

AN ORDINANCE 2008-04-03-0255

AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS THROUGH NEGOTIATION OR CONDEMNATION OF THREE (3) PARCELS OF REAL PROPERTY NORTH OF HIGHWAY 151, LOCATED IN DISTRICT 4, AS FURTHER DESCRIBED BELOW FOR THE WESTOVER VALLEY DRAINAGE PROJECT (PROJECT), DECLARING THIS TO BE A PUBLIC PROJECT; DETERMINING THE PUBLIC NECESSITY FOR THIS ACQUISITION OF LAND, APPROPRIATING FUNDS AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND APPROPRIATING FUNDS IN THE TOTAL AMOUNT OF \$286,000.00 FOR THE PROJECT:

ACREAGE	DESCRIPTION
1.499	A 1.499 acre easement out of a 31.6223 acre tract described as being Lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas
1.24	A 1.240 acre easement out of a 5.857 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12 and P-213, NCB 17639, San Antonio, Bexar County, Texas
3.267	A 3.267 acre easement out of a 11.899 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas

* * * * *

WHEREAS, easement interests are required for the Westover Valley Drainage Project and property acquisitions totaling approximately 6.006 acres are a necessary step in implementing the this Project; and

WHEREAS, the Westover Valley Drainage Project is a proposed trapezoidal earthen channel with two concrete drop structures that begins at the southwest corner of the quarry property near the Mountain View subdivision and runs along the north and west property line of the Westover Valley subdivision; the channel is within the property of the quarry and discharges directly into Culebra Creek; the watershed area of the channel generally extends to Rogers Road and Wiseman Boulevard which also encompasses a portion of the southeastern part of the Mountain View Subdivision, a portion of the quarry property and the back half of the lots along Sable Arrow and Gemsbuck Chase of the Westover Valley Subdivision; and

WHEREAS, the proposed acquisitions of the three parcels associated with this Ordinance have been unsuccessful due to differences between the asking price and the fair market value; and

WHEREAS, this Ordinance will appropriate an amount of \$286,000.00 for the acquisition of easement interests on three (3) parcels of real property located in District 6 in connection with the Westover Valley Drainage Project; and

WHEREAS, the funds in the amount of \$286,000.00 for this project are available in the Storm Water Regional Facilities Fund Balance, **NOW THEREFORE**;

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

SECTION 1. The appropriation of \$286,000.00 for the purpose of acquiring parcels of land in connection with the Westover Valley Drainage Project is hereby authorized.

SECTION 2. The following financial adjustments are hereby approved:

- a) The amount of \$286,000.00 is appropriated for this ordinance in Fund 29071000 Drain Detention Project, Cost Center 2304110001 Citizens Request for Service Response, General Ledger 5209010 Land Acquisition Costs and the FY 2008 budget is amended to reflect this change.
- b) Payment not to exceed \$286,000.00 is authorized per the terms of the ordinance and should be encumbered with a purchase order or other document to ensure availability of funds.

SECTION 3. This Ordinance shall be effective on the tenth day after passage.

PASSED AND APPROVED this the 3rd day of **April, 2008**.

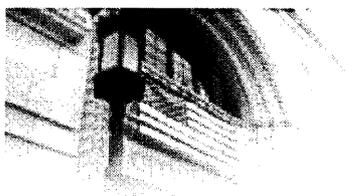
Mary Anne P. Cisneros
for M A Y O R

ATTEST:

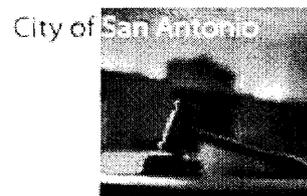
Leticia M. Reed
CITY CLERK

APPROVED AS TO FORM:

[Signature]
City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 19

Name:	19						
Date:	04/03/2008						
Time:	10:34:19 AM						
Vote Type:	Motion to Approve						
Description:	<p>An Ordinance authorizing the acquisition of easement interests through negotiation or condemnation of three (3) parcels of real property south of Highway 151, located in District 6, as further described below for the Westover Valley Drainage Project (Project); declaring this to be a Public Project; determining the Public Necessity for this acquisition of land; authorizing the City Attorney to file eminent domain proceedings, if necessary; and appropriating funds in the total amount of \$286,000.00 for the project: [Mike Frisbie, Director, Capital Improvements Management Services] DESCRIPTION: A 1.499 acre easement out of a 31.6223 acre tract described as being Lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas. A 1.240 acre easement out of a 5.857 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12 and P-213, NCB 17639, San Antonio, Bexar County, Texas. A 3.267 acre easement out of a 11.899 acre tract described as being lots 5, 6, 7, 8, 9, 10, 11, 12, and P-213, NCB 17639, San Antonio, Bexar County, Texas.</p>						
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				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				
Louis E. Rowe	District 9		x				
	District						

John G. Clamp	10		x				
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LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

EXHIBIT

FOR

DRAINAGE & SANITARY SEWER EASEMENT
PARCEL NO. 18196

A 1.499 acre, or 65,297 square feet more or less tract of land, being a Drainage and Sanitary Sewer Easement situated within the remainder of a 42.63 acre tract conveyed to C & K Land Moving Co., Inc., in Warranty Deed recorded in Volume 1421, Pages 280-283 of the Official Public Records of Real Property of Bexar County, Texas, out of the G. W. Lewis Survey Number 18, Abstract 441, County Block 4416 of Bexar County, Texas in New City Block (N.C.B.) 17642 of the City of San Antonio, Bexar County, Texas. Said 1.499 acre tract being more fully described as follows with the bearing being based on Westover Valley, Unit-2D recorded in Volume 9575, Page 220 of the Deed and Plat Records of Bexar County, Texas, with the reference bearing being the west line of said Westover Valley, Unit-2D:

BEGINNING: At a found ½ inch iron rod at the northwest corner of Lot 40, Block 13, of said Westover Valley, Unit 2D, the east line of the remainder of said 42.63 acre tract;

THENCE: S 00°45'13" W, along and with the west line of said Westover Valley, Unit-2D, the east line of said 42.63 acre tract, at a distance of 217.03 feet passing the southwest corner of said Westover Valley, Unit-2D, the northwest corner of Westover Valley, Unit-2A recorded in Volume 9566, Page 218 of the Deed and Plat Records of Bexar County, Texas and continuing along and with the west line of said Westover Valley, Unit-2A for a total distance of 587.03 feet to the northeast corner of a called 11.899 acre tract recorded in Volume 13184, Pages 1096-1099 of the Official Public Records of Real Property of Bexar County, Texas and the southwest corner of Lot 31, Block 13 of said Westover Valley, Unit-2A, from which a found ½ inch iron rod bears S 15°35'52" E, 603.85 feet;

THENCE: S 85°45'59" W, departing the west line of said Westover Valley, Unit-2A, over and across the common line of said 11.899 acre and the remainder of said 42.63 acre tract, a distance of 110.69 feet to a point;

THENCE: N 00°25'11" W, departing the north line of said 11.899 acre tract, over and across the remainder of said 42.63 acre tract, a distance of 10.76 feet to a point;

1.499 Acres
Parcel No. 18196
Project No. 6123-00
Page 2 of 2

THENCE Over and across the remainder of said 42.63 acre tract the following courses and distances:

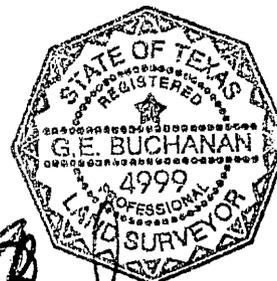
N 00°03'06" W, a distance of 285.10 feet to a point;

N 00°19'00" E, a distance of 270.47 feet to a point in the north line of the remainder of said 42.63 acre tract and a south line of a tract of land conveyed to Jay Khadem in Volume 9473, Pages 244-245 of the Official Public Records of Real Property of Bexar County, Texas;;

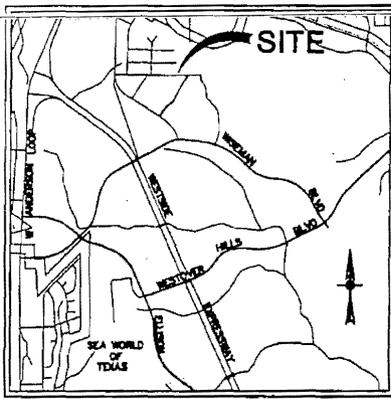
THENCE: N 87°44'07" E, along and with the north line of the remainder of said 42.63 acre tract and the south line of said Khadem tract, a distance of 36.57 feet to an angle point;

THENCE: N 71°12'04" E, continuing along and with the north line of the remainder of said 42.63 acre tract and south line of said Khadem tract, a distance of 84.93 feet to the POINT OF BEGINNING and containing 1.499 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
JOB No.: 6123-00
DATE: September 14, 2007
REVISED: December 05, 2007
REVISED: December 7, 2007
REVISED: January 11, 2008
DOC. ID.: P:\69\91\00\WORD\FN\FN-1.499 AC.doc



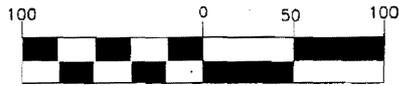
G.E. Buchanan
09/14/2007



DEED/PLAT REFERENCE

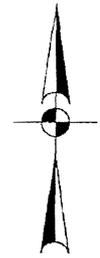
D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
 R.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

PARCEL No. 18196



(IN FEET)
 1 inch = 100 ft.

JAY KHADEM
 VOL. 9473 PG. 244
 (R.P.R.)



N87°44'07"E 36.57'
 N71°12'04"E 84.93'

P.O.B.

FND IR

NOTES:

1) THE BEARINGS ARE BASED ON WESTOVER VALLEY, UNIT-2D RECORDED IN VOLUME 9575, PAGE 220 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, WITH THE REFERENCE BEARING BEING THE WEST LINE OF SAID WESTOVER VALLEY, UNIT-2D.

2) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.

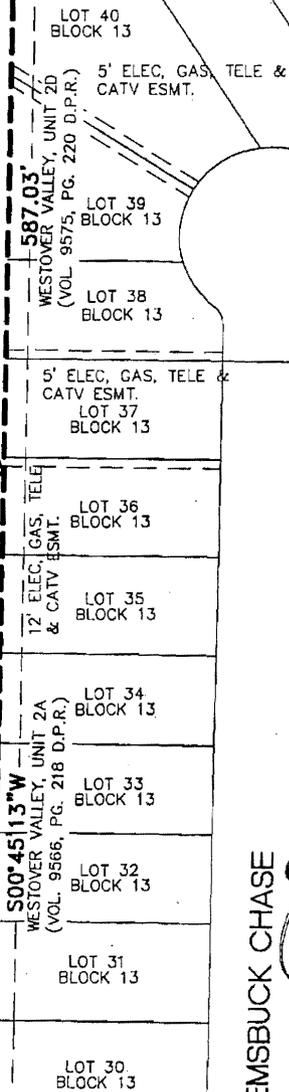
REMAINDER
 42.63
 ACRES
 OWNER: C
 & K LAND
 MOVING CO.
 INC.
 VOL. 1421
 PGS.
 280-283
 (R.P.R.)

1.499 AC
 (65,297 SQ. FT.
 MORE OR LESS)
 DRAINAGE AND
 SANITARY SEWER
 EASEMENT

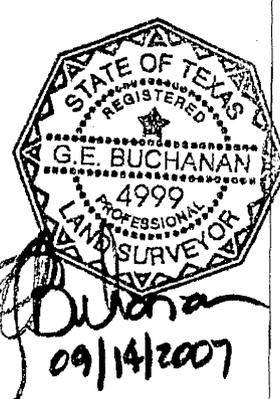
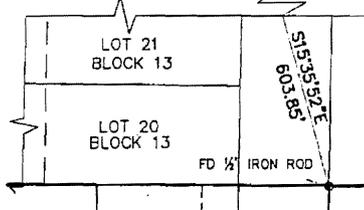
EXHIBIT
 OF
 A 1.499 ACRE, OR 65,297 SQUARE FEET MORE OR LESS TRACT OF LAND, BEING A DRAINAGE AND SANITARY SEWER EASEMENT SITUATED WITHIN A 42.63 ACRE TRACT CONVEYED TO C & K LAND MOVING CO., INC., IN WARRANTY DEED RECORDED IN VOLUME 1421, PAGES 280-283 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, OUT OF THE G. W. LEWIS SURVEY NUMBER 18, ABSTRACT 441, COUNTY BLOCK 4416 OF BEXAR COUNTY, TEXAS IN NEW CITY BLOCK (N.C.B.) 17642 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

270.47'
 N00°19'00"E
 285.10'
 N00°03'06"W
 N00°25'11"W 10.76'

CALLER
 11,899
 ACRES
 VOL. 13184
 PGS.
 1096-1099
 (R.P.R.)



S85°45'59"W
 110.69'
 (SURVEYED
 CONCURRENTLY)



GEMSBUCK CHASE

REVISED: 01/11/2008
 REVISED: 12/07/2007
 REVISED: 12/05/2007
 SEPTEMBER 14, 2007

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555 EAST RAMSEY SAN ANTONIO TEXAS 78216 PHONE 210 375 0300 FAX 210 375 0310

JOB No.: 6123-00

Date: Jan 11, 2008, 2:17pm User ID: CC@eth File: P:\681\100\DESIGN\Exhibits\Drainage Esmt\071207- Revision Exhibit 1.dwg

SALES AGREEMENT WITH RIGHT OF ENTRY

* * * * *

STATE OF TEXAS }
 }
COUNTY OF BEXAR }

KNOW ALL MEN BY THESE PRESENTS:

THAT, BENDICION LAND DEVELOPMENT CO., L.L.C., acting by and through its Manager, Salvador Flores hereinafter referred to as "OWNER" (whether one or more), for good and valuable consideration, the receipt of which is acknowledged, agree(s) to grant, sell and convey certain real property to the CITY OF SAN ANTONIO, hereinafter referred to as "PURCHASER"; a municipal corporation, of the County of Bexar, State of Texas, whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, for the consideration herein stated and subject to the terms herein stated, upon the following described real property, to-wit:

Parcel 18195 - a 1.240 acre, or 53,996 square feet more or less tract of land, being a Drainage and Sanitary Sewer easement situated within a called 5.857 tract of land recorded in Volume 13006, Pages 276-279 of the Official Public Records of Real Property of Bexar County, Texas, out of the G.W. Lewis Survey Number 18, Abstract 441, County Block 4416 of Bexar County, Texas in New City Block (N.C.B.) 17642 of the City of San Antonio, Bexar County, Texas with the basis of bearings being the north line of Westover Valley, Unit-1 recorded in Volume 9562, Pages 166-169 of the Official Public Records of Real Property of Bexar County, Texas. Said 1.240 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

Parcel 18197 - a 3.267 acre, or 142,295 square feet, more or less, tract of land, being a Drainage and Sanitary Sewer easement situated within a 11.899 acre tract conveyed to Bendicion Land Development Co., LLC recorded in Volume 13184, Pages 1096-1099 of the Official Public Records of Real Property of Bexar County, Texas, out of the G.W. Lewis Survey Number 18, Abstract 441, County Block 4416 of Bexar County, Texas. Said 3.267 acre tract being more fully described as follows with the bearing being based on Westover Valley, Unit-2A recorded in Volume 9566, Page 218 of the Deed and Plat Records of Bexar County, Texas, with the reference bearing being the west line of said Westover Valley, Unit-2A. Said 3.267 acre tract being more particularly described by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all intents and purposes.

TOTAL PURCHASE PRICE: \$81,000.00 paid by the "PURCHASER" for the Premises to be conveyed by this contract.

SPECIAL CONDITIONS:

CONSENT AND SUBORDINATION: OWNER hereby agrees to furnish PURCHASER a Consent and Subordination of Lien Agreement, if requested, applicable to the Premises, on or before closing. The form of the Consent and Subordination of Lien Agreement shall be a form as approved by PURCHASER. OWNER further agrees to assist PURCHASER in obtaining such other Consent and Subordination of Lien Agreements as may be reasonably requested by PURCHASER from other parties who have interests in the Premises.

ACCORD AND SATISFACTION: The Purchase Price (exclusive of the Right of Entry payment set out below) includes full accord, satisfaction and compensation for all demands and damages to the remaining property (both real and personal) of the OWNER, if any.

PREPARATION AND EFFECTIVENESS OF DOCUMENTS: The PURCHASER, without expense to the OWNER, shall prepare the conveyance documents and shall bear the expense of all closing costs. Service Title Company shall act as escrow agent and the OWNER, upon demand by the PURCHASER, agrees to deliver all documents necessary, duly executed to the escrow agent at its San Antonio office, and agree that the rights conveyed therein become effective at closing. The Purchase Price is payable at the time of the closing. All documents shall be in form reasonably approved by PURCHASER.

SALES AGREEMENT WITH RIGHT OF ENTRY - PARCEL 18195 & 18197 - PAGE 2 of 2

BINDING EFFECT: This contract shall not be binding upon **PURCHASER** until it is executed by the **PURCHASER**, acting by and through its City Manager or other designated official, and approval is granted by the City Council. This contract contains the entire consideration for the rights conveyed herein, it being agreed and understood that there is no other agreement regarding the Premises between **OWNER** and the **PURCHASER**, or any officer, agent, contractor or employee of the **PURCHASER**.

DEFECTS IN TITLE: If examination of title or any other source discloses any defects in the title, in the opinion of the **PURCHASER**, that cannot be cured in a reasonable time or which negatively impact the value of the Premises, then the **PURCHASER**, in lieu of completing the purchase of the Premises, may proceed to acquire the same by condemnation. The **OWNER** agrees, as an independent stipulation, to such condemnation upon payment of "just compensation". "Just compensation" shall be deemed and is the Purchase Price above stated, which price the **OWNER** hereby, declares to be the fair market value of its interest in the Premises.

NATURE OF INTEREST CONVEYED: Unless stated otherwise specifically below in this provision, the interest to be conveyed pursuant to this contract is/are permanent and irrevocable: **PERMANENT EASEMENT**

RIGHT OF ENTRY

It is agreed and understood that **OWNER** and **OWNER'S** legal representatives, successors and/or assigns, hereby consent and agree to allow **PURCHASER**, its agents, employees, and/or its contractors to enter upon and take possession of the Premises immediately upon execution of this contract to permit commencement of construction and any and all activities related thereto. **PURCHASER** shall pay **OWNER** the sum of **ONE HUNDRED DOLLARS (\$100.00)** as full and final consideration for the immediate right of entry and right to commence construction and **OWNER** acknowledges the sufficiency of such sum as full and final consideration for the right of entry on to the Premises and right of commencement as described herein. The consideration stated herein is independent consideration not included in the Purchase Price and is payment only for the Right of Entry.

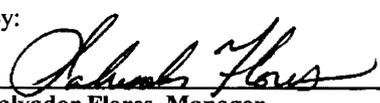
EXECUTED this the 27th day of February, A.D., 2007.

WITNESS:

**OWNER(S): BENDICION LAND DEVELOPMENT CO.,
L.L.C.**



TARA KING

By: 

Salvador Flores, Manager

ACCEPTED:

**OWNER'S ADDRESS:
19215 Deer Elk Crest
San Antonio, TX 78258**

CITY OF SAN ANTONIO

BY: _____
**STEVEN F. HODGES
REAL ESTATE MANAGER**

**PARCEL ADDRESS:
South end of Easterling at Culebra Creek
San Antonio, TX**

AFTER RECORDING
PLEASE RETURN TO:
Real Estate Section/4th Floor
City of San Antonio
P. O. Box 839966



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

EXHIBIT

FOR

DRAINAGE & SANITARY SEWER EASEMENT
PARCEL NO. 18195

A 1.240 acre or 53,996 square feet more or less, tract of land, being a Drainage & Sanitary Sewer Easement situated within a called 5.857 tract of land recorded in Volume 13006, Pages 276-279 of the Official Public Records of Real Property of Bexar County, Texas, out of the G.W. Lewis Survey No. 18, Abstract 441, County Block 4416 of Bexar County, Texas in New City Block (N.C.B.) 17642 of the City of San Antonio, Bexar County, Texas with the basis of bearings being the north line of Westover Valley, Unit-1 recorded in Volume 9562, Pages 166-169 of the Official Public Records of Real Property of Bexar County, Texas:

BEGINNING: At a found ½" iron rod with yellow cap marked "Pape-Dawson", being the southwest corner of said called 5.857 acre tract, a point in the north line of a 42.36 acre tract recorded in Volume 12807, Pages 1603-1607 of the Official Public Records of Real Property of Bexar County, Texas and the southeast corner of a called 6.68 acre tract recorded in Volume 7307, Pages 347-350 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 16°34'52" E departing the north line of said 42.36 acre tract, along and with the east line of said called 6.68 acre tract and the west line of said called 5.857 acre tract, a distance of 65.30 feet to a found ⅝" iron rod;

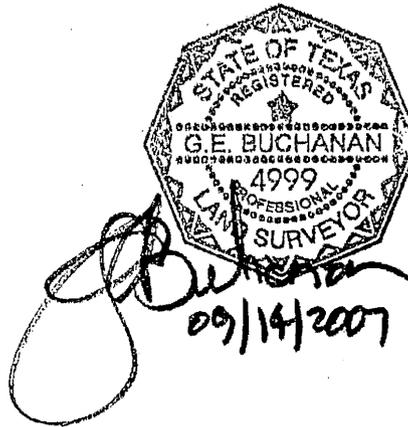
THENCE: N 22°54'59" E, along and with the east line of said called 6.68 acre tract and the west line of said called 5.857 acre tract, a distance of 29.59 feet to a point;

THENCE: S 89°42'07" E, departing the east line of said called 6.68 acre tract, over and across said called 5.857 acre tract, a distance of 584.33 feet to a point in the east line of said called 5.857 acre tract and in the west line of a called 11.899 acre tract conveyed to Bendicion Land Development Co., LLC and recorded in Volume 13184, Pages 1096-1099 of the Official Public Records of Bexar County, Texas;

THENCE: S 01°26'58" W, along and with the east line of said called 5.857 acre tract and a west line of said called 11.899 acre tract, a distance of 90.02 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson", the southwest corner of said called 11.899 acre tract, the southeast corner of said called 5.857 acre tract and a point in the north line of Lot 2 of said Westover Valley, Unit-1;

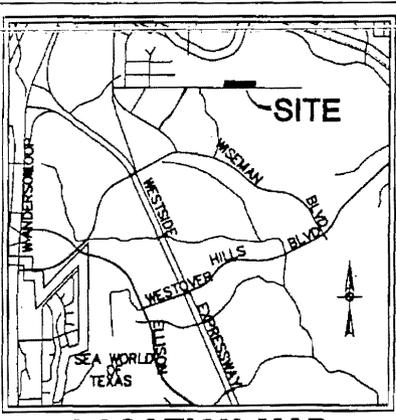
THENCE: N 89°42'07" W, departing the west line of said called 11.899 acre tract, along and with the south line of said called 5.857 acre tract and north line of said Lot 2, at a distance of 16.36 feet passing the northwest corner of said Lot 2 and the northeast corner of Lot 1 of said Westover Valley, Unit 1, continuing along and with the south line of said called 5.857 acre tract and the north line of said Lot 1, at a distance of 173.69 feet passing a found ½" iron rod with yellow cap marked "Pape-Dawson", the northwest corner of said Lot 1 and the northeast corner of the aforementioned 42.36 acre tract, continuing for a total distance of 612.71 feet to the POINT OF BEGINNING and containing 1.240 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
JOB No.: 6123-00
DATE: September 14, 2007
REVISED: December 05, 2007
REVISED: December 7, 2007
REVISED: January 11, 2008
DOC. ID.: P:\69\91\00\WORD\FN\FN-1.240 AC.doc





(IN FEET)
1 INCH = 100 FT.



LOCATION MAP
N.T.S.

DEED/PLAT REFERENCE

D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
R.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS



NOTES:

- 1) THE BEARINGS ARE BASED ON WESTOVER VALLEY, UNIT-2D RECORDED IN VOLUME 9575, PAGE 220 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, WITH THE REFERENCE BEARING BEING THE WEST LINE OF SAID WESTOVER VALLEY, UNIT-2D.
- 2) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.

CALLED 5.857 ACRES
(VOL: 13006, PGS. 276-279 R.P.R.)
OWNER: BENDICION LAND DEVELOPMENT CO., LLC

CALLLED 11.899 ACRES
OWNER: BENDICION LAND DEVELOPMENT CO., LLC
VOL. 13184, PGS. 1096-1099 (R.P.R.)

COUNTY BLOCK 4416
N.C.B. 17642

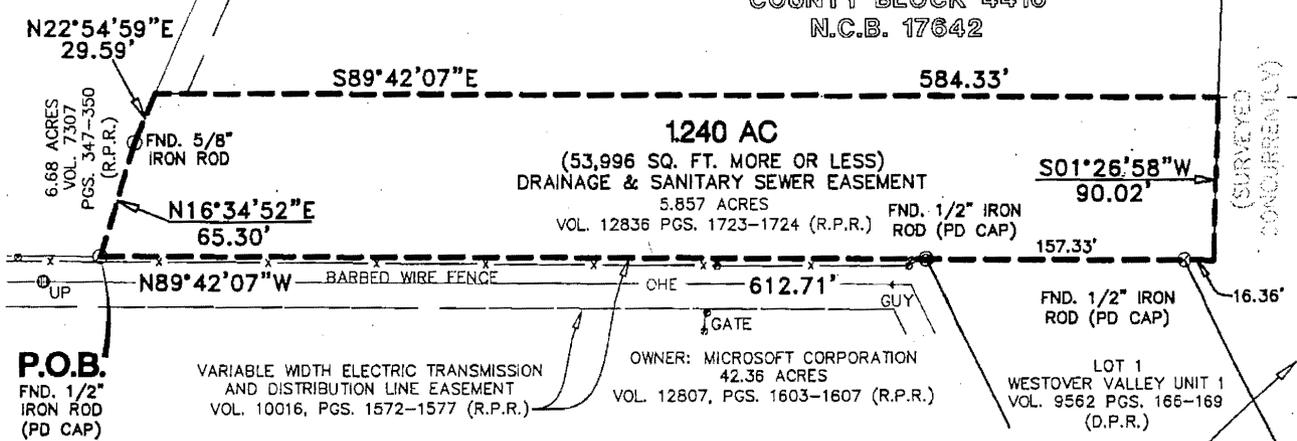
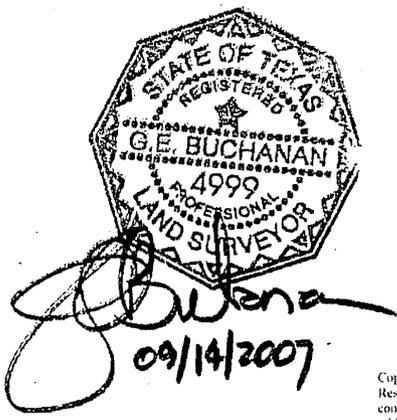


EXHIBIT OF

A 1.240 ACRE OR 53,996 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING A DRAINAGE & SANITARY SEWER EASEMENT SITUATED WITHIN A CALLED 5.857 TRACT OF LAND RECORDED IN VOLUME 12836, PAGES 1723-1724, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, OUT OF THE G.W. LEWIS SURVEY NO. 18, ABSTRACT 441, COUNTY BLOCK 4416 OF BEXAR COUNTY, TEXAS IN NEW CITY BLOCK (N.C.B.) 17642 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS



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REVISED: 01/11/2008
REVISED: 12/07/2007
REVISED: 12/05/2007
SEPTEMBER 14, 2007

JOB No.: 6123-00



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

EXHIBIT

FOR

DRAINAGE & SANITARY SEWER EASEMENT
PARCEL NO. 18197

A 3.267 acre, or 142,295 square feet more or less tract of land, being a Drainage and Sanitary Sewer Easement situated within a 11.899 acre tract conveyed to Bendicion Land Development Co., LLC recorded in Volume 13184, Pages 1096-1099 of the Official Public Records of Real Property of Bexar County, Texas, out of the G. W. Lewis Survey Number 18, Abstract 441, County Block 4416 of Bexar County, Texas in New City Block (N.C.B.) 17642 of the City of San Antonio, Bexar County, Texas. Said 3.267 acre tract being more fully described as follows with the bearing being based on Westover Valley, Unit-2A recorded in Volume 9566, Page 218 of the Deed and Plat Records of Bexar County, Texas, with the reference bearing being the west line of said Westover Valley, Unit-2A:

COMMENCING: At a found ½ inch iron rod at the northwest corner of Lot 40, Block 13, of said Westover Valley, Unit- 2D recorded in Volume 9575, Page 220 of the Deed and Plat Records of Bexar County, Texas, the east line of the remainder of a 42.63 acre tract recorded in Volume 1421, Pages 280-283 of the Official Public Records of Bexar County, Texas;

THENCE: S 00°45'13" W, along and with the west line of said Westover Valley, Unit-2D, the east line of the remainder of said 42.63 acre tract, at a distance of 217.03 feet passing the southwest corner of said Westover Valley, Unit-2D, the northwest corner of said Westover Valley, Unit-2A and continuing along and with the west line of said Westover Valley, Unit-2A for a total distance of 587.03 feet to the northeast corner of said 11.899 acre tract, the southwest corner of Lot 31, Block 13 of said Westover Valley, Unit-2A and the POINT OF BEGINNING of the herein described tract;

THENCE: S 00°45'13" W, continuing along and with the west line of said Westover Valley, Unit- 2A, the east line of said 11.899 acre tract, a distance of 580.83 feet to the southwest corner of said Westover Valley, Unit- 2A, on the north line of Westover Valley, Unit-1 recorded in Volume 9562, Pages 166-169 of the Deed and Plat Records of Bexar County, Texas, from which a found ½" iron rod bears S 89°43'15" E, 170.01 feet;

3.267 Acres
Parcel No. 18197
Project No. 6123-00
Page 2 of 2

THENCE: N 89°43'15" W, departing the west line of said Westover Valley, Unit-2A, along and with the north line of said Westover Valley, Unit-1, a distance of 625.60 feet to an angle point in the north line of said Westover Valley, Unit-2A;

THENCE: N 89°42'07" W, along and with the north line of said Westover Valley, Unit-1, a distance of 331.60 feet to a point in the north line of said Westover Valley, Unit- 2A and the southeast corner of a called 5.857 acre tract recorded in Volume 13006, Pages 276-279 of the Official Public Records of Bexar County, Texas and a west line of said 11.899 acre tract;

THENCE: N 01°26'58" E, departing the north line of said Westover Valley, Unit-1, along and with the west line of said called 5.857 acre tract, a distance of 90.02 feet to a point;

THENCE: Departing the west line of said called 5.857 acre tract, over and across said 11.899 acre tract the following calls and distances:

S 89°42'07" E, a distance of 329.78 feet to a point;

S 89°43'15" E, a distance of 374.60 feet to a point of curvature;

Along the arc of a curve to the left, said curve having a radius of 149.50 feet, a central angle of 90°41'56", a chord bearing and distance of N 44°55'47" E, 212.71 feet, for an arc length of 236.66 feet to a point of tangency;

N 00°25'11" W, a distance of 330.80 feet to a point;

THENCE: N 85°45'59" E, along the north line of said 11.899 acre tract, a distance of 110.69 feet to the POINT OF BEGINNING and containing 3.267 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with an exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

JOB No.: 6123-00

DATE: September 14, 2007

REVISED: December 05, 2007

REVISED: December 7, 2007

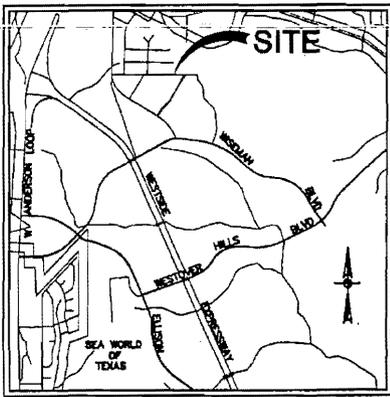
REVISED: January 08, 2008

DOC. ID.: N:\Survey07\CIVIL\6123-00H\WORD\FN-3.267 AC.doc



G.E. Buchanan
09/14/2007

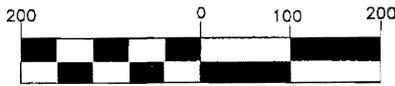
**PAPE-DAWSON
ENGINEERS**



DEED/PLAT REFERENCE

D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS
 R.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

PARCEL No. 18197



(IN FEET)
 1 inch = 200 ft.

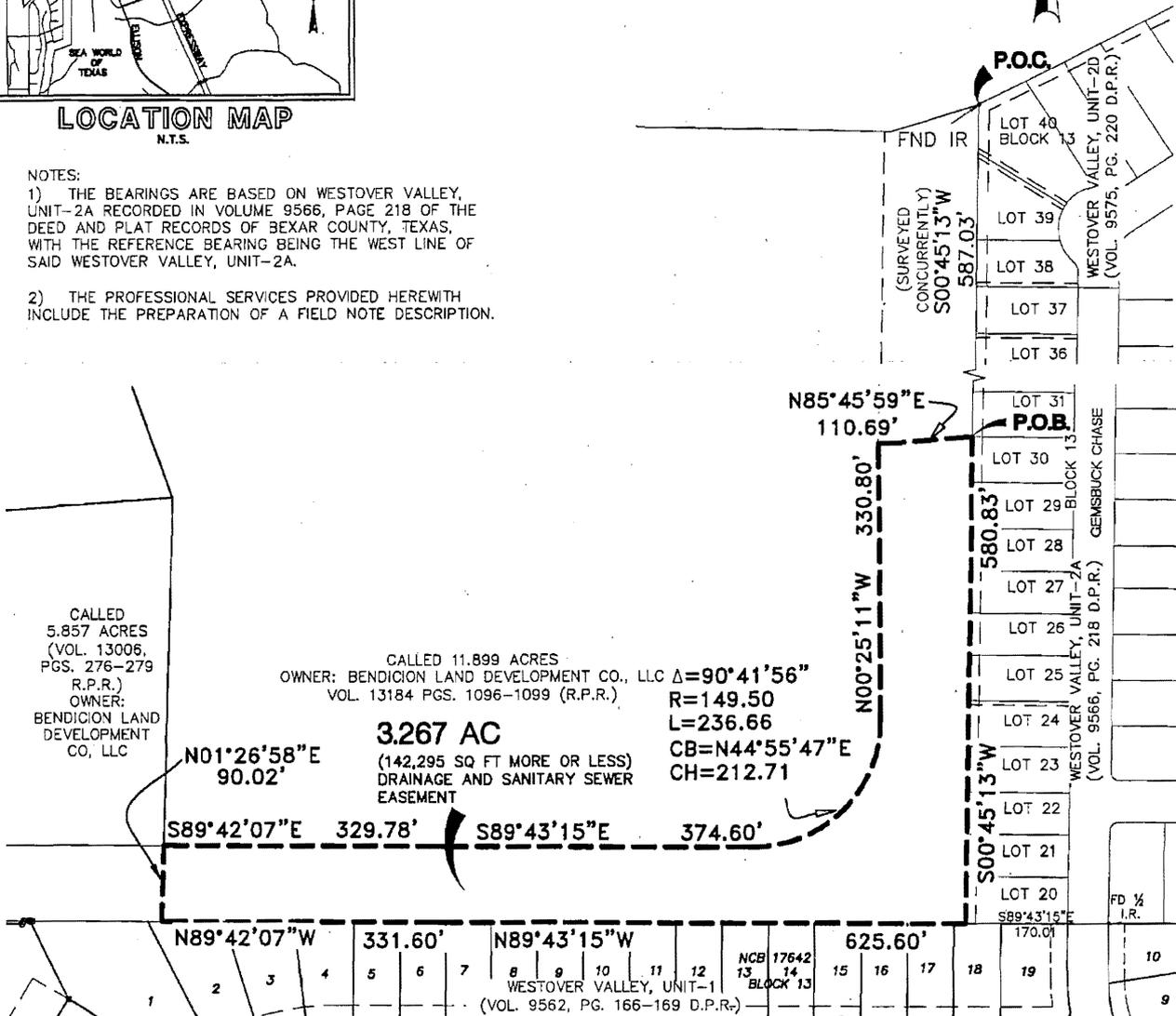


LOCATION MAP

N.T.S.

NOTES:

- THE BEARINGS ARE BASED ON WESTOVER VALLEY, UNIT-2A RECORDED IN VOLUME 9566, PAGE 218 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, WITH THE REFERENCE BEARING BEING THE WEST LINE OF SAID WESTOVER VALLEY, UNIT-2A.
- THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.



CALLED
 5.857 ACRES
 (VOL. 13006,
 PGS. 276-279
 R.P.R.)
 OWNER:
 BENDICION LAND
 DEVELOPMENT
 CO, LLC

CALLER 11.899 ACRES
 OWNER: BENDICION LAND DEVELOPMENT CO., LLC
 VOL. 13184 PGS. 1096-1099 (R.P.R.)
3.267 AC
 (142,295 SQ FT MORE OR LESS)
 DRAINAGE AND SANITARY SEWER
 EASEMENT
 $\Delta=90^{\circ}41'56''$
 $R=149.50$
 $L=236.66$
 $CB=N44^{\circ}55'47''E$
 $CH=212.71$

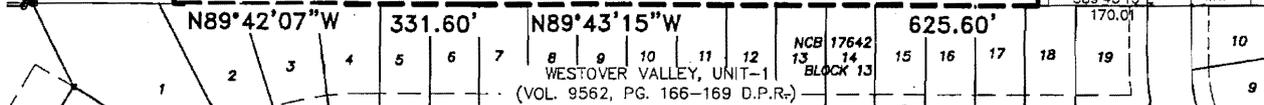
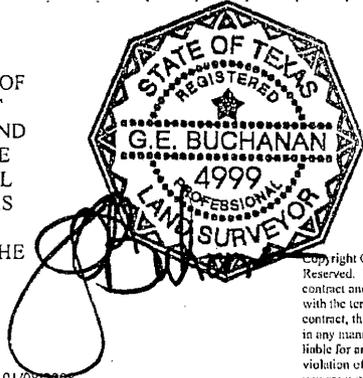


EXHIBIT OF

A 3.267 ACRE, OR 142,295 SQUARE FEET MORE OR LESS TRACT OF LAND, BEING A DRAINAGE AND SANITARY SEWER EASEMENT SITUATED WITHIN A 42.63 ACRE TRACT CONVEYED TO C & K LAND MOVING CO., INC., IN WARRANTY DEED RECORDED IN VOLUME 1421, PAGES 280-283 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, OUT OF THE G. W. LEWIS SURVEY NUMBER 18, ABSTRACT 441, COUNTY BLOCK 4416 OF BEXAR COUNTY, TEXAS IN NEW CITY BLOCK (N.C.B.) 17642 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS



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REVISED: 01/08/2008
 REVISED: 12/07/2007
 REVISED: 12/05/2007
 SEPTEMBER 14, 2007

JOB No.: 6123-00

Date: Aug 11, 2008 8:27am User: D:\Ccoff File: P:\60101\000\Exhibits\Drainage Exam\07207-Township Exhibit 2.dwg