

AN ORDINANCE **98790**

CLOSING, VACATING AND ABANDONING AN UNIMPROVED (PAPER STREET) PORTION OF GERTRUDE ALLEY PUBLIC RIGHT OF WAY LOCATED SOUTH OF ELLERMAN STREET AND DEAD-ENDING INTO NCB 2899 IN COUNCIL DISTRICT 5, FOR USE BY THE ADJACENT ALAMO ACHIEVEMENT CENTER, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$5,461.00

* * * * *

WHEREAS, Petitioner San Antonio Independent School District, as owner of the abutting property, has requested that the City close, vacate, and abandon an unimproved (paper street) portion of Gertrude Alley Public Right of Way located south of Ellerman Street and dead-ending into New City Block 2899 ("Subject Property" for use by the Alamo Achievement Center; and

WHEREAS, this request was considered at the regular meeting of the Planning Commission held on January 28, 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 February 5, 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. A 0.079 acre unimproved tract of land (paper street) portion of Gertrude Alley, being 21.00 foot wide located in New City Block 2899, in the City of San Antonio, Bexar County, Texas, and being more particularly described and shown on Exhibit "A" attached hereto and incorporated herein verbatim for all purposes, is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated, and abandoned as a public right of way of the City, as requested by Petitioner San Antonio Independent School District, as owner of the abutting property.

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**.

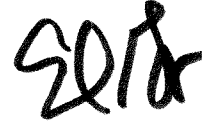
SECTION 3. The City acknowledges receipt from the Petitioner of the sum of \$5,461.00, being the assessed value of \$5,426.00 for the Public Right of Way and \$35.00 for recording documents as total consideration for such closing, vacation, and abandonment ("closing action"); however, such closing action by the City is contingent on both Petitioners agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed by the Petitioner, is attached hereto and incorporated herein verbatim for all purposes as Exhibit "B"..

SECTION 4. Proceeds in the amount of \$5,461.00 for such closing action 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 February 15, 2004.

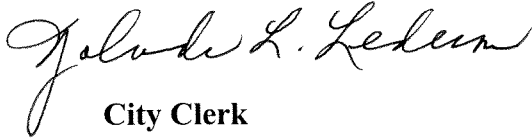
PASSED AND APPROVED this 5th day of February, 2004.



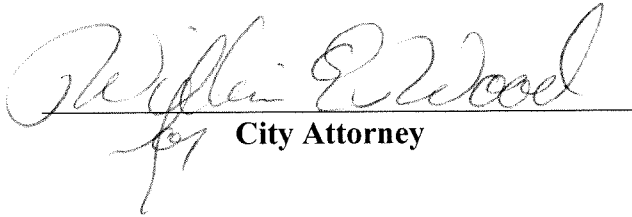
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney