

2012-03-29-0230

AN ORDINANCE

AUTHORIZING AN AGREEMENT WITH NUSTAR LOGISTICS, L.P. REGARDING INSTALLATION OF A PIPELINE WITHIN THE RIGHT-OF-WAY AREA RESERVED IN THE MAJOR THOROUGHFARE PLAN FOR SOUTH NEW BRAUNFELS AVENUE, LOCATED IN COUNCIL DISTRICT 3.

* * * * *

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 execute and deliver on behalf of the city an instrument with NuStar Logistics, L.P. in substantially the form attached as **Attachment I**, which is incorporated for all purposes as if fully set forth. The city manager and her designee, severally, should consummate the transaction contemplated by the attached instrument according to its terms. They should further take all other actions necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing all necessary or convenient ancillary instruments and agreements.

SECTION 2. The RFCA system does not call for fiscal language in this ordinance.

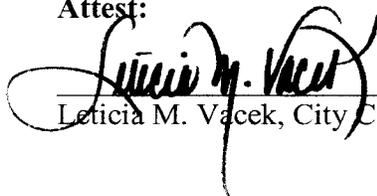
SECTION 3. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 29th day of March 2012.



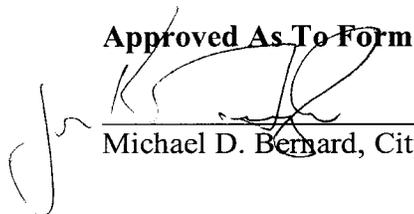
M A Y O R
Julián Castro

Attest:



Leticia M. Vacek, City Clerk

Approved As To Form:



Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 23

Name:	12A, 12B, 12C, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27A, 27B, 28A, 28B, 28C, 28D						
Date:	03/29/2012						
Time:	09:38:45 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an agreement with NuStar Logistics, L.P. regarding the installation of pipeline within the right-of-way area reserved within the Major Thoroughfare Plan for South New Braunfels Avenue located in Council District 3. [David Ellison, Acting Assistant City Manager; John Dugan, Director, Planning and Community Development]						
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				

Attachment I

AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND NUSTAR LOGISTICS, L.P.

THIS AGREEMENT (“Agreement”) is entered into by and between the **CITY OF SAN ANTONIO**, a Texas municipal corporation within Bexar County, Texas (“**CITY**”) and **NUSTAR LOGISTICS, L.P.**, a Delaware limited partnership (“**NUSTAR**”).

WITNESSETH

WHEREAS, the City of San Antonio Major Thoroughfare Plan (“MTP”) was adopted on September 21, 1978 by the City of San Antonio Council as a component of the City of San Antonio Master Plan; and

WHEREAS, the Texas A&M University System owns a 68.522 acre tract of property located in the James McKay Survey, Abstract 522, Bexar County, Texas as further described in Volume 1859, Page 172 of the Official Public Records of Real Property of Bexar County, Texas (“A&M Property”); and

WHEREAS, the MTP includes the future extension of South New Braunfels Avenue across the A&M Property; and

WHEREAS, NUSTAR is proposing to cross the A&M Property with an eight inch (8”) crude oil pipeline and has requested a thirty foot (30’) easement and a temporary workspace from the Texas A&M University System, as further described in the attached Exhibit “A”; and

WHEREAS, NUSTAR’s pipeline is proposed to be located within the general area reserved within the MTP for the extension of South New Braunfels Avenue; and

WHEREAS, the CITY does not object to the location of the pipeline within the future right-of-way for South New Braunfels Avenue, provided NUSTAR complies with the terms and conditions of this Agreement; and

WHEREAS, pursuant to Ordinance No. _____, the City Council approved this Agreement and authorized its execution.

NOW, THEREFORE, in consideration of the terms and conditions provided herein, the CITY and NUSTAR agree as follows:

AGREEMENT

The CITY agrees to not object to a thirty foot (30’) easement and a temporary workspace agreement between NUSTAR and the Texas A&M University System, as further described in the attached Exhibit “A”, and to the installation and operation of an eight inch (8”) crude oil pipeline within the right-of-way area reserved within the City’s

MTP for South New Braunfels Avenue, provided NUSTAR complies with the following requirements:

1. In the event the right-of-way for South New Braunfels Avenue is dedicated to the CITY at a location within the easement described in Exhibit "A", the CITY may require in writing that NUSTAR relocate any part of its pipeline located within the South New Braunfels Avenue right-of-way prior to the completion of construction of South New Braunfels Avenue within the area described in Exhibit "A", the relocation to be outside the right of way for South New Braunfels.
2. Any and all costs incurred by NUSTAR in the relocation of its pipeline shall be the sole responsibility of NUSTAR.
3. This obligation extends to NuStar's successors and assigns of the pipeline segment that is the subject of this agreement and runs with the land on which the pipeline segment is located. This agreement expires March 31, 2037.

IN WITNESS WHEREOF, this Agreement is executed to be effective _____, 2012.

City of San Antonio,
a Texas municipal corporation

NUSTAR LOGISTICS, L.P.,
A Texas limited partnership

By: _____

By: NuStar GP. Inc.,
A Delaware corporation,
Its general partner

Printed
Name: _____

Title: _____

By: _____
Brad A. Ramsey
Vice President

ATTEST:

Leticia Vacek
CITY CLERK

APPROVED AS TO FORM:

Michael D. Bernard
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: _____

THE STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged this date before me by _____, of ,NuStar GP, Inc. a Texas corporation, in the capacity therein stated and on behalf of that entity in the entity's capacity as general partner of NuStar Logistics, L.P..

Date: _____

Notary Public, State of Texas

My Commission

expires: _____

METES AND BOUNDS DESCRIPTION
PROPOSED 30 FEET WIDE PIPELINE EASEMENT
TRACT 49
BEXAR COUNTY, TEXAS

Description of a 1.465 acre (63,796 sq. ft.) tract located in the James McKay Survey, Abstract 522, Bexar County, Texas, and out of a called 68.522 acre tract, described in deed to Texas A&M University System as described and recorded in Volume 1859, Page 177 of the Bexar County Deed Records; said 1.465 acre tract being described as follows:

BEGINNING at a 1/2-inch Iron rod found in the south line of a called 1, recorded in Volume 9481, Page 934 of the Bexar County Official Public Records, same being the most easterly northeast corner of said 68.522 acre tract and in the westerly right-of-way line of Siluria Street;

THENCE South 00 Degrees 42 Minutes 52 Seconds East, with the west right-of-way line of Siluria Street, a distance of 2,115.93 feet to a concrete monument found for a northerly cutback corner at the intersection with the northerly right-of-way line of S. Presa Street (a.k.a. Highway 122);

THENCE South 53 Degrees 59 Minutes 17 Seconds West, with said cutback line, a distance of 36.76 feet to a point for corner;

THENCE North 00 Degrees 42 Minutes 52 Seconds West, over and across said 68.522 acre tract, a distance of 2,137.17 feet to a point for corner in the north line of said 68.522 acre tract and being a common line with said 1,308.68 acre tract;

THENCE North 89 Degrees 17 Minutes 08 Seconds East, with said common line, a distance of 30.00 feet to the **POINT OF BEGINNING** of the herein described tract.

Bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83. This description was prepared in conjunction with a survey map prepared by Percheron Surveying, LLC of even date.


Jeremy A. Chandler
Registered Professional Land Surveyor
State of Texas No. 5755
October 24, 2011
Job No. 133.0002

