

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

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**PUBLIC HEARING  
TIME CERTAIN  
ITEM NO 5(A)**

**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, December 04, 2003

**SUBJECT:** S.P. No. 1114 - S.P. No. 1129---Request to close, vacate and abandon an irregular portion of Nacogdoches Road Public Right of Way and a 30-foot by 72-foot portion of Public Right of Way located between Broadway and Nacogdoches Roads adjacent to NCB 8702

**PETITIONER:** Claret, L. C.; c/o Pape-Dawson Engineers, Inc.  
Attn: Oscar Rodriguez  
555 E. Ramsey  
San Antonio, TX 78216

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will close, vacate and abandon an irregular portion of Nacogdoches Road Public Right of Way and a 30-foot by 72-foot portion of Public Right of Way located between Broadway and Nacogdoches Roads adjacent to NCB 8702, as requested by Claret, L. C., a Texas limited liability company, for the consideration of \$22,169.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting the closure, vacation and abandonment of an irregular portion of Nacogdoches Road Public Right of Way along with a 30 foot by 72 foot portion of a Public Right of Way located between Broadway and Nacogdoches Roads adjacent to NCB 8702, as shown on attached Exhibit "A." All abutting owners have consented to the closure and if approved, petitioner plans to assemble the closure with his abutting commercial property for the construction of an office building and parking lot. Petitioner has agreed to enter into a License Agreement to use the remaining portion of the Right of Way.

**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 \$22,169.00 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 11/26/2003 and its finding will be presented to City Council on 12/4/2003.

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

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# Canvassing Checklist

SPNo **1114**

Request: Petitioner is requesting the closure, vacation and abandonment of an irregular portion of Nacogdoches Road adjacent to NCB 8702 as shown on attached Exhibit "A." All abutting owners are in agreement to the closure. Petitioner recently purchased the abutting property and if closure is approved, would like to combine both properties for commercial development.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	6/17/2003	7/29/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	6/17/2003	8/21/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	6/17/2003	8/6/2003	<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 checked="" type="checkbox"/>	6/17/2003	6/24/2003	<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"/>	6/17/2003	6/27/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	6/17/2003	7/18/2003	<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**

NEIGHBORHOOD ASSOCIATION NOT APPLICABLE.

# Canvassing Checklist

SPNo **1129**

Request: Petitioner is requesting the closure, vacation and abandonment of an irregular portion of Nacogdoches Road Public Right of Way along with a 30 foot by 72 foot portion of a Public Right of Way located between Broadway and Nacogdoches Roads adjacent to NCB 8702, as shown on attached Exhibit "A." All abutting owners have consented to the closure and if approved, petitioner plans to assemble the closure with his abutting commercial property for the construction of an office building and parking lot. Petitioner will also request and follow through with a License for the remaining portion of the Right of Way.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	9/12/2003	11/7/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	9/12/2003	11/7/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	9/12/2003	9/30/2003	<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"/>	9/12/2003	10/16/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	9/12/2003	9/23/2003	<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 checked="" type="checkbox"/>	9/12/2003	9/22/2003	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

NO REGISTERED NEIGHBORHOOD ASSOCIATION.



# CITY OF SAN ANTONIO

November 13, 2003

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

The Heights Building, Ltd.  
c/o Pape-Dawson Engineers, Inc.  
Attn: Oscar Rodriguez  
555 E. Ramsey  
San Antonio, TX 78216

Re: S. P. No. 1114—Request to close, vacate and abandon an irregular portion of Nacogdoches Road adjacent to NCB 8702

Dear Mr. Rodriguez:

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 that 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 Development Code (UDC) for the City of San Antonio.

## DEVELOPMENT SERVICES DEPARTMENT

Approved provided that adequate Right of Way spacing along said street is retained to meet minimum Unified Development Code standards.

## CITY PUBLIC SERVICE BOARD

Approved provided a 28-foot easement for existing overhead facilities and a 14-foot easement along street frontage is retained. Further, petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas facilities and agree to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service Board and at the sole expense of the petitioner.

## DEPARTMENT OF ASSET MANAGEMENT

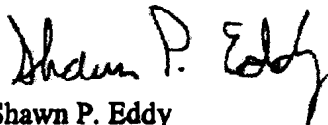
- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.
- Petitioner asserts that all evidence of ownership of all property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- 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 \$9,765.00, which includes the assessed value of \$9,730.00 for the Public Right of Way 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.

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 your client concurs 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 and the closure fee we will continue processing your request.*

Sincerely,



Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

SPE/ma

**AGREED AS TO TERMS AND CONDITIONS:**

**PETITIONER:**



By

Edward K. Ropp  
Print Name

Title

Date

11/18/03



# CITY OF SAN ANTONIO

November 13, 2003

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

The Heights Building, Ltd.  
c/o Pape-Dawson Engineers, Inc.  
Attn: Oscar Rodriguez  
555 E. Ramsey  
San Antonio, TX 78216

Re: S. P. No. 1129—Request to close, vacate and abandon a 30-foot by 72-foot portion of Public Right of Way located between Broadway and Nacogdoches adjacent to NCB 8702

Dear Mr. Rodriguez:

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 petitioner agrees to License the remaining portion of the Public Right of Way, which would function as a private driveway.

## DEVELOPMENT SERVICES DEPARTMENT

Approved provided the proposed closure does not cause a land lock condition; and the site is assembled and platted with the petitioner's property, with frontage onto a public street.

## CITY PUBLIC SERVICE BOARD

Area in question has a three feeder that ties Nacogdoches and Broadway. Petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas facilities and agree to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service Board and at the sole expense of the petitioner.

## SAN ANTONIO WATER SYSTEM

Petitioner must agree to reserve a perpetual easement for all existing water and/or sewer facilities and agree to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with San Antonio Water System and at the sole expense of the petitioner.

## 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.

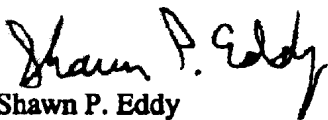


- The petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees to reserve a perpetual easement for all existing overhead, surface or subsurface utilities within the public right of way proposed to be closed, including but not limited to: electrical, water, 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 \$12,404.00, which includes the assessed value of \$12,297.00 for the Public Right of Way, a fee of \$72.00 for posting of a sign 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 the notification sign.
- *Further, petitioner will request and execute a license agreement to use the remaining portion of Public Right of Way pursuant to City Council Ordinance No. 96508, passed and approved on October 3, 2002, which requires the submission of a petition, a non-refundable \$500.00 processing fee, a license fee calculated per the ordinance and execution of the standard license agreement form utilized by the City of San Antonio.*

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 your client concurs 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 and the closure fee we will continue processing your request.*

Sincerely,

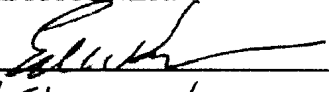


Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

SPE/ma

**AGREED AS TO TERMS AND CONDITIONS:**

**PETITIONER:**

By   
\_\_\_\_\_  
Print Name

Title \_\_\_\_\_  
Date 11/19/03

**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**<sup>1</sup> that would be a party to the discretionary contract:

The Heights Building, Ltd.

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;

Heights General Partner, LLC  
R.L. Worth & Associates, Ltd.  
Koplow Partners, Ltd.  
Edward K. Koplow  
Hurd Urban Development, Ltd.

<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.

N/A

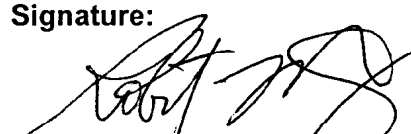
### Political Contributions

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:
See Attached Statement		

### 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.

<b>Signature:</b> 	<b>Title:</b> Manager of General Partner  <b>Company:</b> The Heights Building, Ltd.	<b>Date:</b> 11/21/03

<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.

**City of San Antonio  
Discretionary Contracts Disclosure**

**Political Contributions**

<b>From Whom</b>	<b>To Whom Made</b>	<b>Amount</b>	<b>Date of Contribution</b>
Edward K. Kopplow	Carroll Shubert	\$ 500.00	3/21/03
Edward K. Kopplow	Carroll Shubert	\$ 500.00	9/10/03
Edward K. Kopplow	Roger Flores	\$ 500.00	3/21/03
Nicholas J. Chapman (partner in Kopplow Partners, Ltd.)	Roger Flores	\$ 250.00	4/18/03
Robert L. Worth, Jr.	Nelson Wolf	\$ 250.00	10/26/01
Robert L. Worth, Jr.	Nelson Wolf	\$ 250.00	6/24/02
Robert L. Worth, Jr.	Nelson Wolf	\$ 1,000.00	3/16/03
Robert L. Worth, Jr.	Jose Menendez	\$ 250.00	1/29/02
Robert L. Worth, Jr.	Jose Menendez	\$ 250.00	11/18/02
Robert L. Worth, Jr.	Jose Menendez	\$ 500.00	8/24/03
Robert L. Worth, Jr.	Enrique Barrera	\$ 500.00	6/15/02
Robert L. Worth, Jr.	Carol Schubert	\$ 500.00	6/18/03
Robert L. Worth, Jr.	David Carpenter	\$ 300.00	3/19/02
Robert L. Worth, Jr.	David Garcia	\$ 300.00	4/17/02
Robert L. Worth, Jr.	Toni Moorhouse	\$ 300.00	3/26/02