

AN ORDINANCE 2011-01-20-0041

**AUTHORIZING GRANTING A SANITARY SEWER EASEMENT  
OVER 2,875 SQUARE FEET OF CITY-OWNED PROPERTY IN  
NCB 34362 IN CARACOL CREEK PARK, COUNCIL DISTRICT 4,  
TO LAMBETH BUILDING COMPANY FOR \$5,000.**

\* \* \* \* \*

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

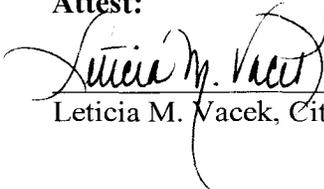
**SECTION 1.** The City Manager and her designee, severally, are authorized and directed to grant a sanitary sewer easement to Lambeth Building Company over approximately 2,875 square feet in Caracol Creek Park, NCB 34362, in substantially the form attached as **Attachment I**. The City Manager and her designee, severally, are further authorized and directed to execute and deliver all other documents and instruments necessary or convenient to effectuate the transactions contemplated by this ordinance and otherwise to do all things necessary or convenient to effectuate the transaction.

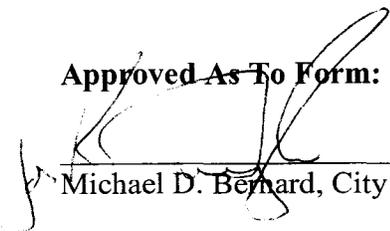
**SECTION 2.** Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000061 and General Ledger 4202410.

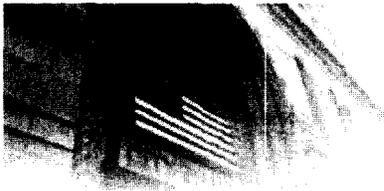
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**PASSED AND APPROVED** this 20<sup>th</sup> day of January 2011.

  
M A Y O R  
Julián Castro

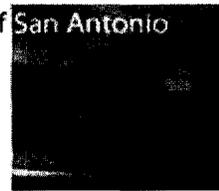
**Attest:**  
  
Leticia M. Vacek, City Clerk

**Approved As To Form:**  
  
Michael D. Bernhard, City Attorney



Request for  
**COUNCIL**  
ACTION

City of San Antonio



## Agenda Voting Results - 21

<b>Name:</b>	7, 8, 9, 10, 11, 15, 16, 19A, 19B, 20A, 20B, 21, 22, 23, 25, 27, 28, 29, 30A, 30B, 31, 33, 34						
<b>Date:</b>	01/20/2011						
<b>Time:</b>	10:46:00 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the use of 2,875 square feet of City-owned property in NCB 34362 in Caracol Creek Park located in Council District 4 by Lambeth Building Company for a sanitary sewer easement for a one-time fee of \$5,000.00. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				



At any time that Grantee or those claiming through Grantee cease to use this easement for 12 consecutive months, Grantor has the right to terminate this easement by means of a written instrument recorded in the appropriate records of Bexar County, Texas. The instrument need be signed only by Grantor and assert that the easement was not used for 12 consecutive months. Grantor's right to terminate lapses after four years from a period of non-use, but each 12 consecutive months of non-use gives Grantor a new right to terminate, so that Grantee's successors need inquire into non-use only within the four years immediately preceding the successor's acquisition.

**City of San Antonio,**  
a Texas municipal corporation

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Representative Capacity \_\_\_\_\_

Date: \_\_\_\_\_

**Attest:**

\_\_\_\_\_  
City Clerk

**Approved As To Form:**

\_\_\_\_\_  
City Attorney

State of Texas                    §

County of Bexar §

This instrument was acknowledged before me this date by \_\_\_\_\_, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

**EASEMENT - B**  
**2875 SQUARE FEET OF LAND**  
**J.V. DIGNOWITY SURVEY NO. 260, ABSTRACT 1040,**  
**BEXAR COUNTY, TEXAS**

All that certain 2875 square feet of land out of the Variable Width Off Site Drainage Easement, HEB - 1604 at Potranco according to the plat thereof, recorded under Volume 9543, Pages 14-16, in the Official Public Records of Real Property, Bexar County, Texas, in the J.V. Dignowity Survey No. 260, Abstract 1040, Bexar County Texas; more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

**COMMENCING** at a 5/8" iron rod with cap marked "Pate", found for the most southerly southeast corner of Lot 1, Block 2, N.C.B. 19603, as shown on the Replat of Jim's Restaurant, No. 43 thereof, recorded under Document Number 20100074723, in the Official Public Records of Real Property, Bexar County, Texas; Thence North 88° 07' 35" West - 64.85', along the southerly line of said Lot 1, Block 2, to a 5/8" iron rod with cap marked "Pate", found for an angle corner of said southerly line; Thence North 68° 39' 20" West - 4.07' continuing along said southerly line, to the northeast corner and **POINT OF BEGINNING** of the herein described easement;

**THENCE** South 00° 05' 56" West - 237.77', departing said southerly line, to the southeast corner of the herein described easement on the northerly line of an existing 20' sanitary sewer easement, as shown on the aforesaid HEB - 1604 at Potranco plat;

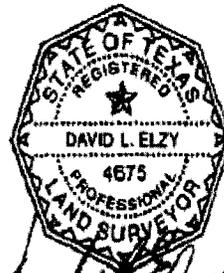
**THENCE** North 87° 36' 45" West - 5.02', along said northerly line, to an angle corner of the herein described easement;

**THENCE** North 80° 55' 02" West - 7.07', continuing along said northerly line to the southwest corner of the herein described easement;

**THENCE** North 00° 05' 56" East - 241.13', to the northwest corner of the herein described easement, on the aforesaid southerly line of Lot 1, Block 2;

**THENCE** South 68° 39' 20" East - 12.88', along said southerly line to the **POINT OF BEGINNING** and containing 2875 square feet of land.

Prepared by: PATE SURVEYORS  
a division of Pate Engineers, Inc.  
Original Issue Date: April 21, 2010  
Job No. 1711-005-01-560



*David L. Elzy*  
\_\_\_\_\_  
Certification Date  
April 21, 2010

THIS LEGAL DESCRIPTION IS ISSUED AS "PART ONE", IN CONJUNCTION WITH THE EXHIBIT BY PATE SURVEYORS OF EVEN DATE HEREWITH. REFERENCE IS HEREBY MADE TO THAT EXHIBIT AS "PART TWO"

# J.V. DIGNOWITY SURVEY NO. 260 ABST. 1040

REPLAT OF  
JIM'S RESTAURANT, NO. 43  
Doc. No. 20100074723  
O.P.R.R.P.B.C.T.

LOT 1  
BLOCK 2

SYMBOL LEGEND	
○	FOUND MONUMENT
●	FOUND 5/8" IRON ROD W/ CAP 'PATE'
△	CONTROLLING MONUMENT

Variably Width Drainage Easement  
Amending Plat of  
HEB-1804 AT POTRANCO

B.J. McCOMBS  
TO  
H.E. BUTT GROCERY COMPANY  
Vol. 7878, Pg. 590  
O.P.R.R.P.B.C.T.

LOT 5, BLOCK 1  
AMENDED PLAT  
HEB-1804 AT POTRANCO  
VOL. 8583, PG. 208

VARIABLE WIDTH OFF SITE  
DRAINAGE EASEMENT  
(32.95 AC)  
HEB - 1804 AT POTRANCO  
Vol. 9543, Pgs. 14-16  
O.P.R.R.P.B.C.T.

HEB Grocery Company  
TO  
City of San Antonio  
Doc. No. 2010006795  
O.P.R.R.P.B.C.T.

P.O.B.

P.O.C.

20' Elec., Gas, Tele. &  
Cable TV Easmt.  
Vol. 9543, Pg. 14-16  
O.P.R.R.P.B.C.T.

LINE-TABLE		
L1	N87°36'45"W	5.02'
L2	S80°55'02"E	7.07'
L3	S68°39'20"E	12.88'

N 00°05'56" E - 241.13'  
2875 SQ. FT.  
S 00°05'56" W - 237.77'

L2 L1

Existing 20'  
Sanitary Sewer  
Easement

THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH  
THE LEGAL DESCRIPTION BY PATE SURVEYORS.  
CERTIFICATION DATE, APRIL 21, 2010, HEREBY  
REFERENCED AS PART 1 OF 2. THIS SURVEY  
IS PART 2 OF 2.

**PATE SURVEYORS**  
A DIVISION OF PATE ENGINEERS, INC.

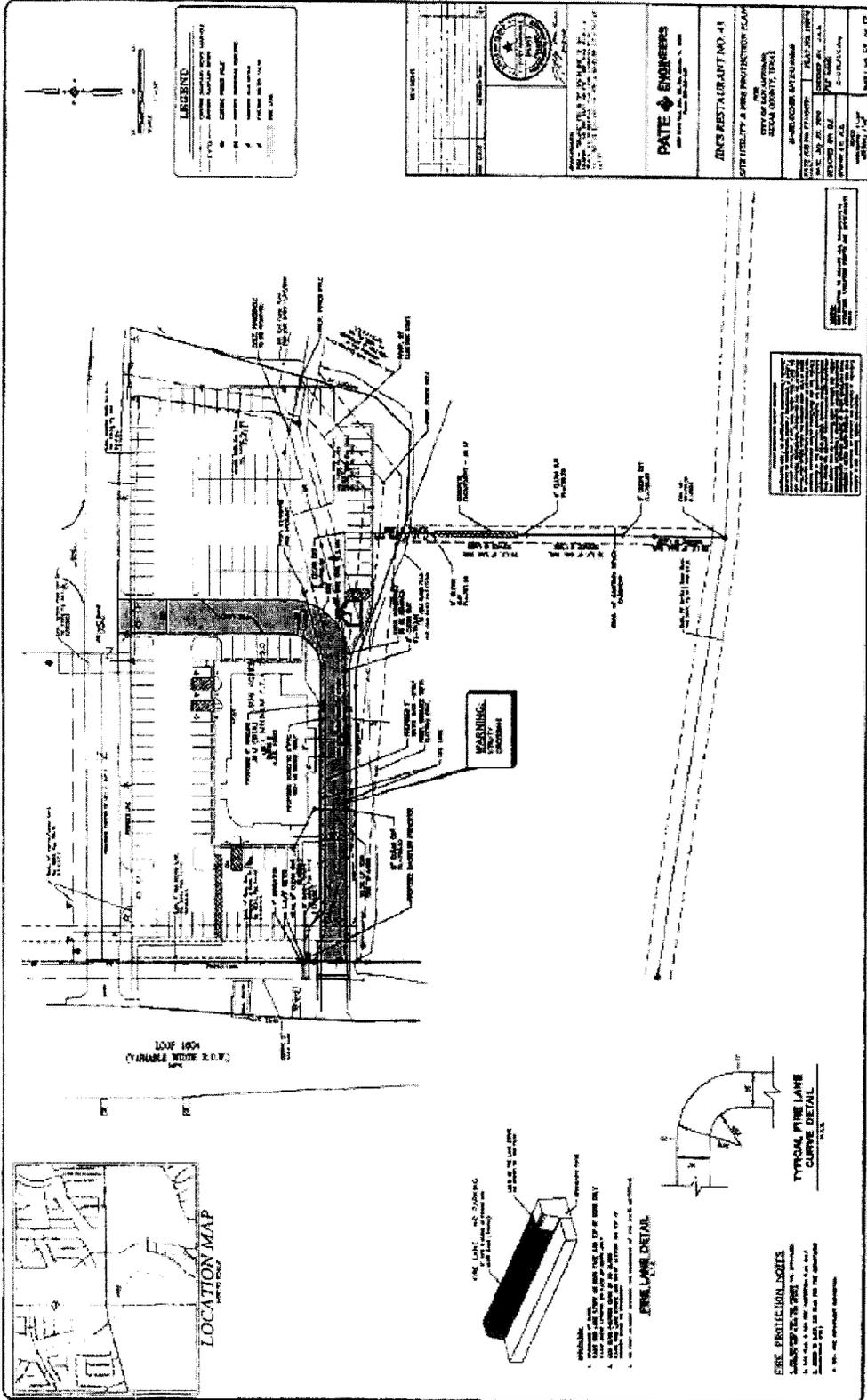
**EXHIBIT**

**EASEMENT - B**  
2875 SQUARE FEET  
J.V. DIGNOWITY SURVEY NO. 260 ABST-1040  
BEXAR COUNTY, TEXAS

DRAWN BY	CREATED	DATE	SCALE
APPROVED FOR ISSUE	DATE	APRIL 21, 2010	1"=30'
JOB NO.:		1711-005-01-680	



DAVID L. ELZY, R.P.L.S. NO. 4675



**LEGEND**

---	EXISTING CONCRETE
---	EXISTING MASONRY
---	EXISTING METAL DECK
---	EXISTING FLOOR FINISH
---	EXISTING WALL FINISH
---	EXISTING CEILING FINISH
---	EXISTING ROOF FINISH
---	EXISTING STRUCTURE
---	NEW FINISH
---	NEW STRUCTURE

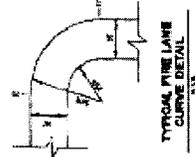
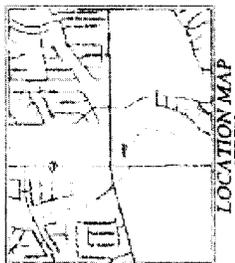
NO. 10041	DATE	DESCRIPTION

**PATE ENGINEERS**  
 1000 N. 10th St., Suite 100  
 Phoenix, AZ 85004  
 (602) 254-1100

**JIN'S RESTAURANT NO. 41**  
 1000 N. 10th St., Suite 100  
 PHOENIX, AZ 85004

**SAFE HAZELTY & ENGINEERING CONSULTANTS**  
 1000 N. 10th St., Suite 100  
 PHOENIX, AZ 85004

**DATE FOR THE DRAWING** 7/11/2011  
**SCALE** 1/4" = 1'-0"  
**DESIGNED BY** J.E.  
**CHECKED BY** J.E.  
**APPROVED BY** J.E.



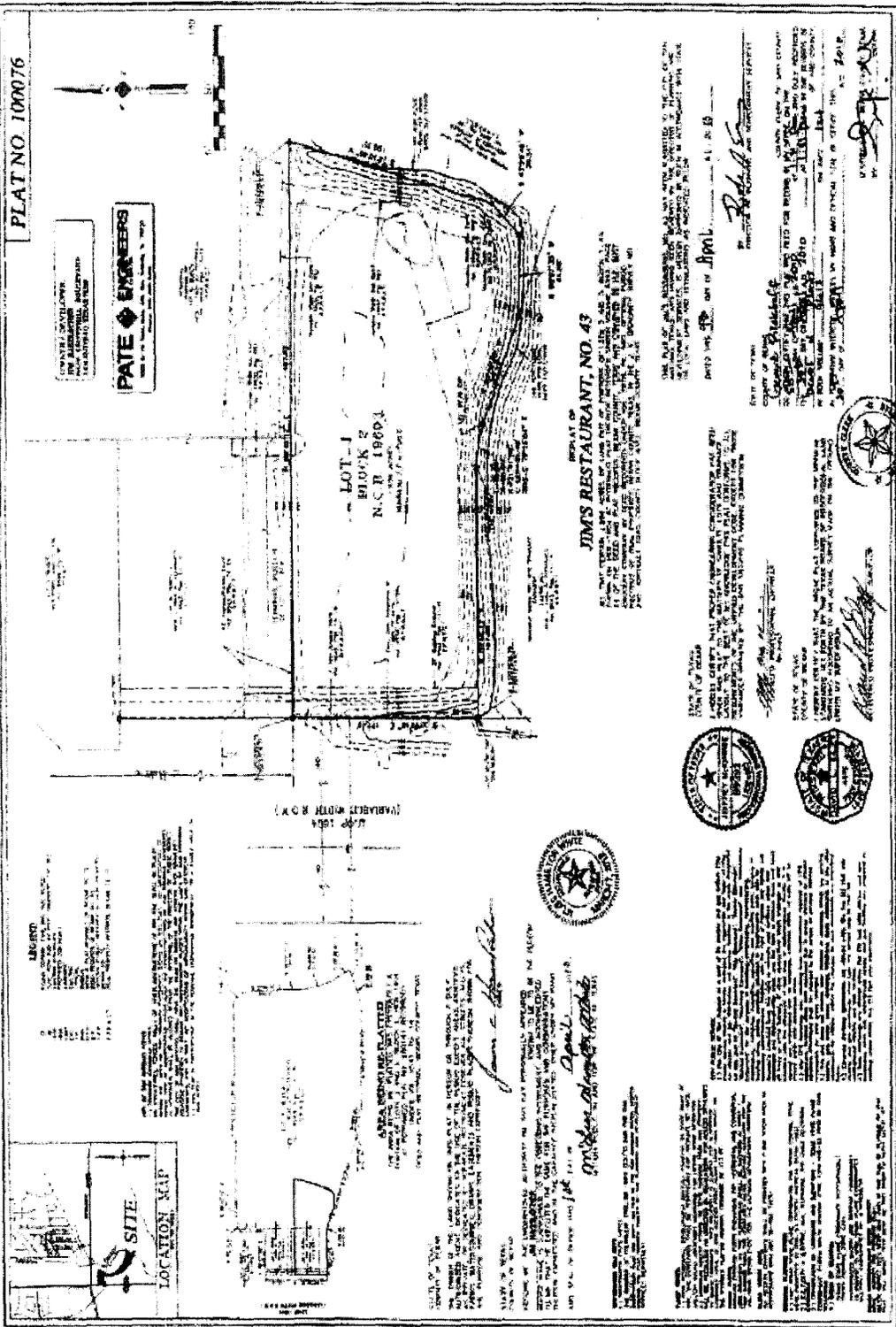
**SEE SPECIFICATION NOTES**

1. ALL WALLS SHALL BE 2" MIN. THICK CONCRETE OR 4" MIN. THICK CMU WITH 1/2" MIN. GROUT JOINTS.

2. ALL DOORS SHALL BE 1 1/2" MIN. THICK SOLID CORE DOORS WITH 1 1/2" MIN. GROUT JOINTS.

3. ALL WALLS AND DOORS SHALL BE FIRE RATED TO 120 MIN. PER UL LISTING.

- WARNING:**  
 DO NOT REMOVE ANY STRUCTURAL ELEMENTS FROM THE FIRE LANE DETAIL.
1. ALL WALLS SHALL BE 2" MIN. THICK CONCRETE OR 4" MIN. THICK CMU WITH 1/2" MIN. GROUT JOINTS.
  2. ALL DOORS SHALL BE 1 1/2" MIN. THICK SOLID CORE DOORS WITH 1 1/2" MIN. GROUT JOINTS.
  3. ALL WALLS AND DOORS SHALL BE FIRE RATED TO 120 MIN. PER UL LISTING.



PLAT NO. 100076

REGISTERED PROFESSIONAL ENGINEER  
**PATE ENGINEERS**  
 1000 W. 10th St., Suite 100  
 Raleigh, N.C. 27601  
 Phone: 843-781-1111

**REPORT OF  
 JIM'S RESTAURANT, NO. 43**

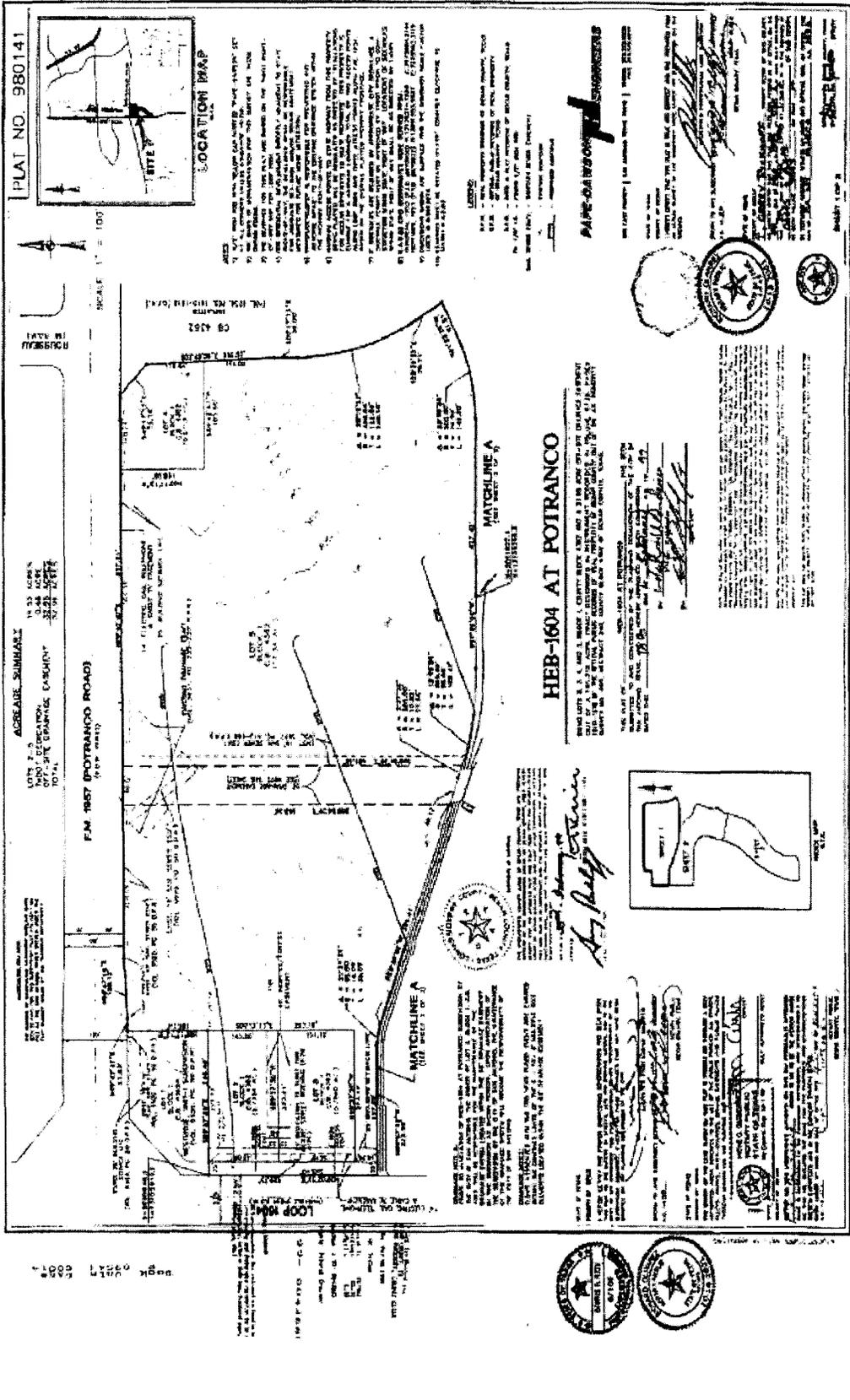
ALL THE TERMS AND CONDITIONS OF THE CONTRACT FOR THE DESIGN AND CONSTRUCTION OF THE RESTAURANT, NO. 43, ARE HEREBY ACCEPTED BY THE ARCHITECT AND ENGINEER. THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE RESTAURANT, NO. 43, IN ACCORDANCE WITH THE CONTRACT AND THE REQUIREMENTS OF THE CITY OF RALEIGH, N.C.

DATE: 10/15/18  
 BY: [Signature]  
 TITLE: ARCHITECT AND ENGINEER

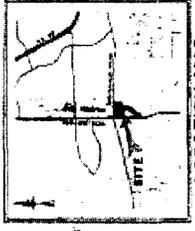


STATE OF NORTH CAROLINA  
 ARCHITECT AND ENGINEER  
 [Signature]  
 [Signature]

STATE OF NORTH CAROLINA  
 ARCHITECT AND ENGINEER  
 [Signature]  
 [Signature]



PLAT NO. 980141



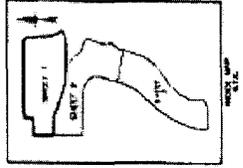
NOTES:  
 1. THIS PLAT IS A REVISION OF PLAT NO. 980141, DATED 10/15/87, WHICH WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, ON 10/15/87.  
 2. THE TOTAL AREA OF THIS PLAT IS 10.00 ACRES.  
 3. THE TOTAL AREA OF THE ORIGINAL PLAT WAS 10.00 ACRES.  
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 10. THE TOTAL AREA OF THE ORIGINAL PLAT WAS 10.00 ACRES.

HEB-1604 AT POIRANCO  
 MATCHLINE A  
 MATCHLINE B

APPROVED FOR RECORDATION:  
 [Signature]  
 COUNTY CLERK  
 TARRANT COUNTY, TEXAS

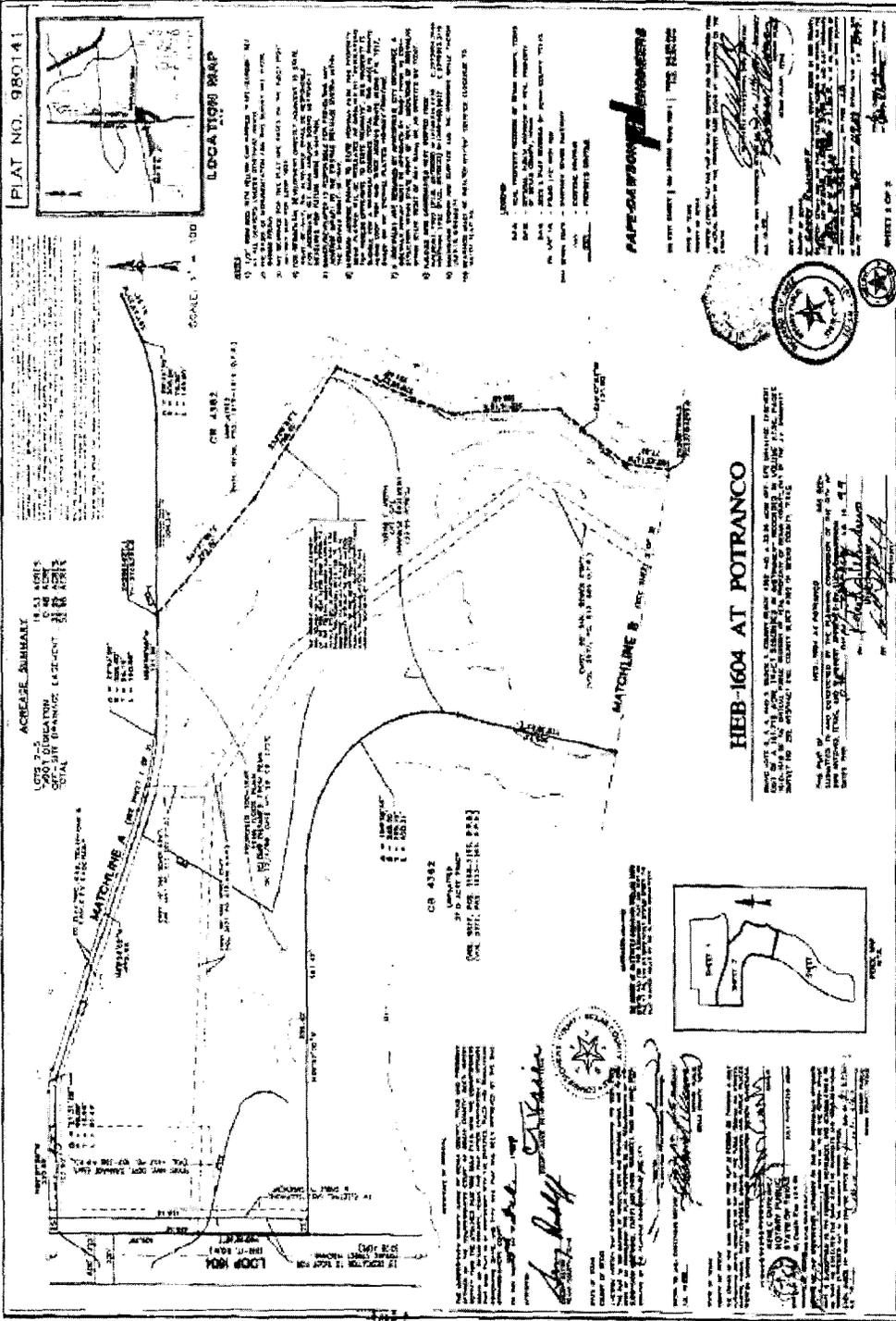


HEB-1604 AT POIRANCO  
 MATCHLINE A  
 MATCHLINE B

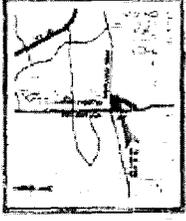


APPROVED FOR RECORDATION:  
 [Signature]  
 COUNTY CLERK  
 TARRANT COUNTY, TEXAS





PLAT NO. 980141



SCALE: 1" = 100'

**ACREAGE SUMMARY**  
 18.31 ACRES  
 100% OF LOT 2-5  
 100% OF LOT 6  
 100% OF LOT 7  
 100% OF LOT 8  
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 100% OF LOT 100

- NOTES**
1. THIS PLAN IS A REVISION OF THE PLAN FOR THE SITE OF THE HEB-1604 AT POTRANCO, TEXAS, AND IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.
  2. THE PLAN IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.
  3. THE PLAN IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.
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  10. THE PLAN IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.

**PAPEL PERSONS ENGINEERS**

1000 WEST STREET | SUITE 1000 | THE MEADOWS  
 DALLAS, TEXAS 75201  
 TEL: 214-761-1000  
 FAX: 214-761-1001  
 WWW: PAPERPERSONS.COM

**HEB-1604 AT POTRANCO**

THIS PLAN IS A REVISION OF THE PLAN FOR THE SITE OF THE HEB-1604 AT POTRANCO, TEXAS, AND IS SUBJECT TO THE APPROVAL OF THE COMMISSIONERS OF THE PUBLIC UTILITIES COMMISSION.

DATE: 10/15/2010  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

WHEELWOOD - C  
 1000 WEST STREET, SUITE 1000  
 DALLAS, TEXAS 75201  
 TEL: 214-761-1000  
 FAX: 214-761-1001  
 WWW: PAPERPERSONS.COM

**HEB-1604 AT POTRANCO**

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DATE: 10/15/2010  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

**HEB-1604 AT POTRANCO**

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DATE: 10/15/2010  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

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DATE: 10/15/2010  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

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DATE: 10/15/2010  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

