

**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:** Wednesday, January 19, 2005

**SUBJECT:** S.P. No. 1235 - Request to close, vacate and abandon a 0.305 acre tract of land out of the Apache Creek Right of Way adjacent to NCB 8267

**PETITIONER:** UEMC, Inc., Linda N. Jordan, V. P.  
c/o Baucum Steed Barker, Attys., Attn: Kay Elsasser  
1100 NW Loop 410, Suite 260  
San Antonio, TX 78213-2253

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize the closure, vacation and abandonment of a 0.305 acre tract of land out of the Apache Creek Right of Way adjacent to NCB 8267 in Council District No. 5, as requested by UEMC, Inc., for the consideration of \$15,480.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting the closure, vacation and abandonment of a 0.305 acre tract of land out of the Apache Creek Right of Way adjacent to NCB 8267 as shown on attached Exhibits "A" and "B." Petitioner recently purchased adjacent property at 4343 West Commerce St. from W-D Enterprises Co. which had been granted a license to use this portion of right of way by Ordinance No. 88812, passed and approved November 12, 1998. The license request was prompted by the Fire Marshall, who required this strip of property behind the building to be fenced in for a fire lane. The petitioner, UEMC, Inc. is a sewing manufacturer of military and commercial items, and is contractor to the government as well as nationwide and to Canada. Petitioner currently employs 185 employees, and upon its move to 4343 West Commerce St., expects to employ 250 people by the end of 2005 and 350 to 400 by the end of 2006; thereby, having a positive economic impact on the neighborhood surrounding the subject property.

**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 \$15,480.00 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 1/11/2005 and its finding will be presented to City Council on 1/19/2005.

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



Sheryl Sculley  
City Manager

# Canvassing Checklist

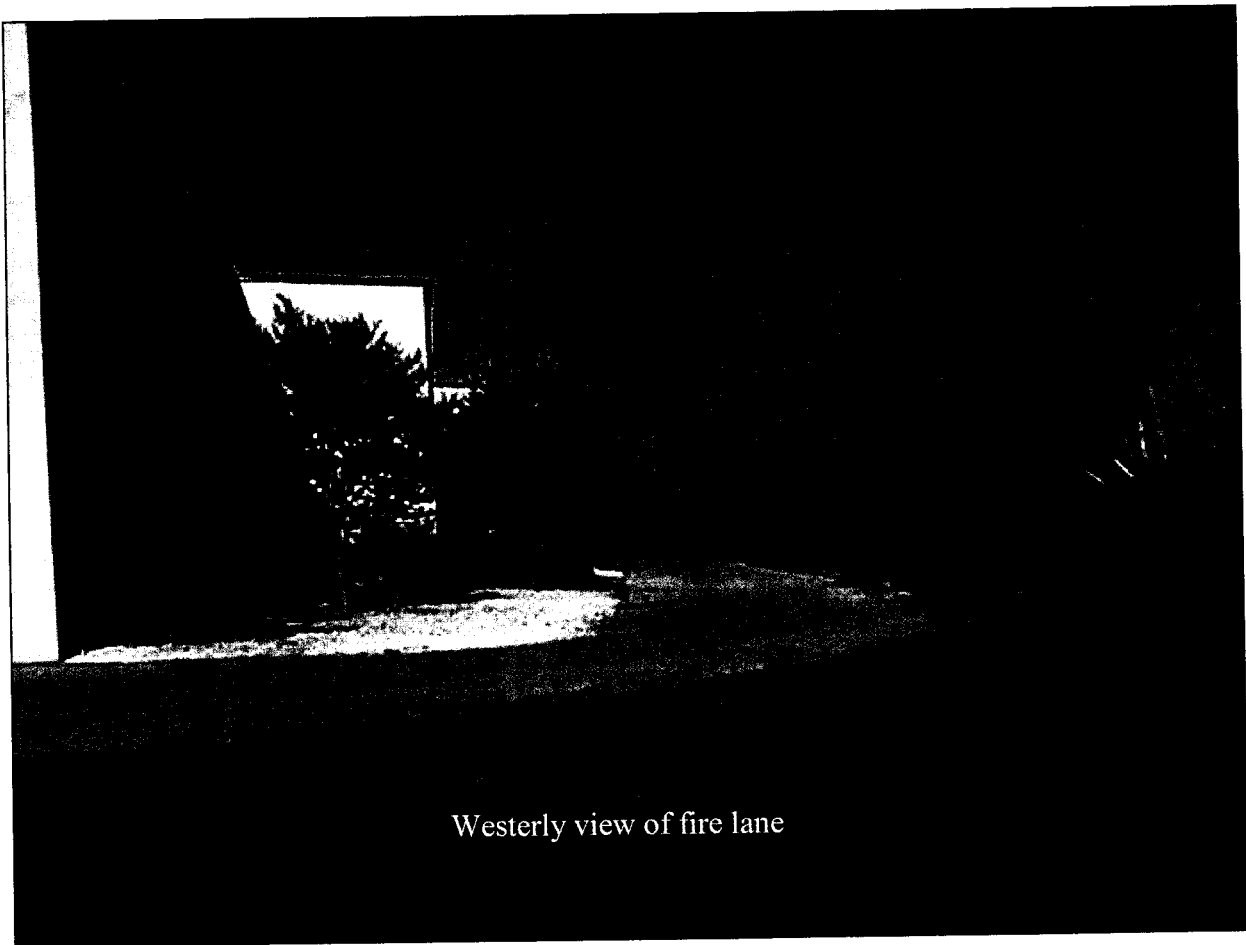
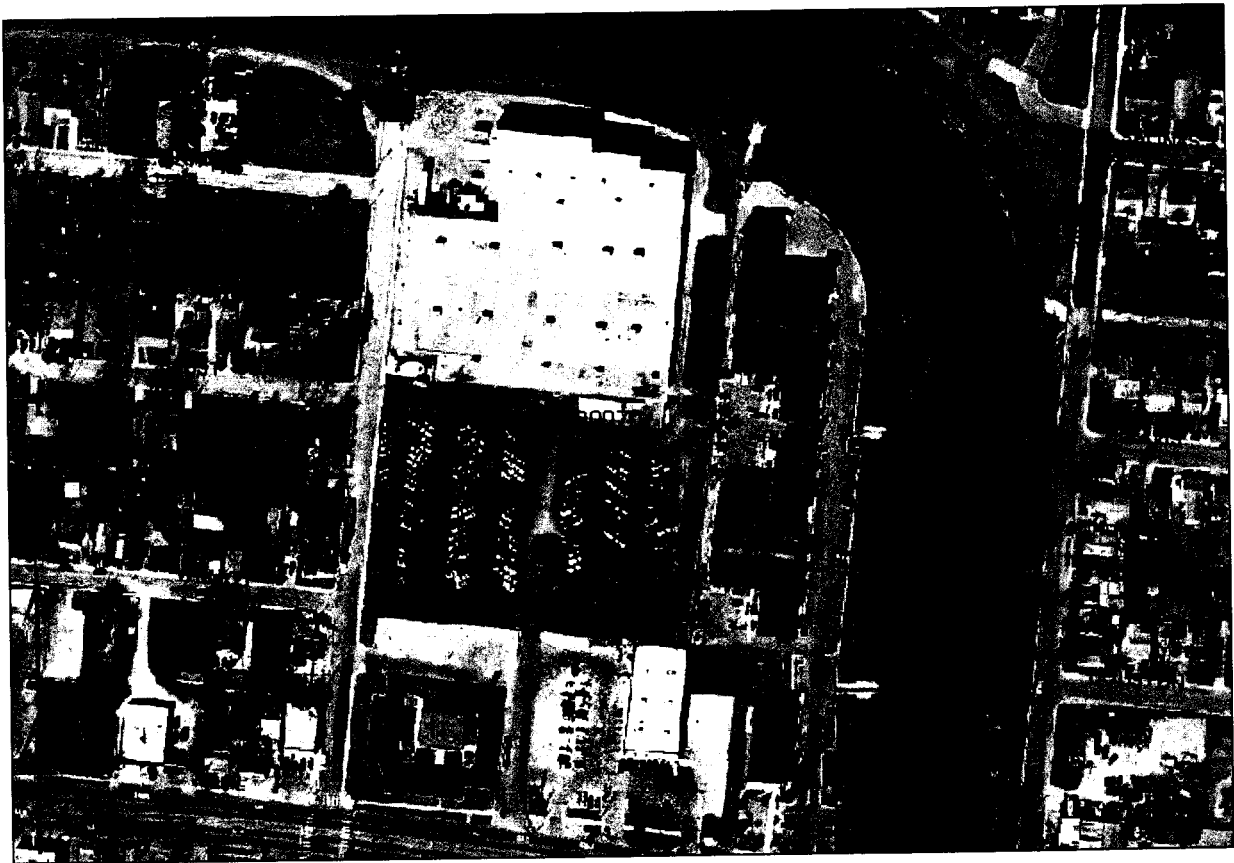
SPNo 1235

**Request:** Petitioner is requesting the closure, vacation and abandonment of a 0.305 acre tract of land out of the Apache Creek Right of Way adjacent to NCB 8267 as shown on attached Exhibits "A" and "B." Petitioner recently purchased adjacent property at 4343 West Commerce St. from W-D Enterprises Co. which had been granted a license to use this portion of right of way by Ordinance No. 88812, passed and approved November 12, 1998. The license request was prompted by the Fire Marshall, who required this strip of property behind the building to be fenced in for a fire lane. The petitioner, UEMC, Inc. is a sewing manufacturer of military and commercial items, and is contractor to the government as well as nationwide and to Canada, and will also need to maintain use of this land for the required fire lane. Petitioner currently employs 185 employees, and upon its move to 4343 West Commerce St., expects to employ 250 people by the end of 2005 and 350 to 400 by the end of 2006; thereby, having a positive economic impact on the neighborhood surrounding the subject property.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	9/26/2005	10/12/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	9/26/2005	11/3/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	9/26/2005	11/4/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input checked="" type="checkbox"/>	9/26/2005	10/26/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	9/26/2005	11/1/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input checked="" type="checkbox"/>	10/27/2005	11/4/2005	<input checked="" 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"/>	9/26/2005	10/27/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	9/26/2005	10/20/2005	<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 checked="" type="checkbox"/>	9/26/2005	10/27/2005	<input type="checkbox"/>	<input checked="" 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"/>	9/26/2005		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

PROSPECT HILL NA, ATTN: JASON MATA, 2925 W. COMMERCE ST., 78207 - RESPONSE WAS NOT RETURNED.



Westerly view of fire lane

## Exhibit "A"

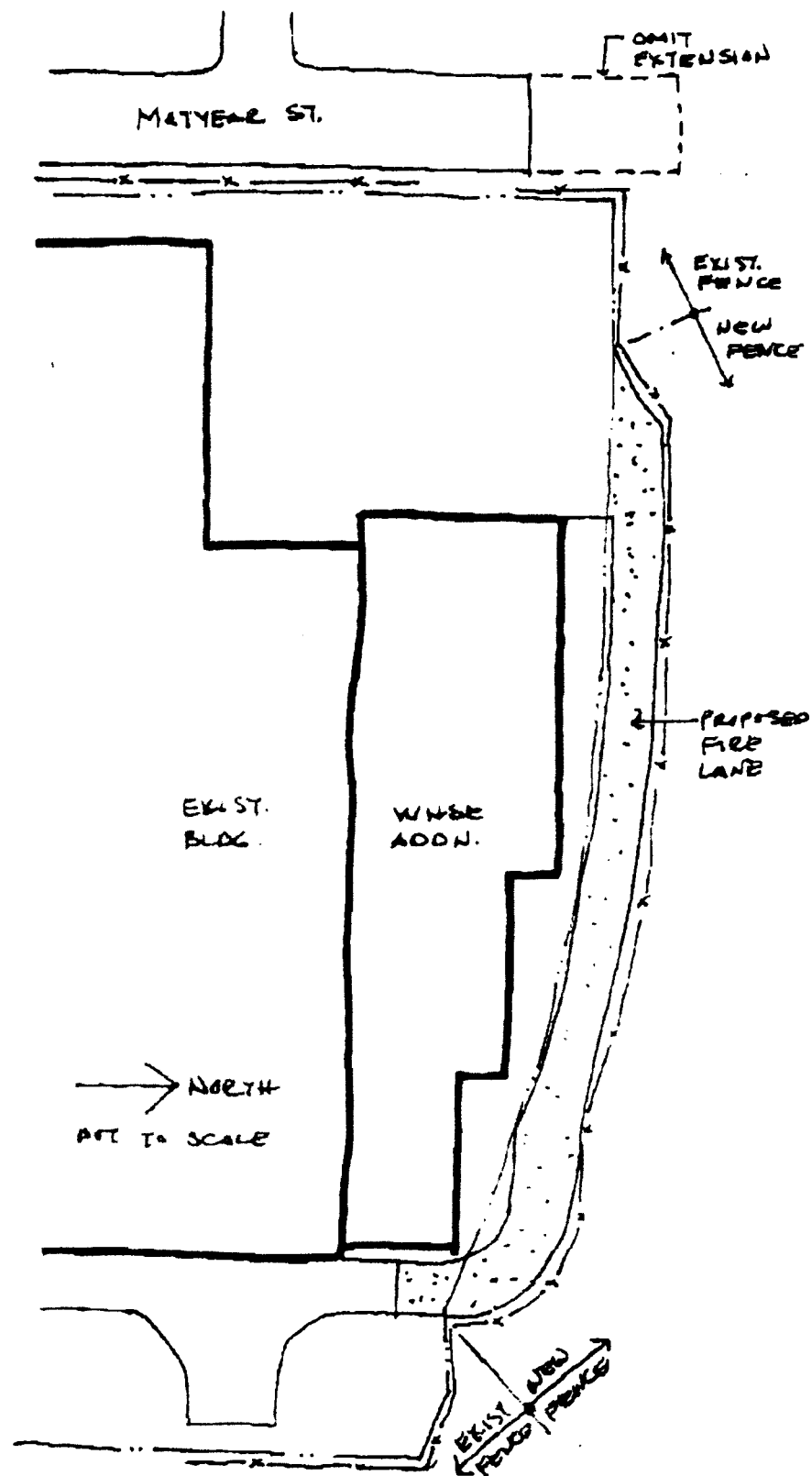


EXHIBIT B

TWIGHT JOHNSON  
710-5571



# CITY OF SAN ANTONIO

December 6, 2005

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

UEMC, Inc.  
c/o Baucum Steed Barker, Attys.  
Attn: Kay A. Elsasser  
1100 NW Loop 410, Suite 260  
San Antonio, TX 78213-2253

Re: S. P. No. 1235—Request to close, vacate and abandon a 0.305 acre tract of land out of the Apache Creek Public Right of Way adjacent to NCB 8267

Dear Ms. Elsasser:

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:

PUBLIC WORKS DEPARTMENT

Approved provided the subject property is retained as a drainage easement.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided the site is assembled with the petitioner's property and subject fire lane must be platted in accordance with the respective code.

FIRE DEPARTMENT

Approved provided subject fire lane is properly marked as per Fire Code. Contact Fire Prevention for assistance at 207-8410.

CITY PUBLIC SERVICE BOARD

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

SAN ANTONIO WATER SYSTEM

Petitioner must agree to reserve a perpetual easement for all existing water and/or sewer facilities and agree 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 San Antonio Water System 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.

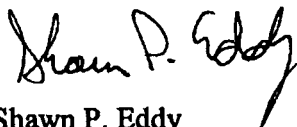
- Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct.
- The petitioner acknowledges that this property will be accepted in its "as is" condition.
- Petitioner agrees 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. Petitioner agrees 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 petitioner.
- *Petitioner agrees to remit a closure fee of \$15,480.00, which includes the assessed value of \$15,445.00 for the Public Right of Way and \$35.00 for recording of 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.*

Also, please submit the property deed along with a signed Discretionary Contracts Disclosure form, which is enclosed for your convenience.

This Letter of Agreement 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.

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, the property deed, the Discretionary Contracts Disclosure form and the closure fee we will continue processing your request.*

Sincerely,



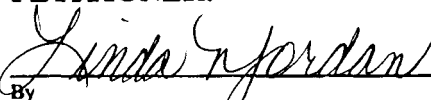
Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

SPE/ma

CERTIFIED MAIL 7002 2030 0005 8524 4464

**AGREED AS TO TERMS AND CONDITIONS:**

**PETITIONER:**

  
By \_\_\_\_\_  
Linda N. Jordan  
Print Name

Vice President, UEMC, Inc.  
Title  
12/14/05  
Date

**City of San Antonio**  
**Discretionary Contracts Disclosure**

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

**(1) Identify any individual or business entity<sup>1</sup> that is a party to the discretionary contract:**

UEMC, Inc.

**(2) Identify any individual or business entity which is a *partner, parent* or *subsidiary* business entity, of any individual or business entity identified above in Box (1):**

☒ **No partner, parent or subsidiary; or**

**List partner, parent or subsidiary of each party to the contract and identify the corresponding party:**

**(3) Identify any individual or business entity that would be a *subcontractor* on the discretionary contract.**

☒ **No subcontractor(s); or**

**List subcontractors:**

**(4) Identify any *lobbyist* or *public relations firm* employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.**

☒ **No lobbyist or public relations firm employed; or**

**List lobbyists or public relations firms:**

<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. A sole proprietor should list the name of the individual and the d/b/a, if any.



**(5) Political Contributions**

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☒ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:


**(6) Disclosures In Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

<b>Signature:</b> 	<b>Title:</b> Linda N. Jordan, Vice President <b>Company or D/B/A:</b> UEMC, Inc.	<b>Date:</b> 12/14/05
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<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.

## Proposed closure of a 0.305 acre tract of land Public Right of Way

Petitioner: UEMC, Inc.

Presented by: Department of Asset  
Management

Item , Public Hearing

City Council Meeting

January 19, 2006

## Proposed closure of a tract of land (Cont.)

### Issue

- Petitioner is requesting the closure, vacation and abandonment of a 0.305 acre (13,286 sf) portion of the Apache Creek Right of Way, adjacent to NCB 8267, in Council District 5
- The prior owner had been granted a license to use this portion of right of way by Ord. No. 88812 (11/12/98) to accommodate a fire lane required by the Fire Code.



Aerial view of subject area

3

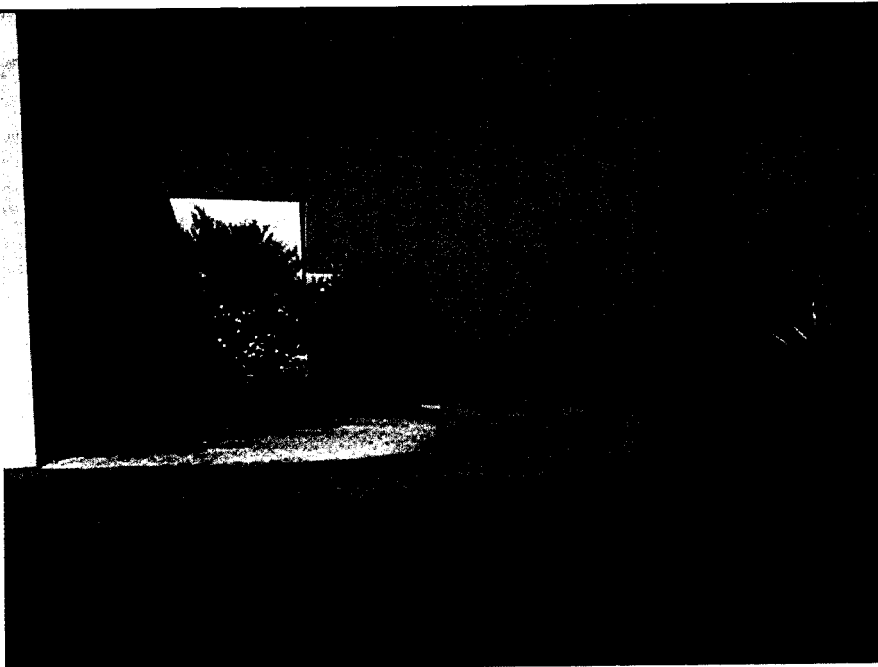
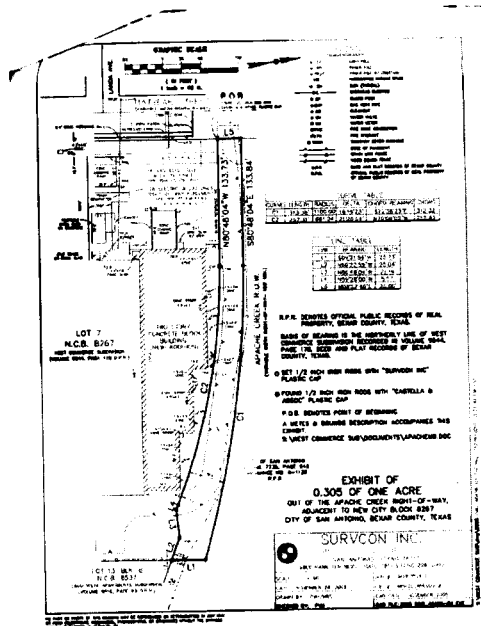


Photo of proposed closure

4



## Proposed closure of a tract of land (Cont.)

**Staff Coordination:**

- Request was coordinated through all interested City Departments and Utility Agencies and petitioner has agreed to comply with all imposed conditions

**Fiscal Impact:**

- The City will collect \$15,480.00 as consideration for closure, vacation and abandonment of this Public Right of Way

## Proposed closure of a tract of land (Cont.)

### Supplemental Comments:

- The Planning Commission recommended approval of this request at its regular meeting of January 11, 2006

### Recommendation:

- Staff recommends approval