

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

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**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, October 06, 2005

**SUBJECT:** S.P. No. 1159 - Request to close, vacate and abandon an unimproved portion of Lisbon Drive located between Oak and Anchor Drives and NCB's 11733 & 11737 in Council District 9.

**PETITIONER:** First Church of The Nazarene  
Attn: Dean Tillery  
10715 West Ave.  
San Antonio, Texas 78213

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize the closure, vacation and abandonment of an unimproved portion of Lisbon Drive located between Oak and Anchor Drives and NCB's 11733 & 11737 in Council District 9.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting the closure, vacation and abandonment of an unimproved portion of Lisbon Drive located between Oak and Anchor Drives, as shown on attached Exhibit "A". Petitioner owns all the properties abutting the proposed closure. First Church of the Nazarene plans to incorporate and plat this Right of Way with its adjacent properties so as to create one contiguous tract of land that will be used for outdoor worship, family and community outreach activities and future facilities expansion.

**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 \$14,659.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

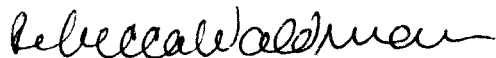
### **COORDINATION**

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 9/28/2005 and its finding will be presented to City Council on 10/6/2005.

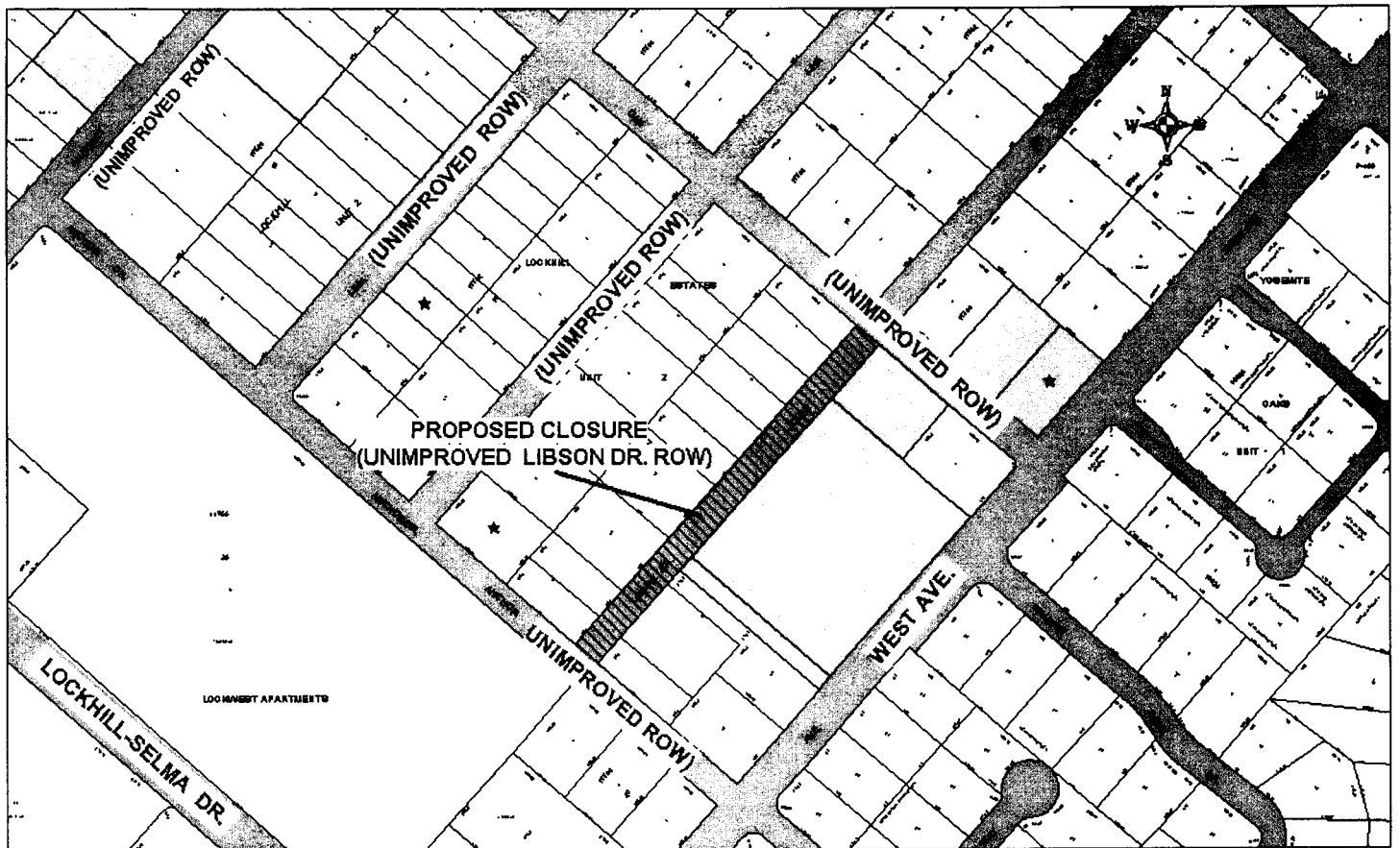
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager



**SOUTHWESTERLY VIEW FROM OAK DRIVE OF UNIMPROVED PORTION OF LISBON DRIVE  
PROPOSED TO BE CLOSED**

**EXHIBIT 'A'**

# Canvassing Checklist

SPNo 1159

Request: Petitioner is requesting the closure, vacation and abandonment of an unimproved portion of Lisbon Drive located between Oak and Anchor Drives, as shown on attached Exhibit "A". Petitioner owns all the properties abutting the proposed closure. First Church of the Nazarene plans to incorporate and plat this Right of Way with its adjacent properties so as to create one contiguous tract of land that will be used for outdoor worship, family and community outreach activities and future facilities expansion.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	3/24/2004	5/18/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	3/24/2004	5/14/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	3/24/2004	8/13/2004	<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"/>	3/24/2004	4/13/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	3/24/2004	4/1/2004	<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 checked="" type="checkbox"/>	3/22/2005	3/29/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

Lockhill Estates HOA, Mr. Paul Condra, 1634 Larkspur, SA Tx. 78213-1562  
3/29/05--As per Mr. Joe Castro...Bexar Metro has no objections to proposed closure



# 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

March 30, 2005

First Church of The Nazarene  
Attn: Dean Tillery  
10715 West Ave.  
San Antonio, Texas 78213

Re: S. P. No. 1159-Request to close, vacate and abandon an unimproved portion of Lisbon Drive located between Oak and Anchor Drives.

Dear Mr. Tillery:

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 and quitclaim an unimproved portion of Lisbon is recommended for approval provided the site is assembled and platted with the petitioners adjoining property."

PUBLIC WORKS DEPARTMENT:

"Retain as drainage easement or replat to incorporate proposed portion of street closure into petitioners abutting properties"- Storm Water Engineering Division.

BEXAR METROPOLITAN WATER DISTRICT:

"Bexar Metropolitan Water District has no objection to the proposed closure."

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 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 petitioner acknowledges that this property will be accepted in its "as is" condition.

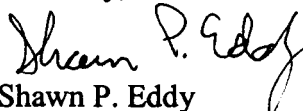
- Petitioner agrees to pay a total closure fee of \$14,659.00, which includes the assessed value of \$14,552.00 for the Public Right of Way, a fee of \$72.00 for the posting of a sign notifying the public of the proposed street closure and document recording fee of \$35.00. This closure fee will be due 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 fee will be refunded to the petitioner, less the fee for the posting of the notification sign.

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience.

This Letter of Conditions is being offered by City of San Antonio only to the petitioner 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. Processing fee for this petition has

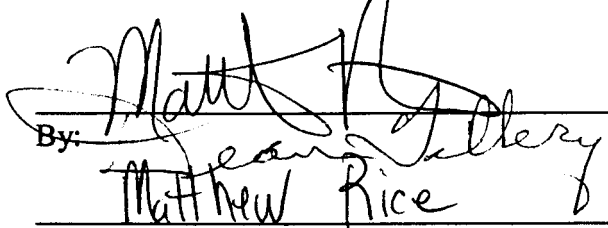
If you concur with the above mentioned conditions please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this executed Letter of Agreement and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

Sincerely,

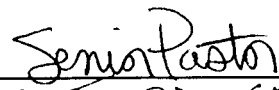
  
Shawn P. Eddy  
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

**Petitioner: First Church of The Nazarene**

By:   
Matthew Rice

Print Name:

  
Title: BOARD SECRETARY  
8/8/05  
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:**

MATTHEW RICE - SENIOR PASTOR  
DEAN TILLERY - BOARD SECRETARY

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

FIRST CHURCH OF THE NAZARENE

and the name of:

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

NA

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;**

NA

<sup>1</sup> 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.

NA

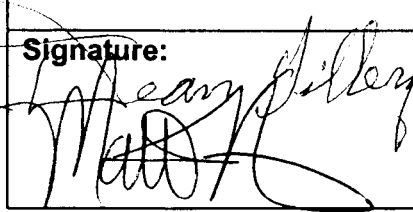
### Political Contributions

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:
NA		

### 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 question<sup>2</sup> 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: <u>BOARD SECRETARY</u> Senior Pastor Company: <u>FIRST CHURCH OF THE NAZARENE</u>	Date: <u>8/8/05</u>

<sup>2</sup> 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.