

AN ORDINANCE 2009-11-19-0901

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF AN IMPROVED 15-FOOT WIDE ALLEY RIGHT-OF-WAY BOUNDED BY NOLAN STREET TO THE NORTH, DAWSON STREET TO THE SOUTH, EDA STREET TO THE WEST AND CHERRY STREET TO THE EAST ADJACENT TO NEW CITY BLOCK 559 IN COUNCIL DISTRICT 2, AS REQUESTED BY THE SAN ANTONIO FIRE DEPARTMENT.**

\* \* \* \* \*

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

**SECTION 1.** Subject to the reservation below, the City finds the following right of way is no longer essential to the safe and efficient flow of traffic in the area in which the right of way is located. As an exercise of its discretion, the City Council closes, vacates, and abandons the right of way. A condition of the closure, vacation, and abandonment is City's receipt of the fee set out below in the funding section of this Ordinance. The affected right of way is identified below.

A 15-foot wide, north-south alley out of NCB 559, extending southward from the south right-of-way line of Nolan to the north right-of-way line of Dawson

**SECTION 2.** A picture of the subject right of way is set forth at **Attachment I**. The detailed description of the right-of-way subject to this ordinance is set forth on **Attachment II**. Both Attachments I and II are incorporated into this Ordinance for all purposes as if they were fully set forth. Attachment II controls over any discrepancy between it and Attachment I.

**SECTION 3.** This Ordinance does not release any public rights in the subject tract for drainage, water and wastewater lines, electric transmission lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract.

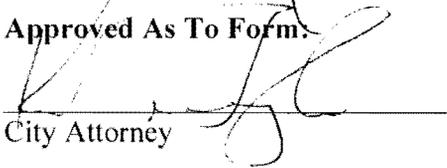
**SECTION 4.** The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to reflect this closure, abandonment, and vacation.

**SECTION 5.** This Ordinance becomes effective 10 days after passage unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

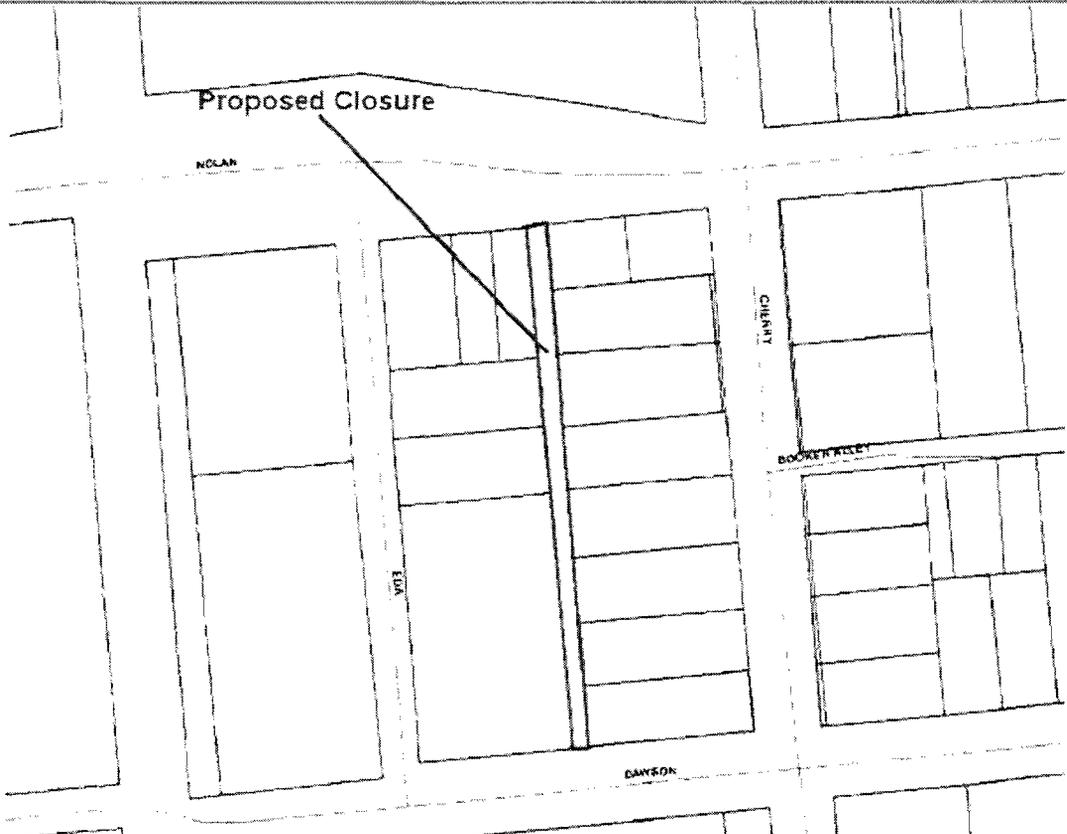
**PASSED AND APPROVED** this 19<sup>th</sup> day of November 2009.

  
M A Y O R  
**JULIÁN CASTRO**

Attest:   
City Clerk

Approved As To Form:   
City Attorney

Attachment I



Map of Proposed Closure



## Attachment II

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### **METES AND BOUNDS DESCRIPTION**

#### **15- foot wide, 0.1358-acre (5,917 square feet), alley out of Block 22, New City Block 559, City of San Antonio, Bexar County, Texas**

Being a 15- foot wide, 0.1358-acre (5,917 square feet), alley out of Block 22, New City Block 559, City of San Antonio, Bexar County, Texas. Said 0.1358-acre tract being more particularly described as follows, with all bearings being referenced to Special Warranty Deed recorded in Volume 13755, Page 1512, Official Public Records of Real Property of Bexar County, Texas:

**BEGINNING:** at a found  $\frac{1}{2}$ " iron rod with cap stamped "GE REAVES," on the north Right-of-Way (R.O.W.) line of Dawson Street (55.6' R.O.W.), same point also being the southeast corner of said 15-foot wide alley and the southwest corner of a portion of Lot 24 in said block, as described by Special Warranty Deed recorded in Volume 13780, Page 2480, Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract;

Thence; N 89°35'32" W, along the common line of said R.O.W. line and said 15-foot wide alley, a distance of 15.00 feet to a found  $\frac{1}{2}$ " iron rod with cap stamped "CEC," at the southeast corner of a 1.041-acre tract comprised of Lots 9-15 and a portion of Lot 16 in said block and described by Special Warranty Deed recorded in Volume 13755, Page 1512, Official Public Records of Real Property of Bexar County, Texas, same point also being the southeast corner of Lot 9 in said block and the southwest corner of said alley, for the southwest corner of the herein described tract;

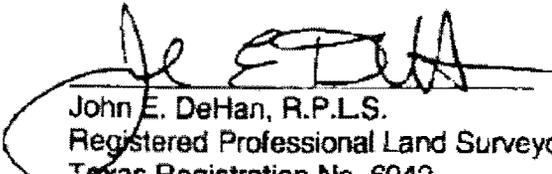
Thence; N 00°24'28" E, departing said R.O.W. line and along the common line of said 15-foot wide alley and said Lots 9 thru 14, and 16, at a distance of 393.24 feet passing a railroad spike at the northeast corner of said 1.041-acre tract, same point also being the southeast corner of a tract of land out of said Lot 16 conveyed to the City of San Antonio by Warranty Deed recorded in Volume 7487, Page 37, Official Public Records of Real Property of Bexar County, Texas, continuing along the common line of said tract conveyed to City of San Antonio and said 15-foot wide alley, a total distance of 394.44 feet to a point on the south R.O.W. line of Nolan Street (Variable width R.O.W.), same point also being the northeast corner of said tract conveyed to the City of San Antonio and the northwest corner of said alley, for the northwest corner of the herein described tract;

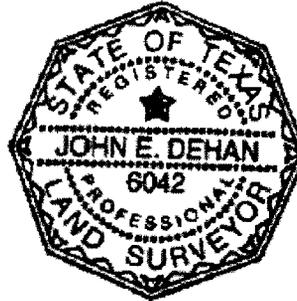
Thence; S 89°35'32" E, along the common line of said Nolan Street R.O.W. line and said 15-foot wide alley, a distance of 15.00 feet to a point at the northwest corner of a 0.283-acre tract comprised of Lot 17 and a portion of Lot 18 in said block and described by Special Warranty Deed recorded in Volume 13755, Page 1512, Official Public Records of Real Property of Bexar County, Texas, same point also being the northwest corner of Lot 17 in said block and the northeast corner of said alley, for the northeast corner of the herein described alley;

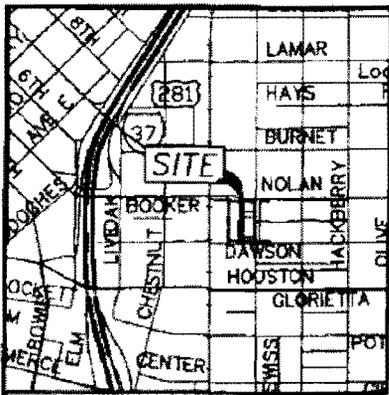
Thence; S 00°24'28" W, departing said R.O.W. line and along the common line of said alley and Lots 17-24 in said block, said Lots 17-24 being currently divided into four tracts described as said 0.283-acre tract (Lot 17 and a portion of Lot 18), portions of Lot 19 and the north 2 feet of Lot 20 as described in Volume 13748, Page 2374, Official Public Records of Real Property of Bexar County, Texas, a 0.568-acre tract (the south 48 feet of Lot 20 and all of Lots 21-23) described by Special Warranty Deed recorded in Volume 13755, Page 1512, Official Public Records of Real Property of Bexar County, Texas, and a portion of Lot 24 as described in Volume 13780, Page 2480, Official Public Records of Real Property of Bexar County, Texas, a distance of 394.44 feet to the **POINT OF BEGINNING**, containing 0.1358 of an acre (5917 square feet), more or less.

Job No. 2261-001  
JED m&b 5,917 sq ft  
May 29, 2009

Certified this 29<sup>th</sup> day of May, 2009

  
John E. DeHan, R.P.L.S.  
Registered Professional Land Surveyor  
Texas Registration No. 6042  
Vickrey & Associates, Inc.





**LOCATION MAP**  
NOT TO SCALE

**NOLAN STREET**  
(VARIABLE WIDTH R.O.W.)

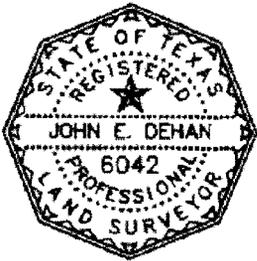
0.283-ACRE TRACT  
(LOTS 17-18, BLOCK 22, N.C.B. 559)  
WSK HOLDINGS, LP, A TEXAS LIMITED PARTNERSHIP  
TO  
CITY OF SAN ANTONIO  
VOLUME 13755, PAGE 1512  
O.P.R.R.P.B.C.T.

SCALE: 1"=50'

LOT 19 AND NORTH 2' OF LOT 20, BLOCK 22  
JOAN C. FRANKLIN  
TO  
CITY OF SAN ANTONIO  
VOLUME 13748, PAGE 2374  
O.P.R.R.P.B.C.T.

1.041-ACRE TRACT  
(LOTS 9-16, BLOCK 22, N.C.B. 559)  
WSK HOLDINGS, LP, A TEXAS LIMITED PARTNERSHIP  
TO  
CITY OF SAN ANTONIO  
VOLUME 13755, PAGE 1512  
O.P.R.R.P.B.C.T.

**SURVEY OF A 15' ALLEY**  
**0.1358 ACRE (5,917 SQ. FT.) TRACT**  
**OUT OF BLOCK 22, NEW CITY BLOCK 559,**  
**CITY OF SAN ANTONIO**  
**BEXAR COUNTY, TEXAS**



I HEREBY CERTIFY THAT THIS SURVEY PLAT IS TRUE AND CORRECT AND IS BASED ON AN ACTUAL SURVEY PERFORMED ON THE GROUND AND UNDER MY SUPERVISION.

DATED THIS THE 29<sup>th</sup> DAY OF May, 2009

*John E. Dehan*  
JOHN E. DEHAN, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6042  
VICKREY & ASSOCIATES, INC.

0.1358 ACRE (5,917 SQ. FT.) TRACT

15' ALLEY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°24'28"W	394.44
L2	N09°35'32"W	15.00
L3	N00°24'28"E	394.44
L4	S89°35'32"E	15.00

0.568-ACRE TRACT  
(SOUTH 48' OF LOT 20 AND LOTS 21-23, BLOCK 22, N.C.B. 559)  
WSK HOLDINGS, LP, A TEXAS LIMITED PARTNERSHIP  
TO  
CITY OF SAN ANTONIO  
VOLUME 13755, PAGE 1512  
O.P.R.R.P.B.C.T.

LOT 24, BLOCK 22, N.C.B. 559  
CARLOS ANTONIO DE LUNA  
TO  
URBAN ICE, LTD, A TEXAS LIMITED PARTNERSHIP  
VOLUME 13780, PAGE 2480  
O.P.R.R.P.B.C.T.

FOUND "X" ON CONCRETE

FOUND 1/2" IRON ROD W/ CAP STAMPED "CE" REAVES

P.O.B.

**DAWSON STREET**  
(55.6' R.O.W.)

**LEGEND**

- FOUND 1/2" IRON ROD W/ CAP STAMPED "CE" UNLESS OTHERWISE NOTED
- POINT
- P.O.B. POINT OF BEGINNING
- SQ FT SQUARE FEET
- O.P.R.R.P.B.C.T. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS



**VICKREY & ASSOCIATES, INC.**  
**CONSULTING ENGINEERS**

12940 Country Parkway San Antonio, Texas 78216  
Telephone: (210)349-3271

# Request to close, vacate and abandon a 15-foot wide alley improved alley

**Agenda Item 5:  
November 19, 2009**

## Background

### Issue

- Public hearing for the closure of 0.1358 acres of a 15-foot alley in Council District 2
- The alley is located between Nolan and Dawson and Streets and bounded by Eda Street to the west and Cherry Street to the east.
- Petitioner: Fire Department

## Background

### Purpose:

- If approved, the Fire Department will build a new fire station as a replacement for Fire Station 1.
- The City owns all abutting properties to the proposed closure, except one staff is in negotiations with the property owner for the purchase of the additional property.

## Coordination

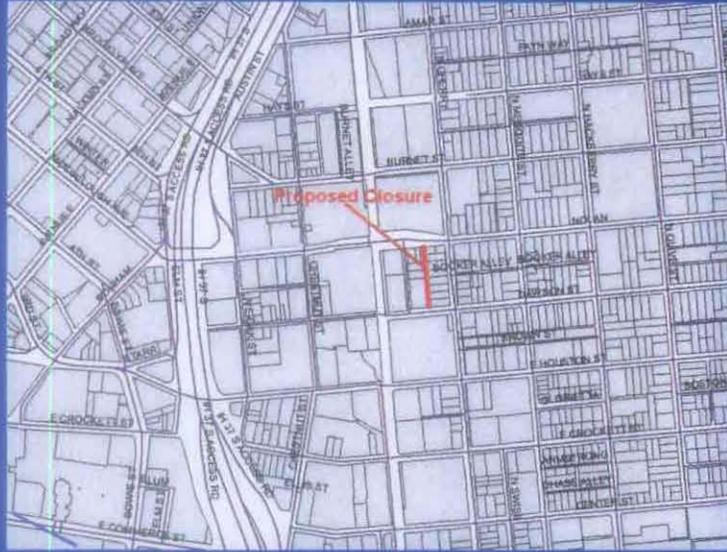
### Staff Coordination

- Project has been canvassed to all interested city departments and utility agencies.
- Project received conditional approval.
- Petitioner has agreed to comply with all conditions.

### Supplemental Comments

- Planning Commission approved the request at its regular meeting of November 6, 2009

# Site Map of Proposed Closure



# Map of Proposed Closure



## Aerial Map of Proposed Closure



## Fiscal Impact & Notification

### Fiscal Impact:

- There is no fiscal impact since the City is requesting the closure.

### Notification:

- Signs were posted and 58 notices were mailed informing the public of the proposed closure.
  - 5 notices were returned in favor.
  - No notices were returned in opposition.

# Analysis & Recommendation

## Policy Analysis:

- This action is consistent with City Code and Ordinances relative to closing Public Rights of Way.

## Recommendation:

- Staff recommends approval of this closure of Public Right of Way.