

PUBLIC HEARING
JULY 14, 2005
9:30 (4)

**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, July 14, 2005

SUBJECT: S.P. No. 1215 - Request to close, vacate and abandon Hammond and Hallie Avenues Public Rights of Way (paper streets)

PETITIONER: Clark 05 Housing, L.P., a Texas limited partnership
c/o Brown, P.C., Attys; Attn: Kenneth W. Brown
112 E. Pecan St., Suite 1490
San Antonio, TX 78205

SUMMARY AND RECOMMENDATIONS

This Ordinance will close, vacate and abandon Hammond and Hallie Avenues Public Rights of Way (paper streets) adjacent to NCBs 1583, 1584 and 14059 in Council District No. 2, for housing development, as requested by Clark 05 Housing, L.P., a Texas limited partnership, for the consideration of \$52,474.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of Hammond and Hallie Avenues Public Rights of Way (paper streets) located adjacent to NCBs 1583, 1584 and 14059 as shown on attached Exhibit "A." All the abutting property owners are in agreement with the proposed closures and have submitted a signed petition to that effect. Petitioner plans to develop housing in this area. Time is of the essence as funding for this project is in jeopardy beginning August 3, 2005.

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 \$52,474.00 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 7/13/2005 and its finding will be presented to City Council on 7/14/2005.

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

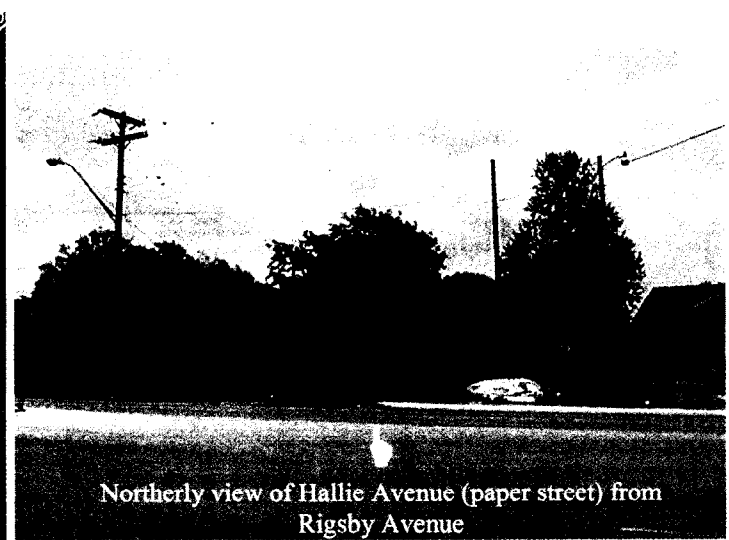
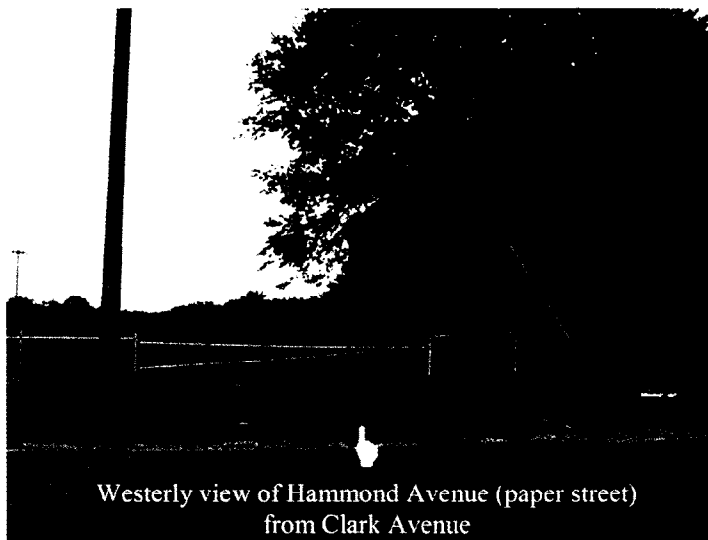
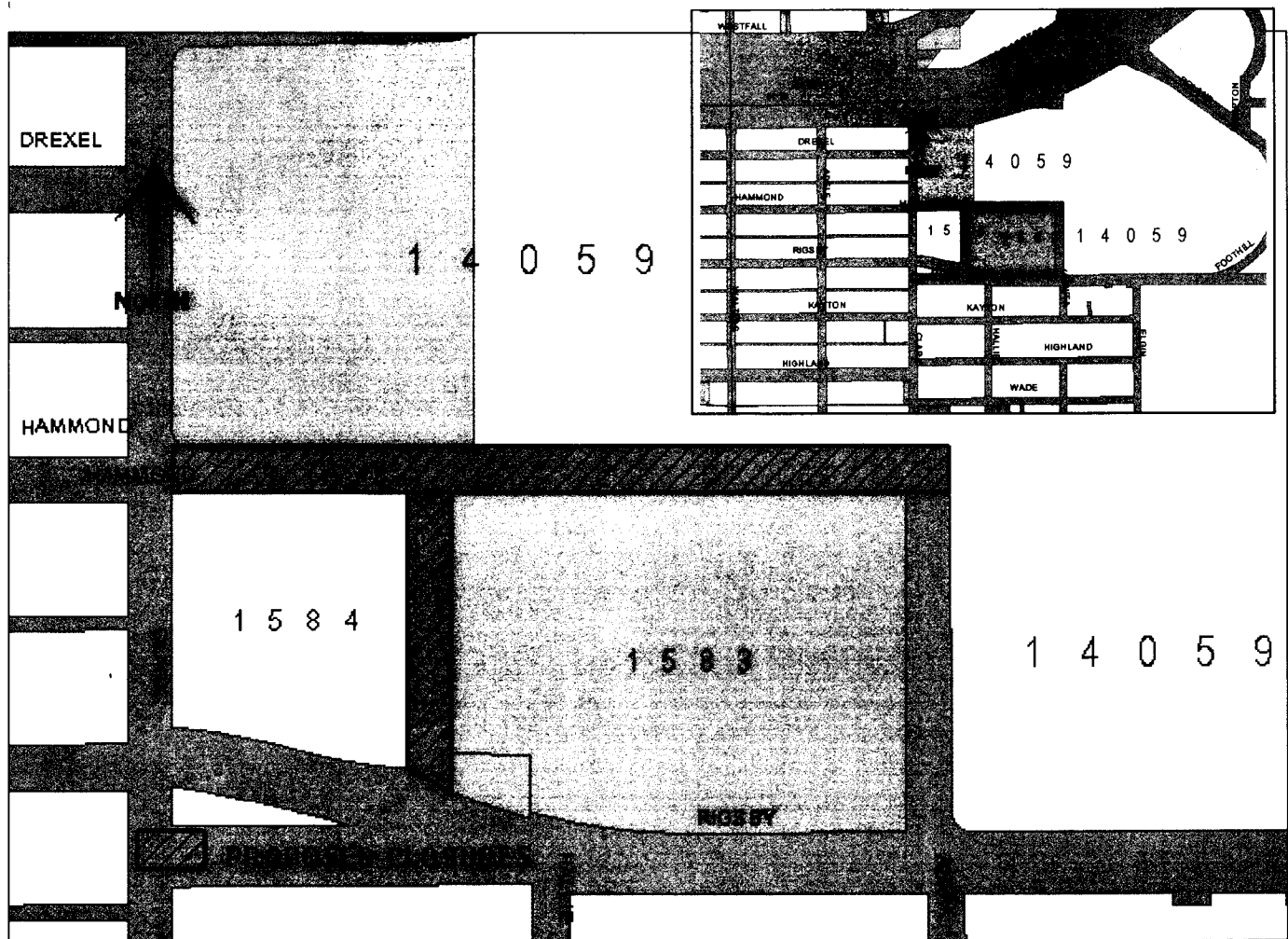


Exhibit "A"

Canvassing Checklist

SPNo **1215**

Request: Petitioner is requesting the closure, vacation and abandonment of Hammond and Hallie Avenues Public Rights of Way (paper streets) located adjacent to NCBs 1583, 1584 and 14059 as shown on attached Exhibit "A." All the abutting property owners are in agreement with the proposed closures and have submitted a signed petition to that effect. Petitioner plans to develop housing in this area. Time is of the essence as funding for this project is in jeopardy beginning August 3, 2005.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	5/19/2005	7/7/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	5/19/2005	6/30/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	5/19/2005	6/21/2005	<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"/>	5/19/2005	6/14/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	5/19/2005	6/6/2005	<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"/>	5/19/2005		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

SUNNY SLOPE - PASADENA HEIGHTS NA, ATTN: RUBEN HERNANDEZ, 2215 McKINLEY, 78210
 PARK NA, ATTN: RACHEL CYWINSKI, P. O. BOX 10210, 78210
 FROM NEIGHBORHOOD ASSOCIATIONS.

HIGHLAND
NO RESPONSES RECEIVED



CITY OF SAN ANTONIO

Clark 05 Housing, L.P.,
a Texas limited partnership
c/o Brown, P.C., Attorneys at Law
Attn: Kenneth W. Brown
112 E. Pecan St., Suite 1490
San Antonio, TX 78205

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

July 7, 2005

Re: S. P. No. 1215—Request to close, vacate and abandon Hammond and Hallie Avenues
(paper streets) Public Rights of Way

Dear Mr. Brown:

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

The closure of Hammond and Hallie Avenues allows for on-site parking, access and building footprint within the proposed project site. The closure of Anita Street does not gain the project access, parking, nor space for a building footprint. Staff supports the closure of Hammond and Hallie Avenues. The closure of Anita is conditioned on providing a future access from the project site to the Rigsby Avenue so that two access points as opposed to only one presently proposed will provide access onto Rigsby. Once the second access is provided to Rigsby Avenue, it is required that the applicant return to the City with a traffic evaluation to consider making the Hammond ingress/egress point to Clark Avenue as a gated emergency access. In the meantime, staff will recommend support to a variance to the cul-de-sac requirements in the Unified Development Code on Anita so that the project can move forward through platting stage.

PUBLIC WORKS DEPARTMENT

A Storm Water Management Plan must be submitted for review and approval per the Unified Development Code. No adverse impact regarding drainage must be demonstrated and attested to by a registered Professional Engineer.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided sites are assembled with petitioners' property and platted in accordance with the Code.

CITY PUBLIC SERVICE BOARD

Petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas 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 City Public Service and at the sole expense of the petitioner.

SAN ANTONIO WATER SYSTEM

Petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas 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 City Public Service 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.
- 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 \$52,474.00, which includes the assessed value of \$52,439.00 for the Public Rights 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.*

Clark 05 Housing, L.P. & SAHA
c/o Brown, P.C., Attys at Law
Attn: Ken Brown

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,

Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONERS:

for *Kiba (attorney)*
Clark 05 Housing, L.P.,
a Texas limited partnership

July 7, 05
Date

Kenneth W. Brown
Print Name

By

Print Name

Title

Date