

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

TO: Sheryl Sculley, City Manager

FROM: Shawn P. Eddy, Interim Director, Department of Asset Management

DATE: Thursday, May 18, 2006

SUBJECT: S.P. No. 1248 - Request to close, vacate and abandon a 20 foot-wide alley public right of way located between South San Jacinto and dead-ending into NCB 2311

PETITIONER: First National Bank, c/o Carter & Burgess
Attn: Mark Kastner, P.E.
911 Central Parkway N., Ste. 425
San Antonio, TX 78232

SUMMARY AND RECOMMENDATIONS

Public hearing and consideration of an ordinance authorizing the closure, vacation and abandonment of an alley perpendicular to South San Jacinto Street between Commerce and Buena Vista, in NCB 2311, in District 5, as requested by First National Bank for a consideration of \$3,651.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the closure, vacation and abandonment of a 20 foot-wide alley public right of way located directly easterly of South San Jacinto Street and dead-ending into NCB 2311 as shown on attached Exhibit "A." Petitioner owns all the abutting property and plans to develop the entire block which would include the proposed closure, if approved.

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 \$3,651.00 as consideration for this closure, vacation and abandonment of Public Right of Way.

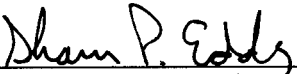
COORDINATION


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

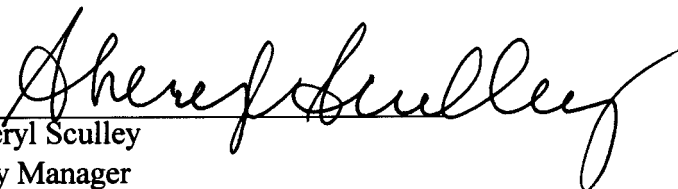
The City of San Antonio's Planning Commission will consider this request at its regular meeting of 5/10/2006 and its finding will be presented to City Council on 5/18/2006.

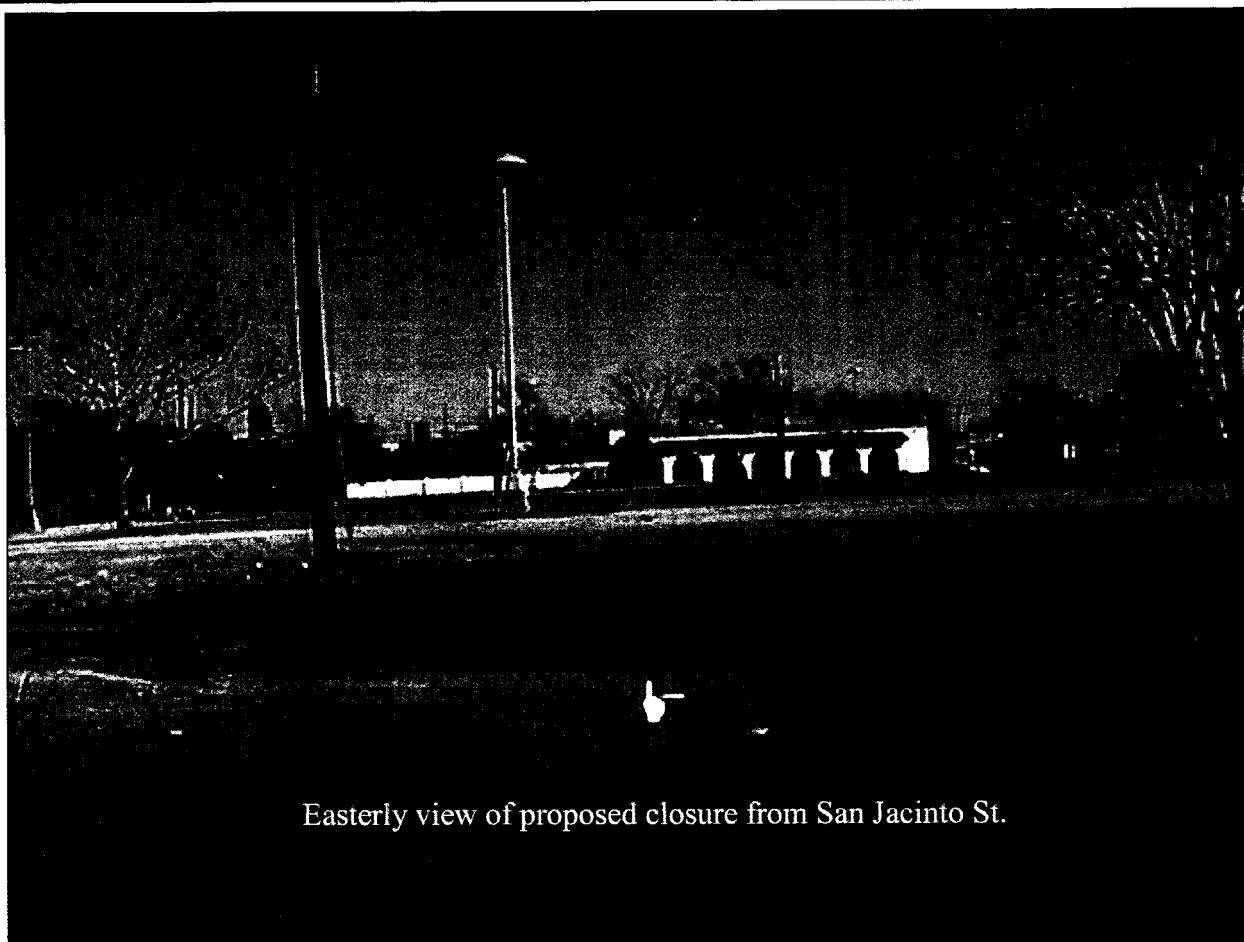
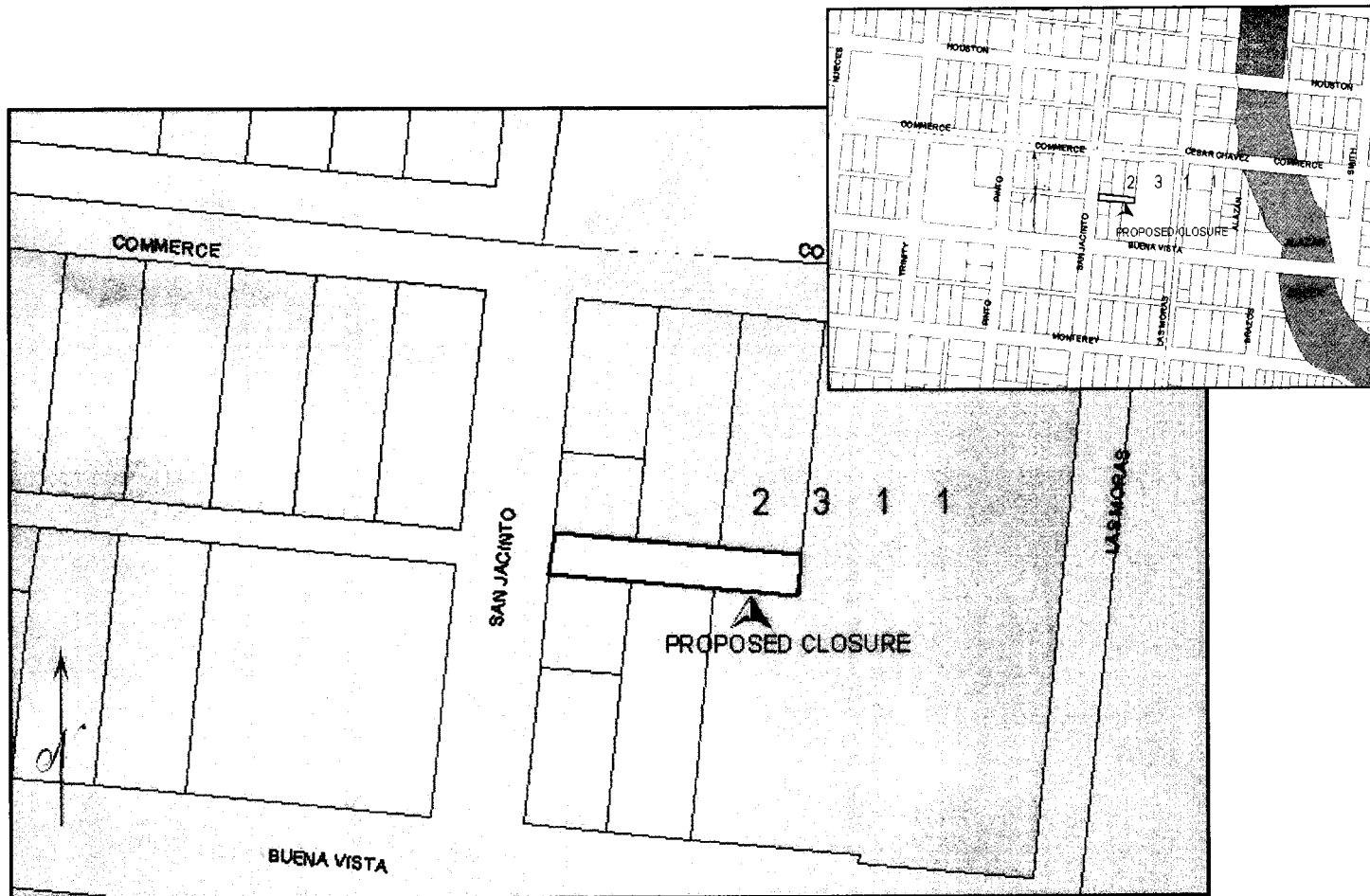
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.


Shawn P. Eddy, Interim Director
Department of Asset Management


Erik J. Walsh
Assistant City Manager

Approved for Council Consideration:


Sheryl Sculley
City Manager



Easterly view of proposed closure from San Jacinto St.

Exhibit "A"

Canvassing Checklist

SPNo **1248**

Request: Petitioner is requesting the closure, vacation and abandonment of a 20 foot-wide alley public right of way located directly easterly of South San Jacinto Street and dead-ending into NCB 2311 as shown on attached Exhibit "A." Petitioner owns all the abutting property and plans to develop the entire block which would include the proposed closure, if approved.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/20/2006	3/1/2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/20/2006	3/13/2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/20/2006	3/22/2006	<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"/>	1/20/2006	3/7/2006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/20/2006	1/23/2006	<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"/>	1/20/2006	2/3/2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

AVENIDA GUADALUPE ASSN., INC., ATTN: ROGER T. CARRILLO, AIA, 1327 GUADALUPE ST., 78207



CITY OF SAN ANTONIO

March 31, 2006

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

First National Bank
c/o Carter & Burgess
Attn: Mark Kastner, P.E.
911 Central Parkway N., Ste. 425
San Antonio, TX 78232

Re: S. P. No. 1248—Request to close, vacate and abandon a 20 foot-wide unimproved alley
Public Right of Way located between South San Jacinto and dead-
ending into NCB 2311

Dear Mr. Kastner:

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 site is assembled and platted with the adjacent property.

CITY PUBLIC SERVICE BOARD

Approved provided easement is retained for electric service to 118 South San Jacinto unless this service is to be removed for development. Further, petitioner must agree to reserve an overall perpetual easement for all existing electrical, communications 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 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 \$3,651.00, which includes the assessed value of \$3,544.00 for the Public Right of Way, \$72.00 for signage 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 executed Letter of Agreement. If for some reason the closure is not approved by City Council, the closure fee will be refunded to the petitioner less the cost of the signage.*

Also, a signed Discretionary Contracts Disclosure form is required, and is attached for your convenience. Along with this please submit the remaining deeds for all the abutting properties.

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 your client concurs with the above mentioned conditions, including the payment of the assessed closure fee, please have your client 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, the property deeds and the closure fee we will continue processing your request.*

Sincerely,



Todd Olson
Real Estate Manager
Property Disposition Division

TO/ma

CERTIFIED MAIL 7002 2030 0005 8524 4570

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER:



By Michael S. McCann
Print Name

Sr. Bank Officer Property Mgt
Title
4/7/06
Date

City of San Antonio Discretionary Contracts Disclosure

*For use of this form, see Section 2-50 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 that is a party to the discretionary contract.

First National Bank.

(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:

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

1. The author is not a medical professional and does not intend to provide medical advice. This document is for informational purposes only and should not be used as a substitute for professional medical advice, diagnosis, or treatment. Always consult your healthcare provider for any health concerns.



No contributions made; If contributions made, list below:

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

(8) Disclosures In Proposals

1. The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.



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.

Signature:

[Handwritten signature]

Title: Sr. Bank Officer/
Property Manager
Company or D/B/A:
First National Bank

Date:

04/12/06

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.