

**CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

**PUBLIC HEARING
TIME CERTAIN
ITEM NO. 5
3:00PM**

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 17, 2003

SUBJECT: S.P. No. 1071 - Request to close, vacate and abandon improved and unimproved portions of Public Right of Way located within Vidaurri Park.

PETITIONER: City of San Antonio, et al

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon improved and unimproved portions of Public Right of Way located within Vidaurri Park which are no longer utilized for access purposes and have been largely incorporated into green space within Vidaurri Park, as requested by abutting property owners, for the consideration of \$6,298.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

The City of San Antonio, with the consent and support of all other abutting property owners, is proposing the closure, vacation and abandonment of improved and unimproved portions of Public Right of Way within Vidaurri Park, as shown on attached Exhibits "A" & "B". The Public Rights of Way that are proposed to be closed, vacated and abandoned are no longer utilized for access purposes and have been largely incorporated into green space within Vidaurri Park. No existing park space will be closed or sold through this proposed action.

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 \$6,298.00 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 4/9/2003 and its finding will be presented to City Council on 4/17/2003.

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




Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

Approved:



Terry M. Brechtel
City Manager

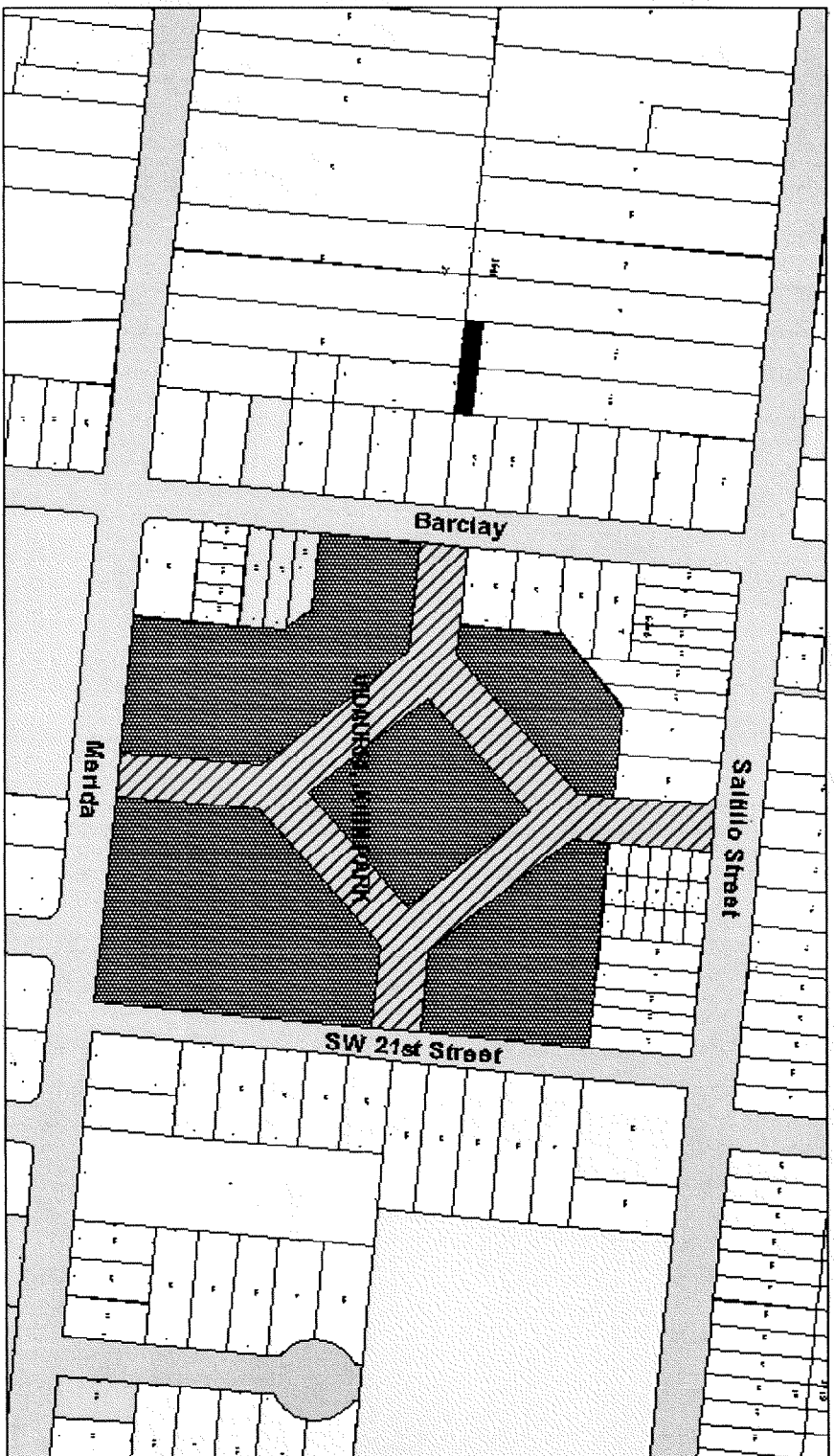
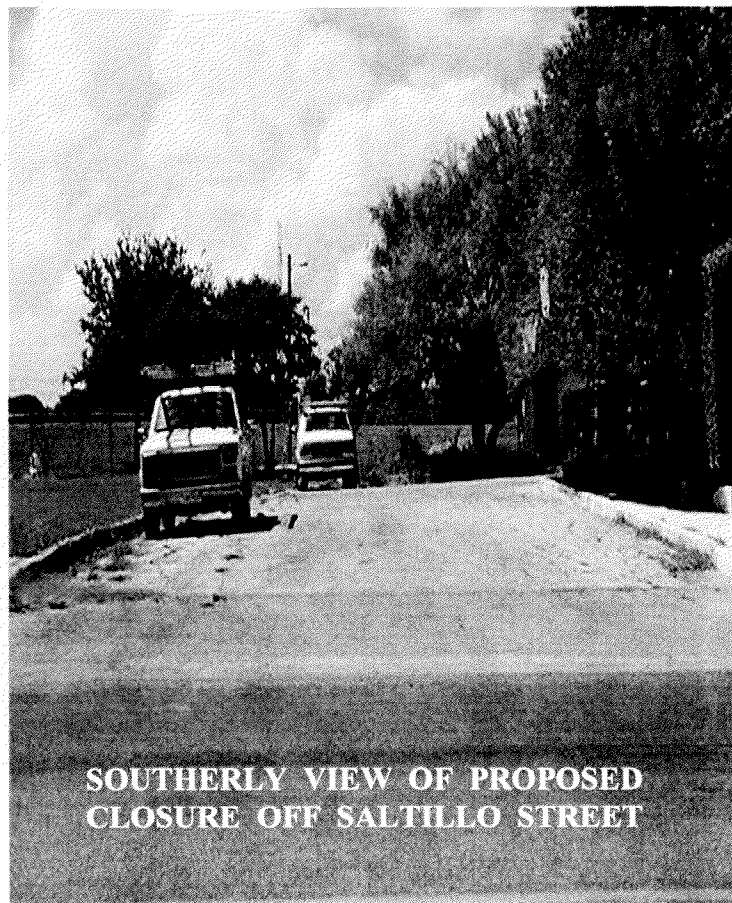
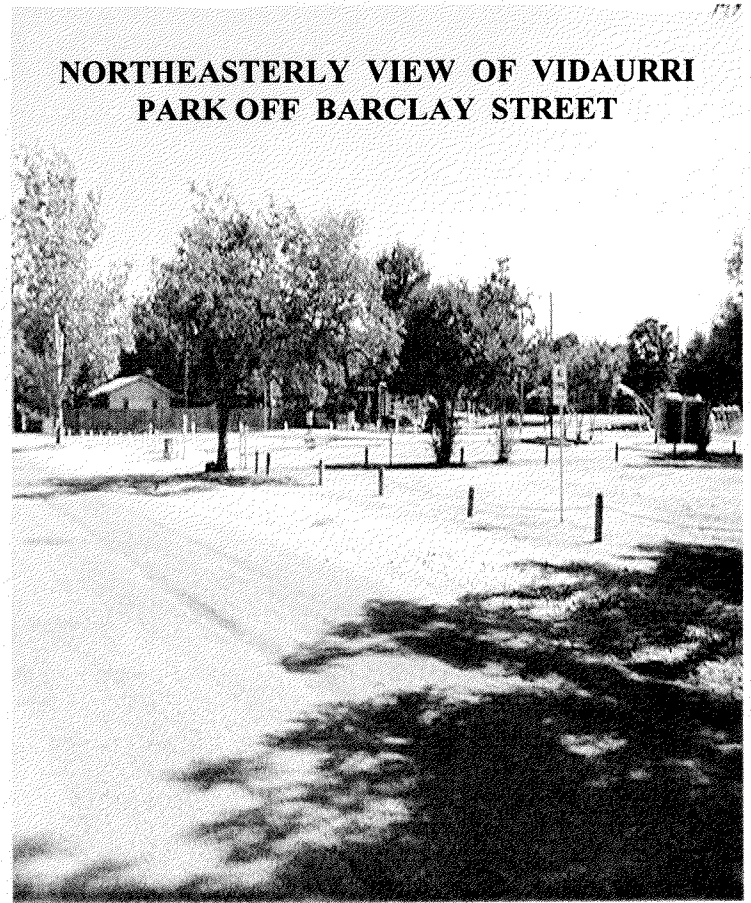


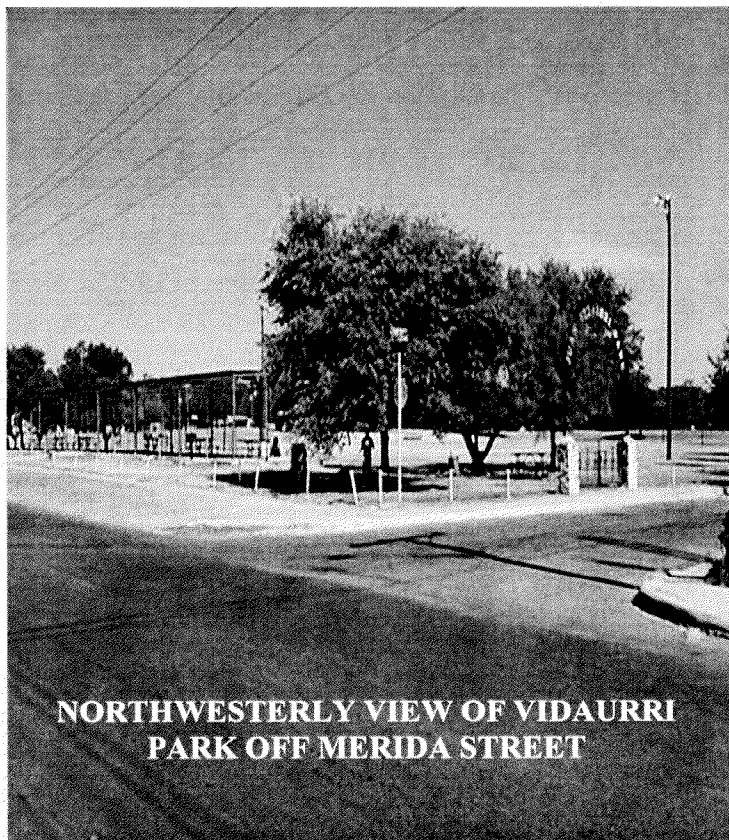
EXHIBIT "A"



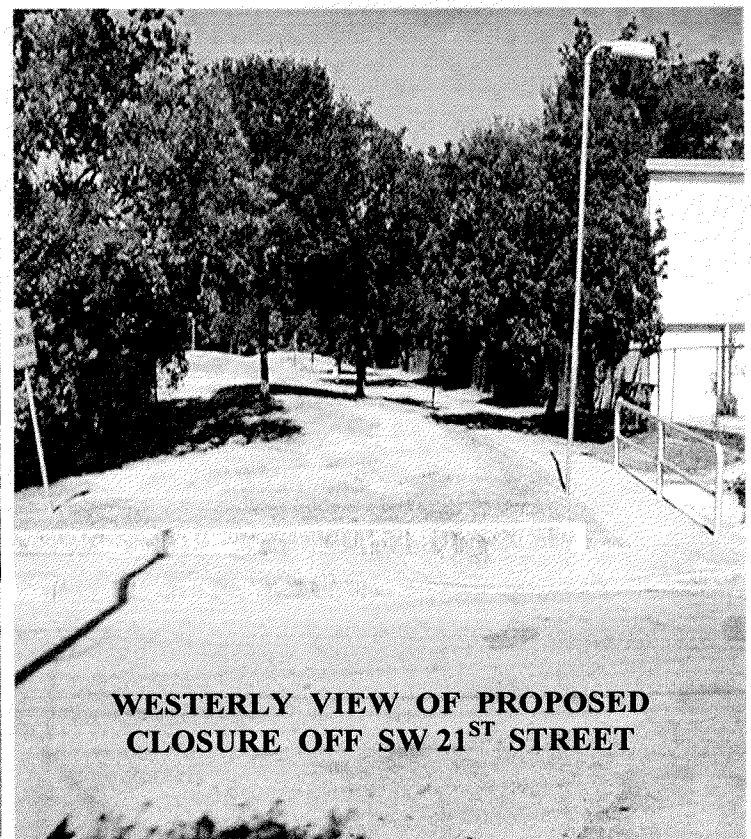
**SOUTHERLY VIEW OF PROPOSED
CLOSURE OFF SALTILLO STREET**



**NORTHEASTERLY VIEW OF VIDAURRI
PARK OFF BARCLAY STREET**



**NORTHWESTERLY VIEW OF VIDAURRI
PARK OFF MERIDA STREET**



**WESTERLY VIEW OF PROPOSED
CLOSURE OFF SW 21ST STREET**

EXHIBIT "B"

Canvassing Checklist

SPNo 1071

Request: The City of San Antonio, with the consent and support of all other abutting property owners, is proposing the closure, vacation and abandonment of improved and unimproved portions of Public Right of Way within Vidaurri Park, as shown on attached Exhibits "A" & "B". The Public Rights of Way that are proposed to be closed, vacated and abandoned are no longer utilized for access purposes and have been largely incorporated into green space within Vidaurri Park.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	8/27/2002	10/17/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	8/27/2002	9/25/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	8/27/2002	9/12/2002	<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"/>	8/27/2002	9/3/2002	<input type="checkbox"/>	<input checked="" 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"/>	8/27/2002	10/10/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	8/27/2002	10/30/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input 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

Neighborhood Association - N/A - None.



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT

P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

TEL. 210-207-4032 FAX 210-207-7888

February 13, 2003

Eusebio Perez
1730 Saltillo Street
San Antonio, Texas 78207

Re: S. P. No. 1071—Request to close, vacate and abandon improved and unimproved portions of
Public Right of Way located within Vidaurri Park

Dear Perez:

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:

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 total closure fee of \$4,414.00, which includes the assessed value of \$4,307.00 for the Public Right of Way, a fee of \$72.00 for the posting of a sign notifying the public of the proposed street closure and document recording fee of \$35.00. 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 the posting of the notification sign.

PLANNING DEPARTMENT: "Any development of the alley must be made in accordance with Article 4, Division 4 Subdivisions of the Unified Development Code (UDC) for the City of San Antonio."

DEVELOPMENT SERVICES: "The request to close improved and unimproved portions of Streets within Vidaurri Park is recommended for approval provided abutting areas potentially land locked and conveyed to private interest are assembled and platted in a fashion that eliminate the condition."

CITY PUBLIC SERVICES: "Any communication cables associated with electric and gas easements and CPS OH facilities must be retained, or if feasible, removes and/or relocated at owners expense."

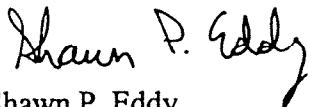
PARKS AND RECREATION DEPARTMENT: "Structural development, fencing, landscaping, and/or any other amenity that would block visual access between the park property and Saltillo Street is prohibited".

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience.

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. Processing fee for this petition has

If you concur with the above mentioned conditions please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

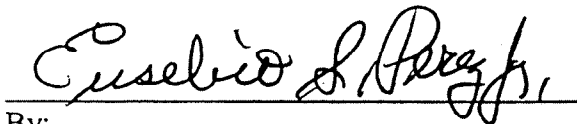
Sincerely,



Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Petitioner: EUSEBIO PEREZ



By:

OWNER

Title:

EUSEBIO S. PEREZ SA,

Print Name:

March 7-2003

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:

N/A

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

N/A

and the name of:

EUSEBIO S. PEREZ JR.

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

N/A

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:

N/A

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.

N/A

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:
N/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.

N/A

Signature:	Title: OWNER	Date:
Eusebio S. Perez Jr.	Company:	MARCH 7-2003

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.



CITY OF SAN ANTONIO

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

February 13, 2003

Esiquio Hernandez
1022 Barclay Ave.
San Antonio, Texas 78207

Re: S. P. No. 1071—Request to close, vacate and abandon improved and unimproved portions of
Public Right of Way located within Vidaurri Park

Dear Mr. Hernandez:

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:

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 total closure fee of \$1,884.00, which includes the assessed value of \$1,777.00 for the Public Right of Way, a fee of \$72.00 for the posting of a sign notifying the public of the proposed street closure and a document-recording fee of \$35.00. 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 the posting of the notification sign.

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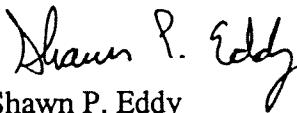
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Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience.

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Sincerely,



Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Petitioner: ESIQUIO HERNANDEZ

By: Esiquio R. Hernandez Title: Owner

Print Name: ESQUIO R. HERNANDEZ Date: 2-19-03

City of San Antonio
Discretionary Contracts Disclosure*

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Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.*

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

N/A

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

N/A

and the name of:

ESIDORO R. HERNANDEZ

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

N/A

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;

N/A

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.

N/A

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:
N/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.

Signature: <i>Enrique R. Hernandez</i> <i>Enrique R. Hernandez</i>	Title: Company:	Date: <i>2-19-02</i>

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.