

AN ORDINANCE 2011-11-17-0952

AUTHORIZING THE ACQUISITION BY DEDICATION FROM THE CARVER ACADEMY OF A SIDEWALK EASEMENT LOCATED IN NCB 592 AT 226 NORTH HACKBERRY STREET IN COUNCIL DISTRICT 2; DECLARING IT TO BE A PUBLIC PROJECT; AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$290.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR TITLE WORK AND FILING FEES.

* * * * *

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 accept on behalf of the City a dedication of an easement over the the real property described in **Attachment I**, which is incorporated herein by reference for all purposes as if it were fully set forth. The City manager and her designee, severally, are further authorized and directed to take all other actions reasonably necessary or convenient to effectuate the gift, including agreeing to the form of conveyance and executing and delivering ancillary documents and instruments conducive to effectuating the gift.

SECTION 2. Funding in the amount of \$290.00 for this ordinance is available in Fund 11001000, Cost Center 3401010001 and General Ledger 5201040, as part of the Fiscal Year 2012 Budget.

SECTION 3. Payment not to exceed the budgeted amount is authorized and should be encumbered with a purchase order for title work and filing fees.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance 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.

SECTION 5. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

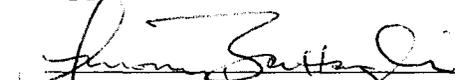
PASSED AND APPROVED this 17th day of November 2011.

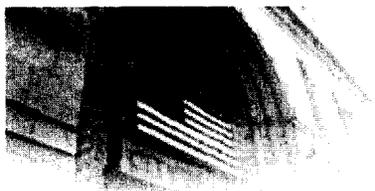

M A Y O R
Julián Castro

Attest:


Laticia M. Vasek, City Clerk

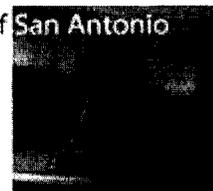
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 17

Name:	4, 5, 6, 7, 8, 9, 10, 11A, 11B, 11C, 12B, 13A, 13E, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 16, 17, 18, 19, 20, 22, 24A, 24B, 24C, 24D, 24E, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37A, 37B, 38A, 38B						
Date:	11/17/2011						
Time:	09:40:58 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition by dedication from the Carver Academy of a sidewalk easement located in NCB 592 at 226 North Hackberry Street in Council District 2; declaring it to be a public project; and authorizing expenditures not to exceed \$290.00 payable to the selected title company for title work and filing fees. [Peter Zanoni, Assistant 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				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Rey Saldaña	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				x
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

Attachment I

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
 § **Know All By These Presents:**
County of Bexar §

Public Sidewalk Dedication

Authorizing Ordinance:

Grantor: The Carver Academy, Inc.

Grantor's Address: 226 N. Hackberry, San Antonio, Texas 78202

Grantee: City of San Antonio

Grantee's Address: P.O. Box 839966, San Antonio, Texas 78283

Purpose of Easement:

Sidewalk purposes, allowing Grantee and the public all rights incident to public sidewalks. This instrument burdens the Subject Property to the same extent as if it were a platted sidewalk right of way, and the Subject Property may be used for all purposes for which sidewalks may be used from time to time in the City of San Antonio.

Subject Property:

Two tracts out of Lot 2, Block 7, NCB 592, Carver Complex Subdivision asrecorded in Volume 9549, Page 91 of the Deed and Plat Records of Bexar County, Texas and being more particularly described on **Exhibit A**, which is incorporated by reference for all purposes as if fully set forth.

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of the benefits accruing to Grantor, to Grantor's other property, and to the public, an easement in gross in perpetuity over, across, under, and upon the Subject Property for the Purpose of the Easement. Grantee may construct, maintain, reconstruct, remove, relocate, and replace improvements related to the Purpose of the Easement anywhere within the Subject Property and may inspect, patrol, and police the Subject Property. Grantee may remove all trees and other vegetation and all other natural or artificial obstructions from the Subject Property, and Grantee may further excavate, fill, level, grade, pave, and otherwise improve the Subject Property as may be conducive to the Purpose of the Easement. Grantor covenants for itself, its heirs,

executors, successors, and assigns that no permanent building or obstruction of any kind will be placed on the Subject Property.

To Have and To Hold the above described easement and rights unto the public until its use is abandoned.

Grantors bind itself and its heirs, executors, successors, and assigns, to warrant and forever defend, all and singular, the above described easement and rights unto Grantee and the public against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The Carver Academy, Inc.,
a Texas corporation

Name

Signature

Title

Date

State of Texas §

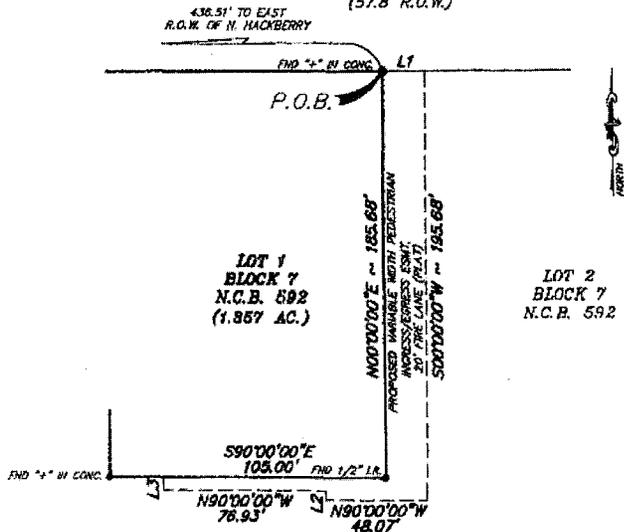
County of Bexar §

This instrument was acknowledged before me this date by _____,
_____ of The Carver Academy, Inc., a Texas corporation, on behalf
of that entity and in the capacity stated.

Notary Public, State of Texas

My Commission expires: _____

CENTER STREET
(57.8' R.O.W.)



LINE TABLE		
LINE	LENGTH	BEARING
L1	20.00'	S00°00'00\"W
L2	4.00'	N00°00'00\"E
L3	8.00'	N00°00'00\"E

LOT 2
BLOCK 7
N.C.B. 592

EXHIBIT "A"
PROPOSED VARIABLE WIDTH PEDESTRIAN INGRESS/EGRESS ESMT.

Metes and Bounds
Variable Width Pedestrian Ingress/Egress Easement
Lot 2, Block 7, N.C.B. 592
April 28, 2009

Being a variable width pedestrian ingress/egress easement over and across Lot 2, Block 7, New City Block 592, Carver Complex Subdivision as recorded in Volume 9549, Page 91 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows;

Beginning; at a found "x" in concrete on the south right-of-way line of Center Street (57.8') being North 89°44'34" East, 436.51 feet from the east R.O.W. line of North Hackberry Street (65.0' R.O.W.), for the northeast corner of Lot 1, Block 7, N.C.B. 592 of said Carver Complex Subdivision and a north corner of said Lot 2;

Thence; North 89°44'34" East, 20.00 feet along said R.O.W. line to a point;

Thence; over and across said Lot 2 the following courses and distances:

South 00°00'00" West, 195.88 feet, departing said R.O.W. line, to a point;

North 50°00'00" West, 48.07 feet to a point;

North 00°00'00" East, 4.00 feet to a point;

North 90°00'00" West, 76.93 feet to a point;

North 00°00'00" East, 8.00 feet to a point on the south line of said Lot 1;

Thence; along a common line of said Lots 1 and 2 the following courses and distances:

South 90°00'00" East, 105.00' feet to a found 1/2" iron rod being the southeast corner of said Lot 1;

North 00°00'00" East, 185.68 feet to the POINT OF BEGINNING and containing 0.106 acres of land, more or less.

BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
DATE OF SURVEY: 4/26/09 COMPUTED BY: KCK DRAWN BY: KCK CHECKED BY: GER



GE Reaves Engineering, Inc.
P.O. BOX 791793
SAN ANTONIO, TEXAS 78279-1793
210 490-4506 · FAX: 210 490-4812

EXHIBIT

Registered Professional Land Surveyor

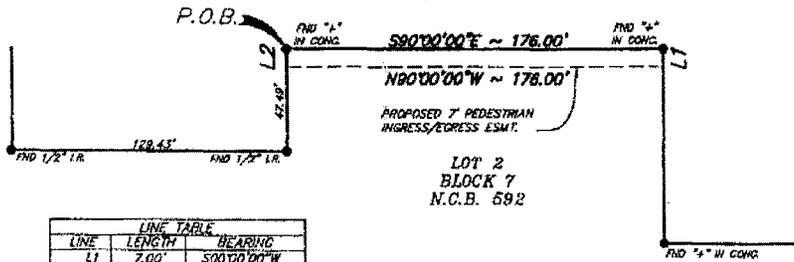
To Holder and/or landowner ~
that the above plat is true and correct according to an actual survey made on the ground, under my supervision, I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferable.

Lot(s) 2 Block 7 N.C.B. 592 Scale 1"=50'
Addition or Subdivision CARVER COMPLEX SUBDIVISION
Volume 9549 Page 91 of the DEED & PLAT records of BEXAR County, Texas
Owner CITY OF SAN ANTONIO
Address: 228 N. HACKBERRY STREET OF No. 22

JOB NO. 34057A

N. HACKBERRY STREET
(65.0' R.O.W.)

LOT 1
BLOCK 7
N.C.B. 592
(1.367 AC.)



LINE TABLE		
LINE	LENGTH	BEARING
L1	7.00'	S00°00'00\"W
L2	7.00'	N00°00'00\"E

LOT 2
BLOCK 7
N.C.B. 592

Mata and Bounds
7 Foot Pedestrian Ingress/Egress Easement
Lot 2, Block 7, N.C.B. 592
April 28, 2009

Being a 6 foot pedestrian ingress/egress easement over and across Lot 2, Block 7, New City Block 592, Carver Complex Subdivision as recorded in Volume 9549, Page 81 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows;

Commencing: at a found 1/2\" iron rod on the east right-of-way line of North Hackberry Street (65.0' R.O.W.) being the southwest corner of Lot 1, Block 7, New City Block 592, of said Carver Complex Subdivision;

Thence: South 90°00'00\" East, 129.43 feet to a found 1/2\" iron rod and continuing North 00°00'00\" East, 47.49 feet to a found \"*\" in concrete being a common corner of said Lots 1 and 2 for the POINT OF BEGINNING of this easement described herein;

Thence: South 90°00'00\" East, 178.00 feet along a common line of said Lots 1 and 2 to a found \"*\" in concrete and continuing South 00°00'00\" West, 7.00 feet to a point;

Thence: North 90°00'00\" West, 178.00 feet across said Lot 2 to a point on a common line of said Lots 1 and 2;

Thence: North 00°00'00\" East, 7.00 feet along said common line to the POINT OF BEGINNING and containing 0.032 acres of land, more or less.

EXHIBIT "B"
PROPOSED 7 FOOT PEDESTRIAN INGRESS/EGRESS ESMT.

BASIS OF BEARING IS RECORDED PLAT AS FOUND MONUMENTED ON THE GROUND
DATE OF SURVEY: 4/28/09 COMPUTED BY: KCK DRAWN BY: KCK CHECKED BY: GER



GE Reaves Engineering, Inc.
P.O. BOX 791793
SAN ANTONIO, TEXAS 78279-1793
210 490-4506 • FAX: 210 490-4812

EXHIBIT

Registered Professional Land Surveyor

To: Owner and/or landowner _____
that the above plat is true and correct according to an actual survey made on the ground, under my supervision. I further certify that all easements and right-of-ways of which I have been advised are shown hereon and that, except as shown hereon, there are no apparent encroachments, overlapping of improvements or conflicts in the boundary lines, and no obvious physical evidence of easements or right-of-ways by use as of the date of the field survey. This certification is made and limited to those persons or entities shown on the face of this survey and is non-transferable.

Lot(s) 2 Block 7 N.C.B. 592 Scale 1"=50'
Address or Subdivision CARVER COMPLEX SUBDIVISION
Volume 9549 Page 81 of the DEED & PLAT records of BEXAR County, Texas.
Owner CITY OF SAN ANTONIO
Address: 226 N. HACKBERRY STREET of No. ~

JOB NO. J4051A