

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, August 21, 2003

SUBJECT: S.P. No. 1092 - Request to close, vacate and abandon an improved portion of Sharp Street Public Right of Way located between S. Laredo and Tunstall Streets within New City Blocks 919 and 920

PETITIONER: MAPCO, INC.
Attn: David Voorhees
427 W. Cevallos
San Antonio, Texas 78204

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon an improved portion of Sharp Street Public Right of Way located between S. Laredo and Tunstall Streets within NCBs 919 and 920, as requested by the abutting property owner, MAPCO, INC., for the total consideration of \$14,546.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting to close, vacate and abandon an improved portion of Sharp Street located between S. Laredo and Tunstall Streets within NCBs 919 and 920, as shown on attached Exhibit "A". If approved, the petitioner intends to incorporate the proposed closure with its abutting properties and develop a multi-story office complex. Petitioner owns all of the properties abutting the proposed closure. This project is located within Council District 1.

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 \$14,546.00 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 8/13/2003 and its finding will be presented to City Council on 8/21/2003.

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

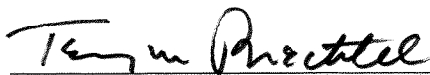


Rebecca Waldman, Director
Department of Asset Management

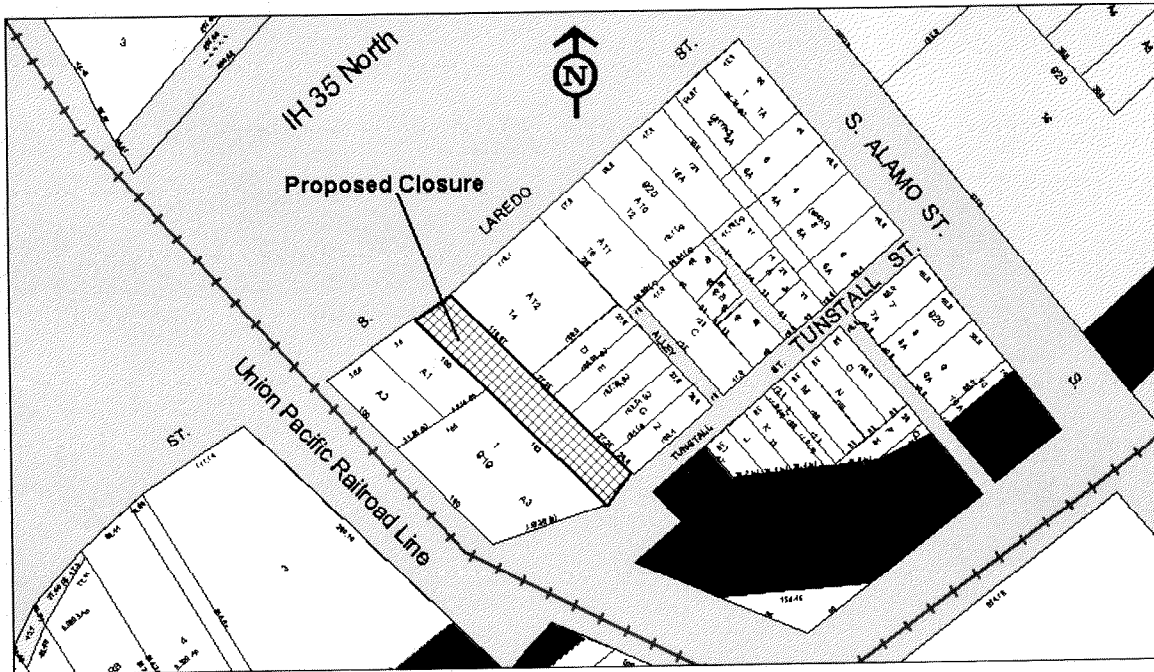


Erik J. Walsh
Assistant to the City Manager

Approved:



Terry M. Brechtel
City Manager



Map of Subject Property



Easterly View of Subject Property

Exhibit "A"

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 that would be a party to the discretionary contract:

Mapco, Inc.

ky 8/11/03

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

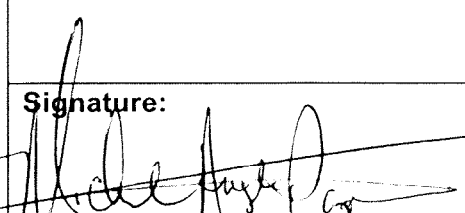
Political Contributions

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:  Michael Angelo Padron	Title: President Company: MAPCO, Inc.	Date: 07/11/03

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.

Canvassing Checklist

SPNo 1092

Request: Petitioner is requesting to close, vacate and abandon improved Sharp Street located between S. Laredo and Tunstall Streets within New City Blocks 919 and 920, as shown on attached Exhibit "A". If approved, the petitioner intends to incorporate the proposed closure with its abutting properties and develop a multi-story office complex. Petitioner owns all of the properties abutting the proposed closure.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	2/26/2003	3/24/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	2/26/2003	4/3/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	2/26/2003	4/8/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	2/26/2003	3/6/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	2/26/2003	3/6/2003	<input checked="" 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"/>	2/26/2003	4/3/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	2/26/2003	3/10/2003	<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 checked="" type="checkbox"/>	2/26/2003	2/28/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input checked="" type="checkbox"/>	2/26/2003	3/6/2003	<input checked="" 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 checked="" type="checkbox"/>	2/26/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Canvassed the Lone Star Neighborhood Association. No response.



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

June 24, 2003

MAPCO, INC.
Attn: David Voorhees
427 Cevallos
San Antonio, Texas 78204

Re: S. P. No. 1092 — Request to close, vacate and abandon improved Sharp Street located between S. Laredo and Tunstall Streets within New City Blocks 919 and 920

Dear Mr. Padron:

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: "In the event of any development on the vacated property, the petitioner must file a formal subdivision plat vacating and replatting the area as per Article IV Procedures, Division 4 Subdivisions of the Unified Code (UDC) for the City of San Antonio."

PUBLIC WORKS DEPARTMENT: "Retain as easement for surface drainage conveyance."

DEVELOPMENT SERVICES DEPARTMENT: "The request to close, vacate and abandon improved Sharp Street is recommended for approval provided a cul-de-sac is provided at the most westerly portion of Tunstall Street. In addition, the section to be closed must be assembled and platted with the petitioner's property."

CITY PUBLIC SERVICE: "Must retain electric and gas easements for existing electric and gas facilities, or if feasible, remove/relocate facilities at owner's expense during development."

SAN ANTONIO WATER SYSTEM: "Provided any existing water and/or sewer easements must remain accessible for operational and maintenance purposes at all times."

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 proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. 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 express permission and coordination of the respective owner of the utility at the sole expense of the petitioner.

Petitioner agrees to pay a total closure fee of \$14,546.00 which includes the assessed value of the Public Right of Way and additional fees of \$144.00 for the posting of two (2) signs notifying the public of the proposed street closure and \$60.00 for the recording fees. 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 and recording fees will be refunded to the petitioner, less the fee for the posting of notification signs.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named below and will expire (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 we will continue processing your request.

Sincerely,



Shawn P. Eddy,
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:



MAPCO, INC.

By: Michael Angelo Padron

Title: President

Date: July 11, 2003