

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

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

DATE: Thursday, April 03, 2003

SUBJECT: S.P. No. 1083 - Request to close, vacate and abandon an unimproved portion of Bulverde Road located north of Loop N 1604 E

PETITIONER: FCS Fischer, Ltd., a Texas limited partnership
c/o Pape-Dawson Engineers; Attn: Shauna Weaver
555 E. Ramsey
San Antonio, TX 78216

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon an unimproved portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727, as requested by FCS Fischer, Ltd., a Texas limited partnership, for the consideration of \$5,605.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of an unimproved portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727 as shown on attached Exhibit "A." The proposed closure is outside of the 120 feet of right of way proposed for Bulverde Road. The petitioner owns the abutting property and if approved, would like to incorporate the closure with their property for future commercial development.

POLICY ANALYSIS

This action is consistent with City Ordinances regulating the closure, vacation and abandonment of Public Right of Way within the Corporate Limits of the City of San Antonio.

FISCAL IMPACT

The City will collect \$5,605.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

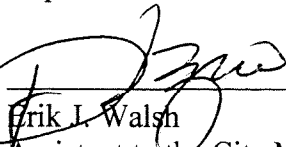
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 3/26/2003 and its finding will be presented to City Council on 4/3/2003.

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management

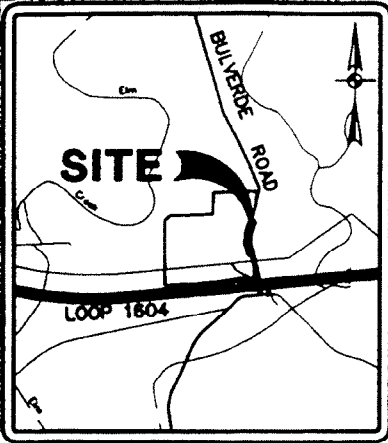


Erik L. Walsh
Assistant to the City Manager

Approved:

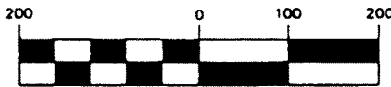


Terry M. Brechtel
City Manager



LOCATION MAP
(NOT-TO-SCALE)

GRAPHIC SCALE



(IN FEET)

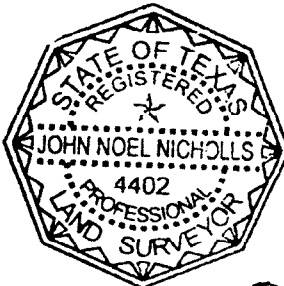
1 inch = 200 ft.

LEGEND

- F.I.R. FOUND 1/2" IRON ROD
F.I.R.(P.D.) FOUND 1/2" IRON ROD WITH YELLOW CAP MARKED "PAPE-DAWSON"
D.&P. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS

NOTE:

- 1.) THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 FROM STATE PLANE COORDINATES ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE.
- 2.) 1/2" IRON ROD WITH YELLOW CAP MARKED "PAPE-DAWSON" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 3.) THE BASIS OF MONUMENTATION FOR THIS SURVEY ARE THOSE SHOWN FOUND.
- 4.) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTES DESCRIPTION.



John Noel Nicholls
11-4-2002

PAPE-DAWSON
CIVIL & ENVIRONMENTAL

555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PH: (210) 375-9000
FX: (210) 375-9010

DATE: NOVEMBER 4, 2002

OWNER: FCS FISCHER, LTD.
60.91 ACRES
WARRANTY DEED
(VOL 8368, PGS 210-226, O.P.R.)

**GEORGE VOSS
SURVEY 340 1/2
ABSTRACT 788
COUNTY BLOCK 4955**

0.6016 ACRE
(26,207 SQUARE FEET, MORE OR LESS)

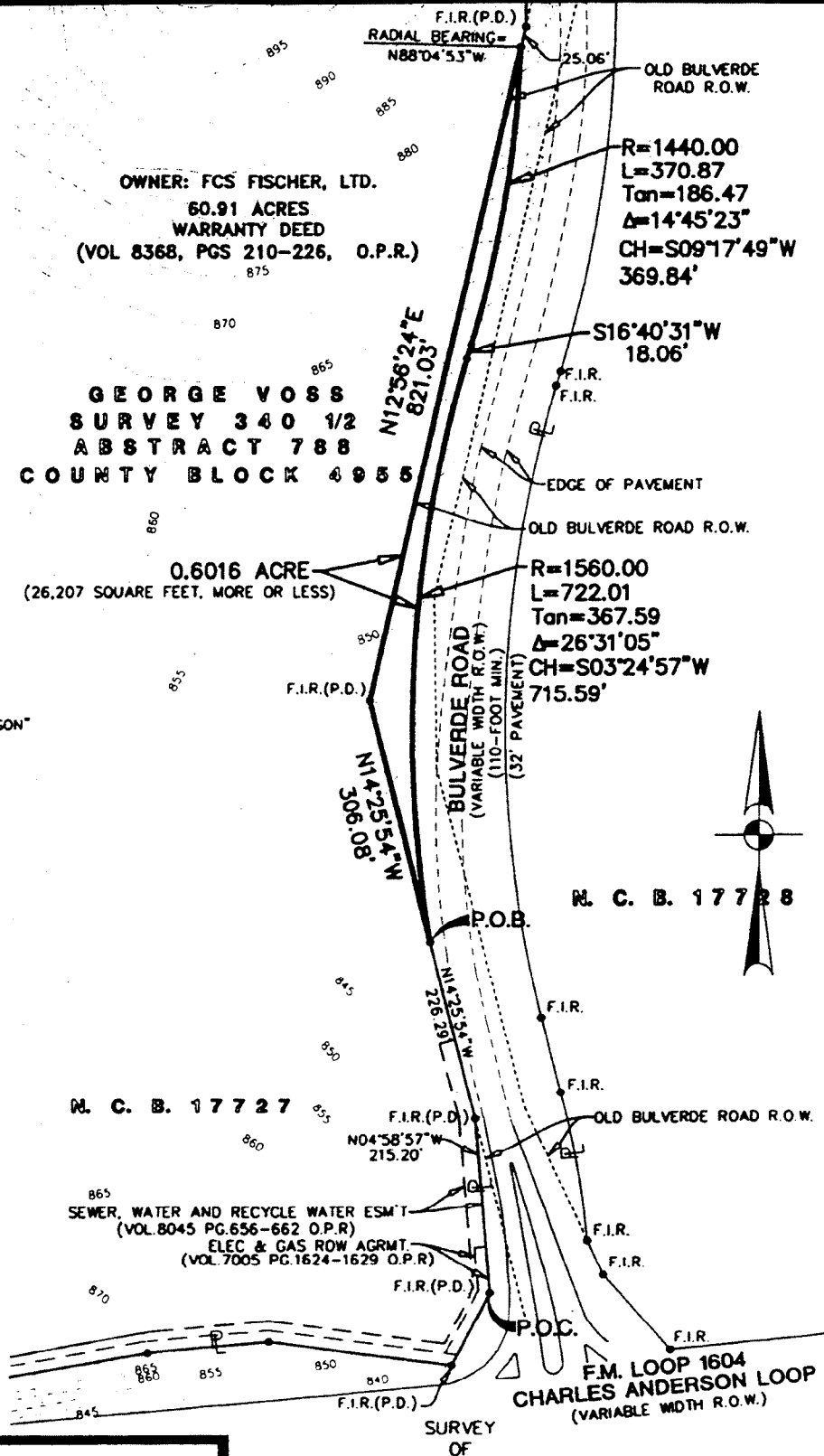


Exhibit "A"

Page 1 of 2

0.6016 ACRE, (26,207 SQUARE FEET, MORE OR LESS) TRACT OF LAND, BEING A PORTION OF THE RIGHT-OF-WAY OF BULVERDE ROAD (A VARIABLE WIDTH RIGHT-OF-WAY, 110-FOOT MINIMUM), BETWEEN NEW CITY BLOCK (N.C.B.) 17727 AND N.C.B. 17728 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING OUT OF THE GEORGE VOSS SURVEY NUMBER 340 1/2, ABSTRACT 788, COUNTY BLOCK 4955, BEXAR COUNTY, TEXAS.

JOB NO. 4763-35

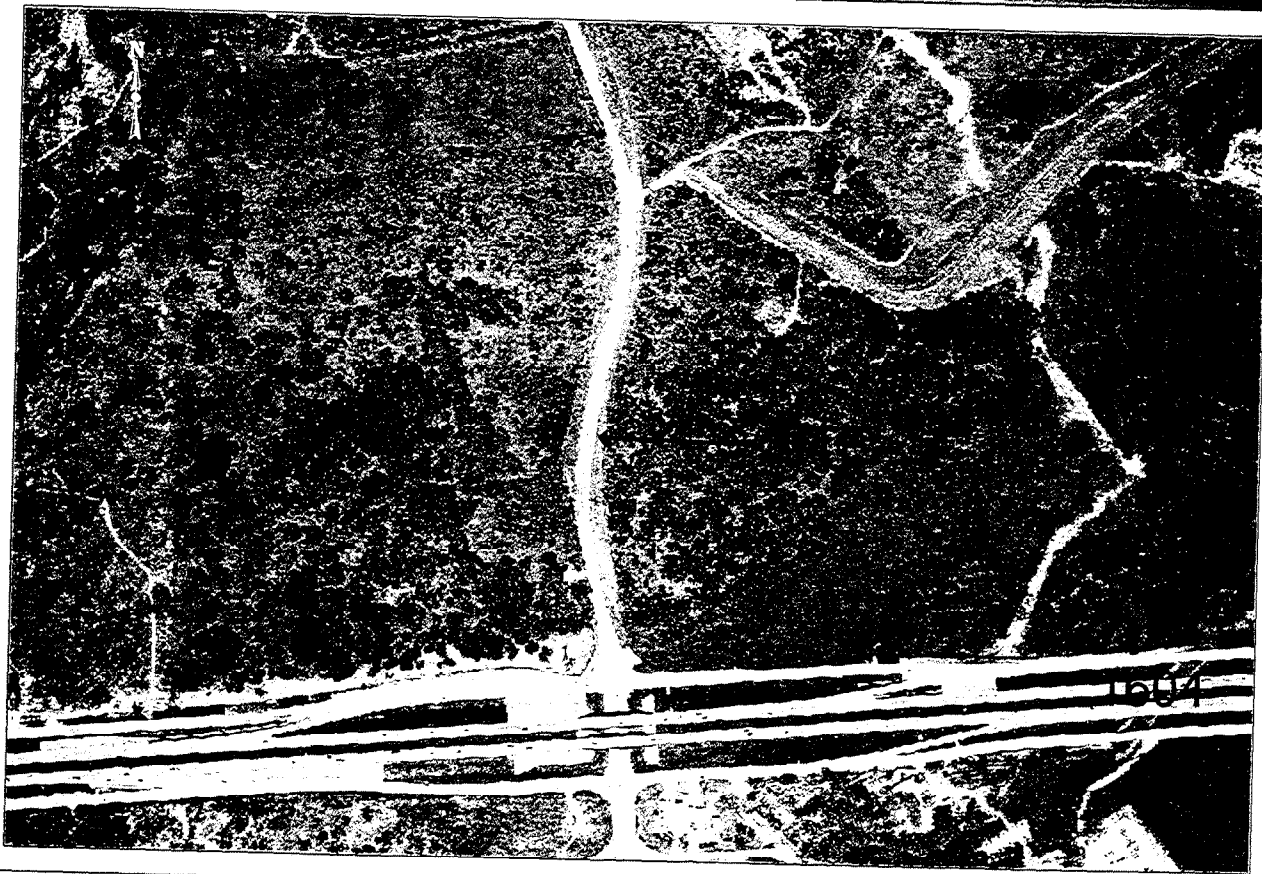
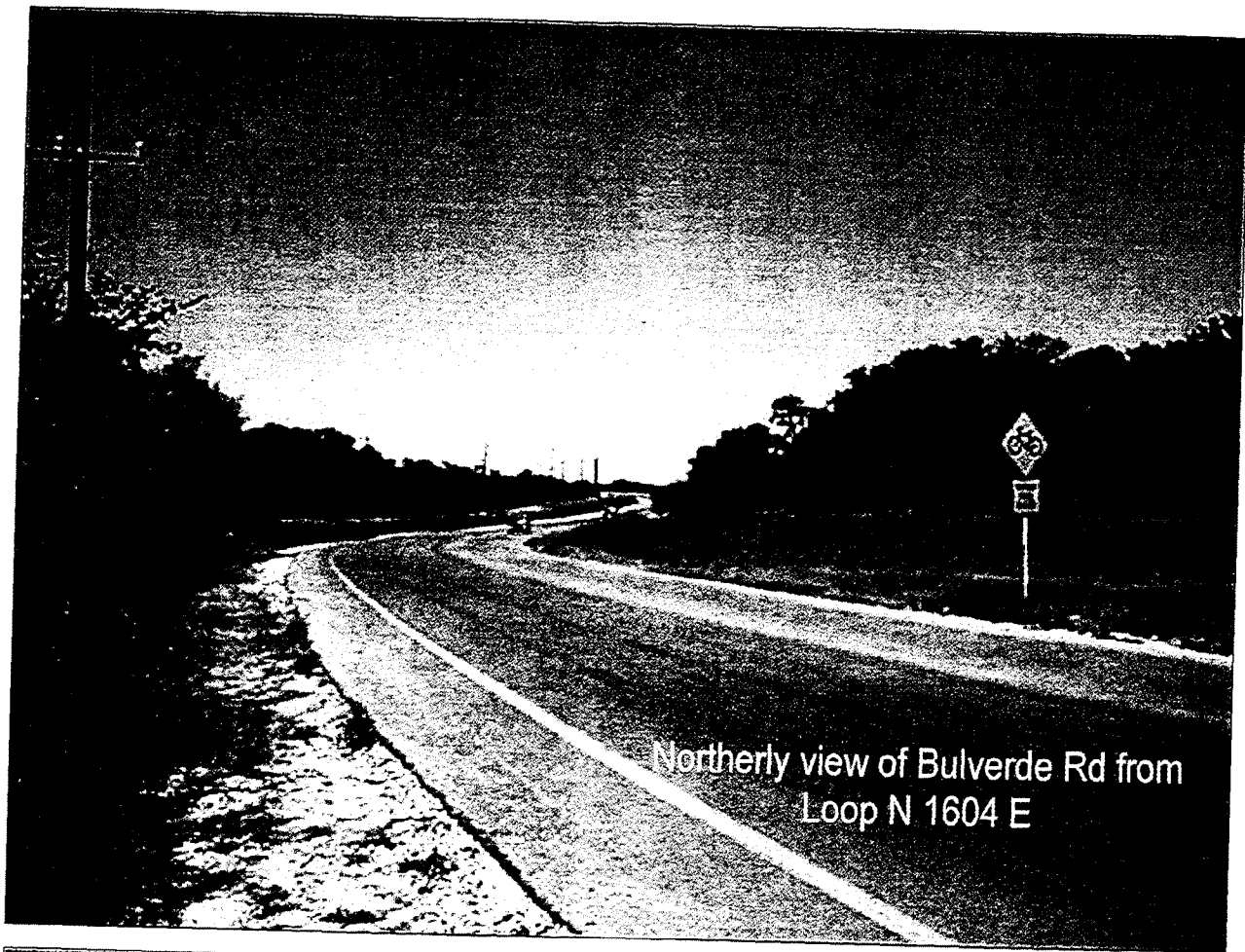


Exhibit "A"

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Canvassing Checklist

SPNo 1083

Request: Petitioner is requesting the closure, vacation and abandonment of an unimproved portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727 as shown on attached Exhibit "A." The proposed closure is outside of the 120 feet of right of way proposed for Bulverde Road. The petitioner owns the abutting property and if approved, would like to incorporate the closure with their property for future commercial development.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	11/20/2002	12/11/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	11/20/2002	1/16/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	11/20/2002	12/19/2002	<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 type="checkbox"/>			<input 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"/>	11/20/2002	12/31/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	11/20/2002	12/2/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input checked="" type="checkbox"/>	11/20/2002	1/10/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<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

NO NEIGHBORHOOD ASSOCIATION APPLICABLE.



CITY OF SAN ANTONIO

February 26, 2003

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

FCS Fischer, Ltd.
c/o Pape-Dawson Engineers
Attn: Shauna Weaver
555 E. Ramsey
San Antonio, TX 78216

Re: S. P. No. 1083—Request to close, vacate and abandon an unimproved, irregular portion of Bulverde Road located directly north of Loop N 1604 E adjacent to NCB 17727

Dear Ms. Weaver:

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:

"Bulverde Road is part of the Major Thoroughfare road system for the City of San Antonio requiring a minimum of 120-feet of right of way. Therefore, request is approved provided the existing Preliminary Overall Area Development Plan (POADP) #457 is modified to reflect the additional property being added; approved Steubing Estate North Master Development Plan (MDP) #706-A, lies across from this site and future improvements to Bulverde Road may impact the property in question; at the time of development the petitioner must file a formal subdivision plat vacating and replatting the area as per Article IV Procedures, Division 4 Subdivisions of the Unified Development Code (UDC) for the City of San Antonio; and all existing utility easements must be preserved in order to minimize any relocation of such utilities now or in the future resulting from any anticipated new construction when possible."

PUBLIC WORKS:

"Approved provided the 0.60 acres be retained as a drainage easement until removed with Development/Platting of this property; and must retain right of way necessary for proposed southbound right turn lane at north end of the tract in accordance with recently submitted plat."

DEVELOPMENT SERVICES:

"Approved provided spacing with a minimum of 120-feet of right of way is retained to meet major thoroughfare requirements. In addition, proposed closure should be platted and incorporated with the petitioners property."

CITY PUBLIC SERVICE:

"Approved provided easement is retained for any existing CPS facilities, or if feasible, remove/relocate facilities at petitioner's expense."

SAN ANTONIO WATER SYSTEM:

"Approved provided any existing SAWS utility is provided with a variable width easement to a maximum width of sixteen (16) feet. Petitioner will be solely responsible for the relocation of any SAWS utility located thereon."

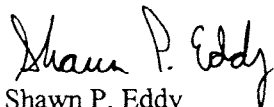
DEPARTMENT OF ASSET MANAGEMENT:

- The closure, vacation and abandonment of this public right of way will be authorized by a City Ordinance.
- Petitioner asserts that all evidence of ownership of all 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 petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees 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. Petitioner agrees 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 petitioner.
- *Petitioner agrees to pay a closure fee of \$5,605.00, which includes the assessed value of \$5,503.00 for the public right of way, a fee of \$72.00 for posting of signs notifying the public of the proposed street closure, and a fee of \$30.00 for recordation of the City Ordinance. This closure fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner, less the fee for posting of the notification sign and the recording fee. Further, deeds for your abutting property are also required.*

This Letter of Conditions is being offered by City of San Antonio only to the petitioner 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 space provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement, property deeds and the payment we will continue processing your request.

Sincerely,




Shawn P. Eddy
Special Projects Manager

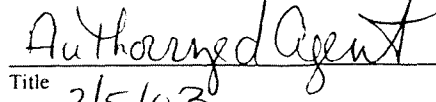
SPE/ma

CERTIFIED MAIL

AGREED AS TO TERMS AND CONDITIONS:

Petitioner:


By Rick Sheldon
Print Name


Title 3/5/03
Date

City of San Antonio
Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

*** This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.**

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

FCS Fischer, Ltd., a Texas limited partnership

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

FCS Fischer GP Corp., General Partner of FCS Fischer, Ltd.
First City Holdings Corporation, limited partner of FCS Fischer, Ltd.
CFSC Capital Corp., limited partner of FCS Fischer, Ltd.
Richard K. Sheldon, limited partner of FCS Fischer, Ltd.

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

- (3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

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Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
See Attached Exhibit "A"		

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

None		
Signature: 	Title: Authorized Agent Company: FCS Fischer, Ltd	Date: 3/5/03

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Exhibit "A"

CAMPAIGN CONTRIBUTIONS MADE BY RICK SHELDON (PERIOD COVERED 3/1/01 - 3/4/03)

<u>DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
3/23/2001	TIM BANNWOLF	2,500.00
4/2/2001	MARIO SALAS	500
4/2/2001	BOBBY PEREZ	500
4/26/2001	DAVID GARCIA	500
5/3/2001	TIM BANNWOLF	1,000.00
5/9/2001	ED GARZA	5,000.00
5/9/2001	KIKE MARTIN	1,000.00
7/2/2001	DAVID CARPENTER CAMPAIGN	1,000.00
7/31/2001	KIKE MARTIN	1,000.00
1/31/2001	JOSE MENDEZ CAMPAIGN	500.00
2/19/2002	BOBBY PEREZ	1,000.00
3/20/2002	DAVID CARPENTER	1,000.00
4/18/2002	LYLE LARSON CAMPAIGN	1,000.00
4/29/2002	LESLIE BROWN CAMPAIGN	1,500.00
6/17/2002	ENRIQUE BARRERA	250
3/4/2003	PHILIP CORTEZ CAMPAIGN	<u>250.00</u>
	TOTAL	18,500.00