

## Legislation Details (With Text)

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<b>File #:</b>	17-161	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	2/14/2017	<b>In control:</b>	City Council
<b>On agenda:</b>	2/27/2017	<b>Final action:</b>	2/27/2017

**Title:** Approval of the second and final reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Survey, 3. Aerial Maps, 4. Zoning and Land Use Maps, 5. Executive Summary from Appraisal, 6. Photographs, 7. Ordinance No. 2015-69, 8. 2017 Ordinance

Date	Ver.	Action By	Action	Result
2/27/2017	1	City Council	approved	Pass

Presenter

*Christopher J. Looney, Planning and Community Development Director  
(830) 221-4055 - clooney@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance for the proposed abandonment and sale of approximately 0.23 acres of street right-of-way at the terminus of Merriweather Street.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-17-001

**Council District:** 6

**Owners /**

**Applicants:** HEB Grocery Company LP  
646 S. Flores St.  
San Antonio, TX 78204

**Staff Contact:** Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

**City Council unanimously approved the first reading of the ordinance on February 13, 2017 (7-0-0).**

The subject property is located at the terminus of Merriweather Street adjacent to the HEB on Walnut Avenue near IH 35 and consists of approximately 0.23 acres (10,018.8 square feet). HEB owns the adjacent lots currently addressed at 969, 972, 987, and 988 Merriweather Street. HEB's intention is

to combine the four lots and the adjacent portion of the Merriweather street right-of-way into the existing HEB commercial lot and utilize it for parking.

A report was submitted by an independent appraiser indicating an estimated market value of \$50,100 for the property.

City Council unanimously approved this right-of-way abandonment request on November 23, 2015. However, the ordinance adopted for the right-of-way abandonment (Ordinance No. 2015-69, Attachment 7) states that if the Deed Without Warranty is not executed within one hundred twenty (120) days of the second and final reading of the ordinance, the ordinance shall become null and void. This transfer did not occur within this time frame necessitating City Council's reauthorization of the abandonment.

The following are additional requirements stipulated by Ordinance No. 2015-69:

1. A pedestrian access easement will be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This can be dedicated as part of the plat.
2. A replat of the existing HEB property to include the purchased right-of-way must be submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer. *A plat application was submitted and approved by the Planning Commission (with conditions) on February 2, 2016. The final mylar plat prints, tax certificates and plat recordation fees were submitted April 28, 2016.*
3. Use of the property is limited to a parking lot.

The 120-day window to transfer the Deed Without Warranty for the Merriweather property expired on March 22, 2016, prior to submittal of the final plat for recordation. The applicant is requesting reapproval of the right-of-way abandonment. The mylar prints of the plat along with all of the required documents, fees and conditions have been received and were verified by the City on December 13, 2016 along with all required signatures. The applicant also included that there will be no vehicular access to the subject site from Merriweather Street. Transfer of the right-of-way is the last step to complete the plat recordation process.

#### **ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

✓	Yes	<b>City Plan/Council Priority:</b> 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i>	<b>Pros:</b> Goal 25B 11 <i>Ensure that pedestrian traffic is addressed as part of the platting process.</i> Sale of the right-of-way required the property to be platted. As a condition of the final plat approval, a pedestrian access easement must be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. <b>Goal 53K</b> <i>Improve traffic flows to reduce idling time of vehicles.</i> The intended development of the right-of-way as additional parking could improve vehicular movement within the shopping center. <b>Cons:</b> None.
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#### **FISCAL IMPACT:**

\$50,100 from the sale of the property, addition of 0.23 acres of commercial acreage to the tax base, and less asphalt and curb for the City to maintain.

**COMMITTEE RECOMMENDATION:**

At their February 7, 2017 meeting, the Planning Commission recommended approval with Staff recommendations of the proposed abandonment and sale of approximately 0.23 acres of street right-of-way located at the terminus of Merriweather Street (9-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval of the request with the following conditions:

1. A pedestrian access easement be dedicated across the subject property to allow neighborhood residents to continue to access the retail center. This will be dedicated as part of the final plat.
2. A replat of the existing HEB property to include the purchased right-of-way submitted and approved by the City prior to ownership transfer. Recordation will occur subsequent to the transfer.
3. The property may only be used for parking.

**Attachments:**

1. Application
2. Survey
3. Aerial Maps
4. Zoning and Land Use Maps
5. Executive Summary from Appraisal
6. Photographs
7. Ordinance No. 2015-69
8. 2017 Ordinance