

AN ORDINANCE 2008-10-16-0929

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS, AND RELATED RIGHTS OF INGRESS AND EGRESS FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S WATER AND WASTEWATER UTILITY SYSTEM, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN BEXAR COUNTY, TEXAS (THE "PROPERTY") BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, THE PROPERTY TO BE ACQUIRED IS LOCATED IN CLOSE PROXIMITY OF AND BETWEEN ROOSEVELT AVENUE AND GARNETT IN THE HARLANDALE ACRES NO. 8 SUBDIVISION FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE WATER AND WASTEWATER SYSTEM, INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SANITARY SEWER LINES AND RELATED APPURTENANCES COMMONLY REFERRED TO AS THE CENTRAL WATERSHED SEWER RELIEF LINE C-02 PROJECT (COLLECTIVELY, THE "PROJECT"); AUTHORIZING ALL APPROPRIATE ACTION OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES, RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ITS ATTORNEYS, AGENTS AND EMPLOYEES IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees ("SAWS") has determined that the acquisition of permanent and temporary easement rights and related rights of ingress and egress to certain real properties located in Bexar County, Texas are necessary and desirable for the expansion and operation of the City of San Antonio Wastewater System (the "System"), including the Central Watershed Sewer Relief Line C-02 Project (the "Project"), along the route shown by Overall Project Drawing marked "Exhibit A - 1" attached hereto and made a part hereof, and has previously budgeted funds to be expended for these purposes, and adequate part of which remains on hand for such purposes; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through SAWS are in the process of investigating, surveying, defining and negotiating for the acquisition of such permanent and temporary construction easements and related rights of ingress and egress to certain real properties as may be needed on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of such permanent and temporary easement rights and rights of ingress and egress to certain real property, it may be necessary for SAWS to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement agreement, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights; **NOW THEREFORE**,

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

SECTION 1. Public necessity requires that the City of San Antonio acquire permanent easements over, under, across, and upon certain real property (the "Easement Properties") for the public purpose of expansion and operation of the System, including the construction, operation and maintenance of the Project along the routes shown by the Overall Project Drawing marked "**Exhibit A-1**" attached hereto and made a part hereof, for the San Antonio Water System. Public necessity also requires the City of San Antonio to acquire temporary construction easements (the "Temporary Construction Easements") either through purchase or by the process of eminent domain, and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered along the route.

SECTION 2. The Permanent Easement Properties which are the subject of Section 1 for which easements are required for the Projects are described in "**Exhibits A – 2 through A – 4**" inclusive, which Exhibits are attached to and are made a part of this Ordinance for all purposes. The Temporary Construction Easement Properties which are the subject of Section 1 for which temporary construction rights are required for the Projects are described in "**Exhibits A – 5 through A - 10**" inclusive, which Exhibits are attached to and made a part of this Ordinance for all purposes.

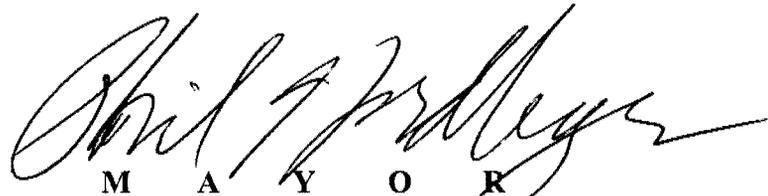
SECTION 3. SAWS, acting by and through its attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 2 of this Ordinance and to acquire such interests in land as SAWS is unable to acquire through negotiation by reason of its inability agree with the owner of the land as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey specify, define and secure the necessary property rights.

SECTION 4. All acts and proceedings done or initiated by the employees, agents and attorneys of SAWS for the acquisition of such property interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

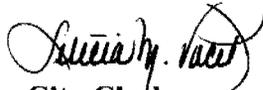
SECTION 5. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 6. This Ordinance shall be effective on the tenth day after passage.

PASSED and APPROVED this 16th day of October, 2008.


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

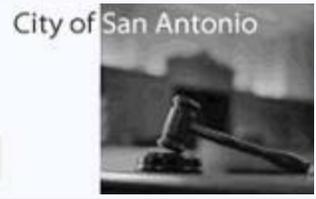
APPROVED AS TO FORM:

LRF


City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 11

Name:	8, 9, 10, 11, 12, 13, 14, 15, 18, 21A, 21B, 22A, 22B, 27, 28, 29, 31, 32, 33
Date:	10/16/2008
Time:	10:39:40 AM
Vote Type:	Motion to Approve
Description:	An Ordinance declaring a public necessity for the acquisition of Permanent and Temporary Construction Easement Interests, and related rights of ingress and egress for the expansion and operation of the City of San Antonio’s Water and Wastewater Utility System, in certain privately owned real property located in Bexar County, Texas (The “Property”) by negotiation and/or condemnation, if necessary, the Property to be acquired is located in close proximity of and between Roosevelt Avenue and Garnett in the Harlandale Acres No. 8 Subdivision for the public purpose of the expansion and operation of the water and wastewater system, including the construction, operation and maintenance of the sanitary sewer lines and related appurtenances commonly referred to as the Central Watershed Sewer Relief Line C-02 Project (collectively, the “Project”); authorizing all appropriate action of the San Antonio Water System Board of Trustees, ratifying and affirming all prior acts and proceedings done or initiated by its attorneys, agents and employees in the institution and prosecution of condemnation proceedings to acquire any such needed Permanent and Temporary Construction Easements and related rights of ingress and egress that cannot be acquired through negotiation. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7	x					

Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

EXHIBIT A-1

Garnett

Ashley Rd.

PROJECT AREA

Moursund Blvd

Roosevelt Ave

SE LOOP 410

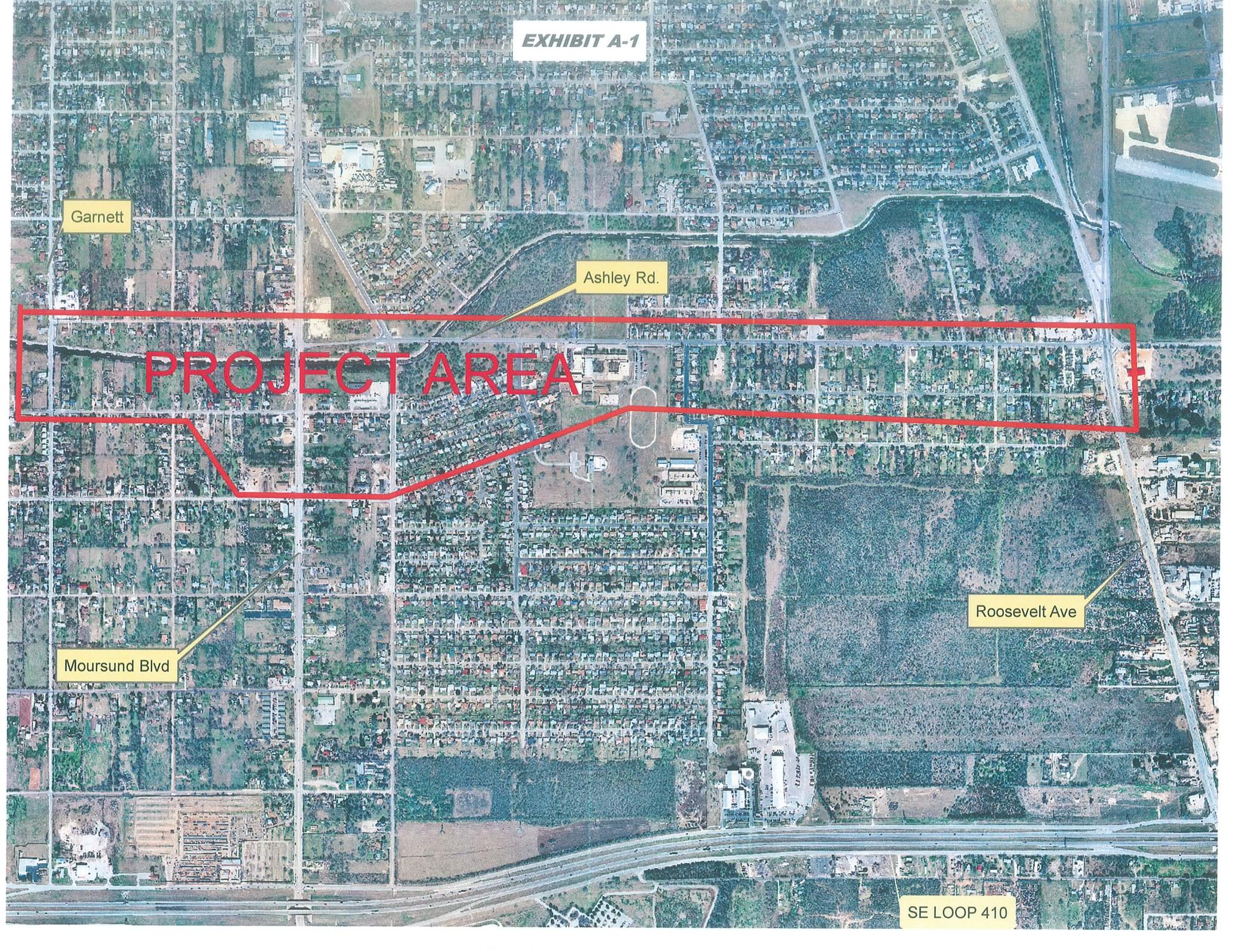


EXHIBIT A-1

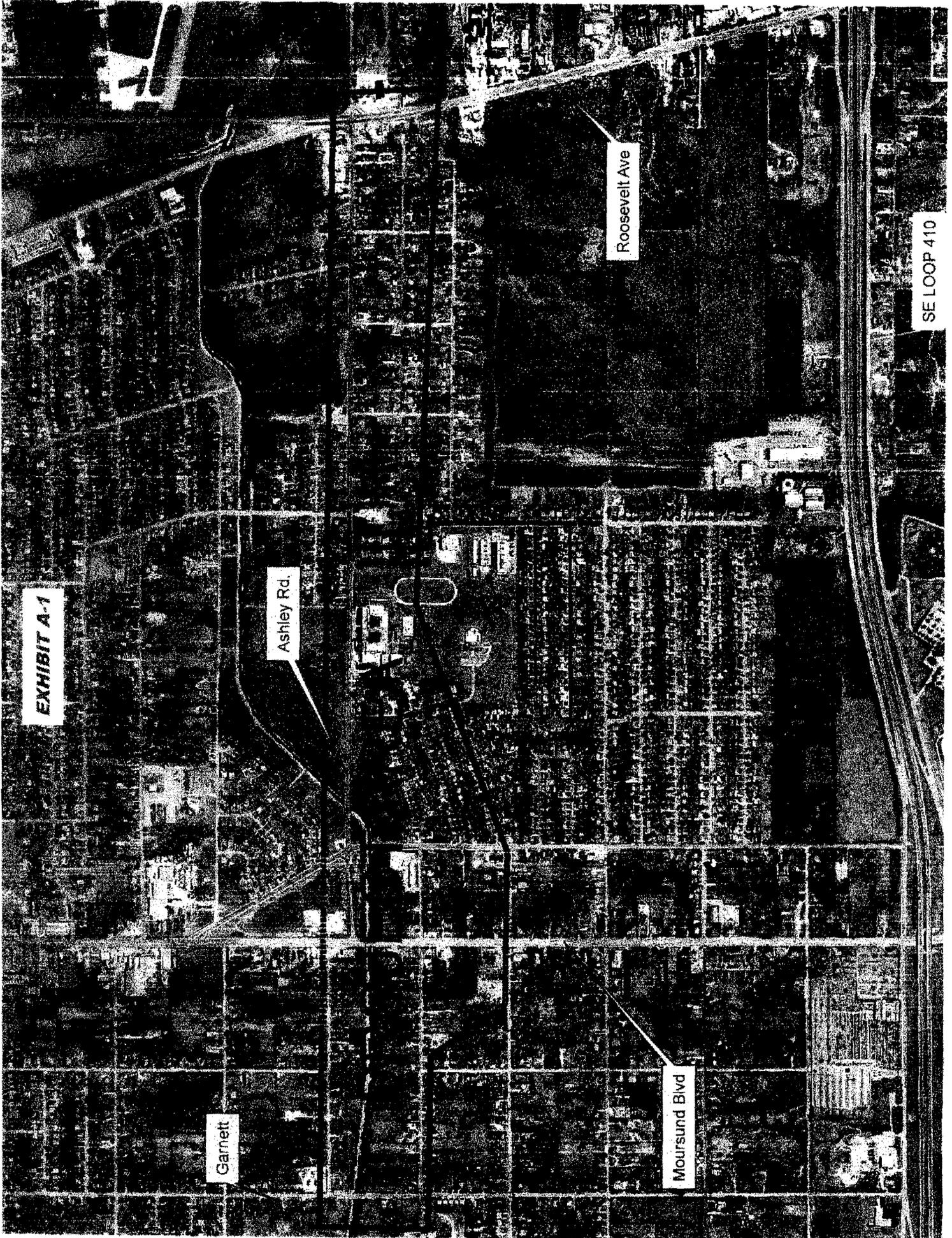
Garnett

Ashley Rd.

Roosevelt Ave

Moursund Blvd

SE LOOP 410



CDS/MUERY SERVICES
Engineering & Surveying

STATE OF TEXAS

EXHIBIT A-2

SAWS Parcel No.: P08-041

SAWS Project Name: Central Watershed

Sewer Relief Line (C-02)

COUNTY OF BEXAR

SAWS Job No.: 05-2502

FIELD NOTES

FOR

65' PERMANENT SANITARY SEWER EASEMENT

0.083 ACRES (3,615 SQ. FT.)

BEING a 0.083 acre (3,615 sq. ft.) tract of land located in the City of San Antonio and being a portion of the remainder of Lot 115 Block 11 Harlandale Acres No. 8, a subdivision of record in Vol. 980, Pg. 30 of the Plat Records of Bexar County, Texas, and being a portion of that tract described to 16030 Somerset Rd., LLC (Somerset) of record in Vol. 13266, Pg. 544 of the Deed Records of Bexar County, Texas, said 0.083 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set in the east line of Moursund Blvd. (100' R.O.W.), for the northwest corner of Lot 116 of said Harlandale Acres No. 8, same being the southwest corner of said Lot 115 and hereof, and from which a 1/2 inch iron rod found in the east line of Moursund Blvd. for the southwest corner of Lot 118 of said Harlandale Acres No. 8, bears $S00^{\circ}26'20''E$, a distance of 344.85 feet;

THENCE, $N00^{\circ}26'20''W$, along the east line of Moursund Blvd., same being the west line of said Lot 115, a distance of 53.20 feet to a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set for the intersection with the south line of Ashley Road (R.O.W. varies), for the northwest corner of said Somerset tract and hereof;

THENCE, $N85^{\circ}13'51''E$, along the south line of Ashley Road, same being the north line of said Somerset tract, a distance of 65.19 feet to a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set for the northeast corner hereof;

EXHIBIT A-3

SAWS Parcel No.: P08-041
SAWS Project Name: Central Watershed
Sewer Relief Line (C-02)
SAWS Job No.: 05-2502

Field Notes for 0.083 Acres

Page 2 of 2

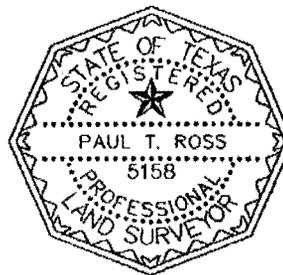
THENCE, S00°26'20"E, leaving the south line of Ashley Road, over and across said Somerset tract, a distance of 58.13 feet to a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set in the south line of said Lot 115, same being the north line of said Lot 116, for the southeast corner hereof;

THENCE, S89°34'02"W, along the south line of said Lot 115, same being the north line of said Lot 116, a distance of 65.00 feet, to the **POINT OF BEGINNING**, containing an area of 0.083 acres (3,615 sq. ft.) of land, more or less, within these metes and bounds.

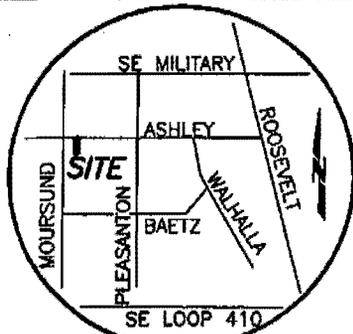
The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, South Central Zone, NAD 1983(86).

I, Paul T. Ross, a Registered Professional Land Surveyor, do hereby certify that the above field notes and the drawing which accompanies it, were prepared using information obtained by an on-the-ground survey made under my direction and supervision.

Paul T. Ross 29 FEB 02
Paul T. Ross Date
Registered Professional
Land Surveyor
Texas Registration No. 5158



SAWS PARCEL NO.: P08-041
 SAWS PROJECT NAME: CENTRAL WATERSHED SEWER RELIEF LINE (C-02)
 SAWS PROJECT NO.: 05-2502



VICINITY MAP
 N.T.S.

LOT 66
 MAYFIELD PARK
 14TH FILING
 VOL. 2222, PG. 245



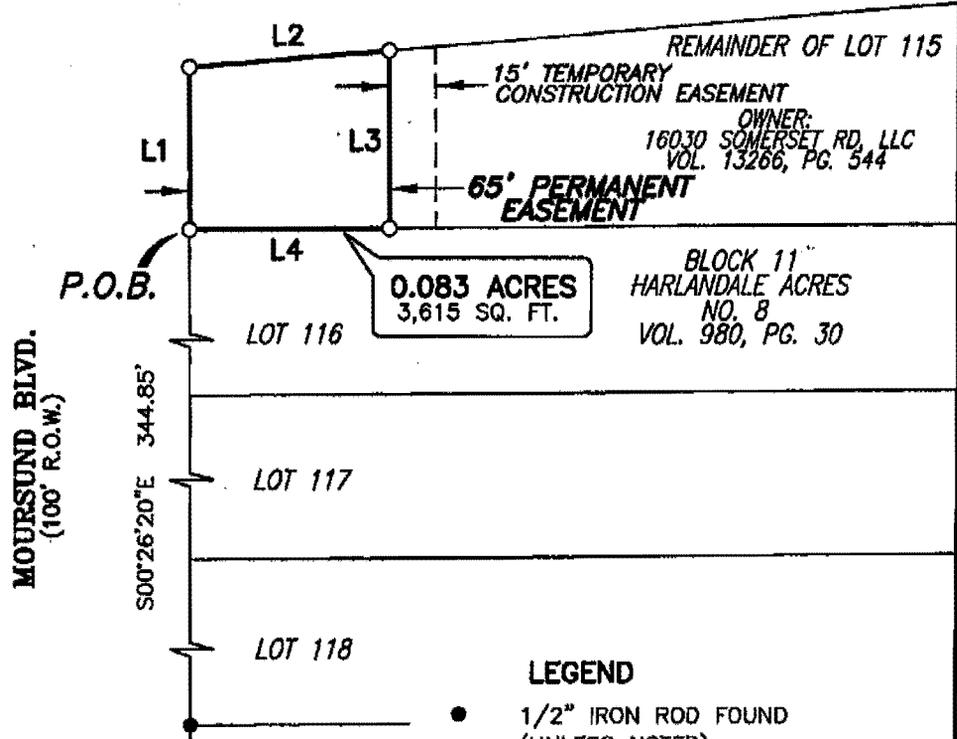
EXHIBIT A-4

TRACT D
 BEXAR COUNTY
 VOL/PG UNKNOWN

ASHLEY ROAD (R.O.W. VARIES)

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°26'20"W	53.20'
L2	N85°13'51"E	65.19'
L3	S00°26'20"E	58.13'
L4	S89°34'02"W	65.00'



REM. OF LOT 93

LOT 92
 MAYFIELD PARK
 14TH FILING
 VOL. 5580, PG. 269

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(86).
2. FIELDNOTE DESCRIPTION "P08-041.DOC" WAS PREPARED TO ACCOMPANY THIS DRAWING.
3. THE BOUNDARY OF THIS PARCEL WAS DETERMINED ALSO USING OTHER MONUMENTS NOT VISIBLE ON THIS EXHIBIT.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CDS/MUERY-SA, TX" SET
- △ CALCULATED POINT (NO MONUMENT SET)
- P.O.B. POINT OF BEGINNING

CDS/MUERY SERVICES
 Engineering & Surveying
 3411 MAGIC DR. • SAN ANTONIO, TEXAS 78229 • 210-581-1111



THIS PLAT OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AS OF THE DATE INDICATED BELOW.

Paul T. Ross 29 FEB 08
 PAUL T. ROSS, RPLS DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158

CDS/MUERY SERVICES
Engineering & Surveying

STATE OF TEXAS

EXHIBIT A-5

SAWS Parcel No.: P08-042T

SAWS Project Name: Central Watershed

Sewer Relief Line (C-02)

COUNTY OF BEXAR

SAWS Job No.: 05-2502

FIELD NOTES
FOR
15' TEMPORARY CONSTRUCTION EASEMENT
0.020 ACRES (871 SQ. FT.)

BEING a 0.020 acre (871 sq. ft.) tract of land located in the City of San Antonio and being a portion of the remainder of Lot 115 Block 11 Harlandale Acres No. 8, a subdivision of record in Vol. 980, Pg. 30 of the Plat Records of Bexar County, Texas, and being a portion of that tract described to 16030 Somerset Rd., LLC (Somerset) of record in Vol. 13266, Pg. 544 of the Deed Records of Bexar County, Texas, said 0.020 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set in the south line of said Lot 115, same being the north line of Lot 116 of said Harlandale Acres No. 8, for the southwest corner hereof, and from which a 1/2 inch iron rod found in the east line of Moursund Blvd. (100' R.O.W.) for the southwest corner of Lot 118 of said Harlandale Acres No. 8, bears S89°34'02"W a distance of 65.00 feet and S00°26'20"E, a distance of 344.85 feet;

THENCE, N00°26'20"W, leaving the north line of said Lot 116, over and across said Somerset tract, a distance of 58.13 feet to a 1/2 inch iron rod with plastic cap stamped "CDS/Muery-SA, TX" set for in the south line of Ashley Road (R.O.W. varies), for the northwest corner hereof;

THENCE, N85°13'51"E, along the south line of Ashley Road, same being the north line of said Somerset tract, a distance of 15.04 feet to a calculated point for the northeast corner hereof;

EXHIBIT A-6

SAWS Parcel No.: P08-042T
SAWS Project Name: Central Watershed
Sewer Relief Line (C-02)
SAWS Job No.: 05-2502

Field Notes for 0.020 Acres

Page 2 of 2

THENCE, S00°26'20"E, leaving the south line of Ashley Road, over and across said Somerset tract, a distance of 59.27 feet to calculated point in the south line of said Lot 115, same being the north line of said Lot 116, for the southeast corner hereof;

THENCE, S89°34'02"W, along the south line of said Lot 115, same being the north line of said Lot 116, a distance of 15.00 feet, to the **POINT OF BEGINNING**, containing an area of 0.020 acres (871 sq. ft.) of land, more or less, within these metes and bounds.

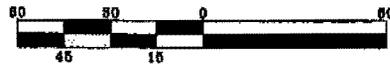
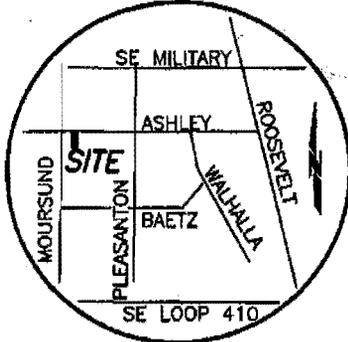
The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, South Central Zone, NAD 1983(86).

I, Paul T. Ross, a Registered Professional Land Surveyor, do hereby certify that the above field notes and the drawing which accompanies it, were prepared using information obtained by an on-the-ground survey made under my direction and supervision.

Paul T. Ross 29 FEB 08
Paul T. Ross Date
Registered Professional
Land Surveyor
Texas Registration No. 5158



SAWS PARCEL NO.: P08-042T
 SAWS PROJECT NAME: CENTRAL WATERSHED SEWER RELIEF LINE (C-02)
 SAWS PROJECT NO.: 05-2502



VICINITY MAP
 N.T.S.

LOT 66
 MAYFIELD PARK
 14TH FILING
 VOL. 2222, PG. 245

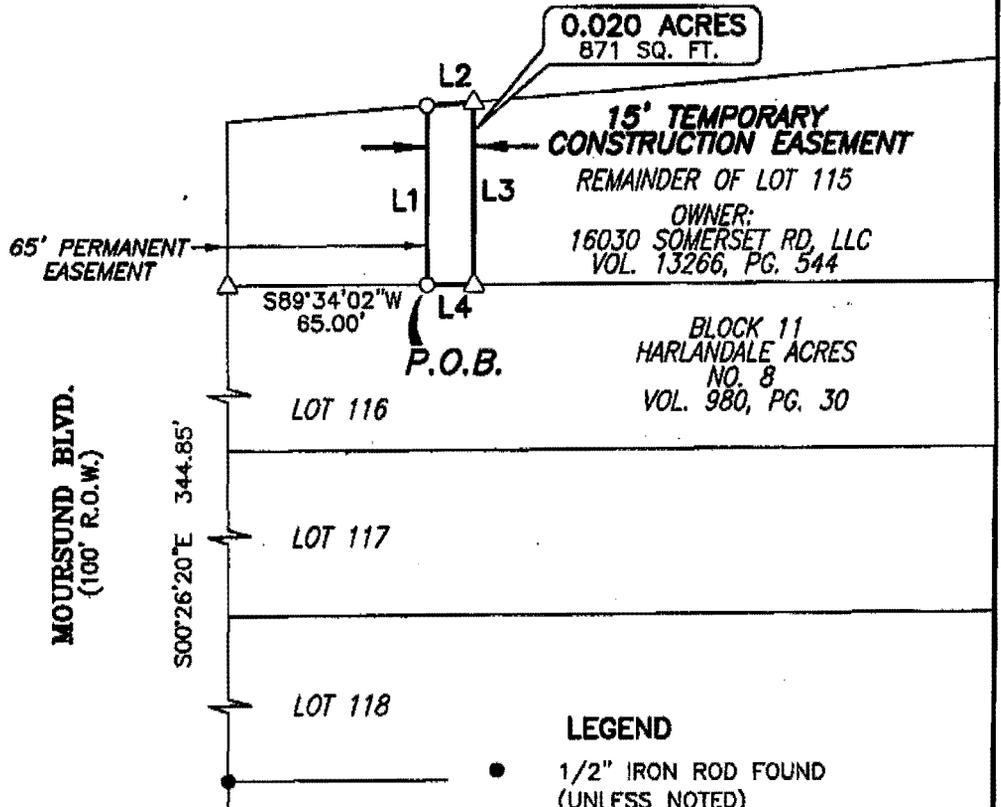
EXHIBIT A-7

TRACT D
 BEXAR COUNTY
 VOL/PG UNKNOWN

ASHLEY ROAD (R.O.W. VARIES)

LINE TABLE

NO.	BEARING	DISTANCE
L1	N00°26'20"W	58.13'
L2	N85°13'51"E	15.04'
L3	S00°26'20"E	59.27'
L4	S89°34'02"W	15.00'



0.020 ACRES
 871 SQ. FT.

15' TEMPORARY
 CONSTRUCTION EASEMENT

REMAINDER OF LOT 115

OWNER:
 16030 SOMERSET RD, LLC
 VOL. 13266, PG. 544

BLOCK 11
 HARLANDALE ACRES
 NO. 8
 VOL. 980, PG. 30

65' PERMANENT
 EASEMENT

MOURSUND BLVD.
 (100' R.O.W.)

S00°26'20"E 344.85'

LOT 116

LOT 117

LOT 118

P.O.B.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CDS/MUERY-SA, TX" SET
- △ CALCULATED POINT (NO MONUMENT SET)
- P.O.B. POINT OF BEGINNING

REM. OF LOT 93

LOT 92
 MAYFIELD PARK
 14TH FILING
 VOL. 5580, PG. 269

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(86).
2. FIELDNOTE DESCRIPTION "P08-042T.DOC" WAS PREPARED TO ACCOMPANY THIS DRAWING.
3. THE BOUNDARY OF THIS PARCEL WAS DETERMINED ALSO USING OTHER MONUMENTS NOT VISIBLE ON THIS EXHIBIT.

CDS/MUERY SERVICES
 Engineering & Surveying

3411 MAGIC DR. • SAN ANTONIO, TEXAS 78229 • 210-581-1111



THIS PLAT OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AS OF THE DATE INDICATED BELOW.

Paul T. Ross 29 FEB 08

PAUL T. ROSS, RPLS DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158

CDS/MUERY SERVICES
Engineering & Surveying

STATE OF TEXAS

EXHIBIT A-8

SAWS Parcel No.: P08-045T

SAWS Project Name: Central Watershed

Relief Sewer Line (C-02)

COUNTY OF BEXAR

SAWS Job No.: 05-2502

FIELD NOTES
FOR
TEMPORARY CONSTRUCTION EASEMENT
0.256 ACRES (11,151 SQ. FT.)

BEING a 0.256 acre (11,151 sq. ft.) tract of land located in the City of San Antonio and being a portion of Lot 165 Block 15 Harlandale Acres No. 8, a subdivision of record in Vol. 980, Pg. 30 of the Plat Records of Bexar County, Texas, said 0.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a calculated point in the west line of said Lot 165, same being the east line of Lot 171 of said Harlandale Acres No. 8, for the southwest corner of that Sanitary Sewer Easement of record in Vol. 2785, Pg. 166 of the Deed Records of Bexar County, Texas, same being the northwest corner hereof, and from which a 1/2 inch iron rod found in the east line of said Lot 171 for the northwest corner of said Lot 165, same being the southwest corner of the remainder of Lot 164 of said Harlandale Acres No. 8, bears $N00^{\circ}20'17''W$ a distance of 20.00 feet;

THENCE, $N89^{\circ}39'43''E$, leaving the east line of said Lot 171, along the south line of said Sanitary Sewer Easement, over and across said Lot 165, a distance of 435.60 feet to a calculated point in the east line of said Lot 165, same being the west line of Moursund Blvd. (100' R.O.W.), for the northeast corner hereof;

THENCE, $S00^{\circ}20'17''E$, along the east line of said Lot 165, same being the west line of Moursund Blvd., a distance of 10.00 feet to a calculated point for the southeast corner hereof;

EXHIBIT A-9

SAWS Parcel No.: P08-045T
SAWS Project Name: Central Watershed
Relief Sewer Line (C-02)
SAWS Job No.: 05-2502

Field Notes for 0.256 Acres

Page 2 of 3

THENCE, leaving the west line of Moursund Blvd., over and across said Lot 165, the following three (3) courses and distances:

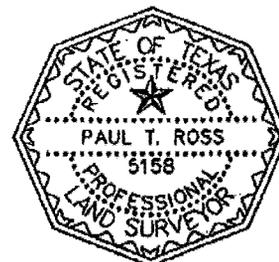
1. S89°39'43"W, a distance of 85.00 feet to a calculated point for an angle point hereof;
2. S44°39'43"W, a distance of 28.28 feet to a calculated point for an angle point hereof;
3. S89°39'43"W, a distance of 330.60 feet to a calculated point in the west line of said Lot 165, same being the east line of said Lot 171, for the southwest corner hereof;

THENCE, N00°20'17"W, along the west line of said Lot 165, same being the east line of said Lot 171, a distance of 30.00 feet to the **POINT OF BEGINNING**, containing an area of 0.256 acres (11,151 sq. ft.) of land, more or less, within these metes and bounds.

The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, South Central Zone, NAD 1983(86).

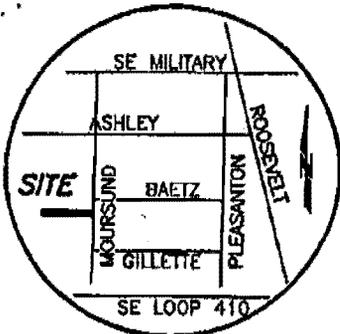
I, Paul T. Ross, a Registered Professional Land Surveyor, do hereby certify that the above field notes and the drawing which accompanies it, were prepared using information obtained by an on-the-ground survey made under my direction and supervision.

Paul T. Ross 29 FEB 08
Paul T. Ross Date
Registered Professional
Land Surveyor
Texas Registration No. 5158

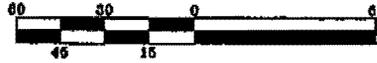


SAWS PARCEL NO.: P08-045T
 SAWS PROJECT NAME: CENTRAL WATERSHED SEWER
 RELIEF LINE (C-02)
 SAWS PROJECT NO.: 05-2502

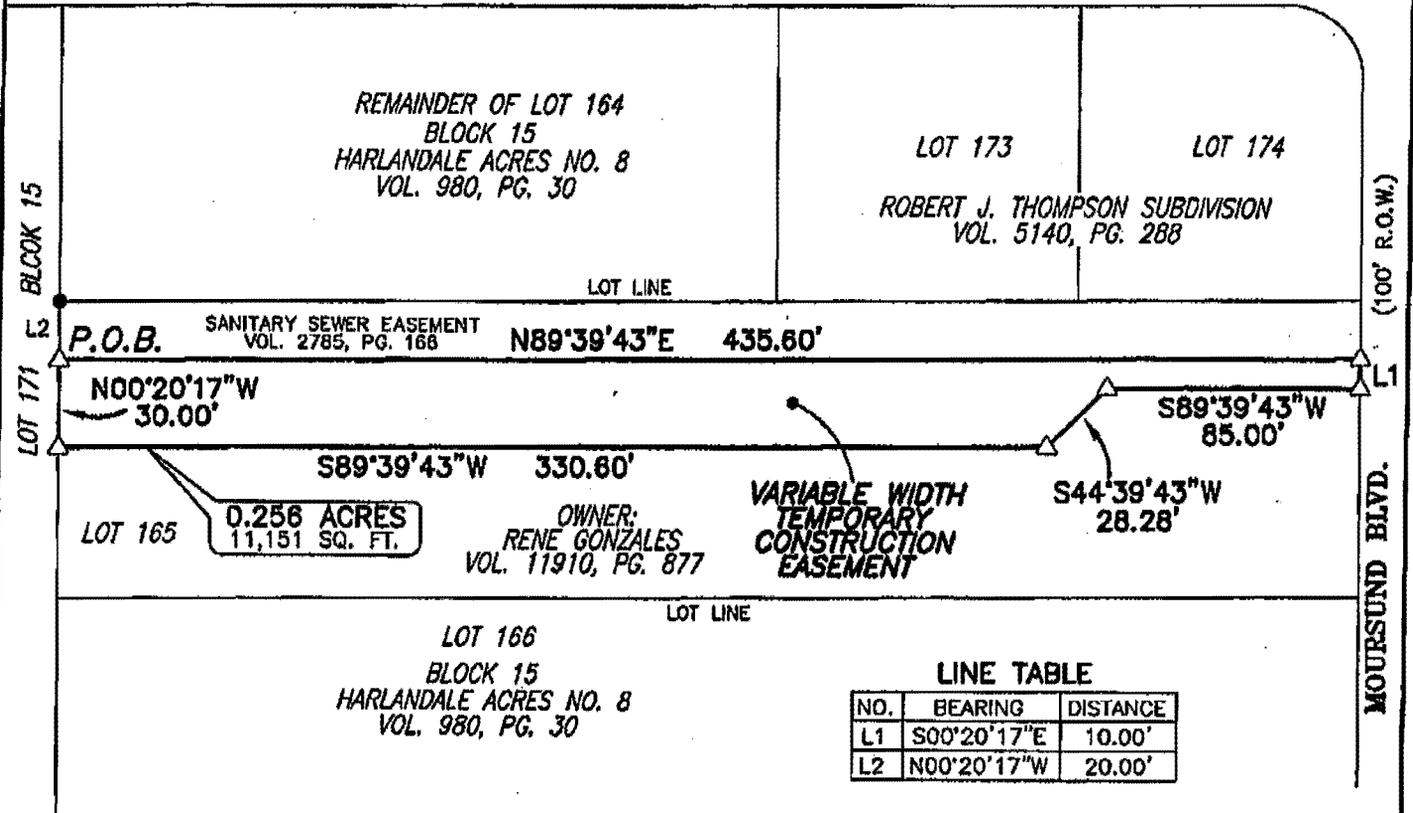
EXHIBIT A-10



VICINITY MAP
N.T.S.



W. BAETZ BLVD.
(60' R.O.W.)



NOTES

- BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(86).
- FIELDNOTE DESCRIPTION "P08-045T.DOC" WAS PREPARED TO ACCOMPANY THIS DRAWING.
- THE BOUNDARY OF THIS PARCEL WAS DETERMINED ALSO USING MONUMENTS NOT SHOWN ON THIS EXHIBIT.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CDS/MUERY-SA, TX" SET
- △ CALCULATED POINT (NO MONUMENT SET)
- P.O.B. POINT OF BEGINNING

CDS/MUERY SERVICES

Engineering & Surveying
3411 MAGIC DR. • SAN ANTONIO, TEXAS 78229 • 210-581-1111

DRAWING NAME: F:\105106\EASEMENTS\P08-045T.DWG



THIS PLAT OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AS OF THE DATE INDICATED BELOW.

Paul T. Ross 29 FEB 05
 PAUL T. ROSS, RPLS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 11
 Council Meeting Date: 10/16/2008
 RFCA Tracking No: R-4049

DEPARTMENT: Capital Improvements
 Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
 Council District 3

SUBJECT:
 Central Watershed Sewer Relief Line

SUMMARY:

This ordinance declares a public necessity for the public purpose of acquisition of parcels for permanent and temporary easement interests in certain privately owned real properties by negotiation and/or condemnation if necessary, for a San Antonio Water System (SAWS) project. This public project is necessary for the expansion and operation of the City of San Antonio Wastewater System.

BACKGROUND INFORMATION:

The San Antonio Water System Board of Trustees, pursuant to Board Resolution No. 08-296, requires the acquisition of parcels for permanent and temporary easement interests in certain privately owned real properties by negotiation and/or condemnation if necessary, for the Central Watershed Sewer Relief Line C-02 Project.

It is in the best interest of the City of San Antonio and necessary for the efficient operation of the San Antonio Water System to construct, operate, and maintain the Central Watershed Sewer Relief Line C-02 Project upon certain privately owned property. Acquisition of a permanent and temporary easement on certain parcels is required.

PARCELS	SQUARE FOOTAGE OF LAND RIGHTS	LEGAL DESCRIPTION
P08-041	3,615 sq. ft	Out of 1.3836 acres the remainder of Lot 115, Block 11, New City Block 11107, Harlandale Acre No. 8, a Subdivision of record in Volume 980, Page 30, of the Deed and Plat Records of Bexar County, Texas
P08-042T	871 sq. ft	Out of 1.3836 acres the remainder of Lot 115, Block 11, New City Block 11107, Harlandale Acre No. 8, a Subdivision of record in Volume 980, Page 30, of the Deed and Plat Records of Bexar County, Texas
P08-045T	11,151 sq. ft	Out of Lot 165, Block 15, New City Block

		11111, Harlandale Acre No. 8, a Subdivision of record in Volume 980, Page 30, of the Deed and Plat Records of Bexar County, Texas
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*"T" denotes Temporary Construction Easement

The City of San Antonio, acting by and through representatives of the System, has been unable to acquire the land rights to the parcels.

In order to exercise its power of eminent domain, the City of San Antonio City Council must declare that the project is for a public purpose and that the project is a necessary public project for the acquisition of the property to be utilized by the System. The City exercises this authority on behalf of its departments and agencies when property cannot be acquired for fair market value, or property owners cannot be located.

ISSUE:

Approval of this ordinance is a continuation of City Council policy to determine and declare certain projects necessary for a public purpose, and authorize the acquisition of private property by and through the San Antonio Water System Board of Trustees for the public project by negotiation or condemnation, if necessary.

ALTERNATIVES:

The alternative would be deviating from the original alignment to avoid this tract of land and acquire a number of additional easements for the realignment. Such deviation will require construction of a lift station and force main system creating more capital and long term costs and greater operational risk

FISCAL IMPACT:

Passage of this ordinance will not have a financial impact on the City of San Antonio. Any condemnation costs including awards will be paid by the SAWS.

Costs are funded in the SAWS FY 2008 budget.

RECOMMENDATION:

Staff recommends approval of this ordinance declaring Central Watershed Sewer Relief Line C-02 Project a public necessity and authorizing acquisition of the necessary land.

ATTACHMENT(S):

File Description	File Name
Exhibits A-2 to A-4 (Permanent Esmts)	10092008 City Council Ordinance Exhibits A-2 to A-4 (Permanent Esmts).pdf
Exhibits A-5 to A-10 (Temporary Construction Easements)	10092008 City Council Ordinance Exhibits A-5 to A-10 (TC Esmts).pdf
Project Map	10092007 City Council Ordinance Overall Project.pdf

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

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DEPARTMENT HEAD AUTHORIZATIONS:

George Rodriguez Assistant Director Capital Improvements Management Services
Debbie Sittre Assistant Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager