

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

**AUTHORIZING THE CLOSURE, VACATION, AND
ABANDONMENT OF THE UNIMPROVED PORTION OF PETITE
AVENUE PUBLIC RIGHT-OF-WAY LOCATED ADJACENT TO
NEW CITY BLOCKS 14731 AND 14733 AS REQUESTED BY
MOONLIGHT WAY PROPERTIES, LLC FOR A FEE OF \$135,100.00
IN CITY COUNCIL DISTRICT 8.**

* * * * *

WHEREAS, Moonlight Way Properties, LLC (Petitioner) is requesting to close, vacate and abandon an unimproved portion of Petite Avenue public right-of-way; the proposed closure is adjacent to New City Blocks 14731 and 14733 in City Council District 8; the Petite Avenue public right-of-way consists of 0.825 acre (35,937 square feet, approximately); Petite Avenue is a "paper street" and was never constructed; and

WHEREAS, Petitioner owns the abutting properties to the closure; if approved, Petitioner will incorporate the proposed Petite Avenue closure with its adjacent properties to develop the site in the future. The planned use for the site is for townhome development.; and

WHEREAS, City departments and utilities were canvassed and approved with standard conditions and Petitioner has agreed to all the conditions; there is no neighborhood association. In compliance with Chapter 37 of the City Code, Section 37-11 (e), notification signs and letters are not necessary for undeveloped public right-of-way or for slivers not affecting the path of public travel; and

WHEREAS, the City of San Antonio’s Planning Commission recommended approval of this request at its regular meeting on February 14, 2024; and

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby authorizes, for a fee of \$135,100.00, which includes the assessed value of the public right-of-way in the amount of \$135,000.00 plus \$100.00 for administrative costs the closure, vacation, and abandonment of its right of way interests as to 0.825 acre (35,937 square feet, approximately) consisting of the unimproved Petite Avenue public right-of-way located is adjacent to New City Blocks 14731 and 14733 in City Council District 8 as shown in **Exhibit “A”** and more accurately described in **Exhibit “B”**.

SECTION 2. All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibit “B”** controls over any discrepancy between it and **Exhibit “A”**.

SECTION 3. Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 223000000253 and General Ledger Account 4903101.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this _____ day of _____, **2024**.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

