



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 6
Council Meeting Date: 3/5/2009
RFCA Tracking No: R-4447

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Request to close, vacate and abandon an improved portion of Mockingbird Lane

SUMMARY:

Public hearing and consideration of an ordinance authorizing closure, vacation, and abandonment of an improved portion of Mockingbird Lane Public Right of Way located between Interstate Highway 10 West and Greatview Drive adjacent to New City Blocks 11625 and 11630 in City Council District 8. The total fee established for this Public Right of Way is \$118,090.00.

BACKGROUND INFORMATION:

Petitioner is requesting the closure, vacation and abandonment of an improved portion of Mockingbird Lane Public Right of Way located between Interstate Highway 10 West and Greatview Drive adjacent to New City Blocks 11625 and 11630 in City Council District 8, as shown on attached Exhibit "A." The petitioner, McCombs Family, LTD owns all of the abutting property to the proposed closure, which operates as Red McCombs Ford Dealership. The petitioner has indicated that the proposed closure would eliminate a hazardous cut-through to the Interstate 10 access road which is currently utilized to avoid the signalized intersection at Interstate 10 and Callaghan Road.

The petitioner has requested the proposed closure to allow safe access for its employees and customers who frequently access both of its properties for business. If approved, the petitioner plans to incorporate the proposed closure with its abutting property. The petitioner has agreed to dedicate and construct a cul-de-sac at the end of Greatview Drive with sufficient area provided for emergency vehicles to turn around and to permit the continued use of Greatview Drive to serve as a public street. In addition, the petitioner has also agreed to dedicate a 20 foot-wide easement to the City of San Antonio, out of their property, to serve as a public alley for ingress and egress purposes. The cul-de-sac and 20 foot-wide easement are shown on attached Exhibit "B."

Opposition to this request has been received from the Vance Jackson Neighborhood Incorporated

Home Owners Association and the Sugar Hill Management Company, which manages the Sugar Hill Apartments, referencing safety and access issues. However, it is the view of staff that the conditions placed on this closure are sufficient to alleviate these concerns.

ISSUE:

This ordinance will authorize closure, vacation and abandonment of an improved portion of Mockingbird Lane Public Right of Way. This action is consistent with City Code and Ordinances relative to closing Public Rights of Way.

ALTERNATIVES:

City Council could choose not to approve this item, however, this may disallow the petitioner from providing safe access to its employees and customers who frequently access both of its properties for business. It will also prevent the property from being placed on the tax rolls.

FISCAL IMPACT:

The fee established for this closure is \$115,398.00. Additionally, the petitioner will pay \$2,692.00 in recording and appraisal fees, for a total fee of \$118,090.00. The total fee is due and payable to the City of San Antonio prior to City Council consideration and deposited into the General Fund for Facility Maintenance.

In compliance with Chapter 37 of the City Code, Section 37-2, fair market value of subject property was based upon an independent State of Texas Certified Professional Appraisal Report obtained at the expense of the petitioner. This appraised value was prepared by Darryl Pettit & Associates LLC on January 31, 2009.

The appraisal value of the subject right of way is \$157,000.00. However, the petitioner granted 3,571 square feet (.082 of acre) to the City of San Antonio that was included in the proposed closure; therefore \$41,602.00 was deducted from the \$157,000.00 appraisal value per City Ordinance 2007-01-11-0065 approved by City Council on January 11, 2007.

RECOMMENDATION:

The City of San Antonio's Planning Commission approved this request at its regular meeting of February 25, 2009.

Staff recommends approval of this request to close, vacate, and abandon an improved portion of Mockingbird Lane Public Right of Way.

ATTACHMENT(S):

File Description	File Name
Site Map	SiteMap.pdf
Exhibit A	ExhibitA.pdf
Exhibit B	ExhibitB.pdf
Street Dedication	StreetDedication.pdf
Alley Dedication	AlleyDedication.pdf
Letter of Agreement	LetterofAgreement.pdf
Discretionary Contracts Form	DiscretionaryContractsForm.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

George Rodriguez Assistant Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Penny Post oak Ferguson Assistant City Manager