

CITY OF SAN ANTONIO

**DEPARTMENT OF ASSET MANAGEMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

DATE: Thursday, December 16, 2004

SUBJECT: S. P. No. 1182—Request for the release of a one-foot non-access easement located within Parcel 102, NCB 10615

PETITIONER: COIL CDC
Attn: Madlyn Bowen
4905 Center Park Blvd.
San Antonio, TX 78218

SUMMARY AND RECOMMENDATIONS

This Ordinance will release a one-foot non-access easement located on Parcel 102, NCB 10615, adjacent to Hollyspring Street, in Council District No. 2, as requested by Center of Independent Living Community Development Corporation (COIL CDC).

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the release of a one-foot non-access easement located on Parcel 102, NCB 10615 adjacent to Hollyspring Street as shown on attached Exhibit "A." The petitioner platted their abutting property (Parcel 102) and plans to develop the property into 1, 2 and 4-family dwellings as affordable housing units for disabled and elderly citizens. However, the plat has not been recorded due to the existing easement, which was more recently discovered, and would prohibit the proposed development. Initially, the easement was established when the property was rezoned in 1982 for a non-profit ballpark. This easement was to have lapsed in five (5) years as stipulated by the rezoning; however, the following year, in 1983, the easement was dedicated to the City. Consequently, the petitioner now requests a release of the easement in order to facilitate the planned development. The City of San Antonio is contributing part of the funding for this project.

POLICY ANALYSIS

This action is consistent with the City Code and Ordinances which require City Council approval for the release of easements by the City.

FISCAL IMPACT

The petitioner already owns this property; therefore, consideration is not required for this release of easement.

COORDINATION

This request was coordinated with the City Attorney's Office.

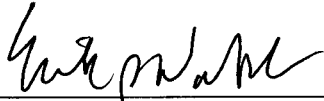
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 12/8/2004.

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

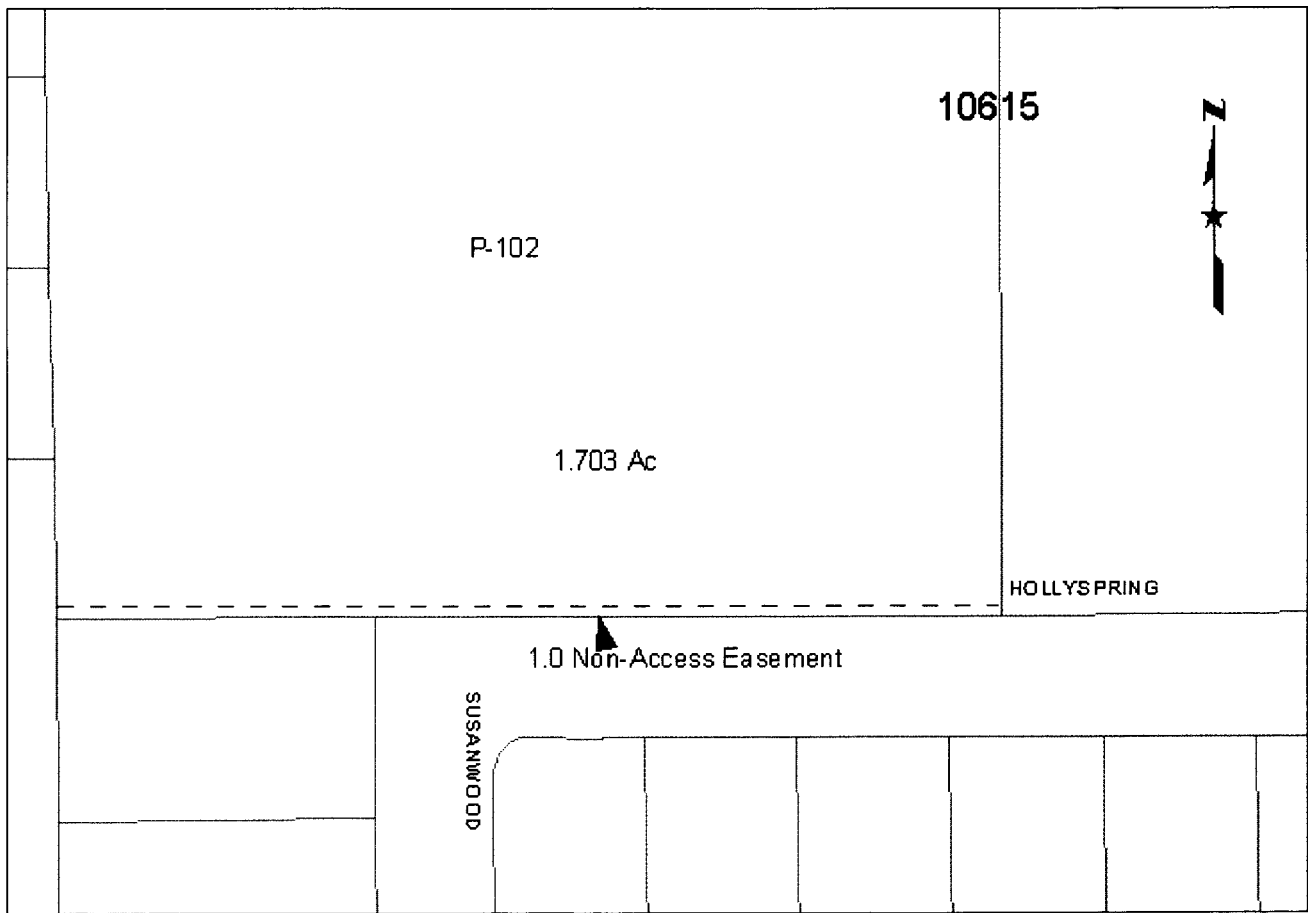


Exhibit "A"

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:

John C. Sampson

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

The Center on Independent Living (COIL) Community Development Corporation

and the name of:

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

Archstone Construction, Inc.

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;

None

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

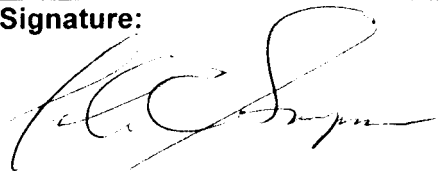
Political Contributions

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:
None		

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		
Signature: 	Title: Executive Director Company: The Center on Independent Living (COIL) CDC	Date: 11-17-04

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.