

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

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**PUBLIC HEARING  
TIME CERTAIN  
ITEM NO 4  
3:30PM**

**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, October 30, 2003

**SUBJECT:** S.P. No. 1089 - Request to close, vacate and abandon an unimproved 30-foot portion of Public Right of Way out of an unimproved 40-foot Public Right of Way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane adjacent to New City Block 10976

**PETITIONER:** Terra Vista Partners, Ltd.  
Attn: Phil W. Stewart, President  
3306 Roselawn  
San Antonio, Texas

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will close, vacate and abandon a thirty foot (30') portion of a forty foot (40') unimproved Public Right of Way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane, adjacent to NCB 10976, as requested by the abutting property owner, Terra Vista Partners, Ltd., for the total consideration of \$9,123.00. This project is located within City Council District No.3.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting to close, vacate and abandon an unimproved 30-foot portion of Public Right of Way out of an unimproved 40-foot Public Right of Way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane adjacent to New City Block 10976, as shown on attached Exhibit "A". Specifically, Woodruff Avenue is North of Pecan Valley Drive, South of Utopia Lane and adjacent to the East Right of Way line of S. New Braunfels Avenue. The petitioner is requesting said closure to improve and modernize the Spanish Spur Apartments, which it owns. Petitioner owns all property abutting the proposed closure.

**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 \$9,123.00 as consideration for this closure, vacation and abandonment of Public Right of Way.


### **COORDINATION**

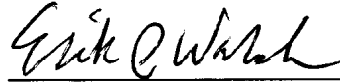
In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

### **SUPPLEMENTARY COMMENTS**


The City of San Antonio's Planning Commission will consider this request at its regular meeting of 10/22/2003 and its finding will be presented to City Council on 10/30/2003.

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

  
Rebecca Waldman, Director  
Department of Asset Management

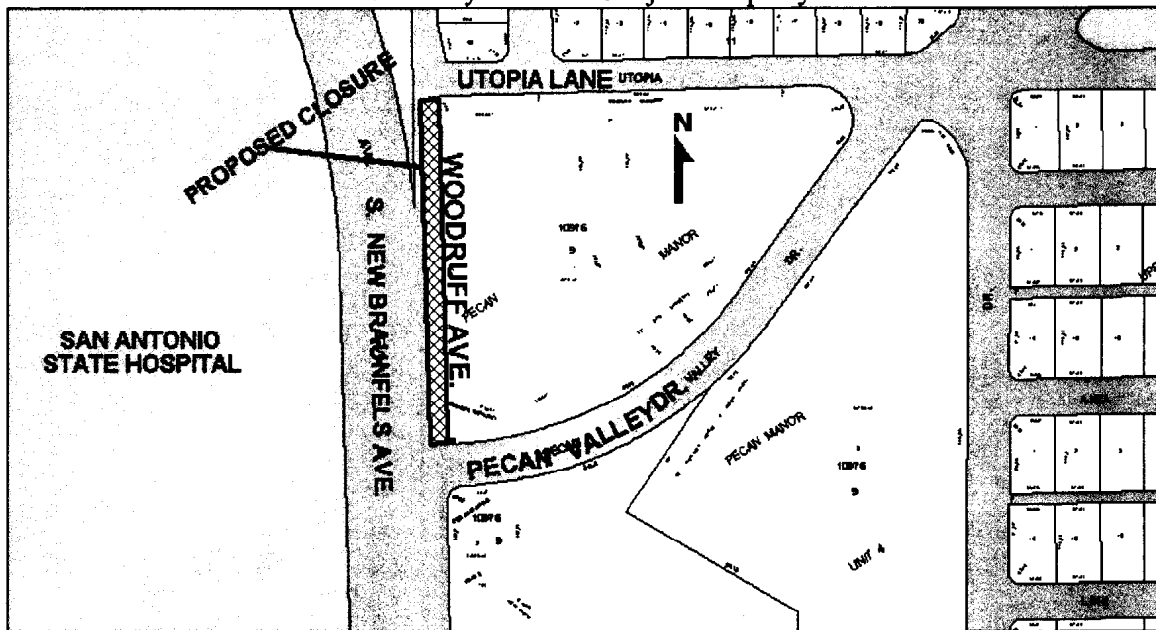
  
Erik J. Walsh  
Assistant to the City Manager

Approved:

  
Terry M. Brechtel  
City Manager



Northerly View of Subject Property



Map of Subject Property

**Exhibit "A"**

# Canvassing Checklist

SPNo **1089**

**Request:** Petitioner is requesting to close, vacate and abandon an unimproved 30-foot portion of Public Right of Way out of an unimproved 40-foot Public Right of Way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane adjacent to New City Block 10976, as shown on attached Exhibit "A". Specifically, Woodruff Avenue is North of Pecan Valley Drive, South of Utopia Lane and adjacent to the East Right of Way line of S. New Braunfels Avenue. The petitioner is requesting said closure to improve and modernize the Spanish Spur Apartments, which it owns. Petitioner owns all property abutting the proposed closure.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	2/12/2003	3/24/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	2/12/2003	4/23/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	2/12/2003	4/17/2003	<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"/>	2/12/2003	3/19/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	2/12/2003	2/28/2003	<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 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"/>	2/12/2003	10/15/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

Canvassed the Highland Hills Neighborhood Association. Left a voice message with Mr. Johnny Gomzaba with the Highland Hills Neighborhood Association on 10/1/03 as requested by the Planning Department. Re-canvassed Highland Hills NA on 10/06/03.



# 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

August 29, 2003

Terra Vista Partners, Ltd.  
Attn: Phil W. Stewart, President  
3306 Roselawn  
San Antonio, Texas 78223

Re: S. P. No. 1089 — Request to close, vacate and abandon a 30-foot wide unimproved Public Right of Way known as Woodruff Avenue located between Pecan Valley Drive and Utopia Lane within New City Block 10976

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: "This project is within the South Central Community Plan and is therefore subject to the following conditions: The community plan requires that trees and landscaping shall be added along corridors, therefore a site plan showing the addition of the streetscape is requested. Please coordinate with Highland Hills Neighborhood Association, Attn: Johnny Gomzaba, 404 Okyridge, San Antonio, Texas 78210-5757, Phone: 210-532-7407."

PUBLIC WORKS DEPARTMENT: "Must retain as a drainage easement until modified/removed through the platting process. The Right of Way on the northeast corner of New Braunfels and Pecan Valley must be retained for the existing traffic signal equipment. The driveway access must remain the same. The Woodruff Avenue Right of Way will be allowed to be released provided that the New Braunfels Right of Way is maintained at a minimum of 110 feet to allow for any future street widening projects."

DEVELOPMENT SERVICES DEPARTMENT: "The request to close, vacate and abandon a 30-foot wide unimproved portion known as Woodruff Avenue is recommended for approval provided a non-access easement is imposed along the New Braunfels Avenue frontage. The site must be assembled and platted with the petitioner's property."

CITY PUBLIC SERVICE: "Must retain as an easement for electric facilities."

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

DEPARTMENT OF ASSET MANAGEMENT:

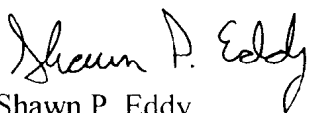
- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.
- Petitioner asserts that all evidence of ownership of all proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- Petitioner acknowledges that this property 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 \$9,123.00, which includes the assessed value of the Public Right of Way and an additional fee of \$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.

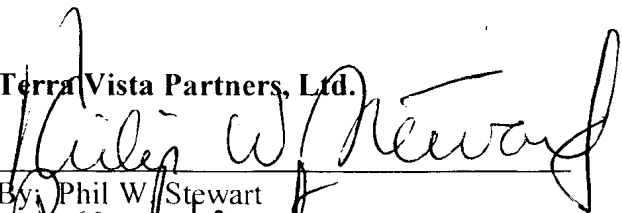
If you concur with the above-mentioned conditions please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement, we will continue processing your request.

Sincerely,



Shawn P. Eddy,  
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

  
Terra Vista Partners, Ltd.  
By: Phil W Stewart  
President

Title: President

Philip W. Stewart, President  
Terravista Corporation  
General Partner Of  
Terravista Partners, Ltd.

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:

Philip W. Stewart

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

Terraviva Partners, Ltd.  
Terraviva Corporation, General Partner

and the name of:

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

NA

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

<sup>1</sup> 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.

NA.

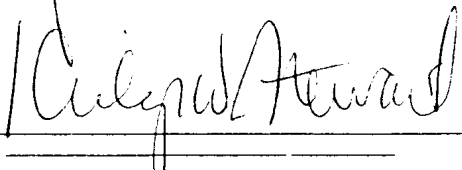
### Political Contributions

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 question<sup>2</sup> 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: 	Title: President Company: TerraNova Corp	Date: 1/31/03

<sup>2</sup> 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.