

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
CITY COUNCIL AGENDA MEMORANDUM

PUBLIC HEARING
TIME CERTAIN
ITEM NO. 5
3:00PM

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

DATE: Thursday, March 03, 2005

SUBJECT: S. P. No. 1169—Request to close, vacate and abandon two (2) 14 foot-wide alleys located directly north of Florida Street between South Saint Mary's and South Presa Streets adjacent to NCB 2992

PETITIONER: City of San Antonio Fire Department
Attn: Carl Wedige, Asst. Fire Chief
115 Auditorium Circle
San Antonio, TX 78205

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon two (2) 14 foot-wide alleys located directly north of Florida Street between South Saint Mary's and South Presa Streets adjacent to NCB 2992, in Council District No. 1, for the development and construction of Fire Station No. 7, as requested by City of San Antonio Fire Department.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of two (2) 14 foot-wide alleys located directly north of Florida Street between South Saint Mary's and South Presa Streets adjacent to NCB 2992 as shown on attached Exhibit "A." All abutting property owners are agreeable to the proposed closures; only the owner of Lot 3 has quitclaimed his interest in the alley to the City. This closure and the assembled property will accommodate the construction of new Fire Station No. 7.

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

Consideration is not required 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 2/23/2005 and its finding will be presented to City Council on 3/3/2005.

The petitioner is exempt from filing a Discretionary Contracts Disclosure Statement



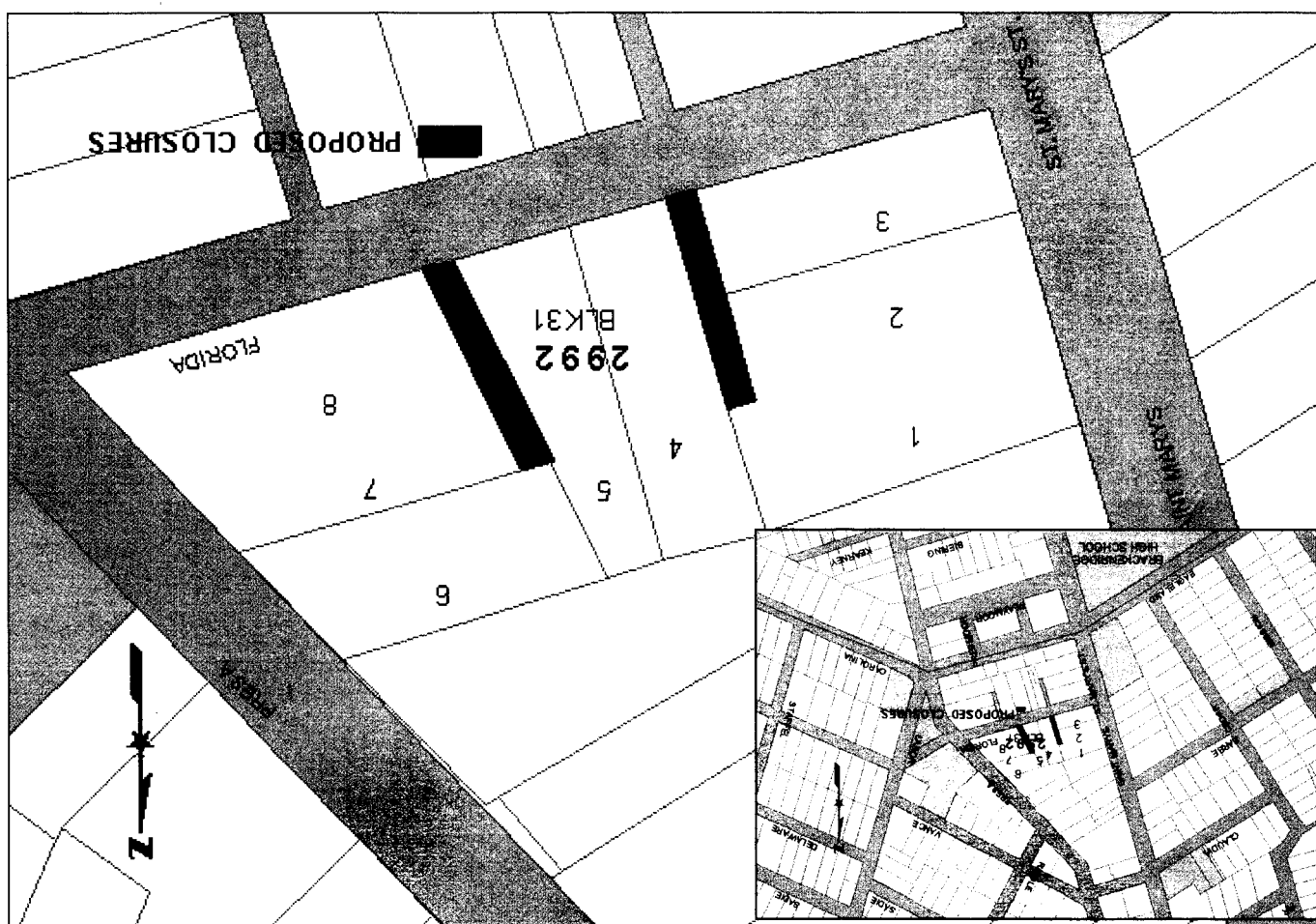
Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

Exhibit "A"

Northerly view of proposed closures.



Canvassing Checklist

SPNo **1169**

Request: Petitioner is requesting the closure, vacation and abandonment of two (2) 14 foot-wide alleys located directly north of Florida Street between South Saint Mary's and South Presa Streets adjacent to NCB 2992 as shown on attached Exhibit "A." All abutting property owners are agreeable to the proposed closures; only the owner of Lot 3 has quitclaimed his interest in the alley to the City. If proposed closures are approved, a Fire Station No. 7 is to be built at this site, for which construction has begun.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	7/2/2004	7/23/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	7/2/2004	8/10/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	7/2/2004	7/28/2004	<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"/>	7/2/2004	8/10/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	7/2/2004	7/16/2004	<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 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"/>	7/2/2004		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

LAVACA NEIGHBORHOOD ASSOCIATION, ATTN: JOAN COOK, 210 LAVACA ST., 78210 (PH: 212-7936) - NO RESPONSE RECEIVED.



CITY OF SAN ANTONIO

September 14, 2004

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

City of San Antonio Fire Department; and
419 Mason LTD., a Texas limited partnership
Attn: Carl Wedige, Asst. Fire Chief
115 Auditorium Circle
San Antonio, TX 78205

Re: S. P. No. 1169—Request to close, vacate and abandon two (2) 14 foot-wide alleys
located between S. St. Mary's and S. Presa Streets adjacent to NCB
2992

Dear Mr. Wedige:

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 the subject alleys are assembled and platted with the Fire Station project site.

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

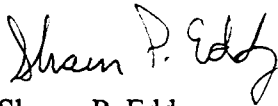
- The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance.
- Petitioners assert that all evidence of ownership of all property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio are true and correct.
- The petitioners acknowledge 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 Right 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.

In the interest of facilitating plans for the construction of a new Fire Station, the City of San Antonio has deemed that the portion of the alley entitled to the abutting property owner, 419 Mason LTD., a Texas limited partnership, will be conveyed at no cost. However, property owner will have to fill out and sign a Discretionary Contracts Disclosure form, which is enclosed. Also, please provide property deeds for all abutting properties.

This Letter of Agreement is being offered by City of San Antonio only to the petitioners 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, please countersign this letter in the spaces provided below and return to the undersigned. *Upon receipt of this executed Letter of Agreement, the Discretionary Contracts Disclosure form and the property deeds we will continue processing your request.*

Sincerely,

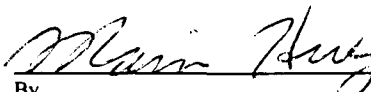


Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONERS:


By _____
MAURICE HURT
Print Name

Member of NEW WORLD CAPITAL
Title
1-10-05
Date

By

Print Name

Title

Date

By

Print Name

Title

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:

N/A

(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;

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;

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.

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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: Alan Harg	Title: <i>member of</i> Company: <i>NEW WORLD CAPITAL</i>	Date: <i>1-10-05</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.