

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT**

P. O. BOX 839966
SAN ANTONIO TEXAS 78283-3966

September 16, 2022

Artisan Park LLC
Attn: Ed Hinojosa Jr.
818 S. Flores St.
San Antonio, Texas 78204

Re: S.P. No. 2295 – Request to close, vacate and abandon improved Peyton Path Public Right-of-Way located between Burrus Place and Santa Clara Place and an improved portion of Refugio Street and McMillan Place Public Right-of-Way

Dear Mr. Hinojosa:

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 the request subject to the following conditions:

CPS ENERGY: 1) Petitioner must call Texas 811 and verify location of all gas facilities. 2) CPS must retain easements for all existing facilities. There are existing underground facilities in the area. 3) Easement and accessibility must be maintained.

SAN ANTONIO FIRE DEPARTMENT: The proposed Right-of-Way closure to Refugio Street and McMillan Place would need to maintain a 3-foot spacing around the fire hydrant located at that intersection. Per San Antonio Fire Prevention Code Amendments 2018 IFC Sec 507.5.5 Clear space around hydrants. A 3-foot (914mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved. The clear space around hydrant and the access to the hydrant will be no more than eight percent slope.

LAVACA NEIGHBORHOOD ASSOCIATION: The board of the Lavaca Neighborhood Association is concerned that Peyton Path remain open to the public. The board supports closing of the street to cars provided the right of way for pedestrian access to the public is preserved.

PUBLIC WORKS DEPARTMENT: Environmental Services: It is the Petitioner's responsibility to conduct their own due diligence for this area. The City does not warrant that environmental impacts are not to be encountered when disturbing the land. The City shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue. Project Delivery: Petitioner has provided additional information regarding this request to clarify the proposed plan. Petitioner should get approval from the Traffic Engineering division. Stormwater Engineering: 1) Drainage in this neighborhood goes

through a storm drain system that ultimately outfalls into an existing detention pond along the IH-37 ROW. The drainage goes through the ROW. So if this road is removed drainage will need to be reevaluated for this area. 2) Prior to any construction and/or improvements to the property, all required studies, permits, and fees must be submitted to and approved by all applicable local (city and/or county), state, and federal governing bodies. Furthermore, all local (city and/or county), state, and general regulations must be complied with. Traffic Engineering and Operations: Conditional approval of the corner closure at Refugio and McMillan Place as long as the corner radius maintains a 15-foot radius or greater for vehicles to navigate the turn.

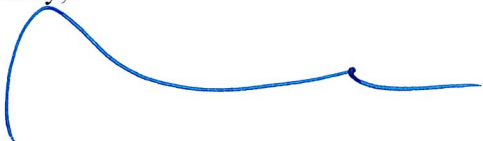
The closures, vacations and abandonments of these Public Rights of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closures will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. 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 must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Rights of Way proposed to be closed, including but not limited to: electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

The fee established for this public right-of-way closure is \$165,000.00 plus \$100.00 for the recording fees. This total fee will be due and payable to the City of San Antonio prior to City Council consideration.

This Letter of Agreement is being offered by City of San Antonio only to the petitioner named below 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, please countersign this letter in the space provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$165,100.00, a Contracts Disclosure Form from each entity (to be completed on the <https://www.sanantonio.gov/portals/0/files/clerk/ethics/ContractsDisclosure.pdf> website link then printed and signed) and Form 1295 from each entity (located at <http://www.ethics.state.tx.us/dfs/1295Certificates.html>), we will continue processing your request.

Sincerely,

A blue ink handwritten signature, appearing to read "Andrew Lake", with a long horizontal flourish extending to the right.

Andrew Lake
Real Estate Manager

AGREED AS TO TERMS AND CONDITIONS:

DocuSigned by:

Ed Hinojosa Jr

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By: Artisan Park LLC
Ed Hinojosa Jr.

Title: Secretary/Treasurer

10/3/2022

Date: