

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

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

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, May 29, 2003

SUBJECT: S.P. No. 185 - Request to close, vacate and abandon subsurface portions of Martin and Navarro Streets Public Rights of Way, adjacent to NCB 412

PETITIONER: SBC Services, Inc.
Attn: Bruce Ward
1010 N. St. Mary's, # 515
San Antonio, Texas 78215

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon 691.67 sf of subsurface portions of Martin and Navarro Streets Public Rights of Way, adjacent to NCB 412, that includes a portion of petitioner's basement, seventy-two (72) 24" diameter soldier piles, power transformer connection valet, transformer ventilation shaft and a transformer access shaft, as requested by SBC Services Inc., for a total consideration of \$4,482.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of a subsurface area of 691.67 sf that includes a portion of petitioner's basement, seventy-two (72) 24" diameter soldier piles, power transformer connection valet, transformer ventilation shaft and a transformer access shaft. Petitioner was granted a twenty-five (25) year license agreement, by Ordinance No. 40814, dated June 15, 1972, to occupy space beneath certain street Public Rights of Way under Martin and Navarro Streets, adjacent to New City Block 412, as shown on attached Exhibits "A" "B" & "C". Petitioner is requesting the closure of the same subsurface portions of these Public Rights of Way to obtain ownership of this area which is the central telecommunications hub for a multi-state region.

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 of San Antonio will collect \$4,482.00 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 considered and approved this request at its regular meeting of 4/23/03.

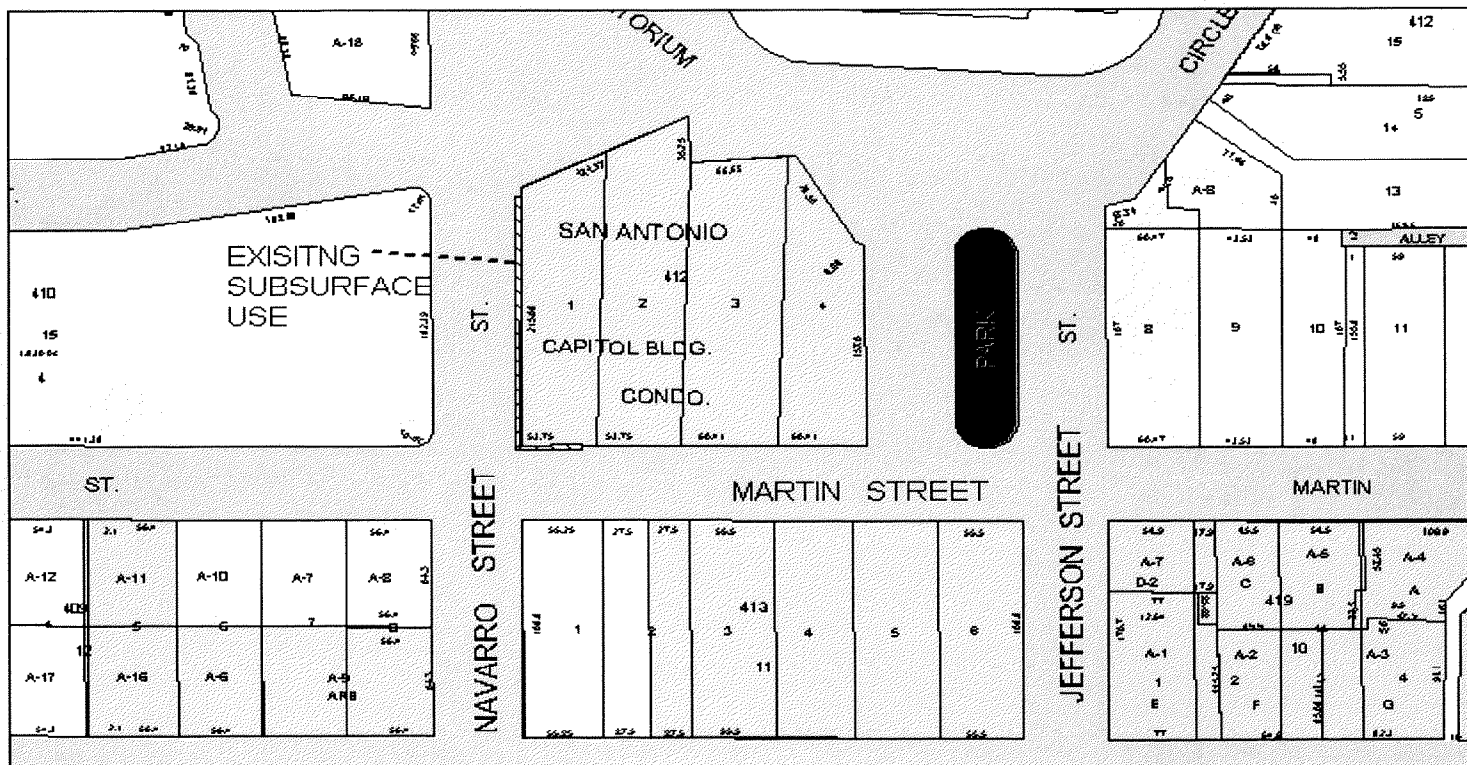
Executed Discretionary Contracts Discourse Statements from petitioner(s) is attached.



for Rebecca Waldman, Director
Department of Asset Management

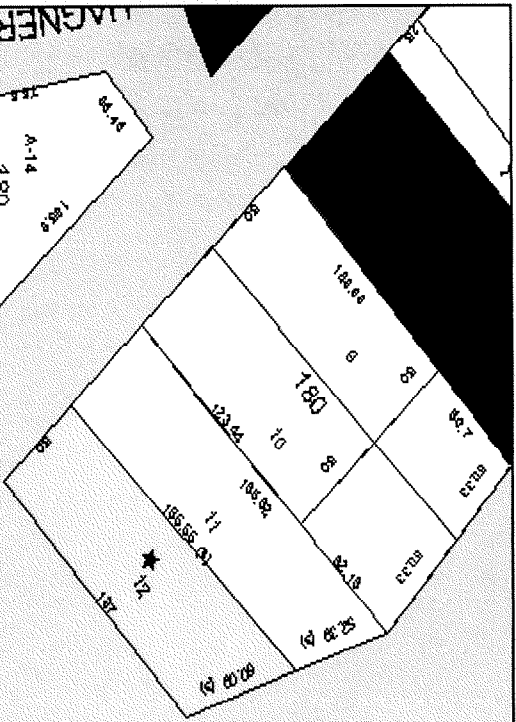
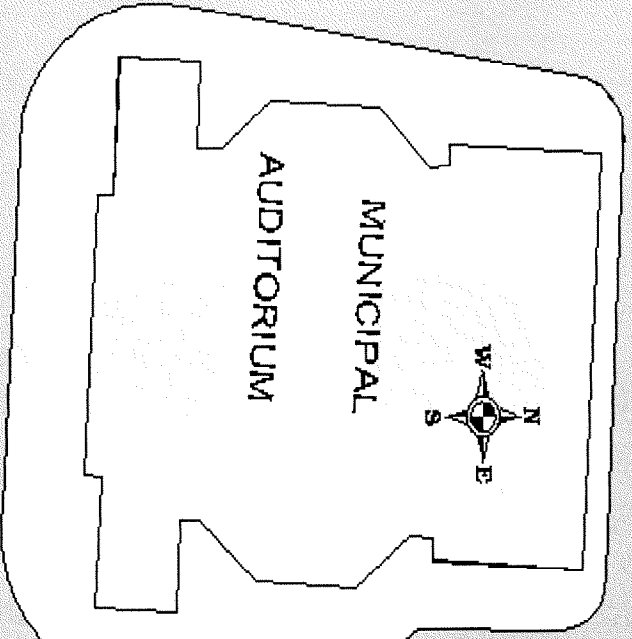


Erik J. Walsh
Assistant to the City Manager

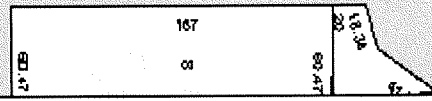
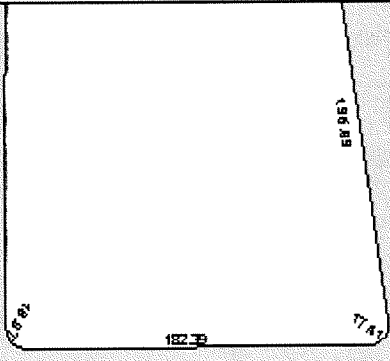
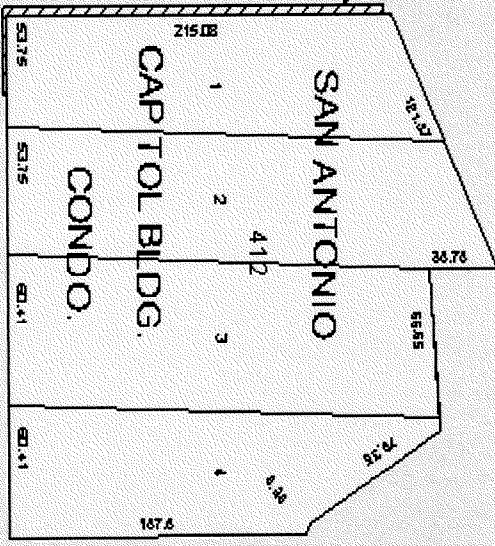


LOOKING NORTHERLY ON NAVARRO STREET OFF MARTIN SREET AT SBC BUILDING
(SOUTHWESTERN BELL TELEPHONE COMPANY)

EXHIBIT "A"



EXISTING
SUBSURFACE
USE



NAVARRO STREET ST.

MARTIN STREET

JEFFERSON STREET ST.

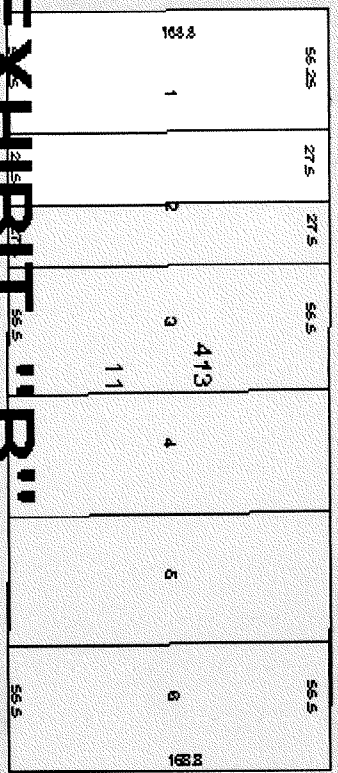
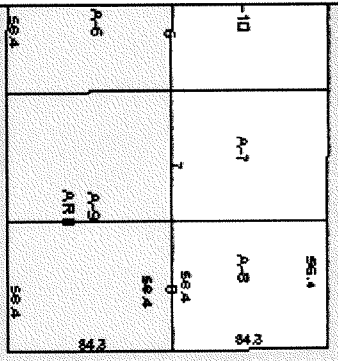
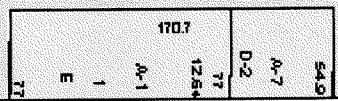
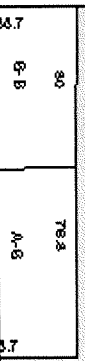


EXHIBIT "B"

PECAN





Canvassing Checklist

SPNo 185

Request: Petitioner is requesting the closure, vacation and abandonment of a subsurface area of 691.67 sf that includes a portion of petitioner's basement, seventy-two (72) 24" diameter soldier piles, power transformer connection valet, transformer ventilation shaft and a transformer access shaft. Petitioner was granted a twenty-five (25) year license agreement, by Ordinance No. 40814, dated June 15, 1972, to occupy space beneath certain street Public Rights of Way under Martin and Navarro Streets and Auditorium Circle, adjacent to New City Block 412, as shown on attached Exhibit "A". Petitioner is requesting the closure of the same subsurface portions of these Public Rights of Way to obtain superior rights to safeguard this area which is the central telecommunications hub for a multi-state region.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	6/5/2002	7/31/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	6/5/2002	7/30/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	6/5/2002	6/12/2002	<input checked="" type="checkbox"/>	<input 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"/>	6/5/2002	7/9/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	6/5/2002	7/15/2002	<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



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

March 26, 2003

S. B. C. Services, Inc.
Attn: Bruce W. Ward, Real Estate Manager
1010 N. St. Mary's, Rm. 515
San Antonio, Texas 78215

Re: S. P. No. 185— Request to close, vacate and abandon subsurface portions of Martin and Navarro Streets and Auditorium Circle Public Rights of Way, adjacent to NCB 412

Dear Mr. Ward:

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:

CITY PUBLIC SERVICE: Customer shall provide a CPS-approved location on his premises for the transformer vault or room. The location shall provide for the following:

- Allow close approach (be within 8 feet of a hard driving surface) with a CPS-owned crane and truck. Entrance to be readily accessible and not be blocked vertically 50 feet or horizontally 12 feet in front and both sides of slab opening for crane operations.
- Where required for installation and removal of transformers, ceilings shall have removable, weatherproof slabs, sizes specified by CPS. Slab are furnished by CPS and installed by Customer.
- Where required for outside entrance of workers, ceilings shall have manhole entrances.
- Doors shall not be blocked by Customer equipment. The vault shall be readily accessible through doorways at all times.

DEPARTMENT OF ASSET MANAGEMENT:

- The closure, vacation and abandonment of the subsurface 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.

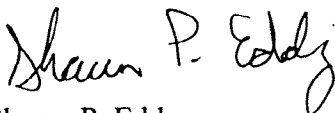
- Petitioner agrees to reserve a perpetual easement for all **existing** subsurface utilities currently within the Public Right of Way proposed to be closed. Petitioner agrees to allow perpetual access to any such existing utilities or may seek the relocation of a specific utility with the express permission and coordination of the respective owner of the utility and at the sole expense of the petitioner. New utilities may only be installed within the Public Right of Way proposed to be closed with the approval of the petitioner.
- Petitioner agrees to pay a total fee of \$4,482.00, which includes the assessed value of \$4,422.00 for the Public Right of Way subsurface and a document recording fee of \$60.00. This fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the proposed subsurface closure is not approved by City Council, the fee will be refunded to the petitioner.

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.

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.

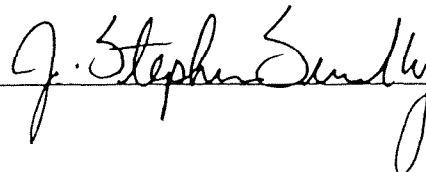
Sincerely,



Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Petitioner: S. B. C. SERVICES, INC.:

By: 

J. Stephen Sundby
Print Name:

Director-Real Estate Transactions

Title:

April 1, 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 entity¹ that would be a party to the discretionary contract;
and the name of: _____ a

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

N/A

(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;

SOUTHWESTERN BELL TELEPHONE L.P. JOINTLY OWNS THE BUILDING LOCATED AT 105 AUDITORIUM CIRCLE, IN CONCERT WITH AT&T COMMUNICATIONS OF THE SOUTHWEST, INC. A DELAWARE CORPORATION. THIS JOINT OWNERSHIP CREATES THE SAN ANTONIO CAPITAL BUILDING CONDOMINIUM REGIME, ESTABLISHED DEC. 27 1983.

(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

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.

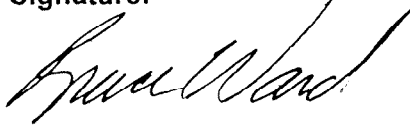
Political Contributions

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:
<p>(SEE ATTACHED)</p> <p>* IT IS REQUESTED THAT THE ATTACHED POLITICAL CONTRIBUTION LIST BE AVAILABLE ONLY TO THOSE INDIVIDUALS INVOLVED WITH THE DECISION PROCESS OR A NEED TO KNOW BASIS.</p>		

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: CRE MANAGER S.TX. LEASE ADMINISTRATION Company: SBC SERVICES, INC.	Date: 3/12/03

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.

Political Contributions San Antonio City Council & Mayor

Candidate	Date	Amount	PAC and/or Individual Employee
Garza, Ed	9/29/00	\$ 200	PAC
Garza Ed	9/29/00	\$ 100	Jerry Fuentes
Garza, Ed	5/29/01	\$ 2,000	PAC
Garza, Ed	5/25/01	\$ 200	PAC
Garza, Ed	5/16/01	\$ 150	PAC
Garza, Ed	6/27/01	\$ 111.50	PAC
Tony Moorehouse	2/15/02	\$ 100	Jerry Fuentes
John Sanders	1/15/02	\$ 125	Wayne Alexander
John Sanders	1/15/02	\$ 125	John Montford
Ed Garza	2/20/02	\$ 250	Wayne Alexander
Ed Garza	2/20/02	\$ 250	Forrest Miller
Ed Garza	2/20/02	\$ 250	Jim Kahan
Ed Garza	2/20/02	\$ 250	Stan Sigman
Carroll Schubert	3/01/02	\$ 1,000	John Montford
Ed Garza	2/24/03	\$ 1,000	Ed Whitacre
Ed Garza	2/24/03	\$ 1,000	Linda Whitacre
Ed Garza	2/24/03	\$ 500	John Atterbury
Ed Garza	2/24/03	\$ 1,000	Jim Callaway
Ed Garza	2/24/03	\$ 200	Lea Ann Champion
Ed Garza	2/24/03	\$ 1,000	Bill Daley
Ed Garza	2/24/03	\$ 250	Rich Dietz
Ed Garza	2/24/03	\$ 500	Jim Ellis
Ed Garza	2/24/03	\$ 200	Jim Epperson
Ed Garza	2/24/03	\$ 500	Mike Gilliam
Ed Garza	2/24/03	\$ 1,000	Berto Guerra
Ed Garza	2/24/03	\$ 200	Tim Harden
Ed Garza	2/24/03	\$ 250	Ross Ireland
Ed Garza	2/24/03	\$ 250	Karen Jennings
Ed Garza	2/24/03	\$ 250	Tom Jones
Ed Garza	2/24/03	\$ 500	Jim Kahan
Ed Garza	2/24/03	\$ 100	Jon Klug
Ed Garza	2/24/03	\$ 100	Paul Mancini
Ed Garza	2/24/03	\$ 250	Bill McCullough
Ed Garza	2/24/03	\$ 500	Forrest Miller
Ed Garza	2/24/03	\$ 100	Mike Payne
Ed Garza	2/24/03	\$ 100	Howard Peak

[illegible]