

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

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. 1094—Request to close, vacate and abandon portions of North Las Moras Street and an intersecting 13 foot-wide alley Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214

PETITIONER: San Antonio Independent School District, et al
Attn: Kamal Elhabr, P.E.
1702 N. Alamo St., Suite 307
San Antonio, TX 78215-1213

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon portions of North Las Moras Street and an intersecting 13 foot-wide alley Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214, in Council District No. 1, for the expansion and redevelopment of the adjacent Margil Elementary School, as requested by San Antonio Independent School District, for the consideration of \$12,725.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of portions of North Las Moras Street and an intersecting 13 foot-wide alley Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214 as shown on attached Exhibit "A." Petitioner would like to use the proposed closures for expansion of the adjacent Margil Elementary School Campus which would entail the construction of a new school building and an Early Childhood Development Facility with a separate playground area. Further, the petitioner maintains that the proposed closures will provide for a more safe and secure campus. All abutting property owners have signed a petition agreeing to the proposed closures.

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 \$12,725.00 as consideration for this closure, vacation and abandonment of Public Rights 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.

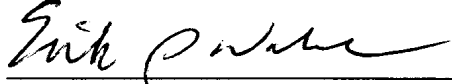
SUPPLEMENTARY COMMENTS

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 Statements from petitioner(s) are attached. The San Antonio Independent School District is exempt from filing this form.



Rebecca Waldman, Director
Department of Asset Management

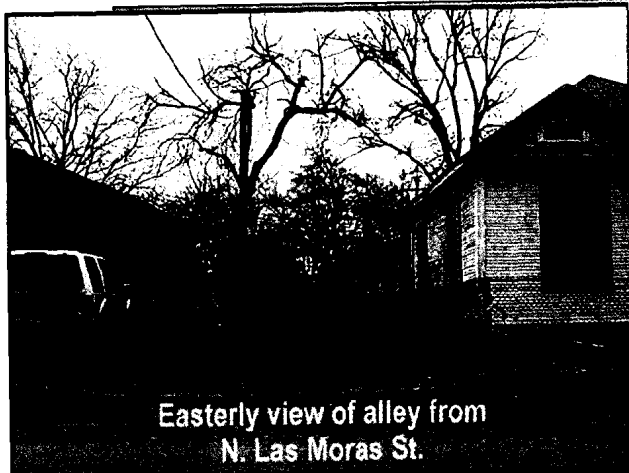
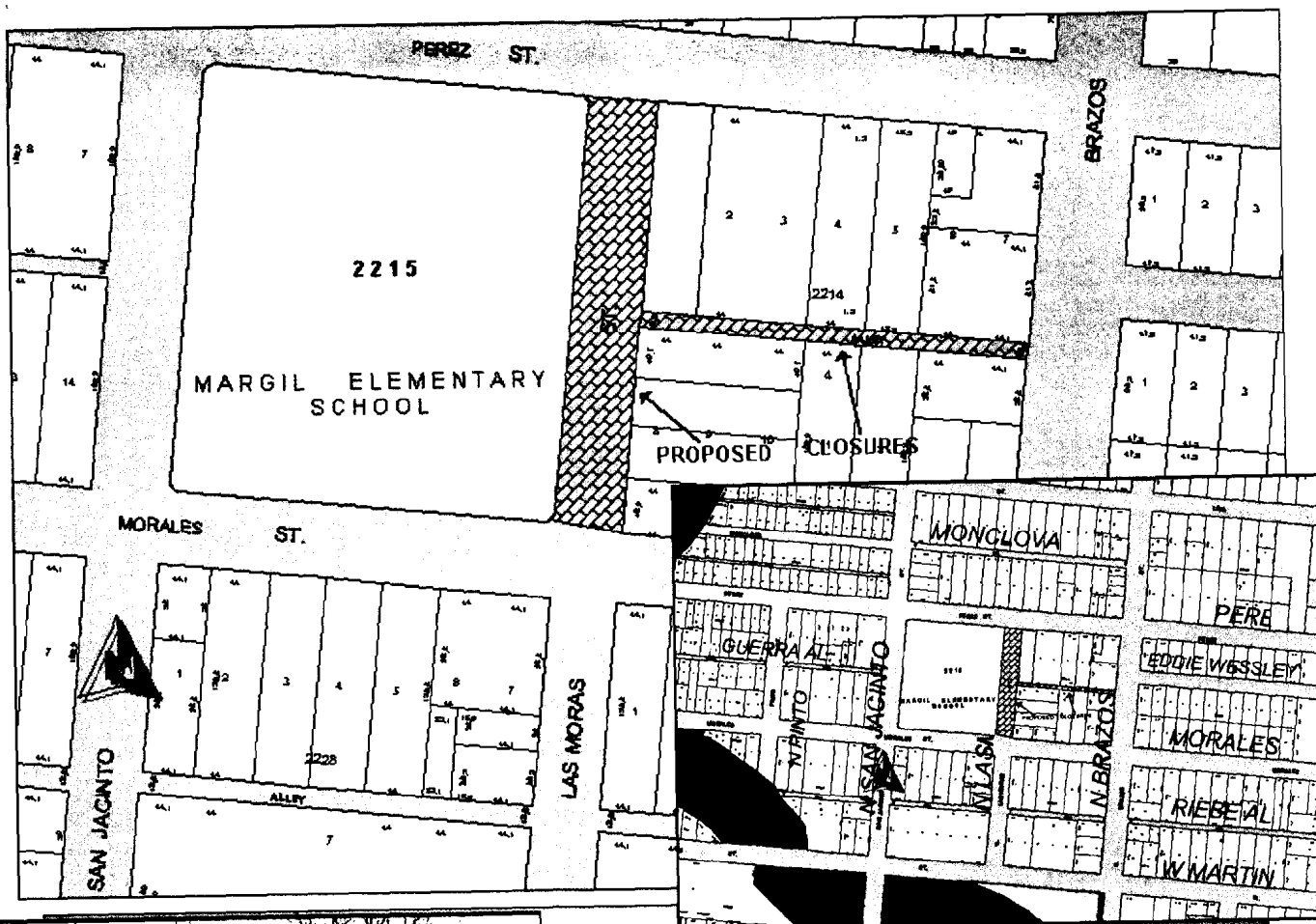


Erik J. Walsh
Assistant to the City Manager

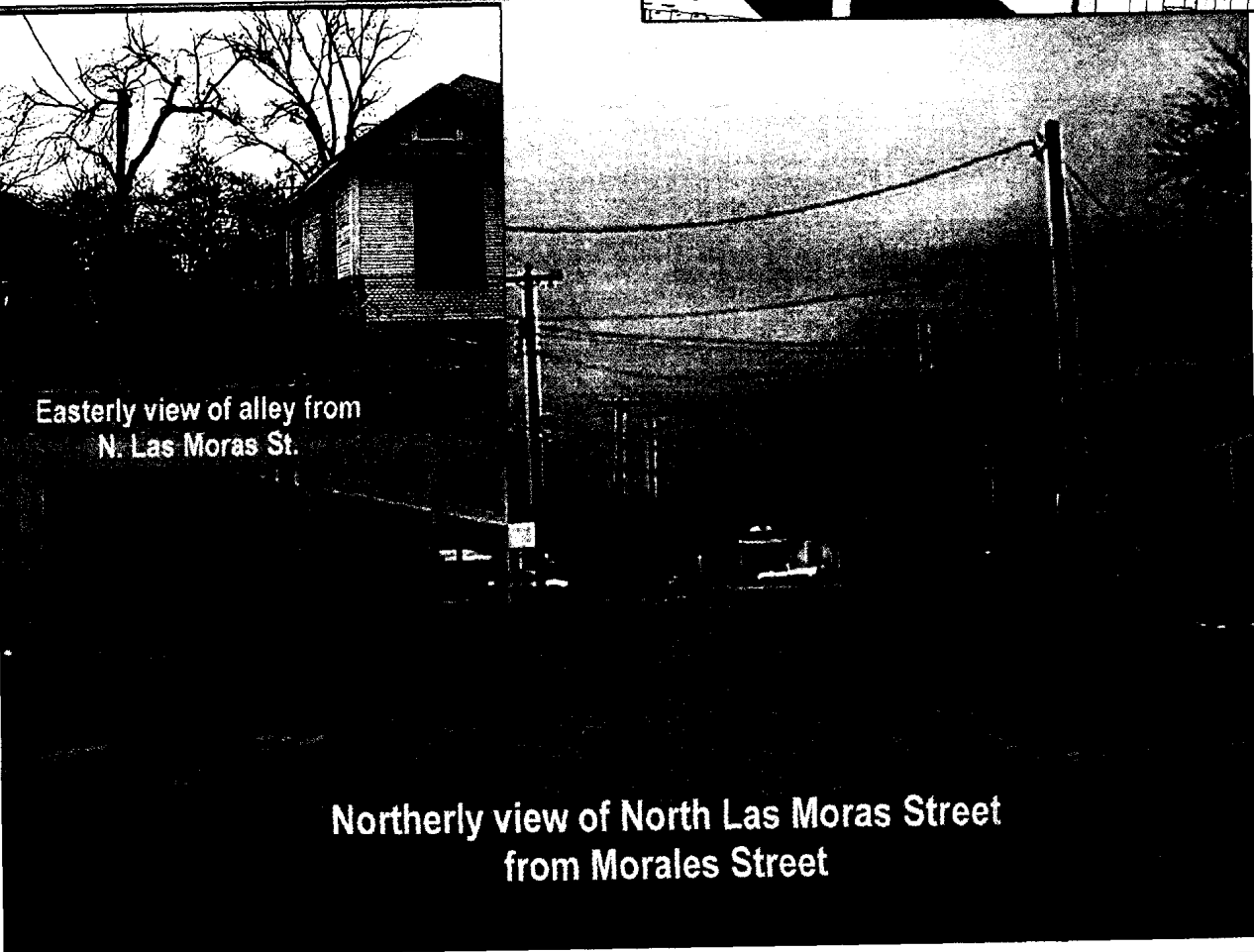
Approved:



Terry M. Brechtel
City Manager



Easterly view of alley from
N. Las Moras St.



Northerly view of North Las Moras Street
from Morales Street

Exhibit "A"

Canvassing Checklist

SPNo **1094**

Request: Petitioner is requesting the closure, vacation and abandonment of portions of North Las Moras Street and an intersecting 13 foot-wide alley Public Rights of Way located between Morales and Perez Streets adjacent to NCB 2214 as shown on attached Exhibit "A." Petitioner would like to use the proposed closures for expansion of the adjacent Margil Elementary School Campus which would entail the construction of a new school building and an Early Childhood Development Facility with a separate playground area. Further, the petitioner claims that the proposed closures will provide for a more safe and secure campus. All abutting property owners have signed a petition agreeing to the proposed closures.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	12/23/2003	1/27/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	12/23/2003	1/27/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	12/23/2003	1/9/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	12/23/2003	1/6/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	12/23/2003	1/7/2004	<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"/>	12/23/2003	1/23/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	12/23/2003	1/6/2004	<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 checked="" type="checkbox"/>	12/23/2003	1/5/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input checked="" type="checkbox"/>	12/23/2003	1/9/2004	<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

DEPARTMENT OF ASSET MANAGEMENT

P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

TEL. 210-207-4032 FAX 210-207-7888

January 28, 2004

San Antonio Independent School District, et al
Attn: Kamal Elhabr, P.E.
1702 N. Alamo St., Suite 307
San Antonio, TX 78215-1213

Re: S. P. No. 1094—Request to close, vacate and abandon portions of North Las Moras Street & an intersecting 13 foot-wide alley Public Rights of Way adjacent to NCB 2214

Dear Mr. Elhabr:

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:

DEVELOPMENT SERVICES DEPARTMENT

Approved provided that proposed closures are assembled and platted with the petitioners' properties.

CITY PUBLIC SERVICE BOARD

Approved provided perpetual easements are reserved for all existing electrical and gas facilities and petitioners must allow access to such facilities for inspection.

SAN ANTONIO WATER SYSTEM

Approved provided perpetual easements are reserved for all existing water and/or sewer facilities and petitioners must allow 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 petitioners.

DEPARTMENT OF ASSET MANAGEMENT

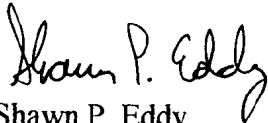
- The closure, vacation and abandonment of these Public Rights of Way will be authorized by a City Ordinance.
- Petitioners assert that all evidence of ownership of all property abutting the Public Rights of Way proposed to be closed, vacated and abandoned by the City of San Antonio are true and correct.
- The petitioners acknowledges that this property will be accepted in its "as is" condition.

- Petitioners 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. Petitioners agree 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 petitioners.
- Petitioners agree to remit a closure fee of \$12,725.00, which includes the assessed value of \$12,546.00 for the Public Rights of Way, a fee of \$144.00 for posting of signs notifying the public of the proposed street closures and \$35.00 for recording documents. This closure fee will be due and payable to the City of San Antonio, and is to be submitted with this Letter of Agreement. If for some reason the closures are not approved by City Council, the closure fee will be refunded to the petitioners less the fee for posting of 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 and the closure fee we will continue processing your request.*

Sincerely,

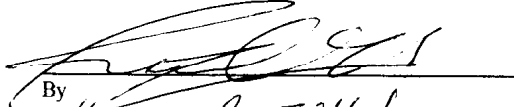


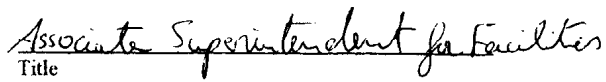
Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:

By 
Kamal Elhabr
Print Name


Associate Superintendent for Facilities
Title
January 28, 2004
Date

San Antonio Independent School District
Attn: Kamal Elhabr, P.E.
S.P. 1094 / January 28, 2004

PETITIONER:

☒ Enrique Aguirre
By
Enrique Aguirre
Print Name

Owner
Title
☒ 2-2-04
Date

PETITIONER:

* *Ruben D Escobar*
By
Ruben D. Escobar
Print Name

Owner
Title
X 2/2/04
Date

PETITIONER:

* *Anna M. Escobar*
By
Anna M. Escobar
Print Name

Owner 2-2-04
Title
X 2-2-04
Date

PETITIONER:

* Adela F. Martinez
By
Adela F. Martinez
Print Name

Owner
Title
X 2/2/04
Date

PETITIONER:

X Elias Ruiz
By
Elias Ruiz
Print Name

Owner
Title
X 2/2/04
Date

PETITIONER:

X Carolina Ruiz
By
Carolina Ruiz
Print Name

Owner
Title
X 2/02/04
Date

San Antonio Independent School District
Attn: Kamal Elhabr, P.E.
S.P. 1094 / January 28, 2004

PETITIONER:

* Gilberto De La Rosa
By
Gilberto De La Rosa
Print Name

Owner
Title
X 1/29/04
Date

PETITIONER:

* Dora De La Rosa
By
Dora De La Rosa
Print Name

Owner
Title
X 1-29-04
Date

12

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:

Enrique Aguirre

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

N/A

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

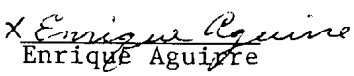
Political Contributions

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	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.

Enrique Aguirre		
Signature:  Enrique Aguirre	Title: N/A Company: N/A	Date: 12-31-03

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.

2

City of San Antonio

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(1) the identity of any **individual** who would be a party to the discretionary contract:

Ruben D. Escobar
Anna M. Escobar

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

N/A

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

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Ruben D. Escobar Anna M. Escobar		
Signature: x  Ruben D. Escobar x  Anna M. Escobar	Title: N/A Company: N/A	Date:

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04 JAN 27 AM 9:00

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(1) the identity of any **individual** who would be a party to the discretionary contract:

Adela F. Martinez

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

N/A

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:

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Adela F. Martinez		
Signature: X <i>Adela F. Martinez</i> Adela F. Martinez	Title: N/A Company: N/A	Date: 1-22-04

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.

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(1) the identity of any **individual** who would be a party to the discretionary contract:

Elias Ruiz
Carolina Ruiz

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

N/A

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:

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Elias Ruiz Carolina Ruiz		
Signature: x <u>Elias Ruiz</u> Elias Ruiz x <u>Carolina Ruiz</u> Carolina Ruiz	Title: N/A Company: N/A	Date: 1/22/04

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(1) the identity of any **individual** who would be a party to the discretionary contract:

Gilberto De La Rosa
Dora De La Rosa

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

N/A

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

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Gilberto De La Rosa Dora De La Rosa		
Signature: x <u>Gilberto De La Rosa</u> Gilberto De La Rosa x <u>Dora De La Rosa</u> Dora De La Rosa	Title: N/A Company: N/A	Date: 1-12-04

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