

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
DEPARTMENT OF ASSET MANAGEMENT**

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition; File

DATE: Thursday, January 09, 2003

SUBJECT: S. P. No 1070-Request for the City of San Antonio to declare as surplus to its needs a 1.307 acre tract of land owned and controlled by the Texas Department of Transportation

PETITIONER: Texas Department of Transportation
Attn: Juan A. Zaragosa, SR/WA
P.O. Box 29928
San Antonio, Texas 78229-0928

SUMMARY AND RECOMMENDATIONS

This Ordinance will declare as surplus to City of San Antonio's needs a 1.307 acre tract of land owned and controlled by the Texas Department of Transportation for disposition to San Francesco Di Paola Church, the abutting property owner.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the City of San Antonio declare as surplus to our needs a 1.307 acre tract of land at the intersection of IH 35 and Santa Rosa Street as shown on attached Exhibit "A". This property is currently owned and controlled by the Texas Department of Transportation. San Francesco Di Paola Church is requesting to purchase this property, which abuts church property, from the State of Texas. Prior to declaring any property as surplus, TXDoT is canvassing all entities responsible for public transportation to ensure that no need for the property exists.

POLICY ANALYSIS

The action being taken is consistent with Texas Department of Transportation policy to cooperate with municipalities and other jurisdictions responsible for public transportation needs.

FINANCIAL IMPACT

There will be no financial impact as the City does not own or control this property.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities, and applicable agencies. A canvassing checklist is attached for review.

SUPPLEMENTARY COMMENTS

Petitioner is not required to submit an Ethics Ordinance Disclosure Statement.



Rebecca Waldman, Director
Department of Asset Management

APPROVED:



Erik J. Walsh
Assistant to the City Manager

Canvassing Checklist

SPNo 1070

Request: Petitioner is requesting the City of San Antonio declare as surplus to our needs a 1.307 acre tract of land at the intersection of IH 35 and Santa Rosa Street as shown on attached Exhibit "A". This property is currently owned and controlled by the Texas Department of Transportation. San Francesco Di Paola Church is requesting to purchase this property, which abuts church property, from the State of Texas. Prior to declaring any property as surplus, TXDOT is canvassing all entities responsible for public entity to ensure that no need for the property exists. If the City determines that a need still exists at the local level, the City may request to assume jurisdiction and responsibility for the property.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	8/1/2002	10/11/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	8/1/2002	9/25/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	8/1/2002	8/9/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input checked="" type="checkbox"/>	8/1/2002	9/11/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	8/1/2002	8/22/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	8/1/2002		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input checked="" type="checkbox"/>	8/1/2002	8/21/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Proceed processing minus SAWS response. Awaiting legal opinion after reviewing TxDot resolution.

BOPV

July 25, 2002

Contract: DRA

City of San Antonio
Department of Asset Management
Attn: Ms. Rebecca Waldman, Director
Post Office Box 839966
San Antonio, TX 78283-3966

RE: Possible Surplus Property
Interstate Highway 35 at Santa Rosa Street
Control 0017-10
Bexar County

Dear Ms. Waldman:

Enclosed is a resolution with accompanying survey plat and field notes prepared on the above referenced location. San Francisco Di Paola Church, property owner, would like to purchase the adjoining property from the State.

San Francisco Di Paola Church is requesting that the State declare a 1.307 acre tract of land, more or less, surplus to our transportation needs. However, before we declare it surplus to our needs, the department must make a thorough study before recommending that the property be declared surplus.

The study is done in close cooperation with the City and others responsible for public transportation needs. In some cases, the city and/or county that has jurisdiction may determine that a need still exists at the local level and they are therefore willing to assume jurisdiction and responsibility of the property. If the property is not needed at the local jurisdiction, it has been the policy of the Department to request that the local jurisdiction provide a formal action stating the property is surplus to their needs. A resolution/ordinance from the city council will satisfy our requirement that the right of way is no longer needed for use by citizens as a road, or any other related roadway purposes.

Therefore, the enclosed resolution is a type of canvassing on our part to make sure that the city and/or county does not need the right of way for use by citizens as road or any other highway purposes. Please review the resolution. If you concur, please submit it to the San Antonio City Council for their approval and execution. When we receive the fully executed resolution, we will make our recommendation to the Transportation Commission in Austin.

City of San Antonio
Department of Asset Management
Attn: Ms. Rebecca Waldman, Director

July 25, 2002
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If you have any questions on this proposed surplus tract, please call me at (210) 615-5910 or call Hilaria Gloria (210) 615-6239.

Sincerely,

Juan A. Zaragosa, SR/WA
District Right of Way Administrator

MHG
Attach

c: San Francesco di Paola Church
Attn: Father Guy Blair
205 Piazza Italia
San Antonio, TX 78207

Mr. Roger A. Perez
115 Villita
San Antonio, TX 78205

Councilman Bobby Perez
P.O. Box 839966
San Antonio, TX 78283

Joe Monaco
Christopher Columbus Italian Society
201 Piazza Italia
San Antonio, TX 78207

John Bohuslav, P.E.

RESOLUTION**COPY**

REQUESTING THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS TRANSPORTATION COMMISSION, TO DECLARE A CERTAIN UNUSED 1.307 (56,914.29 SQ. FT.) ACRES, MORE OR LESS, APPURTENANT TO INTERSTATE HIGHWAY 35 RIGHT OF WAY IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS TO BE SURPLUS TO ITS NEEDS AND SOLD TO THE ABUTTING LANDOWNER.

WHEREAS, certain right of way in the City of San Antonio, State of Texas was acquired by the State of Texas for highway purposes, as per the following Right of Way Deeds:

- Deed dated January 23, 1963, recorded in Volume 4891, Page 626, Deed and Plat Records of Bexar County, Texas,
- Deed dated January 11, 1963, recorded in Volume 4887, Page 539, Deed and Plat Records of Bexar County, Texas,
- Deed dated February 14, 1963, recorded in Volume 4915, Page 460, Deed and Plat Records of Bexar County, Texas, and in
- Judgment dated July 2, 1963, recorded in Volume 4999, Page 393, Deed and Plat Records of Bexar County, Texas.

WHEREAS, that certain tract contains 1.307 acres (56,914.29 sq. ft.) of land, more or less, being out of NCB 325 in the City of San Antonio, Bexar County, Texas. That certain tract is more particularly described by metes and bounds in attached Exhibit "A".

WHEREAS, said 1.307 acres (56,914.29 sq. ft.) of land, more or less, is no longer needed for use by the citizens for any highway purposes.

IT IS, THEREFORE, REQUESTED by the City Council of the City of San Antonio, State of Texas, at its regular meeting that the Texas Transportation Commission pass an appropriate Minute Order declaring said 1.307 acres (56,914.29 sq. ft.) of land, more or less, on Interstate Highway 35 to be declared surplus to the needs of the State and sold to the abutting landowner, being SAN FRANCESCO DI PAOLA CHURCH.

PASSED AND APPROVED THIS _____ day of _____, 2002.

CITY COUNCIL OF SAN ANTONIO, TEXAS

BY: _____
Mayor, City of San Antonio

BY: _____
City Council Member

BY: _____
City Council Member

BY: _____
City Council Member

BY: _____
City Council Member

BY: _____
City Council Member

BY: _____
City Council Member

BY: _____
City Council Member

ATTEST: _____
City Clerk, San Antonio

Control: 0017-10

County: Bexar

Highway: IH 35

Limits: Southeast intersection of IH 10 and IH 35

Field Notes of Tract 1

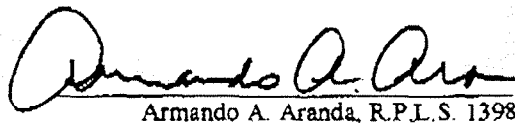
All that certain tract of land containing 1.307 acres (56,914.29 sq. ft.) being property out of Block 4, NCB 325, Block 6, NCB 324, and a portion of San Saba St., San Antonio, Bexar County, Texas. Conveyed from the Estate of Fred Ewert to the State of Texas by deeds dated February 8, 1963 and recorded in Volume 4887 Pages 537 and 539; from Barry and Marie Mayer to the State of Texas by deed dated February 1, 1963 and recorded in Volume 4915 Page 464; from Serapio and Carolina Monreal to the State of Texas by deed dated February 19, 1963 and recorded in Volume 4891 Page 626, Bexar County, Texas. Said 1.307 acres (56,914.29 sq. ft.) of land being more particularly described by Metes and Bounds as follows;

Beginning at a fence corner set at the southwest corner of Block 4, NCB 325, and being N84°01'44"W, 135.02 ft. from the west Right-of-Way line of Columbus Street.

- 1) Thence; N84°01'44"W, 242.03 ft. to an iron pin set for the southwest corner of this tract; said point located S84°01'44"E, 192.47 ft. from Engineers station 383+72.70 at centerline of IH 35 HWY, and also being the beginning of a Control of Access Line.
- 2) Thence; 151.49 ft. along an arc to the right, having a radius of 230.28 ft., and a central angle of 37°41'30", whose long chord bears N25°37'26"E - 148.77 ft., and continuing the Control of Access Line.
- 3) 187.65 ft. along an arc to the left, having a radius of 413.82 ft., and a central angle of 25°58'54", whose long chord bears N31°28'45"E - 186.05 ft., also being the Control of Access Line.
- 4) 34.06 ft. along an arc to the right, having a radius of 25.00 ft., and a central angle of 78°04'08", whose long chord bears N57°31'22"E - 31.49, also being the Control of Access Line.
- 5) Thence; S83°26'34"E, 74.33 ft. along the South right of way of Santa Rosa Street to an iron pin set, for the northeast corner of this tract, said point being the end of the Control of Access Line.
- 6) Thence; S4°32'53"W, 44.92 ft.
- 7) Thence; S79°01'48"E, 9.04 ft.
- 8) Thence; S5°24'27"W, 281.16 ft. to the Point of Beginning and containing 1.307 acres (56,914.29 sq. ft.).

Note: Access is prohibited across the "Control of Access Line" to the transportation facility from the adjacent property.

This the 12th day of July, 2002 A.D.


Armando A. Aranda, R.P.L.S. 1398

