

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

PUBLIC HEARING
DATE CERTAIN
ITEM NO. **4a**
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, March 04, 2004

SUBJECT: S.P. No. 1130 - Request to close, vacate and abandon improved and unimproved portions of all of the Public Rights of Way located within Rosedale Park

PETITIONER: City of San Antonio and Mireles Properties
Attn: Lupe Mireles
P.O. BOX 28233
San Antonio, Texas 78228

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon improved and unimproved portions of all of the Public Rights of Way within Rosedale Park which are no longer utilized for access purposes and have been largely incorporated into green space within Rosedale Park in Council District No.5, as requested by the City of San Antonio and Raul C. and Lupe Mireles (abutting property owners), for the total consideration of \$13,140.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

The City of San Antonio, with the consent and request of Raul C. and Lupe Mireles (abutting property owners), is proposing the closure, vacation and abandonment of improved and unimproved portions of all of the Public Rights of Way within Rosedale Park, as shown on the outlined attached Exhibit "A". The Public Rights of Way that are proposed to be closed, vacated and abandoned are no longer utilized for access purposes and have been largely incorporated into green space within Rosedale Park, except for an unimproved portion of Colby Street which will revert to Raul C. and Lupe Mireles (abutting property owners). No existing park space will be closed or sold through this proposed action.

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 \$13,140.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

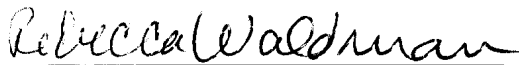
COORDINATION

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.

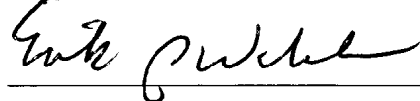
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 2/25/2004 and its finding will be presented to City Council on 3/4/2004.

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

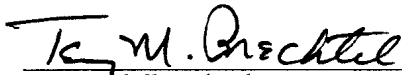


Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

Approved:



Terry M. Brechtel
City Manager

Canvassing Checklist

SPNo **1130**

Request: The City of San Antonio, with the consent and support of the petitioner (an abutting property owner), is proposing the closure, vacation and abandonment of improved and unimproved portions of all of the Public Rights of Way within Rosedale Park, as shown on the outlined attached Exhibit "A". The Public Rights of Way that are proposed to be closed, vacated and abandoned are no longer utilized for access purposes and have been largely incorporated into green space within Rosedale Park. No existing park space will be closed or sold through this proposed action.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	8/29/2003	10/13/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	8/29/2003	10/1/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	8/29/2003	9/22/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	8/29/2003	9/10/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	8/29/2003	10/20/2003	<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"/>	8/29/2003	10/1/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	8/29/2003	9/11/2003	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

There is no Neighborhood Association in the vicinity of this project.



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

January 12, 2004

Mireles Properties
Attn: Lupe Mireles
P.O. BOX 28233
San Antonio, Texas 78228

Re: S. P. No. 1130 — Request to close, vacate and abandon improved and unimproved portions of all of the Public Rights of Way located within Rosedale Park

Dear Ms. Mireles:

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:

PUBLIC WORKS DEPARTMENT: The subject properties must be retained as drainage easements. All referenced real property and Public Rights of Way proposed to be closed, vacated and abandoned must be replatted. The drainage and utility easements must be included in the replat.

DEVELOPMENT SERVICES DEPARTMENT: The request to close, vacate and abandon improved and unimproved portions of all of the Public Rights of Way located within Rosedale Park bounded by W. Martin, N. General McMullen, Ruiz Street and NW 27th Street is recommended for approval provided it does not impede service delivery, create a landlock situation and the area is assembled and platted with the participant adjacent properties.

CITY PUBLIC SERVICE: Must retain easements and access to overhead facilities that fall within the Hi-line area. Petitioner must agree to reserve a perpetual easement and access for all existing electric and gas facilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with City Public Service 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 agrees 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 the San Antonio Water System and at the sole expense of the petitioner.

COPY

DEPARTMENT OF ASSET MANAGEMENT:

The closure, vacation and abandonment of these Public Rights 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 Rights 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.

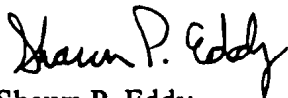
Petitioner agrees to pay a total closure fee of \$13,140.00 which includes the assessed value of the Public Right of Way and additional fees of \$144.00 for the posting of two (2) signs notifying the public of the proposed street closure and \$70.00 for the recording fees. This closure fee will be due 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.

Further, fully completed and signed Discretionary Contracts Disclosure Statements are required and enclosed for your convenience.

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 Statements, we will continue processing your request.

Sincerely,



Shawn P. Eddy,
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Mireles Properties

By:


Title:

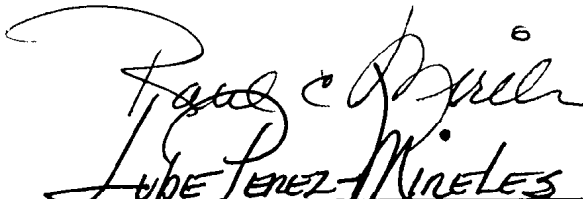
Date:

By:

Title

Date:


By: Owner/Manager
Title: 1-30-2004
Date: 1-30-2004


By: OWNER
Title: 1-25-2004
Date: 1-25-2004

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	Roy & Super Mireles
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(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

N/A	Mireles Properties
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and the name of:

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

N/A	
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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

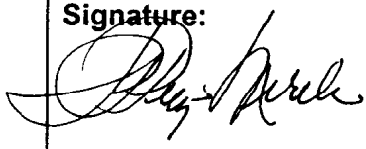
Political Contributions

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: 	Title: <i>Owner</i> Company: <i>Prime Properties</i>	Date: <i>1/27/04</i>

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.

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.

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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:

Lay & Super Mineros

(2) the identity of any business entity¹ that would be a party to the discretionary contract:

Mineros Properties

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

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To Whom Made:	Amount:	Date of Contribution:
N/A		

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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: R. C. Munch	Title: <i>Cum</i> Company: <i>Minerals Properties</i>	Date: 1/27/04

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.