

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

PUBLIC HEARING
TIME CERTAIN
ITEM NO. 4
2:00PM

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, September 18, 2003

SUBJECT: S.P. No. 1075—Request to close, vacate and abandon unimproved portions of South Mittman and Waleetka Streets Public Rights of Way located between Minnetonka Street and Fair Avenue

PETITIONER: Bilmar Construction, LP
Attn: Gordon A. Woods, Project Manager
8227 Elm Glade
San Antonio, TX 78251

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon unimproved portions of South Mittman and Waleetka Streets Public Rights of Way (paper streets) located between Minnetonka Street and Fair Avenue, as requested by Bilmar Construction, LP, a Texas Limited Partnership, for the consideration of \$9,922.00, which includes a 50% reduction of the closure fee as provided by the Development Incentive Toolkit, passed and approved by City Council on May 29, 2003.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting closure, vacation and abandonment of unimproved portions of South Mittman and Waleetka Streets Public Rights of Way (paper streets) located between Minnetonka Street and Fair Avenue as shown on attached Exhibit "A". Petitioner recently purchased the tracts abutting these Rights of Way, and if approved, intends to replat the proposed closures with the abutting properties for a proposed infill housing development. Further, petitioner proposes to develop Waleetka Street and construct a cul-de-sac at the Mittman intersection as shown on attached Exhibit "A", Page 2 of 2. Please note that Sec. 35-4106 of the Unified Development Code permits the creation of a "short stub", provided it is the depth of the adjacent lot. This project qualifies for a 50% reduction of the closure fee under the City's Development Incentive Toolkit for the construction of market rate housing in the Community Revitalization Action Group (CRAG) area. This project is located within Council District 3.

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 \$9,922.00 as consideration for this closure, vacation and abandonment of Public Right of Way, that includes a 50% reduction of the closure fee per the City's Development Incentive Toolkit.

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. This request was also coordinated with the Department of Economic Development for the purpose of applying the Development Incentive Toolkit.

SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 9/10/2003 and its finding will be presented to City Council on 9/18/2003.

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



Rebecca Waldman, Director
Department of Asset Management

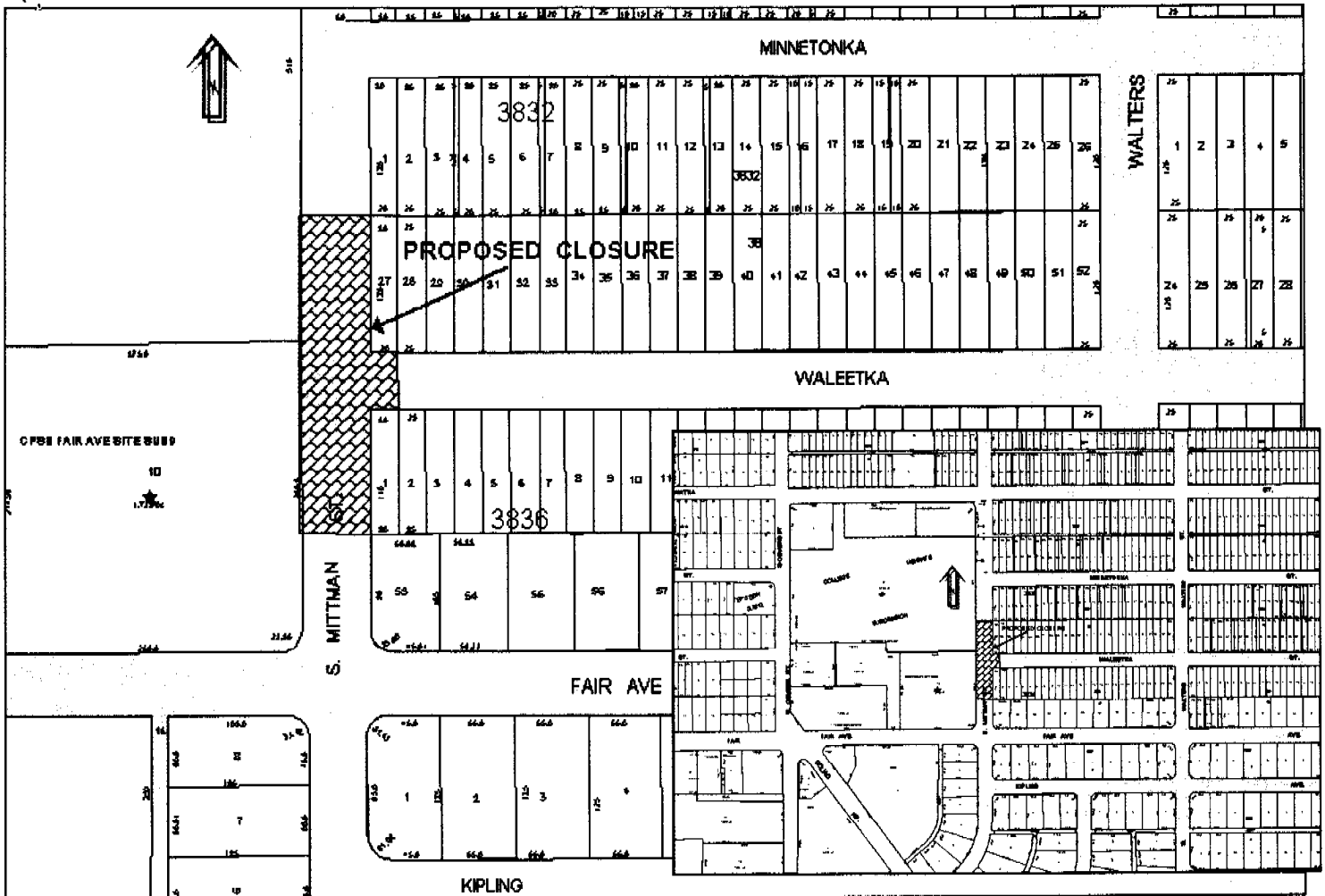


Erik J. Walsh
Assistant to the City Manager

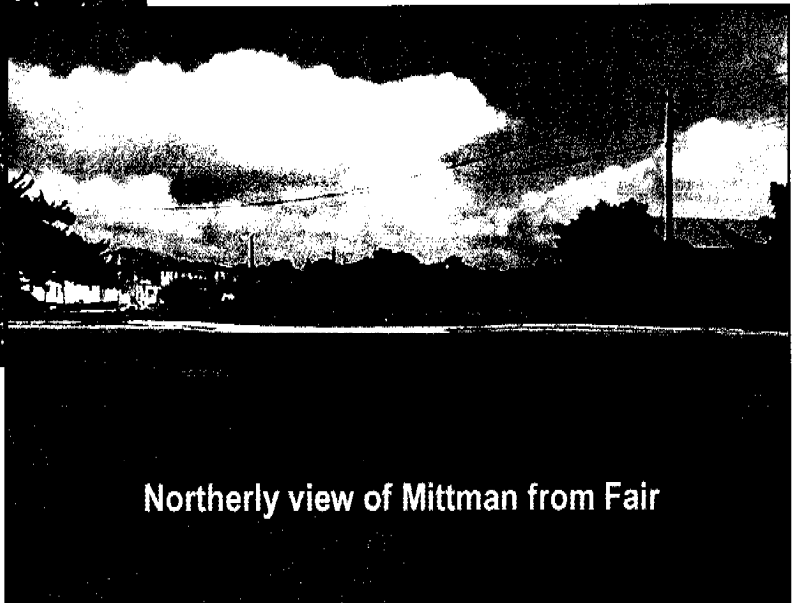
Approved:



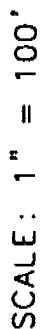
Terry M. Brechtel
City Manager



Southerly view of Mittman



Northerly view of Mittman from Fair



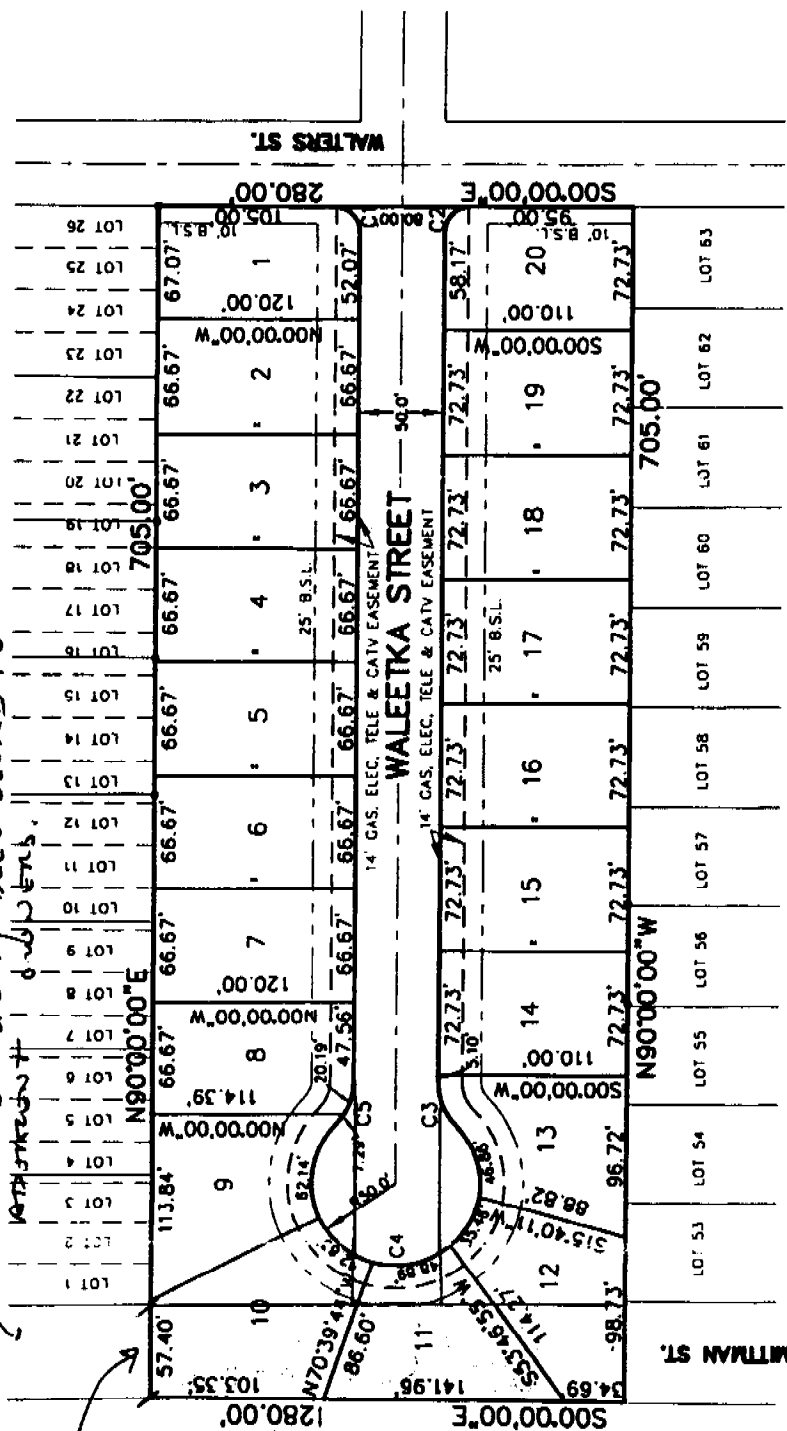
PORTION OF MITCHELL R.O.W
THAT HAS ALREADY BEEN DEEDED TO
WATKINSON + DWYERS. || || || ||

ALC # 09587 - 60'
200 - 0090

IMAGE
CENTRAL TEXAS
PROPERTIES,
INC.

7.105 AC.

A/C #
09587-000-
0100
CITY OF
SAN ANTONIO
1.74 AC.



Canvassing Checklist

SPNo 1075

Request: Petitioner is requesting closure, vacation and abandonment of unimproved portions of South Mittman and Waleetka Streets Public Rights of Way (paper streets) located between Minnetonka Street and Fair Avenue as shown on attached Exhibit "A". Petitioner recently purchased the tracts abutting these Rights of Way, and if approved, intends to replat the proposed closures with the abutting properties for a proposed infill housing development. Further, petitioner proposes to develop Waleetka Street and construct a cul-de-sac at the Mittman intersection as shown on attached Exhibit "A", Page 2 of 2. Please note that Sec. 35-4106 of the Unified Development Code permits the creation of a "short stub", provided it is the depth of the adjacent lot. This project qualifies for a 50% reduction of the closure fee under the City's Development Incentive Toolkit because it includes the construction of infill housing. This project is located within Council District 3.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	11/14/2002	12/11/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	11/14/2002	1/14/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	11/14/2002	12/2/2002	<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"/>	11/14/2002	12/18/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	11/14/2002	11/25/2002	<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 checked="" type="checkbox"/>	11/14/2002	12/20/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Highland Park NA; Attn: Diane Saucedo Cortez, Pres.; 646 Kayton; 78210, AND: Southeast Citizens Committee, Attn: Angelo Di Pasquale, 2507 Hiawatha St., 78210



CITY OF SAN ANTONIO

August 14, 2003

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

Bilmar Construction, L.P.
Attn: Gordon A. Woods
Project Manager
8227 Elm Glade
San Antonio, TX 78251

Re: S. P. No. 1075—Request to close, vacate and abandon unimproved portions of South Mittman and Waleetka Streets Public Rights of Way located between Fair Avenue and Minnetonka Street

Dear Mr. Woods:

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:

It should be noted that the proposed development falls within the Highlands Community Plan and it designates this area as medium density residential, which allows for single, accessory dwellings, cottages, duplexes, triplexes, fourplexes and townhomes. The proposed development is consistent with the plan; however, as a condition for this approval, the petitioner must contact the Southeast Citizens Committee neighborhood association and advise them of proposed development.

PUBLIC WORKS DEPARTMENT:

Approved provided that a required drainage easement and an outfall storm sewer be connected to an existing storm sewer. Further, new development plan must be submitted and reviewed by Storm Water Engineering to ensure proper drainage is accounted for.

DEVELOPMENT SERVICES DEPARTMENT:

Approved provided the site is designed and platted in accordance with new requirements set for in the Unified Development Code. Furthermore, it is recommended that the southern portion of Mittman Street located at Fair Avenue also be initiated for closure and conveyed to adjacent owners. Its purpose is to eliminate a potential unusable remnant stemming from this petition.

SAN ANTONIO WATER SYSTEM:

Approved provided any and all present or proposed San Antonio Water System utilities will be provided with an adequate easement and temporary for construction work space for same and any requested relocation of any utility will be at the sole and total cost of the petitioner.

SOUTHEAST CITIZENS COMMITTEE OF COLLEGE HEIGHTS:

Approved provided all lots in the proposed development are in compliance with Zoning District Code NP-8, and dimensional requirements specified in the Unified Development Code. Lot 12 in the proposed development as designated in site plan does not meet the minimum frontage width of 40 feet. Also, all residential construction must be in compliance with Declaratory Judgment No. 98-CI-01243, recorded in Bexar County Deeds and Records in Book D, Volume 8277, Pages 2068 through 2071 which mandates a common scheme of development within College Heights consisting of homes built with masonry exterior on all sides, one or two car garage, a setback from the street of twenty-five feet (25') and a minimum lot width of fifty feet (50').

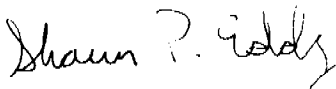
DEPARTMENT OF ASSET MANAGEMENT:

- 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 remit a closure fee of \$9,922.00, which includes the assessed value of \$9,743.00 for the Public Right of Way, a fee of \$144.00 for posting of signs notifying the public of the proposed street closure and \$35.00 for recording documents. 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 notification signs.

This Letter of Agreement 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 spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement, we will continue processing your request.*

Sincerely,



Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

CERTIFIED MAIL 7001 1940 0000 1124 8099

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:

By Marg. Hughes III
Marg. Hughes III
Print Name

MANAGING PARTNER
Title
8/19/03
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:

BILMAR CONSTRUCTION, L.P.

and the name of:

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

none, 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;

MARQ HUGHES III
WILLIAM L. PATTON

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.

NONE, 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:
NONE	N/A	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.

NONE - N/A		
Signature:  GORDON WINES	Title: Project Manager Company: BILMAR CONSTRUCTION, L.P.	Date: 3/17/03

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.