

**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, June 19, 2003

SUBJECT: S.P. No. 1054 - Request that the City of San Antonio close, vacate and abandon Public Rights of Way consisting of portions of Robards Row and a 25 foot-wide alley abutting NCB 17626

PETITIONER: Drew M. Stewart; and
Hamilton W. & Rosalinda M. Daniels
6618 Randolph Blvd.
San Antonio, TX 78233

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon Public Rights of Way consisting of portions of Robards Row and a 25 foot-wide alley intersecting Weimer Way and abutting NCB 17626, as requested by Drew M. Stewart; and Hamilton W. & Rosalinda M. Daniels, for the consideration of \$16,523.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioners are requesting the closure, vacation and abandonment of Public Rights of Way consisting of unimproved portions of Robards Row and a twenty-five (25) foot-wide alley intersecting Weimer Way and abutting NCB 17626 as shown on attached Exhibit "A." Please note that the petitioners are only requesting the closure of the portion of Robards Row that is within the limits of the City of San Antonio and will seek simultaneous closure of the remaining portion of Robards Row from the City of Live Oak. Abutting property owners inadvertently built over the 25 foot-wide alley prior to the City's annexation of this area in 1985.

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 \$16,523.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

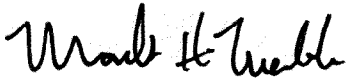
COORDINATION

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.

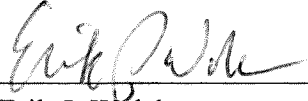
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 6/11/2003 and its finding will be presented to City Council on 6/19/2003.

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



lca Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

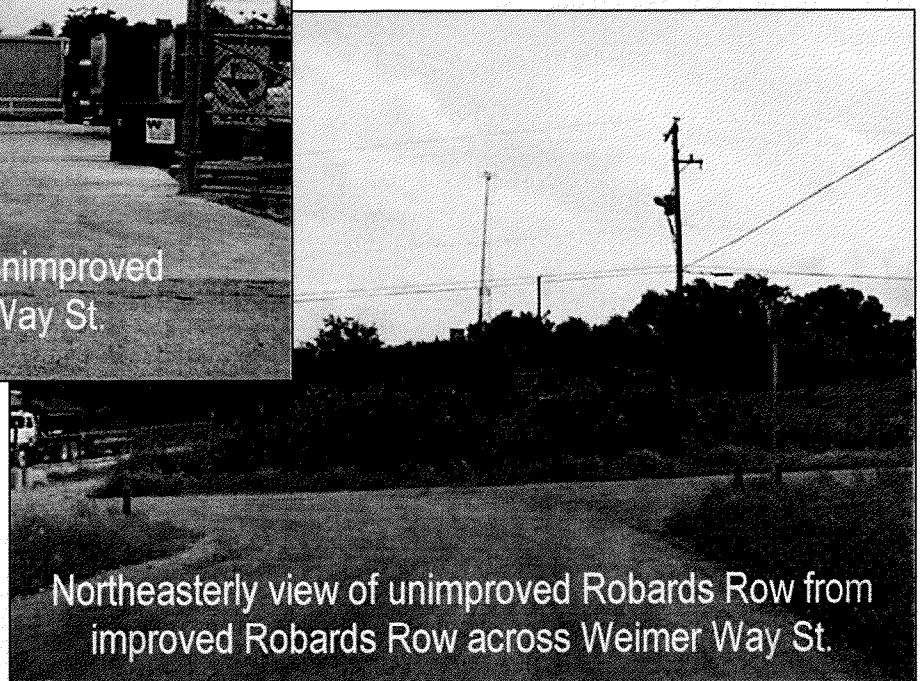
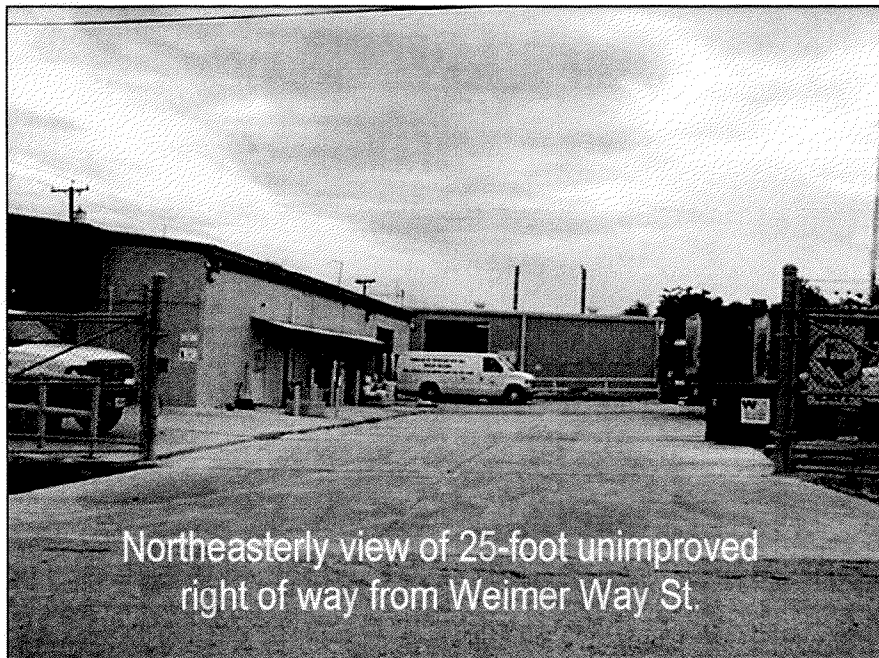
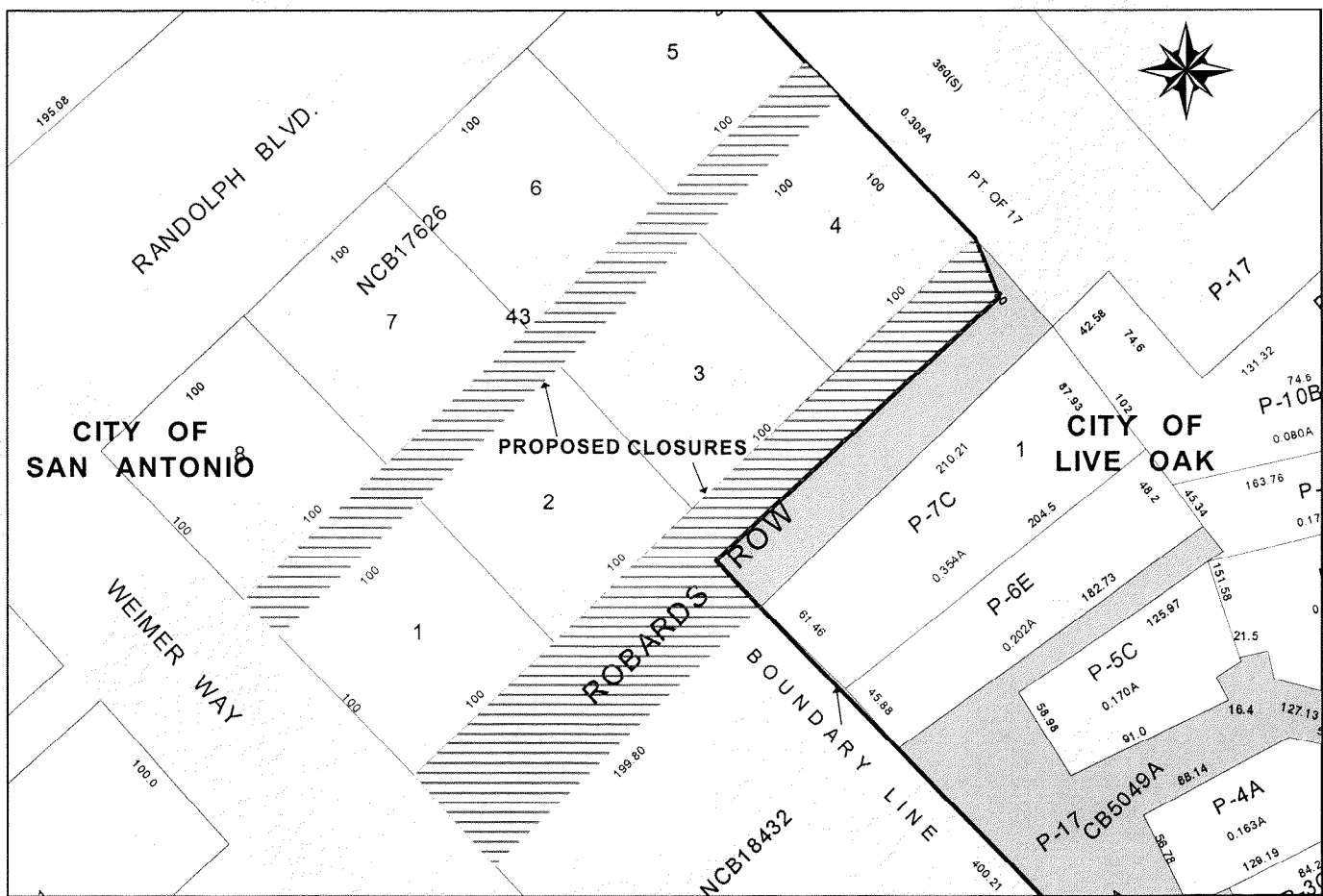


Exhibit "A"

Canvassing Checklist

SPNo 1054

Request: Petitioners are requesting the closure, vacation and abandonment of Public Rights of Way consisting of unimproved portions of Robards Row and a twenty-five (25) foot-wide alley intersecting Weimer Way and abutting NCB 17626 as shown on attached Exhibit "A." Please note that the petitioners are only requesting the closure of the portion of Robards Row that is within the limits of the City of San Antonio and will seek simultaneous closure of the remaining portion of Robards Row from the City of Live Oak. Abutting property owners inadvertently built over the 25 foot-wide alley prior to the City's annexation of this area in 1985.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	5/28/2002	7/17/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	5/28/2002	7/24/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	5/28/2002	8/23/2002	<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"/>	5/28/2002	6/24/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	5/28/2002	6/4/2002	<input checked="" 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 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 in the area.



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

May 2, 2003

Drew M. Stewart, et al
6618 Randolph Blvd.
San Antonio, TX 78233



Re: S. P. No. 1054—Request to close, vacate and abandon two (2) parallel Public Rights of Way being unimproved portions of Robards Row and a twenty-five (25) foot-wide alley intersecting northeast of Weimer Way

Dear Mr. Stewart:

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 DEPARTMENT:

"Approved provided the petitioners 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."

PUBLIC WORKS DEPARTMENT:

"Approved provided the Robards Row Right of Way proposed closure is retained as a drainage easement until removal through the platting process."

DEVELOPMENT SERVICES DEPARTMENT:

"Approved provided the site is assembled and platted in accordance with the Unified Development Code."

CITY PUBLIC SERVICE:

"Approved provided a southeasterly 20 foot-wide easement is retained for existing electric facilities, or if feasible, remove/relocate facilities at petitioner's expense."

DEPARTMENT OF ASSET MANAGEMENT:

- The closure, vacation and abandonment of these Public Rights of Way will be authorized by a City Ordinance.
- Petitioners assert 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 petitioners acknowledge that this property will be accepted in its "as is" condition.
- Petitioners agree 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. Petitioners agree 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 petitioners.

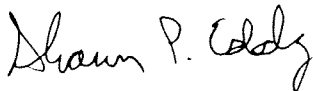
- *Petitioners agree to pay a closure fee of \$16,523.00, which includes the assessed value of \$16,344.00 for the Public Rights of Way, a fee of \$144.00 for posting of signs notifying the public of the proposed street closure, and a fee of \$35.00 for recordation of the City Ordinance. This closure 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 signs.*

Further, deeds for all abutting properties are required along with fully completed and signed Discretionary Contracts Disclosure Statements. Enclosed are the necessary forms.

This Letter of Agreement is being offered by City of San Antonio only to the petitioners named above and will expire thirty (30) days after date of issuance unless a specific extension is requested by the petitioners and granted by the City.

If you concur with the above mentioned conditions, including the payment of the assessed closure fee, all parties must countersign this letter in the spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement, property deeds, Discretionary Contracts Disclosure Statements and the payment, we will continue processing your request.*

Sincerely,



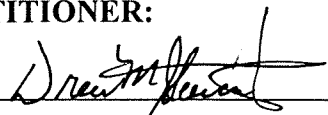
Shawn P. Eddy
Special Projects Manager

SPE/ma

CERTIFIED MAIL 7001 1940 0000 1124 7924

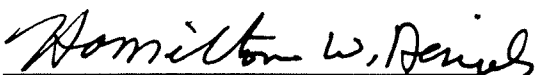

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:

By 
Drew M. Stewart
Print Name

owner
Title
5/16/02
Date

PETITIONER:

 owner
By HAMILTON W. DANIELS
Print Name
Date May 15, 2003
X 
ROSALIND M. DANIELS May 15/2003

COPY

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.

Date: 5/20/03
To: Martha

* 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:

(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

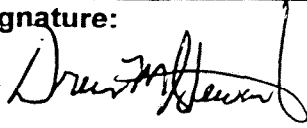
Political Contributions

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: <i>owner of Property</i> Company:	Date: <i>05/19/03</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.

City of San Antonio
Discretionary Contracts Disclosure*

COPY

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.

YALICE

5/20/07

to Martha

* 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:

(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

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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: <i>Theresa W. Daniel</i> <i>Rose C. Daniel</i>	Title: <i>Land owner</i> Company:	Date: <i>5/20/03</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.