M. - Public Hearing and consideration of an Ordinance closing, vacating and abandoning the eastern portion of an unimproved alley Public Right of Way consisting of 6,267 square feet, 414 feet in length and 15 feet in width, located between Durham Drive and Santa Gertrudis Street adjacent to NCB 15707 in Council District 10, for construction of a mini-storage facility, as requested by the Petitioner, Madison Self Storage, Ltd., for the total consideration of \$2,085.00. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. McNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8	Not present			
KEVIN WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR	Not present			

Exhibit A

ALLEY ONLY
EXHIBIT 1

METES & BOUNDS DESCRIPTION
April 25, 2005

BEING a 15' wide alley between the remaining portion of Lots 7 and 4, and Lots 5 and 6, New City Block 15707, in the City of San Antonio, Bexar County, Texas, recorded in Volume 3377, Page 78, deed and Plat Records, Bexar County, Texas, said 15' wide alley being more particularly described as follows:

BEGINNING at a ½" iron rod set in the southwesterly Right-Of-Way (R.O.W.) line of O'Connor Drive for the most northerly corner of said Lot 6 and the most easterly corner of the herein described tract;

THENCE South 61°27'21" West, 309.34 feet along the northerly line of said Lot 6 to a ½" iron rod set for the most westerly corner of said Lot 6 and the most northerly corner of said Lot 7;

THENCE South 61°26'26" West, 105.31 feet along the northerly line of said Lot 7 to a ½" iron rod set for the most southerly corner of the herein described tract;

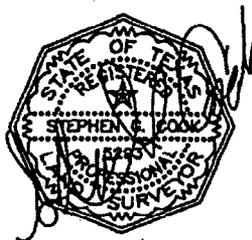
THENCE North 23°22'33" West, 15.02 feet across said 15' alley to a ½" iron rod set in the southerly line of said Lot 4 for the most westerly corner of the herein described tract;

THENCE North 61°27'40" East, 104.20 feet along the southerly line of said Lot 4 to a ½" iron rod set for the most easterly corner of said Lot 4 and the most southerly corner of said Lot 5;

THENCE North 61°23'47" East, 309.07 feet along the southerly line of said Lot 5 to a ½" iron rod set in the southwesterly R.O.W. line of said O'Connor Drive for the most northerly corner of the herein described tract;

THENCE South 28°37'25" East, 15.25 feet along the southwesterly R.O.W. line of said O'Connor Drive to the POINT OF BEGINNING.

Stephen G. Cook
Registered Professional Land Surveyor
No. 5293



No.#860-004-125



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

May 11, 2005

Madison Self Storage, Ltd.
Attn: John L. Wilson
1003 E. Nakoma, Suite 100
San Antonio, TX 78216

Re: S. P. No. 1190—Request to close, vacate and abandon the northeasterly unimproved portion of a 15 foot-wide alley Public Right of Way located at the O'Connor Road intersection adjacent to NCB 15707

Dear Mr. Wilson:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

PLANNING DEPARTMENT

Approved provided applicant builds a minimum of 20 feet of pavement on Durham Road along the extent of property to O'Connor Road, and provide a turnaround at proposed alley dedication.

PUBLIC WORKS DEPARTMENT

Approved provided development plans and plat are submitted; and petitioners must address issues regarding other on-site detention or fix the ponding problem at the intersection of Durham and O'Connor.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided construction plans are submitted and proper permits are obtained for construction of the mini-storage facility; and site is assembled and platted with the petitioners' property.

DEPARTMENT OF ASSET MANAGEMENT

- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.
- Petitioners assert that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- The petitioners acknowledge that this property will be accepted in its "as is" condition.

- Petitioners agree to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. Petitioners agree to allow perpetual access to any such utilities or may seek the relocation of a specific utility with the express permission and coordination of the respective owner of the utility and at the sole expense of the petitioners.
- *Petitioner agrees to remit a closure fee of \$2,085.00, which includes the assessed value of \$2,050.00 for the Public Right of Way and \$35.00 for recording documents. This closure fee will be due and payable to the City of San Antonio, and is to be submitted with this Letter of Agreement. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner.*

This Letter of Agreement is being offered by City of San Antonio only to the petitioners named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioner and granted by the City.

If you concur with the above mentioned conditions, including the payment of the assessed closure fee, please countersign this letter in the spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement, and the closure fee we will continue processing your request.*

Sincerely,

for 
Shawn P. Eddy
Special Projects Manager
Property Disposition Division

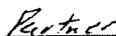
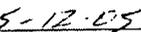
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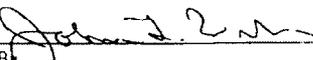
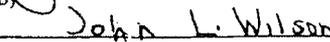
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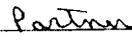
AGREED AS TO TERMS AND CONDITIONS:

PETITIONERS:


By: 
Print Name


Title

Date


By: 
Print Name


Title

Date