

AN ORDINANCE **99155**

**APPROVING THE CLOSING, VACATING AND ABANDONING OF AN IMPROVED PORTION OF PILAR DRIVE PUBLIC RIGHT OF WAY LOCATED BETWEEN TOMAR AND TARASCO DRIVES, ADJACENT TO NCBS 15415 AND 15416 IN COUNCIL DISTRICT 4, AS REQUESTED BY THE ABUTTING PROPERTY OWNER, ALAMO AREA MUTUAL HOUSING ASSOCIATION, INC., A TEXAS NON-PROFIT CORPORATION, FOR THE TOTAL CONSIDERATION OF \$14,185.00, WHICH INCLUDES A SEVENTY FIVE PERCENT (75%) REDUCTION OF THE STREET CLOSURE FEE UNDER THE INCENTIVE SCORECARD SYSTEM.**

\* \* \* \* \*

**WHEREAS, Alamo Area Mutual Housing Association, Inc.** (Petitioner), the abutting property owner, has requested that the City of San Antonio close, vacate, and abandon an improved portion of Pilar Drive Public Right of Way (Subject Property) located between Tomar Drive and Tarasco Drive; and

**WHEREAS,** Petitioner has requested closure of the Subject Property for the purpose of incorporating it with abutting property, in connection with the Western Hills Redevelopment Project; 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 Petitioners; and

**WHEREAS,** through an Incentive Agreement between the City of San Antonio and **Alamo Area Mutual Housing Association, Inc.** for Western Hills Redevelopment executed on behalf of the City on March 10, 2004 the City will accept a 75% reduction of the street closure fee, and Petitioner agrees to pay the balance, totaling \$14,185.00; as consideration for this closure, vacation, and abandonment of Public Right of Way; and

**WHEREAS,** the City Planning Commission considered this request at its regular meeting of April 28, 2004 and has recommended approval to the City Council; **NOW THEREFORE:**

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

**SECTION 1.** The improved portion of Pilar Drive Public Right of Way (Subject Property) located between Tomar Drive and Tarasco Drive, 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 **Alamo Area Mutual Housing Association, Inc.**, as Petitioner and the abutting property owner, and such portion is shown on **Attachment I** affixed hereto and incorporated herein verbatim for all purposes.

**SECTION 2.** Such closing, vacating, and abandoning is contingent on Petitioners' agreeing to conditions set forth in a Letter Agreement dated March 18, 2004, a copy of which, executed on

behalf of the Petitioner on March 24, 2004, is attached hereto and incorporated herein 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 to **Alamo Area Mutual Housing Association, Inc.**

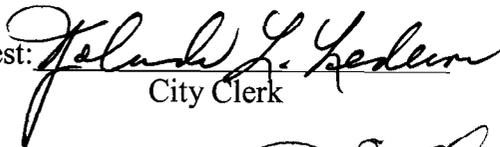
**SECTION 4.** Petitioner has tendered to the City the sum of \$14,185.00, as the street closure fee ("consideration") for the street closure fee consideration, which amount represents a 75% reduction of the consideration, pursuant to an Incentive Agreement between the City of San Antonio and Alamo Area Mutual Housing Association, Inc. for Western Hills Redevelopment executed on behalf of the City on March 10, 2004, a copy of which is affixed hereto as **Attachment III** and incorporated herein verbatim for all purposes, is hereby accepted.

**SECTION 5.** The proceeds of these agreements shall be deposited into Fund 29-008 entitled "Miscellaneous Special Revenue," Index Code 040337, entitled "Sale of Land".

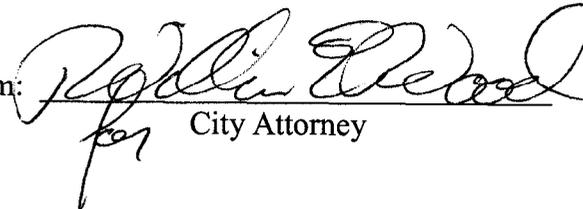
**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 7.** This ordinance shall be effective on the 16<sup>th</sup> day of May, 2004.

**PASSED and APPROVED** this 6<sup>th</sup> day of May, 2004.

Attest:   
City Clerk

  
MAYOR  
**EDWARD D. GARZA**

Approved as to form:   
for City Attorney