

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

CONSENT AGENDA

ITEM NO. 4

3:00 PM

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

DATE: Thursday, June 16, 2005

SUBJECT: S.P. No. 1190 - Request to close, vacate and abandon a portion of a 15 foot-wide unimproved alley Public Right of Way located between Durham Drive and Santa Gertrudis Street

PETITIONER: Madison Self Storage, Ltd.
Attn: John L. Wilson & Michael W. Smith, Partners
1003 E. Nakoma, Suite 100
San Antonio, TX 78216

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon the eastern portion of an unimproved alley Public Right of Way consisting of 6,267 s.f., 414 feet in length and 15 feet in width, located between Durham Drive and Santa Gertrudis Street adjacent to NCB 15707 in Council District No. 10, for construction of a mini-storage facility, as requested by Madison Self Storage, Ltd., for the consideration of \$2,085.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of the eastern portion of an unimproved alley Public Right of Way consisting of 6,267 s.f., 414 feet in length and 15 feet in width, located between Durham Drive and Santa Gertrudis Street as shown on attached Exhibit "A." This closure will facilitate the petitioner's plan to construct a mini-storage facility on their abutting property. The petitioner proposes to dedicate by plat and develop a 24 foot-wide alley exiting to Durham Drive to comply with the Unified Development Code and avoid the creation of a dead-end.

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 \$2,085.00 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 6/8/2005 and its finding will be presented to City Council on 6/16/2005.

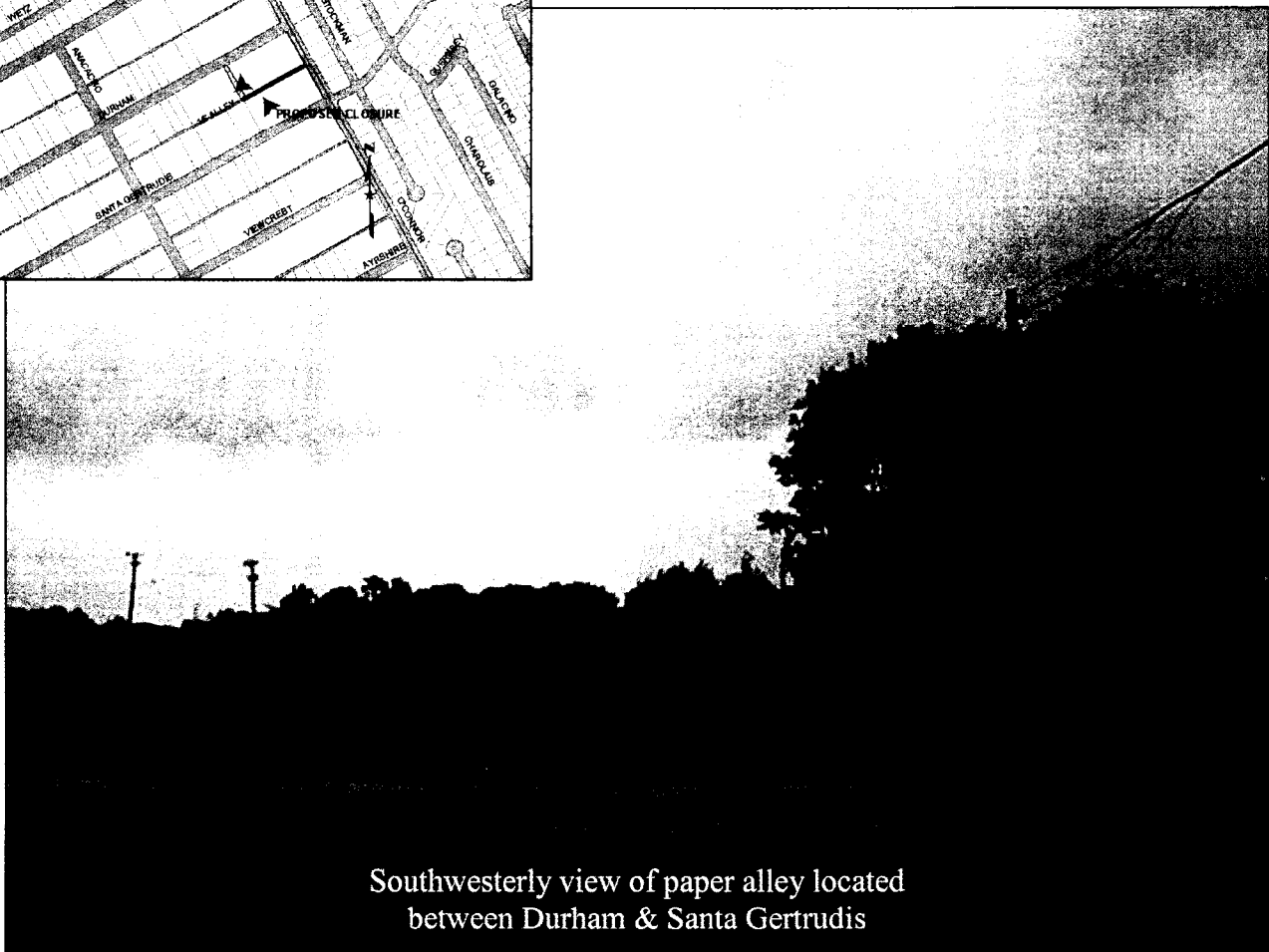
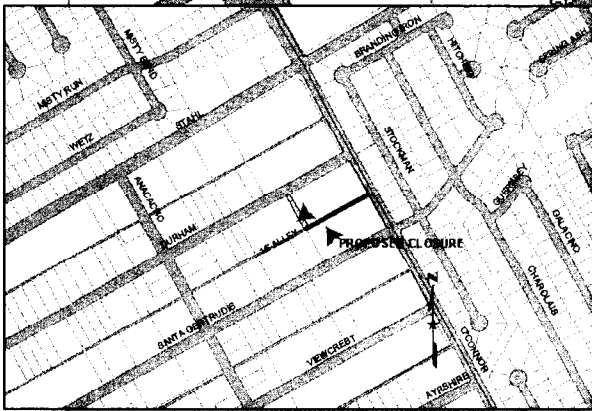
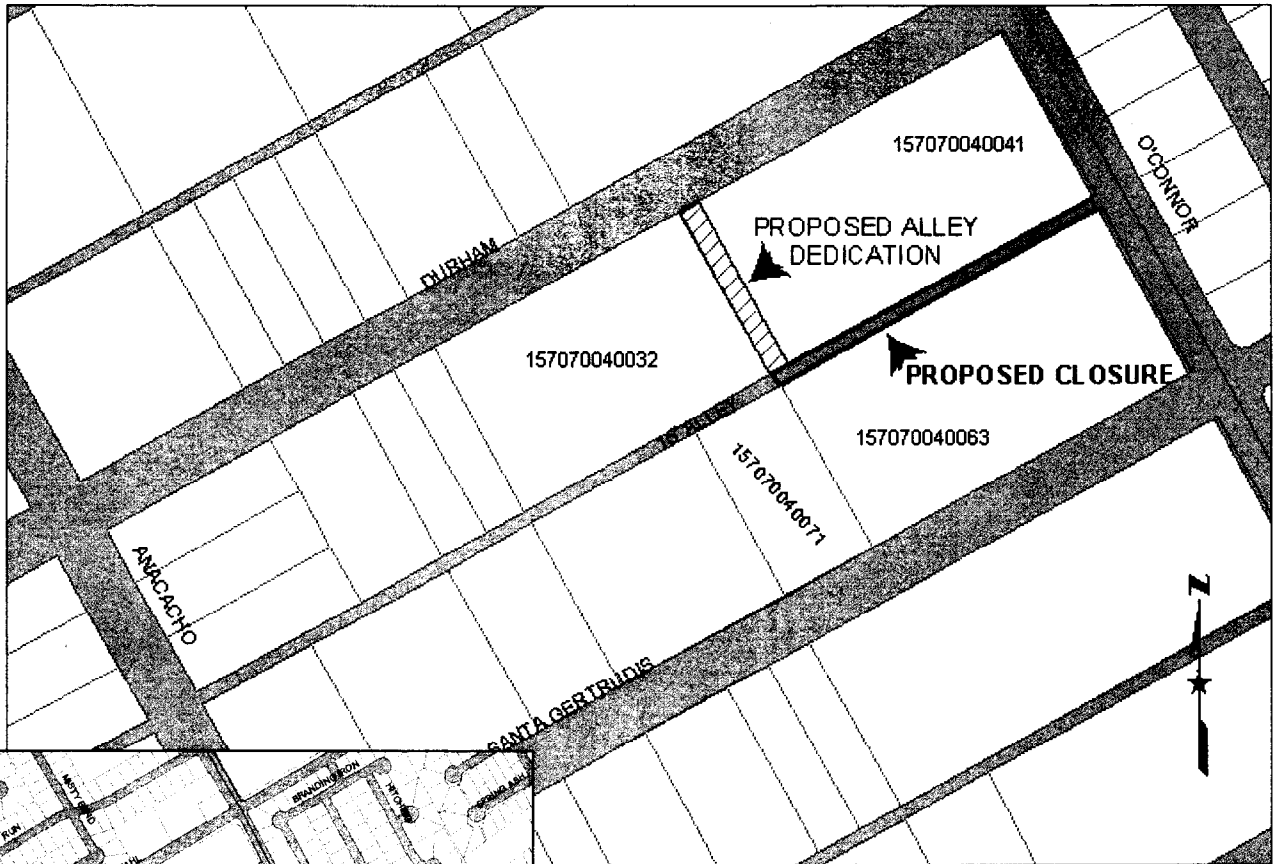
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



Southwesterly view of paper alley located
between Durham & Santa Gertrudis

Exhibit "A"

Canvassing Checklist

SPNo **1190**

Request: Petitioner is requesting the closure, vacation and abandonment of the eastern portion of an alley Public Right of Way consisting of 6,267 s.f., 414 feet in length and 15 feet in width, located between Durham Drive and Santa Gertrudis Street as shown on attached Exhibit "A." This closure will facilitate the petitioner's plan to construct a mini-storage facility on their abutting property. The petitioner proposes to dedicate by plat and develop a 24 foot-wide alley exiting to Durham Drive to comply with the Unified Development Code and avoid the creation of a dead-end.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/11/2005	3/4/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/11/2005	3/24/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/11/2005	2/16/2005	<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"/>	1/11/2005	2/1/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/11/2005	2/1/2005	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

NO REGISTERED NEIGHBORHOOD ASSOCIATION.



CITY OF SAN ANTONIO

May 11, 2005

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

Madison Self Storage, Ltd.
Attn: John L. Wilson
1003 E. Nakoma, Suite 100
San Antonio, TX 78216

Re: S. P. No. 1190—Request to close, vacate and abandon the northeasterly unimproved portion of a 15 foot-wide alley Public Right of Way located at the O'Connor Road intersection adjacent to NCB 15707

Dear Mr. Wilson:

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

Approved provided applicant builds a minimum of 20 feet of pavement on Durham Road along the extent of property to O'Connor Road, and provide a turnaround at proposed alley dedication.

PUBLIC WORKS DEPARTMENT

Approved provided development plans and plat are submitted; and petitioners must address issues regarding other on-site detention or fix the ponding problem at the intersection of Durham and O'Connor.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided construction plans are submitted and proper permits are obtained for construction of the mini-storage facility; and site is assembled and platted with the petitioners' property.

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 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 petitioners acknowledge that this property will be accepted in its "as is" condition.

- Petitioners agree 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.
- *Petitioner agrees to remit a closure fee of \$2,085.00, which includes the assessed value of \$2,050.00 for the Public Right of Way 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 closure is not approved by City Council, the closure fee will be refunded to the petitioner.*

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, 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,

for Mal
Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

CERTIFIED MAIL 7001 1940 0000 1124 9126

AGREED AS TO TERMS AND CONDITIONS:

PETITIONERS:

By *Michael W. Smith*
Print Name Michael W. Smith

Partner
Title *5-12-05*
Date

By *John L. Wilson*
Print Name John L. Wilson

Partner
Title *5-12-05*
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:

JOHN L. WILSON, P.E.
MICHAEL W. SMITH

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

MADISON SELF STORAGE, LTD.

and the name of:

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

N/A - 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;

N/A - 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.

N/A - NONE

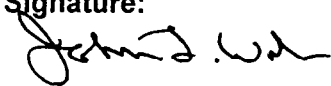
Political Contributions

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:
N/A - 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.

Signature: 	Title: PARTNER Company: MADISON SELF STORAGE, LTD.	Date: 4-26-05

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.

EXHIBIT J

City of San Antonio Discretionary Contracts Disclosure*

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State "Not Applicable" for questions that do not apply.

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MICHAEL W. SMITH

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MADISON SELF STORAGE, LTD.

and the name of:

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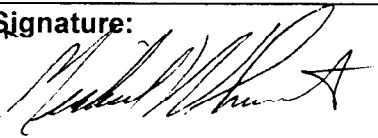
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