

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, CLOSING, VACATING, AND ABANDONING SAMARITAN DRIVE; PROVIDING FOR REPEALER, PENALTY, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the property owners of Seneca Trails Subdivision, who own the property directly abutting both sides of the right-of-way known as Samaritan Drive, have petitioned the City to abandon and vacate the right-of-way and will construct a new Samaritan Drive in a suitable location to provide public access; and

WHEREAS, the existing right-of-way was not built to current roadway construction standards, is too narrow for emergency access vehicles, and does not have modern utilities, curbs, or sidewalks; and

WHEREAS, the existing right-of-way is overgrown and subject to dumping, and

WHEREAS, the Texas Transportation Code, Chapter 311, Section 311.001 states that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality and further states that a municipality may open or change a public street or alley of the municipality, or improve a public highway, street, or alley of the municipality.

WHEREAS, it is in the interest of the public that the City of Leon Valley be relieved of the obligation to maintain the right-of-way segment;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS THAT:

Section 1. The City of Leon Valley finds the following right-of-way ("Right-of-Way Segment") is no longer essential to the safe and efficient flow of traffic in the area in which the right-of-way is located. As an exercise of its discretion, the City Council closes, vacates, and abandons the Right-of-Way segment. The Right-of-Way segment is identified below.

Section 2. An exhibit of the Right-of-Way Segment is set forth in Exhibit A attached hereto, along with a detailed metes and bounds description. The Exhibit is incorporated into this Ordinance for all purposes as if it was fully set forth.

Section 3. The Right-of-Way Segment exists by virtue of a deed set forth in Volume 3740, Pages 1488-1489, 1492-1493, and 1496-1497, in the Bexar County Office of Deeds and Records.

Section 4. The properties abutting the Right-of-Way Segment are:

Lot 1, Block 1, CB 4430B, Grass Hill Estates Subdivision
Lot 2, Block 1, CB 4430B, Grass Hill Estates Subdivision
P-1, ABS 399, CB 4430
P-11 ABS 432, CB 4430
Lot 1, Block 1, CB 4430C Good Samaritan Lodge Nursing Home Subdivision

Owner: 63 SENECA WEST INVESTMENTS LTD
c/o ISRAEL FOGIEL
Address: 10003 NW MILITARY HWY STE 2201
SAN ANTONIO, TX 78231

The listing above is made solely to facilitate indexing this Ordinance in real property records. If the listing is inaccurate or not comprehensive, it does not affect the validity of the closure.

Section 5. All presently existing water and wastewater mains and facilities, electrical transmission and distribution lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be used, maintained, repaired, and enlarged in the ordinary course of business. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having lines or facilities in the Segment does so at their own risk. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is a public street right-of-way. All existing drainage rights in the Right-of-Way Segment are retained by the City, unless removed by an approved replat. This closure does not give up any right arising from the plat or other instrument creating the public street right-of-way. Neither does this Ordinance create new easement rights.

Section 6. The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to perform all other tasks conducive to reflect this closure, abandonment, and vacation.

Section 7. The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent property owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, the owners of the adjacent property shall replat. No such replat impairs the rights retained by the City unless in the course of replatting, the owner, at his own expense, otherwise provides for those rights according to platting rules of general applicability.

Section 8. In consideration of such Right-of-Way Segment closure, vacation, and abandonment, the adjacent property owners agree to construct a new Samaritan Drive

Right-of-Way in accordance with City regulations and the approved Samaritan Trails Master Development Plan.

Section 9. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 10. Conflicts. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 11. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 12. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 13. TOMA compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 14. Effective date. This Ordinance shall be effective ten (10) days after passage and final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 19th day of August, 2025.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
City Attorney