

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

**PUBLIC HEARING
TIME CERTAIN
ITEM NO. 3
3:00PM**

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, August 19, 2004

SUBJECT: S.P. No. 1157 - Request to close, vacate and abandon an unimproved portion of Rogers Road from the northwest intersection of Wiseman Blvd. and State Highway 151 to the south of the Mountain View Subdivision adjacent to NCBs 17640 and 17642

PETITIONER: Westover Hills Development Partners, L.P.
Attn: Charles Martin Wender
8023 Vantage Drive, Suite 200
San Antonio, Texas 78230-4758

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon an unimproved portion of Rogers Road from the northwest intersection of Wiseman Blvd. and State Highway 151 to the south of the Mountain View Subdivision adjacent to NCBs 17640 and 17642, located in Council District 6, as requested by Westover Hills Development Partners, L.P., for the total consideration of \$20,755.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting to close, vacate and abandon an unimproved 1.973 acre (85,924 sf) portion of Rogers Road from the northwest intersection of Wiseman Blvd. and State Highway 151 to the south of the Mountain View Subdivision adjacent to NCBs 17640 and 17642, as shown on attached Exhibit "A". If approved, petitioner intends to dedicate by plat an 86' secondary arterial Public Right of Way for the realignment of Rogers Road to be consistent with the City's Major Thoroughfare Plan. The only other abutting property owner has quitclaimed its interest to the petitioner.

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 \$20,755.00 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 8/11/2004 and its finding will be presented to City Council on 8/19/2004.

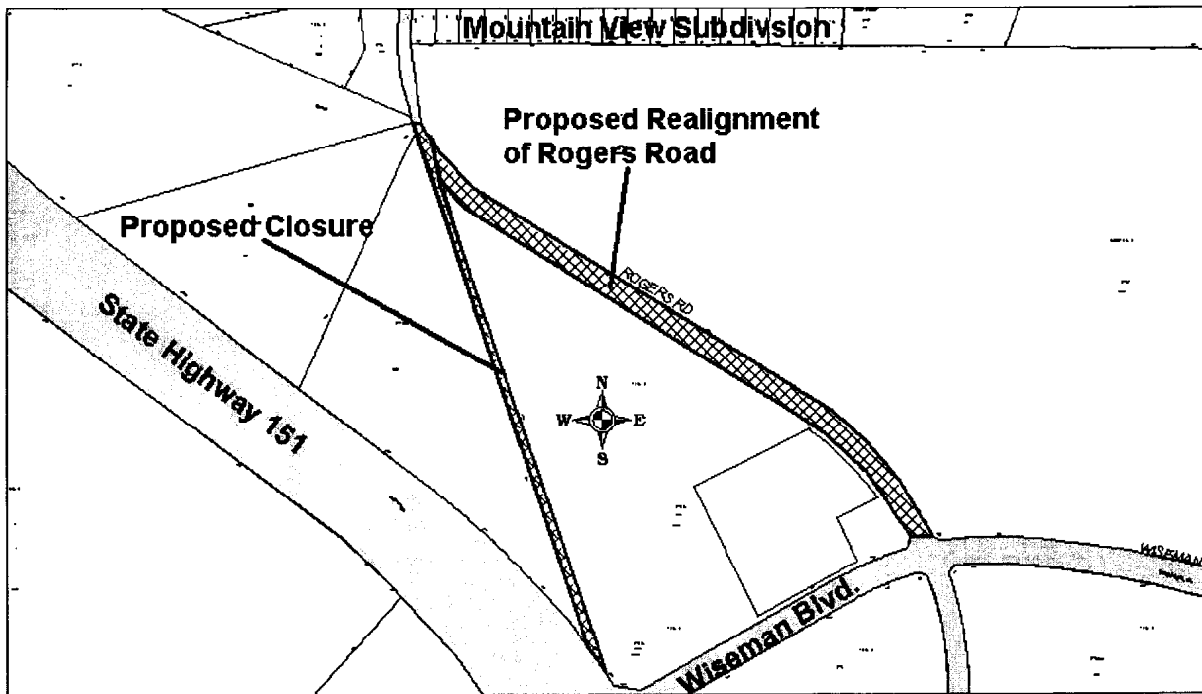
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



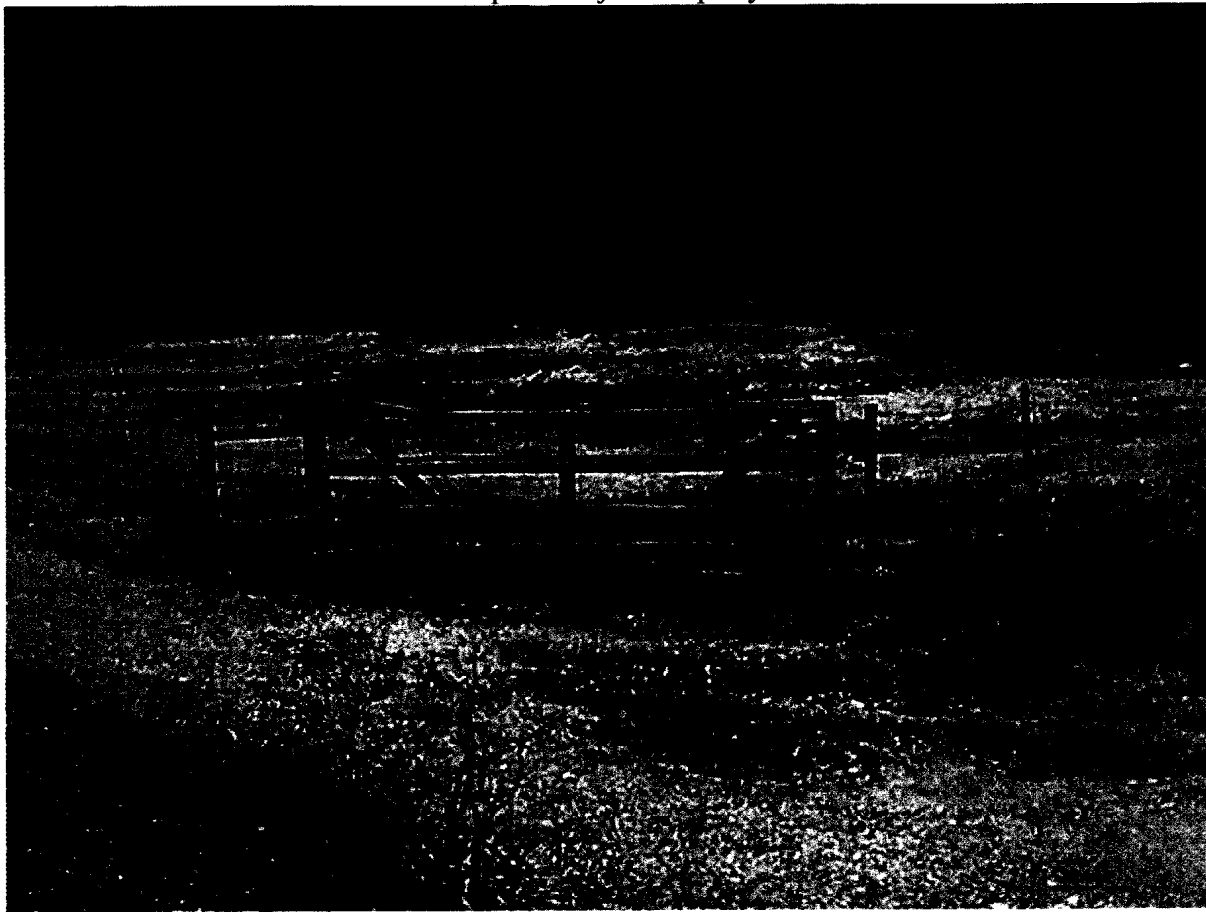
Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



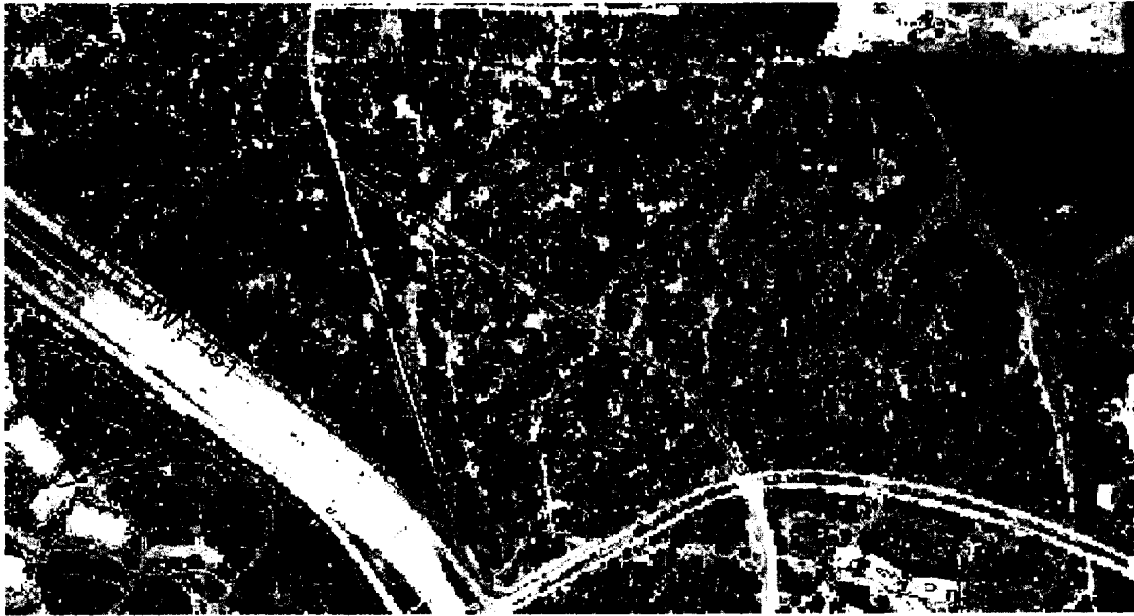
Map of Subject Property



Northwesterly View of Subject Property

Exhibit "A"

PAGE 1 OF 2



Aerial View of Subject Property

Canvassing Checklist

SPNo 1157

Request: Petitioner is requesting to close, vacate and abandon an unimproved 1.973 acre (85,924 sf) portion of Rogers Road from the northwest intersection of Wiseman Blvd. and State Highway 151 to the south of the Mountain View Subdivision adjacent to NCBs 17640 and 17642, as shown on attached Exhibit "A". If approved, petitioner intends to dedicate by plat an 86' secondary arterial Public Right of Way for the realignment of Rogers Road to be consistent with the City's Major Thoroughfare Plan. The only other abutting property owner has quitclaimed its interest to the petitioner.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	4/19/2004	5/21/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	4/19/2004	7/1/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	4/19/2004	6/4/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	4/19/2004	4/29/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	4/19/2004	4/29/2004	<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"/>	4/19/2004	5/7/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	4/19/2004	5/7/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input checked="" type="checkbox"/>	4/19/2004	5/20/2004	<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 checked="" type="checkbox"/>	4/19/2004	4/29/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input checked="" type="checkbox"/>	4/19/2004	5/7/2004	<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

Mountain View is not a registered HOA and therefore was not canvassed.



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

July 13, 2004

Westover Hills Development Partners, L.P.
Attn: Charles Martin Wender
KCI TOWER
8023 Vantage Drive, Suite 200
San Antonio, Texas 78230-4758

Re: S. P. No. 1157— Request to close, vacate and abandon an unimproved portion of Rogers Road from the northwest intersection of Wiseman Blvd. and State Highway 151 to the south of the Mountain View Subdivision adjacent to NCBs 17640 and 17642

Dear Mr. Wender:

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: The request to close, vacate and abandon an unimproved portion of Rogers Road between Wiseman Blvd. and State Highway 151 is recommended for approval provided the closure to traffic is not initiated until the plat for the new Rogers Road alignment is approved and said street is in place. The closure must not create a land lock situation. All adjacent property owners must consent to the closure. Easements must be retained for all existing utilities.

PUBLIC WORKS DEPARTMENT: The drainage easements within the proposed closure of Rogers Road must be retained. The proposed realignment must be accomplished with the Unified Development Code. The property must be replatted. The Engineering Design including the drainage of the proposed realignment of Rogers Road must be submitted.

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.

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 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.

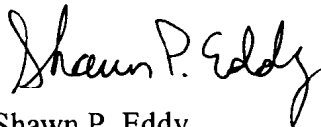
Petitioner agrees to pay a total closure fee of \$20,755.00 which includes the assessed value of the Public Right of Way and additional fees of \$144.00 for the posting of two (2) signs notifying the public of the proposed street closure and \$70.00 for the recording fees. This closure fee will be due 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.

A fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience. Further, In the event that 160 Culebra II Ltd. (adjacent property owner) elects not to obtain its proportionate share of Rogers Road, it must formally quitclaim its share to Westover Hills Development Partners, L.P. or Westover Hills Development Partners, L.P. must purchase the adjacent property currently owned by 160 Culebra II Ltd.

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, the completed Discretionary Contracts Disclosure Statement and either the Quitclaim Deed or the proof of purchase of the adjacent property owned by 160 Culebra II Ltd., we will continue processing your request.

Sincerely,



Shawn P. Eddy,
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Westover Hills Development Partners, L.P.



By: Charles Martin Wender
General Partner

Title: July
June 16, 2004

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:

Charles Martin Wender

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

Westover Hills Development Partners, L.P., a Texas Limited Partnership

and the name of:

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

None

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;

Samoth Texas Corporation, the General Partner for
Westover Hills Development Partners, L.P.

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.

None

Political Contributions

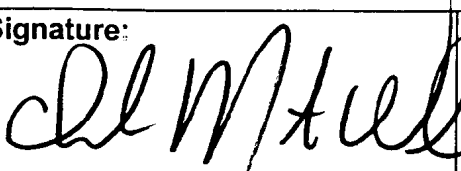
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *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:
Enrique Barrera Campaign	\$1,325.44	February 1, 2003
Carroll W. Schubert Campaign	\$250.00	August 7, 2002

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.

None

None		
Signature: 	Title: President Company: Samoth Texas Corporation	Date: July 16, 2004

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.