

2009-08-06-0612

AN ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM, TO ACQUIRE BY NEGOTIATION AND/OR CONDEMNATION THAT CERTAIN PRIVATELY OWNED REAL PROPERTY AND TEMPORARY EASEMENT INTEREST AND RELATED RIGHTS OF INGRESS AND EGRESS TO CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED ALONG THE WESTERLY SIDE OF US HIGHWAY 281 SOUTH APPROXIMATELY 3 ½ MILES SOUTH OF INTERSTATE LOOP 410 FOR THE PURPOSE OF CONSTRUCTION OF AN ELEVATED STORAGE TANK FOR THE MISSION DEL LAGO ELEVATED STORAGE TANK PROJECT; DECLARING THIS TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AUTHORIZING CONDEMNATION PROCEEDINGS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES TO ACQUIRE SUCH PRIVATELY OWNED REAL PROPERTY AND EASEMENT INTERESTS AND RIGHTS OF INGRESS AND EGRESS.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of privately owned real property and temporary easement 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 Water and Utility System (the “System”), including the Mission Del Lago Elevated Storage Tank Project, (the “Project”), as shown by 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 are in the process of investigating, surveying, defining and negotiating for the acquisition of privately owned real property 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 privately owned real property, 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 fee simple land rights and 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 privately owned real property over, under, across, and upon certain real property (the “Real Property”) for the public purpose of expansion and operation of the System, including the construction, operation and maintenance of the Projects, as 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 Real Property which are the subject of Section 1 for which fee simple land rights 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 Project are described in “**Exhibits A – 5 through A - 7**” inclusive, which Exhibits are attached to and made a part of this Ordinance for all purposes.

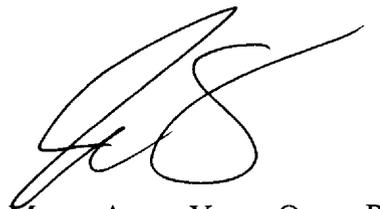
SECTION 3. SAWS, acting by and through its attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 2 of this Ordinance and to acquire such interests in land as SAWS is unable to acquire through 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.

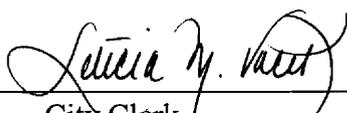
SECTION 4. All acts and proceedings done or initiated by the employees, agents and attorneys of SAWS for the acquisition of such property interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts 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 10th day after passage.

PASSED and **APPROVED** this 6TH day of AUGUST, 2009.


M A Y O R
JULIÁN CASTRO

ATTEST: 
City Clerk

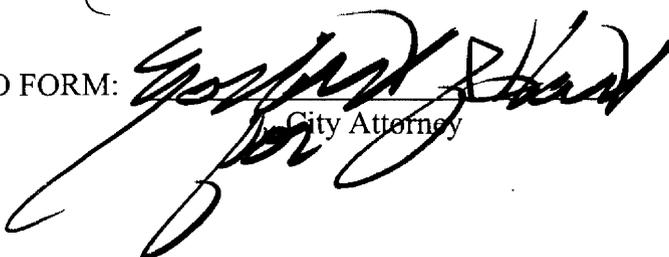
APPROVED AS TO FORM: 
City Attorney
LRF

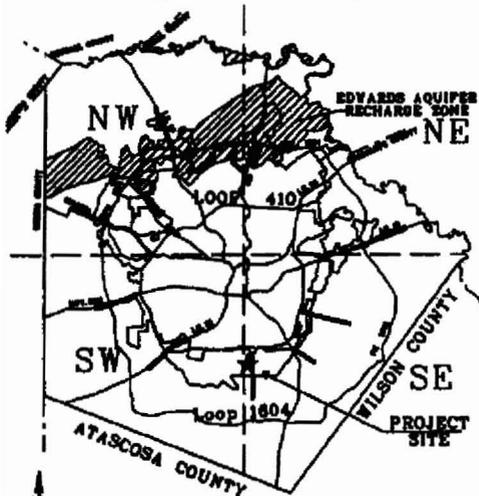
Exhibit A-1

COOK TRUST PROPERTY

Mission Del Lago
Tank Site

US HWY 281

SAN ANTONIO WATER SYSTEM
Project Area Map



Mission Del Lago Elevated
Storage Tank Project



FORD ENGINEERING, INC.

Date: April 22, 2009
Project No: 1800.3210
Option "A"

Mission Del Lago Tank Site
2.604 Acre Parcel

Page 1 of 2

2.604 Acre Tract

A 2.604 acre tract of land, situated in the Jose Antonio De La Garza Survey, Abstract No. 3, being a portion of that certain 1030.122 acre tract of land conveyed to James W. Collins, Trustee Cook Memorial Trusts recorded in Volume 9724, Page 541 of the Official Public Records of Real Property of Bexar County, Texas; being more particularly described as follows:

COMMENCING: at a Large Fence corner ($N = 13,645,720.6949$, $E = 2,136,581.6777$) found on the Western line of Highway 281 for a corner of the said 1030.122 acre tract, the Southeastern corner of a 200 foot wide Electric Easement conveyed to the City of San Antonio called First Tract recorded in Volume 5143, Page 739 of the Deed Records of Bexar County, Texas, the Northeastern corner of that certain 291.02 acre tract of land conveyed to Falcon International Bank in a Substitute Trustee's Deed recorded in Volume 13885, Page 1145 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: $N 00^{\circ}39'03'' W$ – along the Eastern line of the said 1030.122 acre tract, the Western line of Highway 281 at 10.08 feet pass a $\frac{3}{4}$ inch iron rod found, at 36.77 feet pass a Texas Department of Transportation concrete right of way monument found, a distance in all of **217.33 feet** a $\frac{1}{2}$ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,645,937.9782$, $E = 2,136,579.2090$) set for the **POINT OF BEGINNING** of this 2.604 acre tract, the same being a corner of that certain 20 foot permanent waterline easement conveyed to San Antonio Water Systems recorded in Volume 11906, Page 65 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: $S 75^{\circ}03'35'' W$ – 63.16 feet across the said 1030.122 acre tract and along the Southern line of the said 20 foot permanent waterline easement, the Northern line of the said 200 foot wide Electric Easement to a $\frac{1}{2}$ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,645,921.6977$, $E = 2,136,518.1953$) set for a corner of the said 20 foot permanent waterline easement, a corner of the said 200 foot wide Electric Easement for a corner of this 2.604 acre tract of land;

THENCE: $N 89^{\circ}06'55'' W$ – 993.41 feet continuing across the said 1030.122 acre tract, and along the Southern line of the said 20 foot permanent waterline easement, the Northern line of the said 200 foot wide Electric Easement to a $\frac{1}{2}$ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,645,937.0328$, $E = 2,135,525.0721$) set for the Southwestern corner of this 2.604 acre tract of land;

THENCE: $N 00^{\circ}53'05'' E$ – continuing across the said 1030.122 acre tract, at 20.00 pass a $\frac{1}{2}$ inch iron rod with yellow cap marked "Ford Eng Inc" set on line, a distance in all of **288.00 feet** to a $\frac{1}{2}$ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,646,224.9484$, $E = 2,135,529.5179$) set for the Northwestern corner of this 2.604 acre tract of land;

Exhibit A-2

F FORD ENGINEERING, INC.

Page 2 of 2

THENCE: S 89°06'55" E – 200.00 feet continuing across the said 1030.122 acre tract to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,646,221.8610, E = 2,135,729.4601) set for the Northernmost Northeastern corner of this 2.604 acre tract of land;

THENCE: S 00°53'05" W – 200.00 feet continuing across the said 1030.122 acre tract to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,646,021.9188, E = 2,135,726.3727) set for the Northwestern corner of a 0.103 acre overhead electric easement (this day described), for a corner of this 2.604 acre tract of land;

THENCE: S 89°06'55" E – 159.82 feet continuing across the said 1030.122 acre tract, the northern line of the said 0.103 acre overhead electric easement (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,646,019.4538, E = 2,135,886.1458) set for the Northeast corner of the said 0.103 acre overhead electric easement (this day described), for a corner of this 2.604 acre tract of land;

THENCE: S 00°53'05" W – 28.00 feet continuing across the said 1030.122 acre tract, the Eastern line of the said 0.103 acre overhead electric easement (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,645,991.4619, E = 2,135,885.7134) set for the Southeastern corner of the said 0.103 acre overhead electric easement (this day described) for a corner of this 2.604 acre tract of land;

THENCE: S 89°06'55" E – 625.25 feet continuing across the said 1030.122 acre tract to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,645,981.8101, E = 2,136,510.7846) set for a corner of this 2.604 acre tract of land;

THENCE: N 75°03'35" E – 70.10 feet continuing across the said 1030.122 acre tract to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (N = 13,645,999.8804, E = 2,136,578.5056) set on the Eastern line of the said 1030.122 acre tract, the Western line of Highway 281, for the Easternmost Northeastern corner of this 2.604 acre tract of land;

THENCE: S 00°39'03" E – 41.28 feet along the Eastern line of the said 1030.122 acre tract, the Western line of Highway 281 to the **POINT OF BEGINNING** and containing 2.604 acres of land; *according to a survey made under my supervision;*

A survey plat of even date herewith accompanies this metes and bounds description.
1800.3210 Mission Del Lago Tank Site – 2.604 Acre Parcel – Option "A"

Bearing Source: Texas State Plane, NAD 83, South Central Zone.

Coordinates are based on Texas State Plane, NAD 83, South Central Zone.



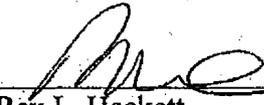

Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

Exhibit A-3



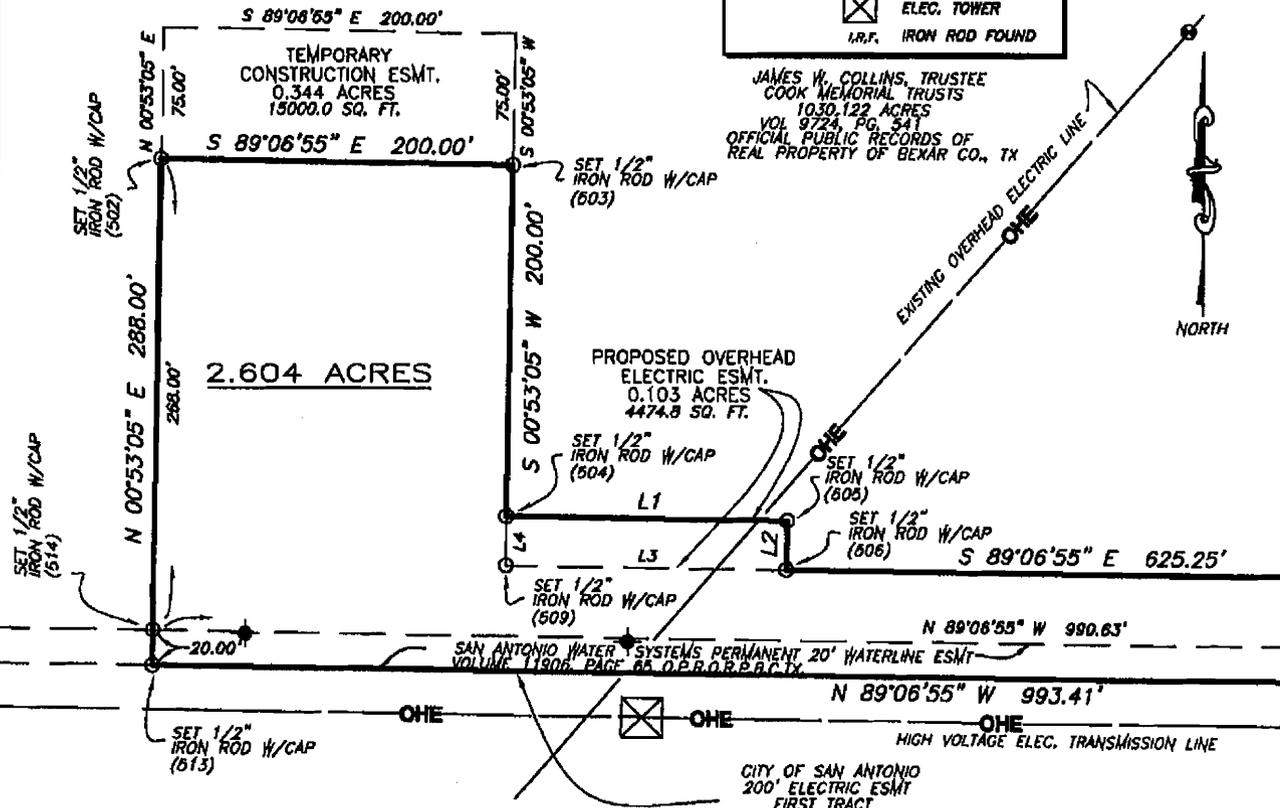
SCALE: 1" = 100 FEET

JOSE ANTONIO DE LA GARZA
ABSTRACT NO. 3

LEGEND

- WATER VALVE
- ⊕ WATER METER BOX
- X—X—X—X—X— OVERHEAD ELECTRIC FENCE
- ⊗ ELEC. TOWER
- I.R.F. IRON ROD FOUND

PROJECT: MISSION DEL LAGO
TANK SITE
SAWS JOB NO. 08-8002



SURFACE COORDINATES SCALE FACTOR 1.00017

POINT	NORTHING	EASTING	POINT	NORTHING	EASTING
502	13848544.8086	2135892.8579	502	13848224.8484	2135829.5178
503	13848541.7187	2135892.8541	503	13848221.8510	2135729.4801
504	13848341.7428	2135898.4482	504	13848021.9188	2135729.3727
505	13848339.2771	2135828.2484	505	13848019.4538	2135889.1438
506	13848311.2804	2135828.8140	506	13848991.4819	2135885.7134
507	13848301.9270	2135873.8914	507	13848981.8101	2135810.7848
508	13848319.7003	2135841.7240	508	13848999.8804	2135878.5086
509	13848313.7481	2135898.0139	509	13848993.9202	2135725.6405
510	13848278.4280	2135842.1828	510	13848958.8130	2135878.9745
511	13848281.5480	2135878.9325	511	13848841.7389	2135815.7248
513	13848258.8421	2135888.1114	513	13848337.0328	2135826.0721
514	13848276.8408	2135888.4202	514	13848997.0281	2135825.3808
516	13848241.6044	2135881.4034	516	13848921.8977	2135818.1953
518	13848257.7878	2135842.4274	518	13848937.9782	2135879.2090
701	13848040.4875	2135944.8988	701	13848720.8949	2135881.6777

LINE	BEARING	DISTANCE
L1	S 89°08'55" E	159.82'
L2	S 00°53'05" W	28.00'
L3	N 89°08'55" W	189.82'
L4	N 00°53'05" E	28.00'
L5	N 75°03'35" E	70.10'
L6	S 00°39'03" E	81.92'
L7	S 75°03'35" W	83.16'
L8	S 75°03'35" W	85.47'

PLAT SHOWING
2.604 ACRES
SITUATED IN THE JOSE ANTONIO DE LA GARZA SURVEY ABSTRACT NO. 3
BEING A PORTION OF THAT CERTAIN 1030.122 ACRE TRACT CONVEYED TO JAMES W. COLLINS TRUSTEE OF COOK MEMORIAL TRUSTS RECORDED IN VOLUME 9724, PAGE 538 OF OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS

TO: SAN ANTONIO WASTER SYSTEM,
THE CITY OF SAN ANTONIO
ALAMO TITLE COMPANY
GF NO. 09-05009468



THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION 4 SURVEY.

Rex L. Hackett
REX L. HACKETT
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5573
DATE: 05-15-2009
PROJECT NO. 1800.3210 OPTION "A"

FORD ENGINEERING INC.
ENGINEERING • SURVEYING • PLANNING
10927 WYE DRIVE, SUITE 104, SAN ANTONIO, TEXAS 78217, (210) 580-4777
www.fordengineering.com

MATCH LINE "A"
PAGE 2 OF 3



FORD ENGINEERING, INC.

Date: April 22, 2009
Project No: 1800.3210
Option "A"

Mission Del Lago Tank Site
0.344 Acre Temp. Const. Esmt.

Page 1 of 2

0.344 Acre (15,000.0 sq. ft.) Temporary Construction Easement

A 0.344 acre (15,000.0 sq. ft.) Temporary Construction Easement, situated in the Jose Antonio De La Garza Survey, Abstract No. 3, being a portion of that certain 1030.122 acre tract of land conveyed to James W. Collins, Trustee Cook Memorial Trusts recorded in Volume 9724, Page 541 of the Official Public Records of Real Property of Bexar County, Texas; being more particularly described as follows:

COMMENCING: at a Large Fence corner (*N* = 13,645,720.6949, *E* = 2,136,581.6777) found on the Western line of Highway 281 for a corner of the said 1030.122 acre tract, the Southeastern corner of a 200 foot wide Electric Easement conveyed to the City of San Antonio called First Tract recorded in Volume 5143, Page 739 of the Deed Records of Bexar County, Texas, the Northeastern corner of that certain 291.02 acre tract of land conveyed to Falcon International Bank in a Substitute Trustee's Deed recorded in Volume 13885, Page 1145 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 00°39'03" W – at 10.08 feet pass a ¼ inch iron rod found, at 36.77 feet pass a Texas Department of Transportation concrete right of way monument found, at 217.33 feet pass a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (*N* = 13,645,937.9782, *E* = 2,136,579.2090) set for the Southeastern corner of the said 2.604 acre tract (this day described), at 237.97 feet pass a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (*N* = 13,645,958.6130, *E* = 2,136,578.9745) set, a distance in all of 279.25 feet to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (*N* = 13,645,999.8804, *E* = 2,136,578.5056) set for the Easternmost Northeastern corner of the said 2.604 acre tract (this day described);

THENCE: S 75°03'35" W – 70.10 feet across the said 1030.122 acre tract and along the Northern line of the said 2.604 acre tract (this day described) to a ½ inch iron rod (*N* = 13,645,981.8101, *E* = 2,136,510.7846) set for a corner of the said 2.604 acre tract (this day described);

THENCE: N 89°06'55" W – 625.25 feet continuing across the said 1030.122 acre tract, and along a line of the said 2.604 acre tract (this day described) to a ½ inch iron rod (*N* = 13,645,991.4619, *E* = 2,135,885.7134) set for a corner of the said 2.604 acre tract (this day described), the Southeastern corner of a 0.103 acre overhead electric easement (this day described);

THENCE: N 00°53'05" E – 28.00 feet continuing across the said 1030.122 acre tract, a line of the said 2.604 acre tract (this day described), and along the Eastern line of the said 0.103 acre overhead electric easement (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" (*N* = 13,646,019.4538, *E* = 2,135,886.1458) set for a corner of the said 2.604 acre tract (this day described), the Northeastern corner of the said 0.103 acre overhead electric easement (this day described);

Exhibit A-5

10927 WYE DRIVE,

SUITE 104,

SAN ANTONIO, TEXAS 78217

(210) 590-4777

FAX: 590-4940

1-800-332-3109

Web Site: www.fordengineering.com



FORD ENGINEERING, INC.

Page 2 of 2

THENCE: N 89°06'55" W – 159.82 feet continuing across the said 1030.122 acre tract, a line of the said 2.604 acre tract (this day described), the Northern line of the said 0.103 acre overhead electric easement (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,646,021.9188$, $E = 2,135,726.3727$) set for a corner of the said 2.604 acre tract (this day described), the Northwestern corner of the said 0.103 acre overhead electric easement (this day described);

THENCE: N 00°53'05" E – 200.00 feet continuing across the said 1030.122 acre tract, along an Eastern line of the said 2.604 acre tract (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,646,221.8610$, $E = 2,135,729.4601$) set for the Northernmost Northeastern corner of the said 2.604 acre tract (this day described) for the **POINT OF BEGINNING** of this temporary construction easement;

THENCE: N 89°06'55" W – 200.00 feet across the said 1030.122 acre tract, along the Northern line of the said 2.604 acre tract (this day described) to a ½ inch iron rod with yellow cap marked "Ford Eng Inc" ($N = 13,646,224.9484$, $E = 2,135,529.5179$) set for the Northwestern corner of the said 2.604 acre tract (this day described) for the Southwestern corner of this temporary construction easement;

THENCE: N 00°53'05" E – 75.00 feet across the said 1030.122 acre tract to a point for the Northwestern corner of this temporary construction easement;

THENCE: S 89°06'55" E – 200.00 feet continuing across the said 1030.122 acre tract to a point for the Northeastern corner of this temporary construction easement;

THENCE: S 00°53'05" W – 75.00 feet continuing across the said 1030.122 acre tract to the **POINT OF BEGINNING** and containing 0.344 acres (15,000.0 sq. ft.) of land; *according to a survey made under my supervision;*

A survey plat of even date herewith accompanies this metes and bounds description.
1800.3210 Mission Del Lago Tank Site – Temporary Construction Easement –
Option "A"

*Bearing Source: Texas State Plane, NAD 83, South Central Zone.
Coordinates are based on Texas State Plane, NAD 83, South Central Zone.*




Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

Exhibit A-6

10927 WYE DRIVE,

SUITE 104,

SAN ANTONIO, TEXAS 78217

(210) 590-4777

FAX: 590-4940

1-800-332-3109

Web Site: www.fordengineering.com

Exhibit A-7

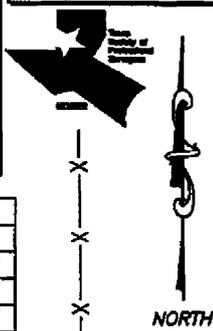
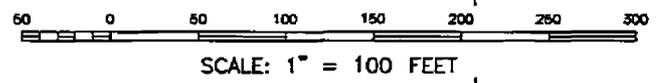
**JOSE ANTONIO DE LA GARZA
ABSTRACT NO. 3**

LEGEND

- WATER VALVE
- WATER METER BOX
- OVERHEAD ELECTRIC FENCE
- ELEC. TOWER
- L.R.F. IRON ROD FOUND

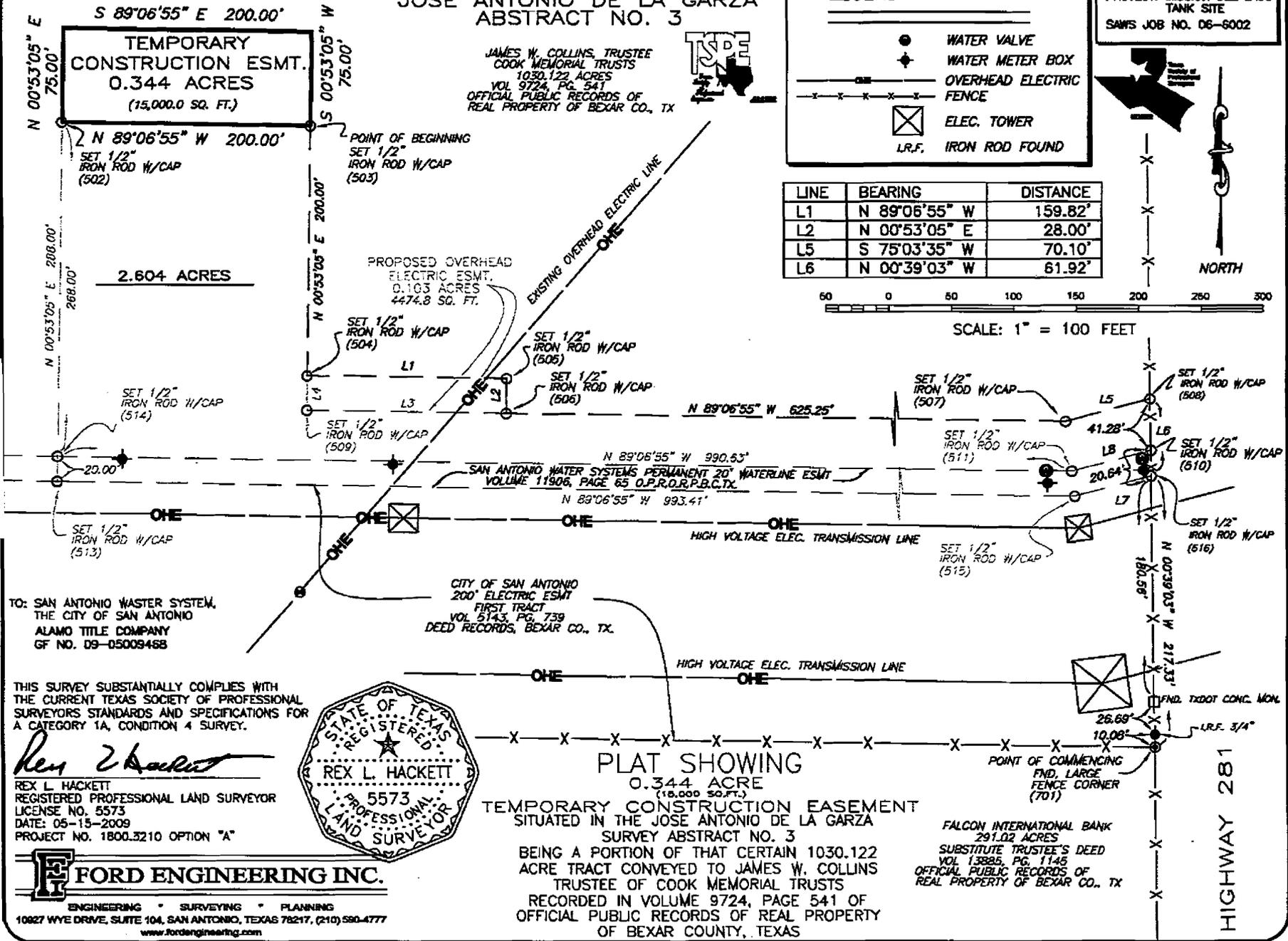
PROJECT: MISSION DEL LAGO
TANK SITE
SAWS JOB NO. 06-6002

LINE	BEARING	DISTANCE
L1	N 89°06'55" W	159.82'
L2	N 00°53'05" E	28.00'
L5	S 75°03'35" W	70.10'
L6	N 00°39'03" W	81.92'



**TEMPORARY
CONSTRUCTION ESMT.
0.344 ACRES
(15,000.0 SQ. FT.)**

JAMES W. COLLINS, TRUSTEE
COOK MEMORIAL TRUSTS
1030.122 ACRES
VOL 9724, PG. 541
OFFICIAL PUBLIC RECORDS OF
REAL PROPERTY OF BEXAR CO., TX

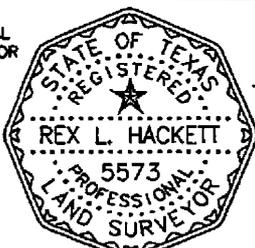


TO: SAN ANTONIO WASTER SYSTEM,
THE CITY OF SAN ANTONIO
ALAMO TITLE COMPANY
GF NO. 09-05009458

CITY OF SAN ANTONIO
200' ELECTRIC ESMT
FIRST TRACT
VOL 5143, PG. 739
DEED RECORDS, BEXAR CO., TX.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH
THE CURRENT TEXAS SOCIETY OF PROFESSIONAL
SURVEYORS STANDARDS AND SPECIFICATIONS FOR
A CATEGORY 1A, CONDITION 4 SURVEY.

Rex L. Hackett
REX L. HACKETT
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5573
DATE: 05-15-2009
PROJECT NO. 1800.3210 OPTION "A"



PLAT SHOWING
0.344 ACRE
(15,000 SQ. FT.)
TEMPORARY CONSTRUCTION EASEMENT
SITUATED IN THE JOSE ANTONIO DE LA GARZA
SURVEY ABSTRACT NO. 3
BEING A PORTION OF THAT CERTAIN 1030.122
ACRE TRACT CONVEYED TO JAMES W. COLLINS
TRUSTEE OF COOK MEMORIAL TRUSTS
RECORDED IN VOLUME 9724, PAGE 541 OF
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
OF BEXAR COUNTY, TEXAS

FALCON INTERNATIONAL BANK
291.02 ACRES
SUBSTITUTE TRUSTEE'S DEED
VOL 13885, PG. 1146
OFFICIAL PUBLIC RECORDS OF
REAL PROPERTY OF BEXAR CO., TX

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HIGHWAY 281