

PUBLIC HEARING  
TIME CERTAIN  
ITEM NO 4b

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

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**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 4, 2004

**SUBJECT:** S.P. No. 1072—Request to close, vacate and abandon an irregular portion of Blanco Road Public Right of Way at the west corner of Jackson Keller Road adjacent to NCB 11697

**PETITIONER:** Angeles Garcia; c/o Loeffler, Jonas & Tuggey L.L.P.  
Attn: Stanley D. Rosenberg  
755 E. Mulberry, Suite 200  
San Antonio, TX 78212

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize the closure, vacation and abandonment of an irregular portion of Blanco Road Public Right of Way located at the west corner of Jackson Keller Road adjacent to NCB 11697, in Council District No. 1, in compliance with Condemnation Cause No. 98-ED-0018, the City of San Antonio v. Angeles Garcia

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting closure, vacation and abandonment of an irregular portion of Blanco Road Public Right of Way at the west corner of Jackson Keller Road adjacent to NCB 11697 as shown on attached Exhibit "A." As per Condemnation Cause No. 98-ED-0018, the City of San Antonio v. Angeles Garcia, the City purchased a 0.071 acre tract of land (shown on Exhibit "A", 1 of 2) out of Lot C, Block 1, NCB 11697, for widening of Jackson Keller Road Public Right of Way in connection with the City's Blanco Road to Jackson Keller Intersection MPO Project. The Blanco Road improvement entailed closing the right turn lane between the Seller's property and the traffic island. The Seller claims that the sale of the 0.071-acre tract out of her property resulted in loss of parking spaces and has requested conveyance of the aforementioned turning lane and traffic island. Subsequent to filing the condemnation, but prior to the Special Commissioners Hearing, the parties agreed to enter into a partial settlement of the case and the City agreed to convey to the Seller the right turning lane along with the traffic island on Blanco Road.

**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**

This action will have no fiscal impact.

**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

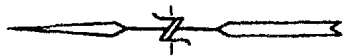


Erik J. Walsh  
Assistant to the City Manager

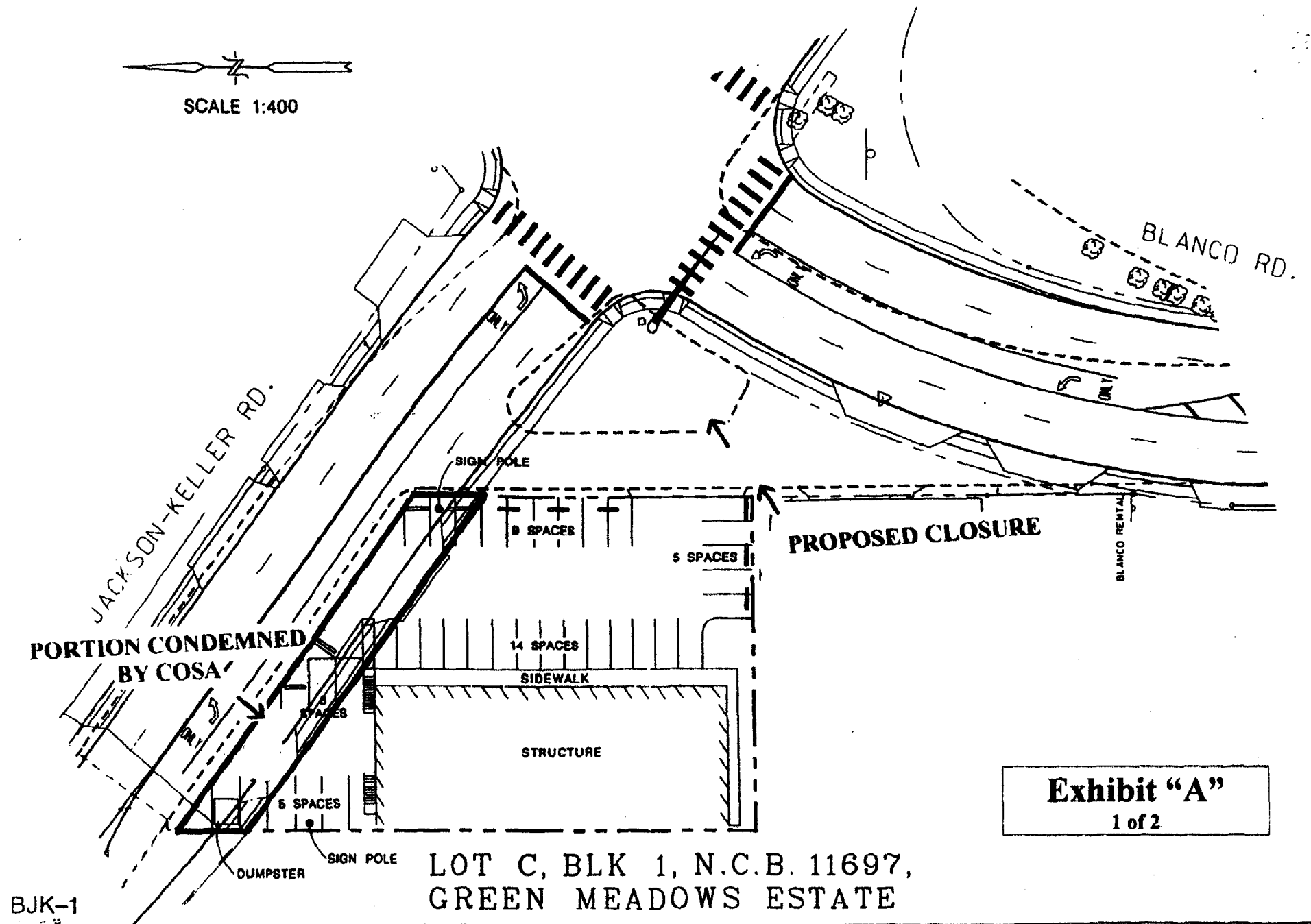
Approved:



Terry M. Brechtel  
City Manager



SCALE 1:400



# Canvassing Checklist

SPNo **1072**

**Request:** Petitioner is requesting closure, vacation and abandonment of an irregular portion of Blanco Road Public Right of Way at the west corner of Jackson Keller Road adjacent to NCB 11697 as shown on attached Exhibit "A." As per Condemnation Cause No. 98-ED-0018, the City of San Antonio v. Angeles Garcia, the City purchased a 0.071 acre tract of land (shown on Exhibit "A", 1 of 2) out of Lot C, Block 1, NCB 11697, for widening of Jackson Keller Road Public Right of Way in connection with the City's Blanco Road to Jackson Keller Intersection MPO Project. The Blanco Road improvement entailed closing the right turn lane between the Seller's property and the traffic island. The Seller claims that the sale of the 0.071 acre tract out of her property resulted in loss of parking spaces and has requested conveyance of the aforementioned turning lane and traffic island. Subsequent to filing the condemnation, but prior to the Special Commissioners Hearing, the parties agreed to enter into a partial settlement of the case and the City agreed to convey to the Seller the right turning lane along with the traffic island on Blanco Road.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	10/11/2002	12/11/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	10/11/2002	3/7/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	10/11/2002	2/28/2003	<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"/>	10/11/2002	11/7/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	10/11/2002	10/28/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input checked="" type="checkbox"/>	10/11/2002	10/22/2002	<input checked="" 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"/>	10/11/2002		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

North Central Neighborhood Coalition - NO RESPONSE RECEIVED.



# CITY OF SAN ANTONIO

October 13, 2003

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

Angeles Garcia  
c/o Loeffler, Jonas & Tuggey L.L.P.  
Attn: Stanley Rosenberg  
755 E. Mulberry, Suite 200  
San Antonio, TX 78212

Re: S. P. No. 1072—Request to close, vacate and abandon an irregular portion of Blanco Road Public Right of Way at the west corner of Jackson Keller

Dear Mr. Rosenberg:

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 both Blanco and Jackson Keller Roads are part of the Major Thoroughfare Road System for the City of San Antonio requiring a minimum of 70 feet to 86 feet of Right of Way; therefore, the following conditions are imposed:

- All required street dedication for the future widening of both of these roads must be provided for.
- 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.
- All existing utility easements must be preserved in order to minimize any relocation of such utilities now or in the future resulting from any anticipated new construction.

## CITY PUBLIC SERVICE

Approved provided easement is retained for overhead electric and gas facilities.

## SAN ANTONIO WATER SYSTEM

Approved provided there is no impact to the location, operation repair, relocation and/or construction of any existing or future water, sewer or recycle water facilities or appurtenances.

## DEPARTMENT OF ASSET MANAGEMENT

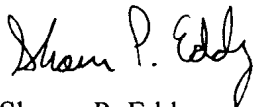
- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.

- 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.
- Conveyance of the proposed closure is in compliance with Condemnation Cause No. 98-ED-0018; the City of San Antonio v. Angeles Garcia.

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, property deed and the Discretionary Contracts Disclosure form (enclosed) we will continue processing your request.*

Sincerely,




Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

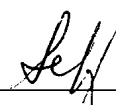
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CERTIFIED MAIL 7001 1940 0000 1124 8181

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:

  
By \_\_\_\_\_  
ANGELES GARCIA  
Print Name

  
Title \_\_\_\_\_  
Date 10/30/03

## 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:

Not applicable

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

Not applicable

and the name of:

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

Not applicable

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;

Not applicable

<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.

Not applicable

#### 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:
Not applicable		

#### 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.

Not applicable

Signature: 	Title: <i>Rep</i> Company: GARCIA INDUSTRIES	Date: 10/30/03
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<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.