

AN ORDINANCE

2009-10-29-0854

**AUTHORIZING THE ACQUISITION AND/OR CONDEMNATION OF FEE SIMPLE TITLE TO A PORTION OF TWO PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN N.C.B. 8636, IN COUNCIL DISTRICT 5 FOR THE TESLA (CULEBRA TO MAYBERRY) PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE AVAILABLE FROM 2007-2012 GENERAL OBLIGATION BOND FUNDS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio (“City”) seeks to acquire fee simple title to a portion of two parcels out of NCB 8636, either by negotiation or condemnation for the Tesla (Culebra to Mayberry) Project; and

**WHEREAS**, the Tesla (Culebra to Mayberry) Project includes the reconstruction of Tesla from Culebra to Mayberry, in the Culebra Heights Subdivision; and

**WHEREAS**, the Project will include new curbs, sidewalks, and driveway approaches, and necessary drainage and utility improvements; and

**WHEREAS**, there is no additional fiscal impact associated with these acquisitions. The expenditures for these projects were approved by City Council on May 7, 2009 through Ordinance 2009-05-07-0350; **NOW THEREFORE**,

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

**SECTION 1.** The Tesla (Culebra to Mayberry) Project is hereby declared to be a necessary public project.

**SECTION 2.** The City Council of the City of San Antonio finds a public necessity exists to acquire by negotiation and/or condemnation, if necessary, fee simple title to portions of certain privately owned real property, and more particularly described as follows:

PARCEL	LOT(S)	BLK	NCB
18349	6	2	8636
18350	31	2	8636

The property is more specifically shown on the Site Map and further described by metes and bounds and survey map attached hereto as **Exhibits A, B and C** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

**SECTION 3.** Funding and payment for this ordinance was previously authorized. There is no additional fiscal impact at this time. All expenditures will comply with the approved capital budgets for current and future fiscal years.

**SECTION 4.** Payment not to exceed the limitations of the budgeted amount is authorized and should be encumbered with a purchase order.

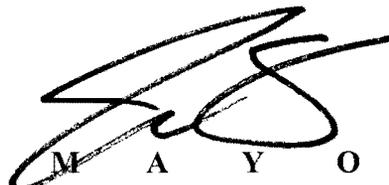
**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance

**SECTION 6.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcel for the permanent easement acquisition of the Property at fair market value, to execute sales agreements purchasing the property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by Order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

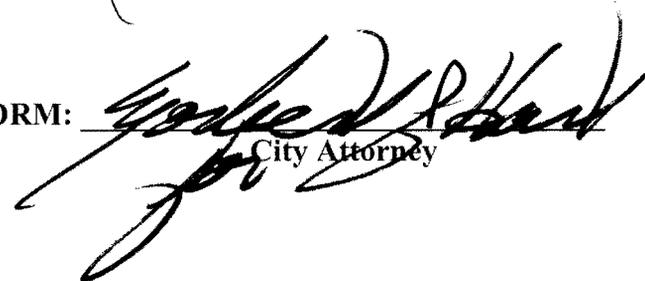
**SECTION 7.** In the event that the City negotiations fail and staff is unable to acquire the easement from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to acquire the easement through eminent domain proceedings.

**SECTION 8.** 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 the 29<sup>th</sup> day of **October, 2009.**

  
M A Y O R  
JULIÁN CASTRO

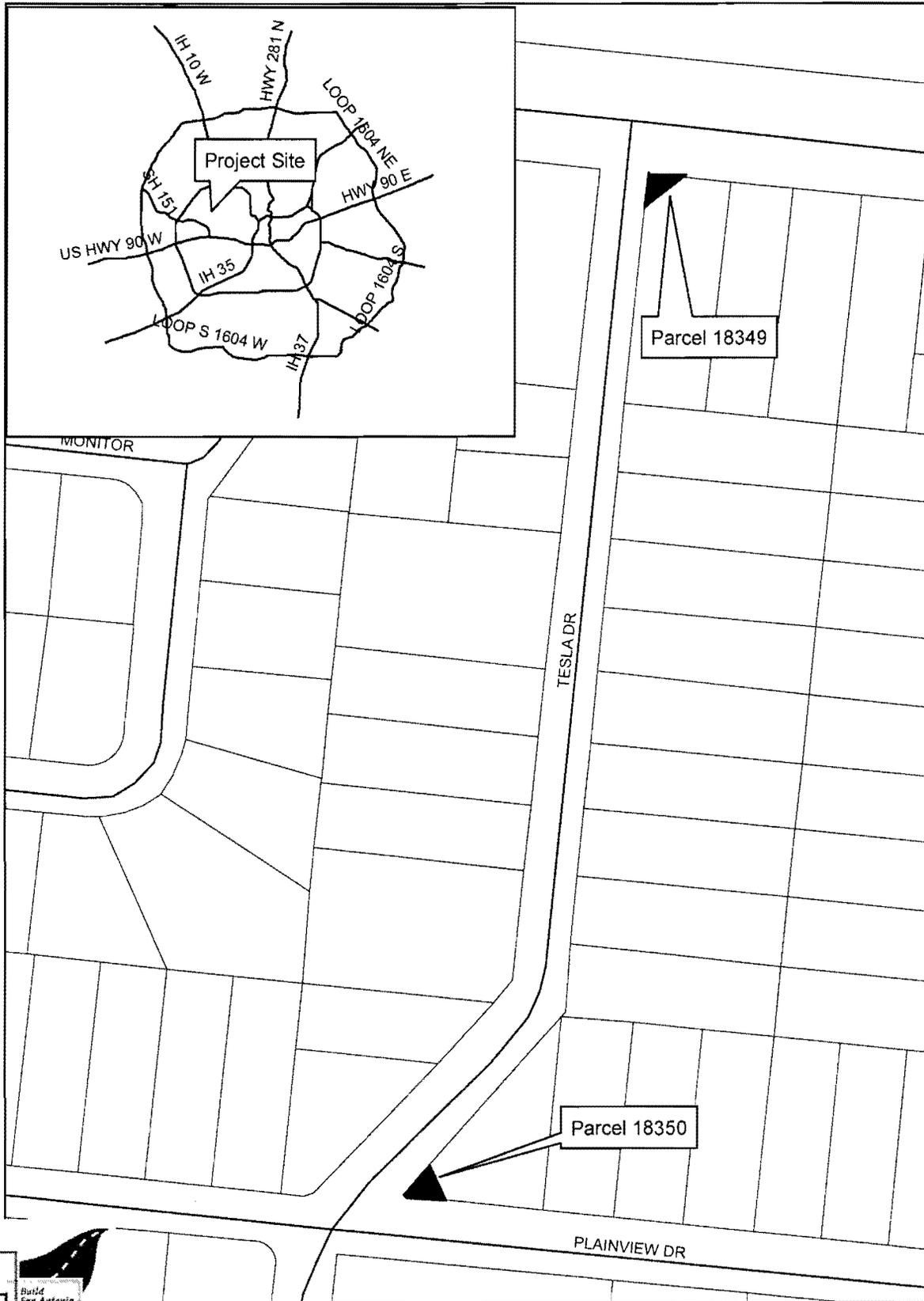
**ATTEST:**   
CITY CLERK

**APPROVED AS TO FORM:**   
City Attorney

SF

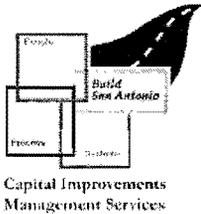
<b>Agenda Item:</b>	13A ( in consent vote: 5, 6, 7, 8, 9, 11, 13A, 13B, 15, 16, 19, 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J, 22K, 23, 24, 25 )						
<b>Date:</b>	10/29/2009						
<b>Time:</b>	09:38:59 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acquisition of a portion of two parcels of privately owned real property located in N.C.B. 8636, in Council District 5 for the Tesla (Culebra to Mayberry) project.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

# Tesla - Culebra to Mayberry Project



Not to scale

**EXHIBIT A**



THE STATE OF TEXAS:  
COUNTY OF BEXAR:

Project Name: Tesla Drive  
Project Number: 40-00038  
Owner Name: Villarreal, Lorenzo R.

**Tesla Drive  
Parcel No: 18349  
Fee Simple**

**BEING 0.001 OF AN ACRE (48 SQ. FT.) OF LAND, OUT OF LOT 6, BLOCK 2, N.C.B. 8636, CULEBRA HEIGHTS SUBDIVISION, AS RECORDED IN VOLUME 642, PAGE 341, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

- Beginning:** At a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", in the east right-of-way line of Tesla Drive and the west line of said Lot 6, said point being, N.05°49'17"E., 153.05 feet from a found iron rod for the southwest corner of said Lot 6, said point being the south corner of the herein described parcel;
- Thence:** N.05°49'17"E., 15.01 feet to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc." at the intersection of the east right-of-way line of Tesla Drive and the south right-of-way line of Culebra Road for the northwest corner of the herein described parcel;
- Thence:** S. 84°08'30" E., 15.01 feet along the south right-of-way of Culebra Road, same line being the north line of said Lot 6, to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc.", for the northeast corner of the herein described parcel;
- Thence:** crossing said Lot 6, along a tangent curve to the left, an arc distance of 23.57 feet, said curve having a radius of 15.00 feet, a tangent of 15.01 feet, a delta of 90°02'13" and a chord bearing and distance of S.50°50'24"W., 21.22 feet the **Point of Beginning** and containing 0.001 of an acre (48 sq. ft.) of land more or less.

<u>Tract</u>	<u>Acreage</u>
Parent Tract	0.197 Acres
Parcel 18349	<u>0.001 Acres</u>
Remainder	0.196 Acres

Bearing based on NAD 83(93), South Central Zone

No part of this Parcel has been dedicated previously by Plat or Replat

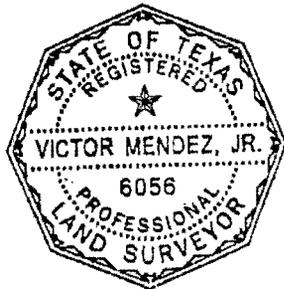
Combined adjustment factor: 0.999830029

Acreage acquired from Bexar County Appraisal District

Plat prepared this day.

Surveyed on the ground 17 th., day of August, 2009.

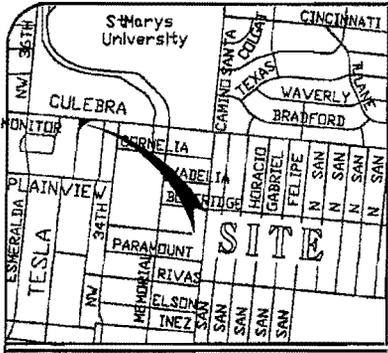
Plat Prepared by Bain Medina Bain, Inc.



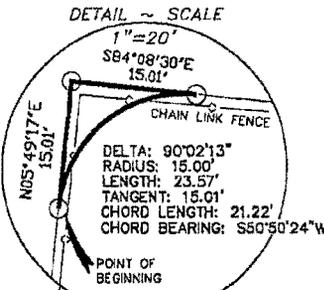
  
Victor M. Mendez R.P.L.S. 6056

PARENT TRACT	0.197 ACRES
PARCEL 18349	0.001 ACRES
REMAINDER	0.196 ACRES

Project Name: Tesla Drive  
 Project Number: 40-00038  
 Owner Name: Villarreal, Lorenzo R.  
 PARCEL No.: 18349



LOCATION MAP (N.T.S.)



- LEGEND:
- ◊ CHAIN LINK FENCE
  - GAS LINE
  - OHE OVERHEAD ELECTRIC
  - W WATER LINE
  - S.S. SANITARY SEWER LINE
  - ⊕ WATER METER
  - ⌋ ANCHOR GUY WIRE
  - POWER POLE
  - MAIL BOX
  - ⊗ FIRE HYDRANT
  - TREE
  - ⊙ SIGN
  - ⊙ MANHOLE WASTE
  - ⊙ WATER VALVE
  - ⊙ TELEPHONE PEDESTAL

BEARING SOURCE:  
 NAD 83(93) TEXAS STATE PLANE COORDINATES  
 SOUTH CENTRAL ZONE  
 COMBINED ADJUSTMENT FACTOR 0.999830029

- ~ SET 1/2" IRON ROD WITH ORANGE CAP STAMPED "BAIN MEDINA BAIN INC." AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
  - ~ FOUND 1/2" IRON ROD
- A METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS SURVEY PLAT.  
 D.P.R.B.C.T. = DEED AND PLAT RECORDS BEXAR COUNTY, TEXAS  
 ACREAGE ACQUIRED FROM BEXAR COUNTY APPRAISAL DISTRICT

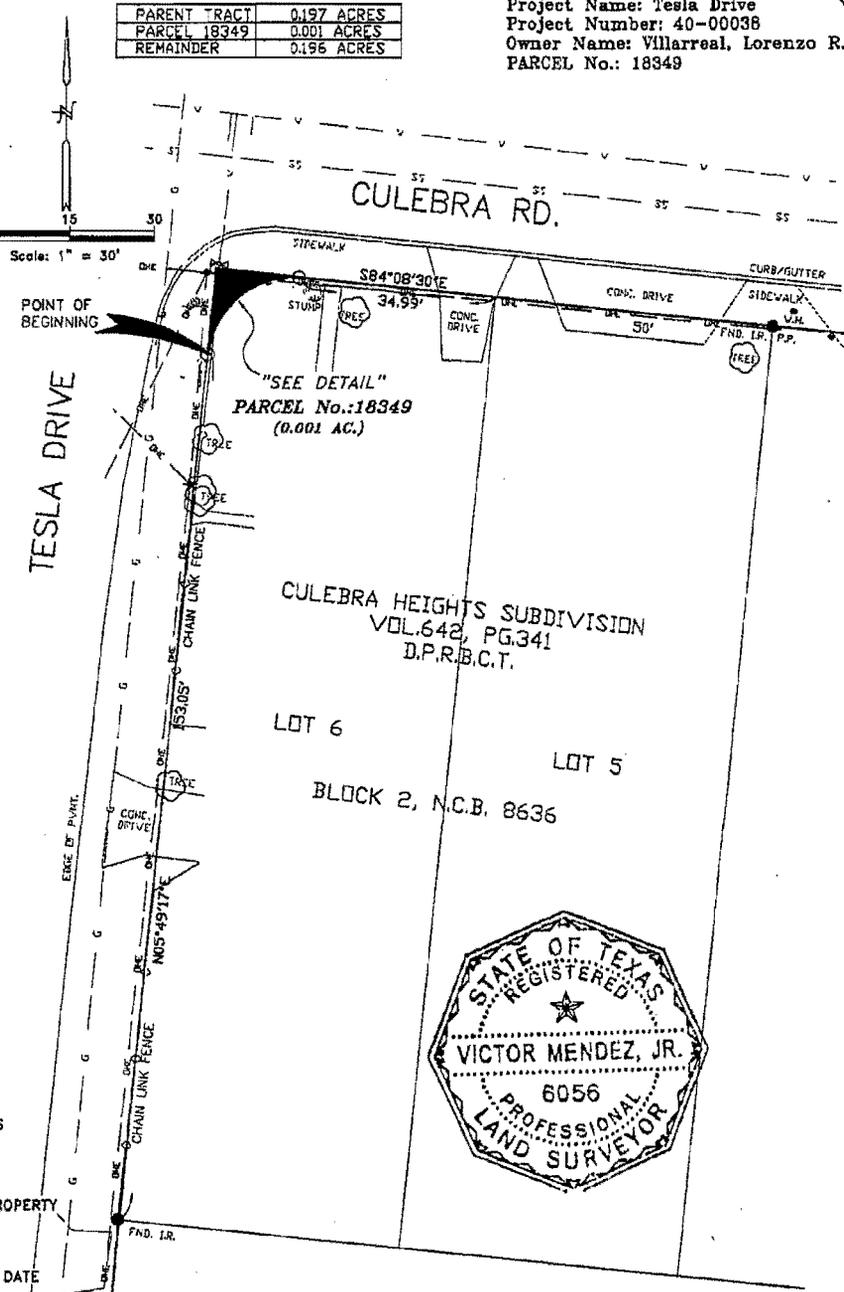
SUBJECT PROPERTY LIES WITHIN ZONE X ACCORDING TO FIRM MAP NUMBER 48029C0429 EFFECTIVE DATE 02-16-1996.

SURVEY PLAT SHOWING:  
 BEING 0.001 OF AN ACRE (48 SQ. FT.) OF LAND, OUT OF LOT 6, BLOCK 2, N.C.B. 8836, CULEBRA HEIGHTS SUBDIVISION, AS RECORDED IN VOLUME 642, PAGE 341, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

PREPARED BY:



**BAIN MEDINA BAIN, INC.**  
 ENGINEERS & SURVEYORS  
 7073 San Pedro Ave.  
 San Antonio, Texas 78216  
 210/494-7223



CULEBRA HEIGHTS SUBDIVISION  
 VOL.642, PG.341  
 D.P.R.B.C.T.

LOT 6  
 LOT 5  
 BLOCK 2, N.C.B. 8636



STATE OF TEXAS  
 COUNTY OF BEXAR

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION,

THIS 17th DAY OF AUGUST, 2009 A.D.

*[Signature]*  
 VICTOR M. MENDEZ R.P.L.S. 6056

THE STATE OF TEXAS:  
COUNTY OF BEXAR:

Project Name: Tesla Drive  
Project Number: 40-00038  
Owner Name: Herrera, Lee & Pauline

**Tesla Drive**  
**Parcel No: 18350**  
**Fee Simple**

BEING 0.004 OF AN ACRE (186 SQUARE FEET) OF LAND, OUT OF LOT 31, BLOCK 2, NEW CITY BLOCK 8636 OF THE CULEBRA HEIGHTS SUBDIVISION AS SHOWN IN VOLUME 642, PAGE 341 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

- Beginning:** At a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc." in the north right-of-way line of Plainview Drive and the south line of said Lot 31 for the southeast corner of this parcel, said point being N84°09'33"W, 83.65 feet from the southeast corner of said Lot 31;
- Thence:** N.84°09'33"W. a distance of 28.85 feet to a set ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc." at the intersection of the north right-of-way line of Plainview Drive and the east right-of-way line of Tesla Drive for the west corner of Lot 31 and this parcel;
- Thence:** N. 42°28'12" E., 28.85 feet along the west lot line of said Lot 31 and the east right-of-way line of Tesla Drive to a ½" iron rod with orange plastic cap stamped "Bain Medina Bain Inc." (to be set upon acquisition) for the north corner of this parcel;
- Thence:** crossing said Lot 31 along a non-tangent curve to the left 32.05 feet along the arc, said curve having a radius of 14.50 feet, a central angle of 126°37'43", tangent of 28.85 feet, chord bearing of S.20°50'42"E. and a chord length of 25.91 feet to the **Point of Beginning** and containing 0.004 acres of an acre (186 square feet) of land more or less.

<u>Tract</u>	<u>Acreage</u>
Parent Tract	0.200 Acres
Parcel 18350	<u>0.004 Acres</u>
Remainder	0.196 Acres

Bearing based on NAD 83(93), South Central Zone.

No part of this Parcel has been dedicated previously by Plat or Replat

Combined adjustment factor: 0.999830029

Plat prepared this day.

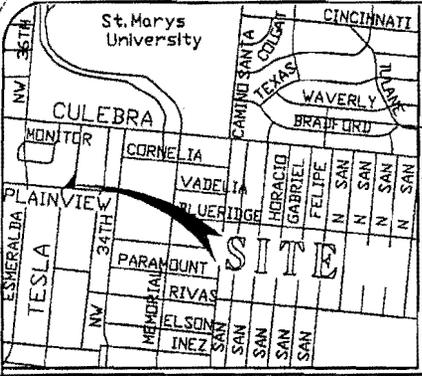
Surveyed on the ground 17 th., day of August, 2009.  
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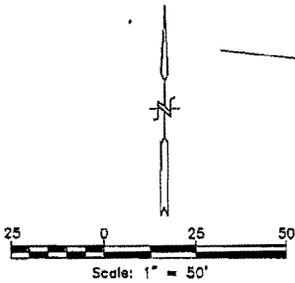
A handwritten signature in black ink, appearing to read "Victor M. Mendez", written over a horizontal line.

Victor M. Mendez R.P.L.S. 6056

Project Name: Tesla Drive  
 Project Number: 40-00038  
 Owner Name: Herrera, Lee & Pauline  
 PARCEL No.: 18350



LOCATION MAP (N.T.S.)



LEGEND:

- CHAIN LINK FENCE
- TREE
- SHRUB

PARENT TRACT	0.200 ACRES
PARCEL 18350	0.004 ACRES
REMAINDER	0.196 ACRES

LOT 12  
 BLOCK 3

LOT 15

LOT 29

TESLA DRIVE  
 (50' R.O.W.)

LOT 31

CULEBRA HEIGHTS  
 (VOL.642, PG.341)  
 DEED AND PLAT RECORDS  
 OF BEXAR COUNTY, TEXAS.

LOT 30

BLOCK 2  
 N.C.B. 8636

LEE & PAULINE  
 HERRERA

$\Delta = 126^{\circ}37'43''$   
 $R = 14.50$   
 $L = 32.05$   
 $\tan = 28.85$   
 $CH = S20^{\circ}50'42''E \ 25.91'$

$N42^{\circ}28'12''E \ 28.85'$   
 $N42^{\circ}28'12''E \ 159.46'$   
 $N84^{\circ}09'33''W \ 28.85'$   
 $N84^{\circ}09'33''W \ 83.65'$

POINT OF BEGINNING  
 CURB & GUTTER

PARCEL 18350  
 0.004 ACRE  
 (186 SQ. FT.)

PLAINVIEW DRIVE  
 (50' R.O.W.)

BEARING SOURCE:

NAD 83(93) TEXAS STATE PLANE COORDINATES  
 SOUTH CENTRAL ZONE

COMBINED ADJUSTMENT FACTOR 0.9999830029

SUBJECT PROPERTY LIES WITHIN ZONE X  
 ACCORDING TO FIRM MAP NUMBER  
 48029C0429, EFFECTIVE DATE 02-16-1996.



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  - ~ FOUND 1/2" IRON ROD
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 COUNTY OF BEXAR

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THIS 17th DAY OF AUGUST, 20 09 A.D.

VICTOR M. MENDEZ R.P.L.S. 6056