

AN ORDINANCE 2013-03-21-0181

AUTHORIZING THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES (“SAWS”), TO ACQUIRE BY NEGOTIATION AND/OR CONDEMNATION PERMANENT SEWER EASEMENT INTEREST AND RELATED RIGHTS OF INGRESS AND EGRESS (COLLECTIVELY, THE “EASEMENT”) OVER, ACROSS, UNDER AND UPON SPECIFIC PARCEL OF PRIVATELY OWNED REAL PROPERTY IN COUNCIL DISTRICT 1 (THE “PROPERTY”) LOCATED BETWEEN KINGS HIGHWAY WEST AND SUMMIT WEST ON SUMMIT WEST IN THE NORTHWEST AREA OF BEXAR COUNTY, FOR THE KINGS HIGHWAY SANITARY SEWER PROJECT – 8-INCH SANITARY SEWER REPLACEMENT (“THE PROJECT”) WHICH PROJECT WILL INSTALL APPROXIMATELY 1,250 FEET OF NEW 8-INCH GRAVITY SEWER LINE AND ALLOW FOR THE ABANDONMENT OF APPROXIMATELY 700 FEET OF EXISTING 8-INCH GRAVITY MAIN CURRENTLY LOCATED UNDER RESIDENTIAL STRUCTURES; FOR THE PUBLIC USE AND PUBLIC PURPOSE OF LOCATION, CONSTRUCTION, OPERATION, REPAIR AND MAINTENANCE OF SEWER FACILITIES; (I) DECLARING THAT THE PROJECT IS FOR A PUBLIC PURPOSE AND A PUBLIC NECESSITY FOR PUBLIC USE EXISTS FOR THE ACQUISITION OF THE EASEMENT, (II) AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER OF THE SYSTEM, BEING THE PRESIDENT/CEO, OR THE CHIEF ADMINISTRATIVE OFFICER OF THE CITY OF SAN ANTONIO, OR THEIR RESPECTIVE DESIGNEES TO TAKE ALL APPROPRIATE ACTION TO ACQUIRE THE EASEMENT BY NEGOTIATION AND/OR CONDEMNATION, AND (III) RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF SAWS TO ACQUIRE SUCH EASEMENT OVER, ACROSS AND UNDER THE PROPERTY.

* * * * *

WHEREAS, the purpose of this sanitary sewer improvement or relocation project is to repair or eliminate existing sanitary sewer mains which traverse under residential structures between West Gramercy Place and West Summit Avenue. There have been several recent emergency repairs on this main and the Project is a high priority; and

WHEREAS, work includes replacement of existing 8-inch sanitary sewer main extending along West Gramercy Place from Flores Street west to an existing Union Pacific Railroad (UPRR) right-of-way, then south through the existing Northhaven Subdivision to a termination point at a manhole in West Summit Avenue, east of the UPRR right-of-way; and

WHEREAS, scope of work will consist installation of approximately 1,250 feet of new 8-inch gravity sewer line and abandonment of approximately 700 feet of existing 8-inch gravity main currently located under residential structures; and

WHEREAS, in connection with Project, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of permanent sewer pipeline easement rights, and related rights of ingress and egress, over, across and under certain real property located in Bexar County, Texas are necessary and desirable for the operation of the San Antonio Water System (the “System”), as shown by the overall Project Drawing marked “**Exhibit A – 1**” attached hereto and made a part hereof, and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through SAWS, have attempted to voluntarily acquire such permanent easement and related rights of ingress and egress; and **NOW THEREFORE**,

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

SECTION 1. Public necessity for public use requires that the City of San Antonio acquire permanent sewer pipeline easement and related rights of ingress and egress (the “Easement”), over, under, across, and upon certain real property (the “Property”) for the Project, within the location 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 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.

SECTION 2. The Project and related acquisition of the Easement is for the public purpose and public use of location, construction, operation, repair and maintenance of sewer facilities, allowing for the abandonment of sewer facilities currently located under residential structures. The City Council further finds that the public purpose and public use 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 3. The Easement property which is the subject of Section 1 and 2 for which an easement is required for the Project is described in “**Exhibits A - 2 through A - 3**” inclusive, which Exhibits are attached to and are made a part of this Ordinance for all purposes.

SECTION 4. The Chief Administrative Officer of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, s hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 3 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. The City Council further finds that employees, agents and attorneys acting for SAWS do not have to continue negotiations with any landowner once they determine that further negotiation would be futile.

SECTION 5. 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.

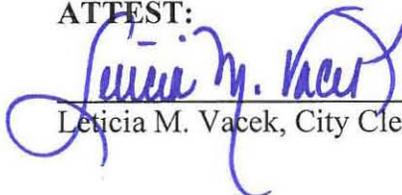
SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall 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 7. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 21st day of March, 2013.

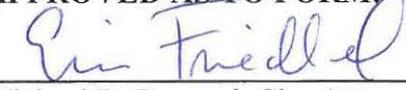

M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

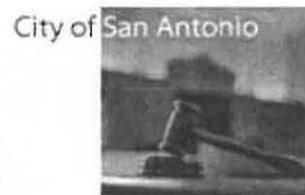
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney

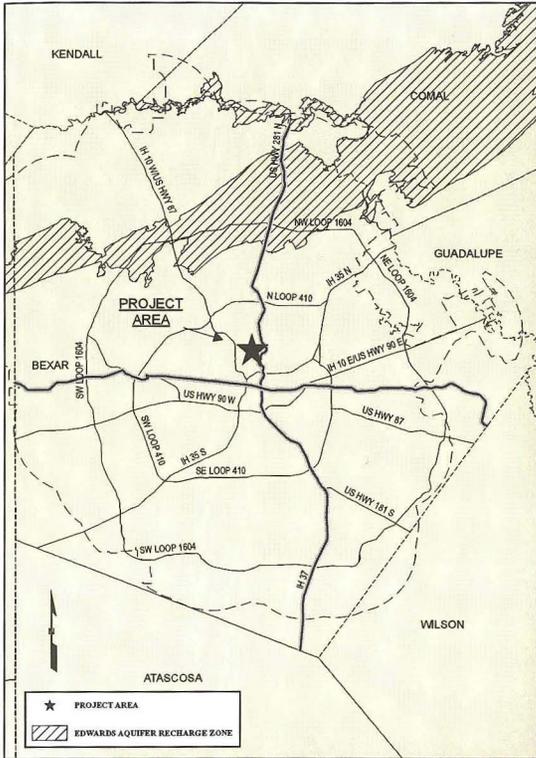


Request for
**COUNCIL
ACTION**



Agenda Voting Results - 17

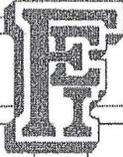
Name:	17						
Date:	03/21/2013						
Time:	11:34:02 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through negotiation or condemnation, of a 4,704.48 square-foot permanent easement interest of privately-owned real property, located in N.C.B. 6436 in Council District 1, needed for the San Antonio Water System component of the Kings Highway 8-inch Sanitary Sewer Replacement Project, declaring it to be a public project and a public necessity for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				x
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				



- PROPOSED SEWER LINE ALIGNMENT
- P11-181
- EXISTING SEWER LINE



EXHIBIT A-1



FORD ENGINEERING, INC.

Date: October 5, 2011
 Project No: 1800.3703
 Parcel P11-181

Page 1 of 2

SAWS Parcel No. P11-181
 SAWS Job No.: 10-4512
 Project Name: King's Highway
 Sewer Project

FIELD NOTES DESCRIPTION

0.108 ACRES (4,704.48 sq. ft.)

Variable Width Permanent Sanitary Sewer Easement

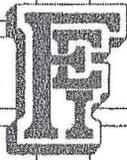
A 0.108 acre (4,704.48 sq. ft.) variable width permanent sanitary sewer easement situated in Block 14 of the Northaven Subdivision (N.C.B. 6436) as shown on a plat recorded in Volume 642, Page 2 of the Map and Plat Records, being a portion of that certain 0.3755 acre tract comprised of lots 22, 23, 45, 46, and 47 of said Block 14 conveyed to Agnes C. Specia recorded in Volume 10964, Page 240 of the Official Public Records of Real Property of Bexar County, Texas and being more particularly described as follows:

BEGINNING: at a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" ($N = 13,717,015.947$, $E = 2,126,471.822$) set on the Northern line of West Summit Avenue (80' R.O.W.), the Eastern line of the Union Pacific Railroad (100' R.O.W.), for the Southwestern corner of the above mentioned 0.3755 acre tract, the Southwestern corner of said Lot 47, Block 14 for the Southwestern corner of this easement from which a $\frac{3}{8}$ " found iron rod bears $N 12^{\circ}06'38'' W - 0.40$ feet;

THENCE: Along a curve to the right, having a radius of 5,091.31 feet, an arc length of 284.45 feet, a delta angle of $03^{\circ}12'04''$, and a chord bearing and distance of $N 06^{\circ}14'47'' E - 284.41$ feet, along the Eastern line of the said Union Pacific Railroad, the Western line of the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set on the Eastern line of the said Railroad R.O.W., the Southern line of West King's highway (55.6' R.O.W.), for the Northwestern corner of said Lot 23, Block 14 for the Northwestern corner of this easement;

THENCE: $N 89^{\circ}34'07'' E - 17.24$ feet along the Southern line of W. Kings Highway, the Northern line of the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" ($N = 13,717,298.798$, $E = 2,126,520.008$) set for the Northeastern corner of this easement, from which a $\frac{3}{8}$ " bent iron rod found for the Northeastern corner of the said Block 14 bears $N 89^{\circ}34'07'' E - 548.71$ feet;

THENCE: $S 06^{\circ}03'54'' W - 25.81$ feet across the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for an interior corner of this easement;

**FORD ENGINEERING, INC.**

Page 2 of 2

THENCE: S 89°40'10" W – 7.55 feet continuing across the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for an interior corner of this easement;

THENCE: S 06°03'54" W – 2.15 feet continuing across the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for an interior corner of this easement;

THENCE: S 00°15'20" E – 49.96 feet continuing across the said 0.3755 acre tract to a chiseled "X" on concrete set for an interior corner of this sanitary sewer easement;

THENCE: S 06°03'54" W – 206.08 feet continuing across the said 0.3755 acre tract to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set on the Northern line of W. Summit Avenue, the Southern line of the said 0.3755 acre tract, for the Southeastern corner of this easement, from which a ½" found iron rod for the Southeastern corner of the said 0.3755 acre tract, the Southwestern corner of a 0.1618 acre tract conveyed to Jose and Teresa Torres and being recorded in Volume 7211, Page 326 of the Official Public Records of Real Property of Bexar County, Texas bears N 89°34'01" E – 57.15 feet;

THENCE: S 89°34'07" W – 16.13 feet along the Northern line of W. Summit Ave, the Southern line of the said 0.3755 acre tract to the **POINT OF BEGINNING** and containing 0.108 acres (4,704.48 sq. ft.) of land, *according to a survey made on the ground under my supervision;*

Corresponding plat prepared.

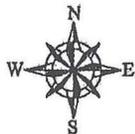
BEARINGS AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE, NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017.



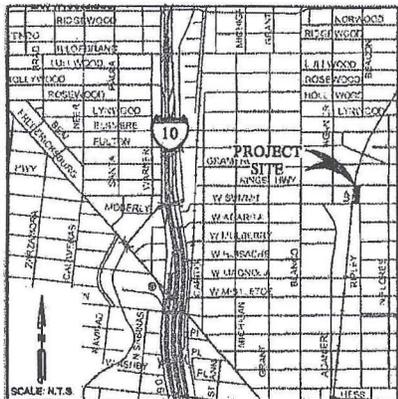

Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

EXHIBIT A-3

PROJECT: KING'S HIGHWAY SEWER
SAWS PARCEL NO.: P11-181
SAWS JOB NO.: 10-4512



SCALE: 1" = 50'



Line Table		
Line #	Direction	Length
L1	N 89° 34' 07" E	17.24'
L2	S 06° 03' 64" W	25.81'
L3	S 89° 40' 10" W	7.55'
L4	S 06° 03' 64" W	2.15'
L5	S 00° 15' 20" E	49.98'
L6	S 06° 03' 64" W	206.06'
L7	S 89° 34' 07" W	16.13'

Curve Table						
Curve #	Length	Radius	Delta	Tangent	Chord Bearing	Chord
C1	284.45'	5091.31'	3°12'04"	142.26'	N 06°14'47" E	284.41'

LEGEND

These standard symbols will be found in the drawing.

- PP OHE — OVERHEAD ELECTRIC LINE
- SPL — ELECTRIC SERVICE POLE
- ⊙ I.R.F. — 1/2" IRON ROD FOUND
- I.R.S. — 1/2" IRON ROD SET
- SANITARY SEWER MAIN
- GAS LINE
- WL12 — WATER MAIN
- ⊗ — WATER METER
- ⊙ — SEWER CLEANOUT

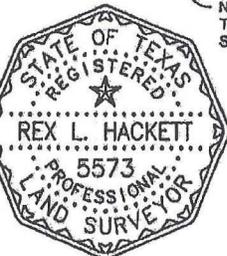
BEARING SOURCE: LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93

A METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS SURVEY PLAT.

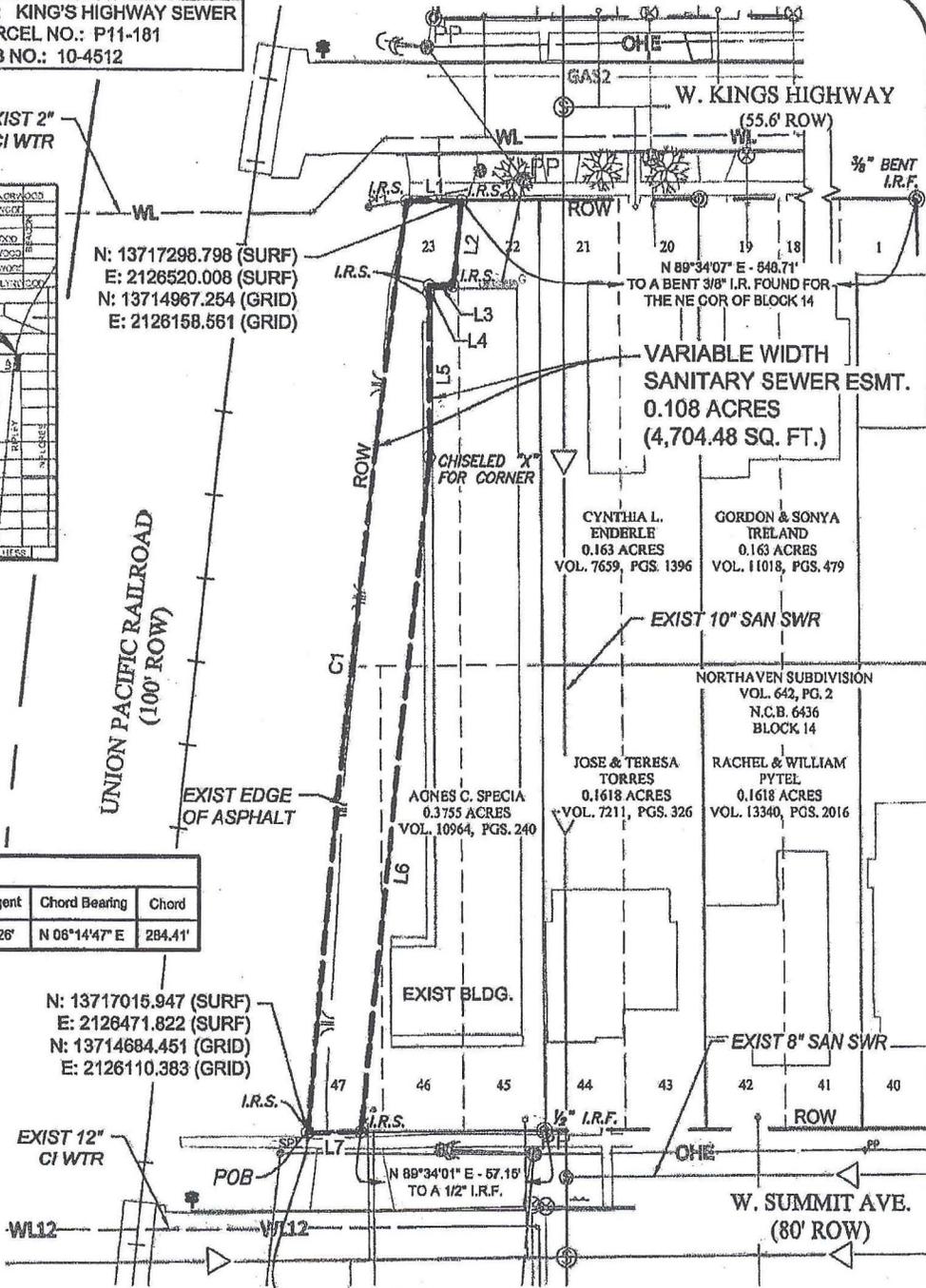
TO: SAN ANTONIO WATER SYSTEM, THE CITY OF SAN ANTONIO

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 2, CONDITION 2 SURVEY.

REX L. HACKETT R.P.L.S. NO. 5573
DATE: 2011-10-05
PROJECT NO.: 1800.3703 PARCEL P11-181
DRAWN BY: MDS



FORD ENGINEERING INC.
ENGINEERING • SURVEYING • PLANNING
10927 WYE DRIVE, SUITE 104, SAN ANTONIO, TEXAS 78217, (210) 590-4777
www.fordengineering.com TBPE No. F-1162



N: 13717298.798 (SURF)
E: 2126520.008 (SURF)
N: 13714967.254 (GRID)
E: 2126158.561 (GRID)

UNION PACIFIC RAILROAD
(100' ROW)

VARIABLE WIDTH
SANITARY SEWER ESMT.
0.108 ACRES
(4,704.48 SQ. FT.)

CYNTHIA L. ENDERLE
0.163 ACRES
VOL. 7639, PGS. 1396

GORDON & SONIA IRELAND
0.163 ACRES
VOL. 11018, PGS. 479

NORTHAVEN SUBDIVISION
VOL. 642, PG. 2
N.C.B. 6436
BLOCK 14

JOSE & TERESA TORRES
0.1618 ACRES
VOL. 7211, PGS. 326

RACHEL & WILLIAM PYTEL
0.1618 ACRES
VOL. 13340, PGS. 2016

AGNES C. SPECIA
0.3755 ACRES
VOL. 10964, PGS. 240

N: 13717015.947 (SURF)
E: 2126471.822 (SURF)
N: 13714684.451 (GRID)
E: 2126110.383 (GRID)

PLAT SHOWING
0.108 AC. — 4,704.48 SQ. FT.
VARIABLE WIDTH PERMANENT
SANITARY SEWER EASEMENT

SITUATED IN BLOCK 14 OF THE NORTHAVEN SUBDIVISION AS RECORDED IN VOLUME 642, PAGE 2 OF THE DEED AND PLAT RECORDS, BEING A 0.3755 ACRE TRACT OF LAND CONVEYED TO AGNES C. SPECIA AND BEING COMPRISED OF LOTS 22, 23, 45, 46 & 47, RECORDED IN VOLUME 10964, PAGE 240 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR CO., TEXAS