

AN ORDINANCE 2008-12-04-1104

AUTHORIZING THE EXECUTION OF A JOINT USE AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM IN CONNECTION WITH 0.784 ACRES AT STINSON MUNICIPAL AIRPORT FOR THE OLD SALADO CREEK REPLACEMENT PROJECT.

* * * * *

WHEREAS, the San Antonio Water System (SAWS) is in the process of upgrading a sewer main and sewer improvements at Stinson Municipal Airport ("Stinson") as part of the Old Salado Creek Replacement Project; and

WHEREAS, SAWS has requested that the City commit to not constructing any building on top of said sewer improvements; and said limitation on construction does not include horizontal improvements such as streets, sidewalks, runways and taxiways; and

WHEREAS, it is now necessary to authorize the attached to memorialize the Agreement; **NOW THEREFORE:**

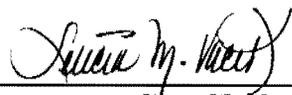
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is authorized to execute a Joint Use Agreement with SAWS for the use of 0.784 acres at Stinson Municipal Airport in substantially the same form as the document set out in Attachment I.

SECTION 2. This Ordinance shall take effect ten (10) days after its passage.

PASSED AND APPROVED this 4th day of December, 2008.

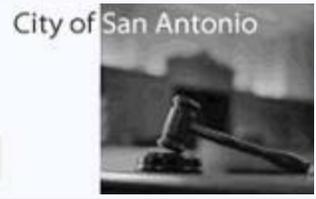

M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
**COUNCIL
ACTION**

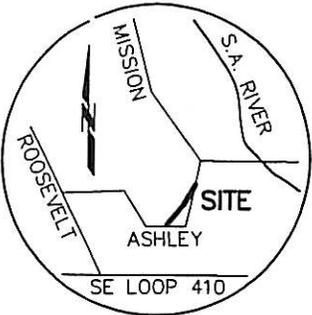


Agenda Voting Results - 45

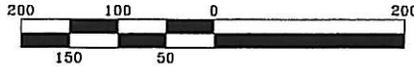
Name:	7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 29, 31, 32, 33, 34, 38, 39, 40, 41, 43B, 43C, 43D, 43E, 43F, 43G, 43H, 43I, 43J, 43K, 43L, 45, 46, 47, 48A, 48B, 49, 51, 52, 53, A, B, C, D
Date:	12/04/2008
Time:	01:50:29 PM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing a Joint Use Agreement with the San Antonio Water System in connection with 0.784 acres at Stinson Municipal Airport for the Old Salado Creek Replacement Project. [Penny Postoak Ferguson, Assistant City Manager; Michael J. Sawaya, Interim Director, Aviation]
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				
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					x
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				

PARCEL NO.: P07-107
 PROJECT NAME: OLD SALADO CREEK
 SIPHON REPLACEMENT PROJECT
 PROJECT NO.: 93-4509



VICINITY MAP
 N.T.S.



NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83(86).
2. FIELDNOTE DESCRIPTION NO. "STINSON-2.DOC" WAS PREPARED TO ACCOMPANY THIS DRAWING.

B.C.A.D. NO. 11175-000-0021
 AND 11172-000-1001

STINSON AIRPORT
 CITY OF SAN ANTONIO
 VOL. 3785, PG. 258
 VOL. 5193, PG. 87

0.784 ACRES
 (34,151 SQ. FT.)

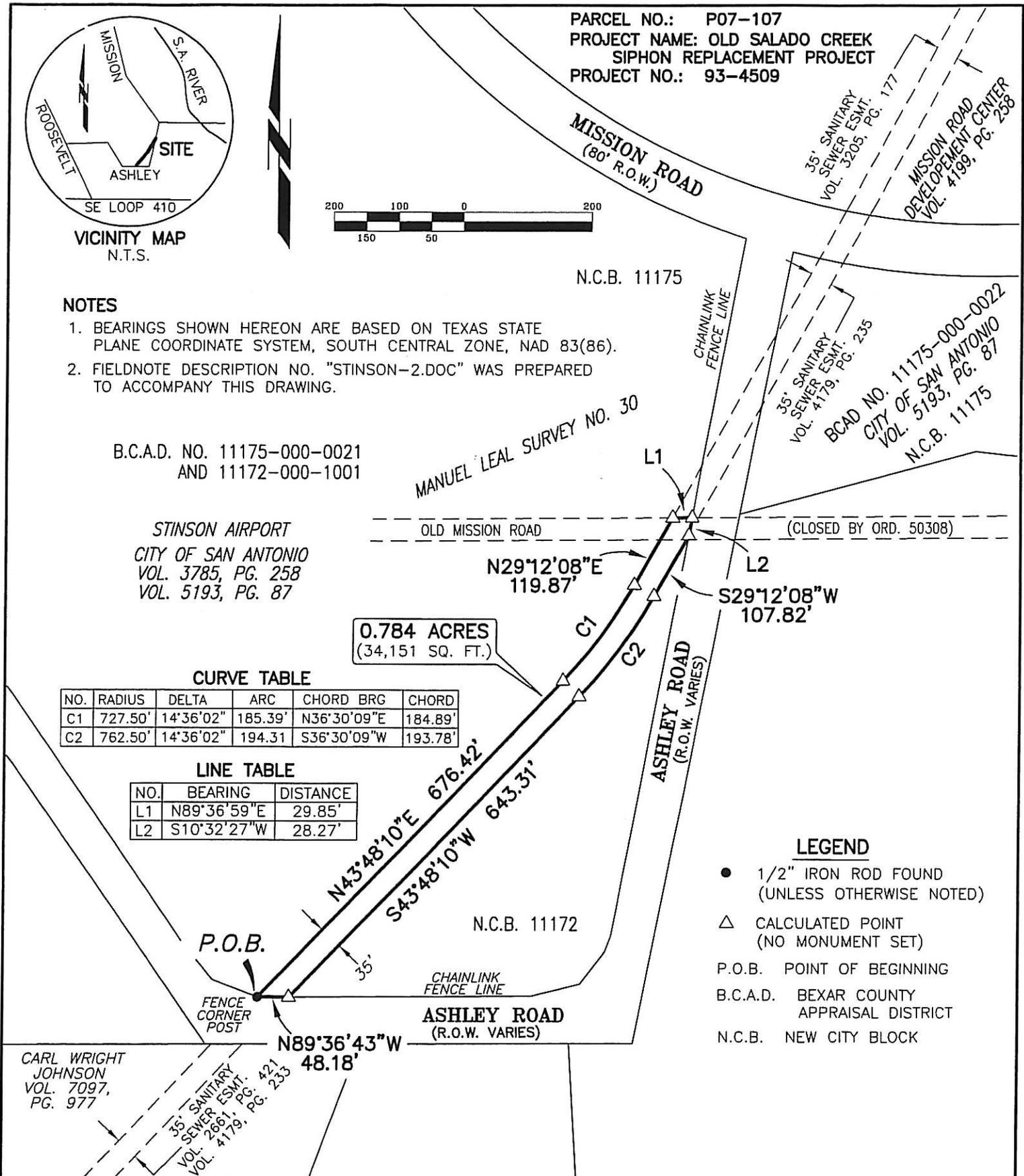
CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD BRG	CHORD
C1	727.50'	14°36'02"	185.39'	N36°30'09"E	184.89'
C2	762.50'	14°36'02"	194.31	S36°30'09"W	193.78'

LINE TABLE

NO.	BEARING	DISTANCE
L1	N89°36'59"E	29.85'
L2	S10°32'27"W	28.27'

- LEGEND**
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - △ CALCULATED POINT (NO MONUMENT SET)
 - P.O.B. POINT OF BEGINNING
 - B.C.A.D. BEXAR COUNTY APPRAISAL DISTRICT
 - N.C.B. NEW CITY BLOCK



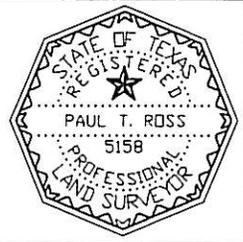
CARL WRIGHT JOHNSON
 VOL. 7097, PG. 977

35' SANITARY SEWER ESMT.
 VOL. 2661, PG. 421
 VOL. 4179, PG. 233

N89°36'43"W 48.18'

CDS/MUERY SERVICES
 Engineering & Surveying
 3411 MAGIC DR. • SAN ANTONIO, TEXAS 78229 • 210-581-1111

DRAWING NAME: F:\106052\EASEMENTS\STINSON-JUA-2.DWG



THIS PLAT OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AS OF THE DATE INDICATED BELOW.

Paul T. Ross 10 JULY 08
 PAUL T. ROSS, RPLS DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158

FIELD NOTES
FOR
0.784 ACRES (34,151 SQ. FT.)

BEING a 0.784 acre (34,151 sq. ft.) tract of land located in the Manuel Leal Survey No. 30, New City Block 11172 and 11175 and being a portion of those tracts of land known as Stinson Airport conveyed to City of San Antonio by deeds of record in Vol. 3785, Pg. 258 and Vol. 5193, Pg. 87 of the Deed Records of Bexar County, Texas, said 0.784 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a chain link fence corner post in the north line of Ashley Road (R.O.W. varies), same being the south line of said City of San Antonio tracts, for the southwest corner hereof;

THENCE, leaving the north line of Ashley Road, over and across said City of San Antonio tracts, the following four (4) courses and distances:

1. N43°48'10"E, a distance of 676.42 feet to a calculated point for beginning of a curve to the left;
2. Along said curve to the left having a radius of 727.50 feet, a central angle of 14°36'02", an arc distance of 185.39 feet, and a chord which bears N36°30'09"E, a distance of 184.89 feet to a calculated point for the end of said curve;
3. N29°12'08"E, a distance of 119.87 feet to a calculated point for the northwest corner hereof;
4. N89°36'59"E, a distance of 29.85 feet to a calculated point in the west line of Ashley Road, same being the east line of said City of San Antonio tracts, for the northeast corner hereof;

THENCE, S10°32'27"W, along the east line of said City of San Antonio tracts, same being the west line of Ashley Road, a distance of 28.27 feet to a calculated point for an angle point hereof;

Parcel No.: P07-107
Project Name: Old Salado Creek
Sewer Replacement Project
Project No.: 93-4509

THENCE, leaving the west line of Ashley Road, over and across said City of San Antonio tracts, the following three (3) courses and distances:

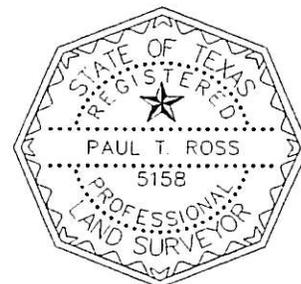
5. S29°12'08"W, a distance of 107.82 feet to a calculated point for beginning of a curve to the right;
6. Along said curve to the right having a radius of 762.50 feet, a central angle of 14°36'02", an arc distance of 194.31 feet, and a chord which bears S36°30'09"W, a distance of 193.78 feet to a calculated point for the end of said curve;
7. S43°48'10"W, a distance of 643.31 feet to a calculated point in the north line of Ashley Road, same being the south line of said City of San Antonio tracts, for the southeast corner hereof;

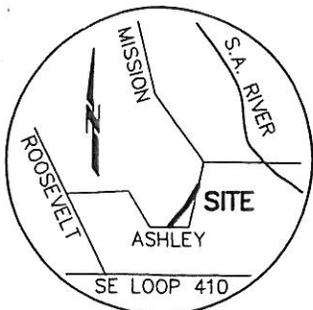
THENCE, N89°36'43"W, along the north line of Ashley Road, same being the south line of said City of San Antonio tract, a distance of 48.18 feet to the **POINT OF BEGINNING**, containing an area of 0.784 acres (34,151 sq. ft.) of land, more or less, within these metes and bounds.

The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, South Central Zone, NAD 1983(86).

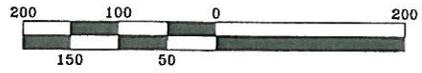
I, Paul T. Ross, a Registered Professional Land Surveyor, do hereby certify that the above field notes and the drawing which accompanies it, were prepared using information obtained by an on-the-ground survey made under my direction and supervision.

Paul T. Ross 10 July 08
Paul T. Ross Date
Registered Professional Land Surveyor
Texas Registration No. 5158





VICINITY MAP
N.T.S.



PARCEL NO.: P07-107
 PROJECT NAME: OLD SALADO CREEK
 SIPHON REPLACEMENT PROJECT
 PROJECT NO.: 93-4509

35' SANITARY
SEWER ESMT.
VOL. 3205, PG. 177

MISSION ROAD
DEVELOPMENT CENTER
VOL. 4199, PG. 258

NOTES

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2. FIELDNOTE DESCRIPTION NO. "STINSON-2.DOC" WAS PREPARED TO ACCOMPANY THIS DRAWING.

B.C.A.D. NO. 11175-000-0021
 AND 11172-000-1001

STINSON AIRPORT
 CITY OF SAN ANTONIO
 VOL. 3785, PG. 258
 VOL. 5193, PG. 87

MANUEL LEAL SURVEY NO. 30

35' SANITARY
SEWER ESMT.
VOL. 4179, PG. 235

BCAD NO. 11175-000-0022
 CITY OF SAN ANTONIO
 VOL. 5193, PG. 87

N.C.B. 11175

OLD MISSION ROAD (CLOSED BY ORD. 50308)

N29°12'08"E
119.87'

S29°12'08"W
107.82'

0.784 ACRES
(34,151 SQ. FT.)

CURVE TABLE

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C1	727.50'	14°36'02"	185.39'	N36°30'09"E	184.89'
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LINE TABLE

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L2	S10°32'27"W	28.27'

N43°48'10"E 676.42'

S43°48'10"W 643.31'

ASHLEY ROAD
(R.O.W. VARIES)

N.C.B. 11172

P.O.B.

FENCE CORNER POST

N89°36'43"W
48.18'

ASHLEY ROAD
(R.O.W. VARIES)

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT (NO MONUMENT SET)
- P.O.B. POINT OF BEGINNING
- B.C.A.D. BEXAR COUNTY APPRAISAL DISTRICT
- N.C.B. NEW CITY BLOCK

EXHIBIT B

CARL WRIGHT
JOHNSON
VOL. 7097,
PG. 977

35' SANITARY
SEWER ESMT.
VOL. 2661, PG. 421

35' SANITARY
SEWER ESMT.
VOL. 4179, PG. 233

CDS/MUERY SERVICES
 Engineering & Surveying
 3411 MAGIC DR. • SAN ANTONIO, TEXAS 78229 • 210-581-1111



THIS PLAT OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AS OF THE DATE INDICATED BELOW.

Paul T. Ross 10 July 08
 PAUL T. ROSS, RPLS DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158

ATTACHMENT 1

JOINT USE AGREEMENT

An Agreement is made this day between the City of San Antonio, hereinafter referred as "CITY", acting through its City Manager pursuant to Ordinance No. _____, in cooperation with the San Antonio Water System, hereinafter referred to as "SAWS", acting by and through duly authorized representative, as follows:

WHEREAS, the City of San Antonio owns or controls certain property upon which the San Antonio Water System desires to replace and install certain sewer system improvements and said property is more particularly described and depicted in Exhibits "A" and "B" attached hereto and made a part hereof.

WHEREAS, the San Antonio Water System is a municipally owned utility of the City of San Antonio and joint use of the property would benefit both parties.

NOW THEREFORE, THE PARTIES AGREE TO THE FOLLOWING JOINT USE OF CERTAIN PROPERTY;

SECTION I. The City of San Antonio agrees to allow the San Antonio Water System and/or its contractors to enter said parcel immediately following the execution of this instrument on a non-exclusive basis for the purpose of using said land for any and all things necessary for constructing, operating, replacing, repairing, inspecting and maintaining of the aforesaid improvements; provided, however, that the use of cranes and other equipment which may pose obstructions to air navigation or may interfere with air navigational aids must be cleared through the Aviation Department's Planning & Engineering Division. SAWS agrees to dispose of any excavated dirt and otherwise restore to substantially the condition existing immediately prior to SAWS work hereunder, the surface of said property, by removing and properly disposing of any excavated soils and refilling and sodding any excavated areas. SAWS shall coordinate any and all entries into the Airport Operations Area (inside the airport fence) with the Stinson Municipal Airport Manager.

SECTION II. The City will not alter or modify any SAWS improvements without the approval of SAWS, and the City will not construct any buildings upon said property. The City's agreement not to construct shall apply only to vertical buildings and shall not apply to horizontal construction such as streets, sidewalks, taxiways, surface-level parking lots. SAWS retains ownership of its improvements on said property and will operate and maintain said improvements.

SECTION III. Neither SAWS nor the City by execution of this Joint Use Agreement, waive or relinquish any right which they may have under the law or constitution, state or federal. This Joint Use Agreement does not constitute a conveyance or release of any real property rights held by the City of San Antonio. Further, this Joint Use Agreement does not increase, expand, or diminish any existing real property rights held by the City of San Antonio and/or by SAWS. The parties are acting herein for their own benefit and no benefit shall accrue to any third party.

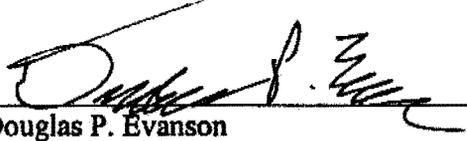
Project: Old Salado Creek Siphon
Replacement Project
No: 83-4509
Parcel: P07 - 107

IN WITNESS WHEREOF, the parties hereto have affixed their signatures this _____ day of _____, 2008.

CITY OF SAN ANTONIO

SAN ANTONIO WATER SYSTEM

Sheryl Sculley
City Manager



Douglas P. Evanson
Senior Vice President and Chief Financial Officer

ATTEST:

City Clerk

Approved as to Form:

City Attorney

[Acknowledgements begin on following page]

Project: Old Salado Creek Siphon
Replacement Project
No: 83-4509
Parcel: P07 - 107

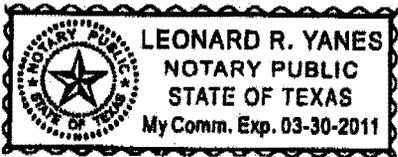
STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this _____ day of _____, 2008, by Penny Post oak Ferguson, Assistant City Manager of the CITY OF SAN ANTONIO, on its behalf.

Notary Public

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

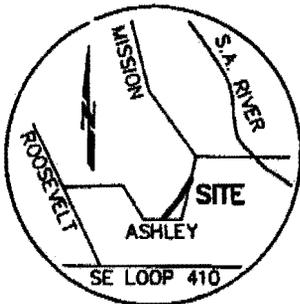
This instrument was acknowledged before me on this 14th day of NOVEMBER, 2008, by Douglas P. Evanson, Senior Vice President and Chief Financial Officer of the SAN ANTONIO WATER SYSTEM, an Agency of the City of San Antonio, a Texas municipal corporation, on behalf of said agency.



Leonard R. Yanes

Notary Public

PARCEL NO.: P07-107
 PROJECT NAME: OLD SALADO CREEK
 SIPHON REPLACEMENT PROJECT
 PROJECT NO.: 93-4509



VICINITY MAP
 N.T.S.



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B.C.A.D. NO. 11175-000-0021
 AND 11172-000-1001

STINSON AIRPORT
 CITY OF SAN ANTONIO
 VOL. 3785, PG. 258
 VOL. 5193, PG. 87

0.784 ACRES
 (34,151 SQ. FT.)

CURVE TABLE

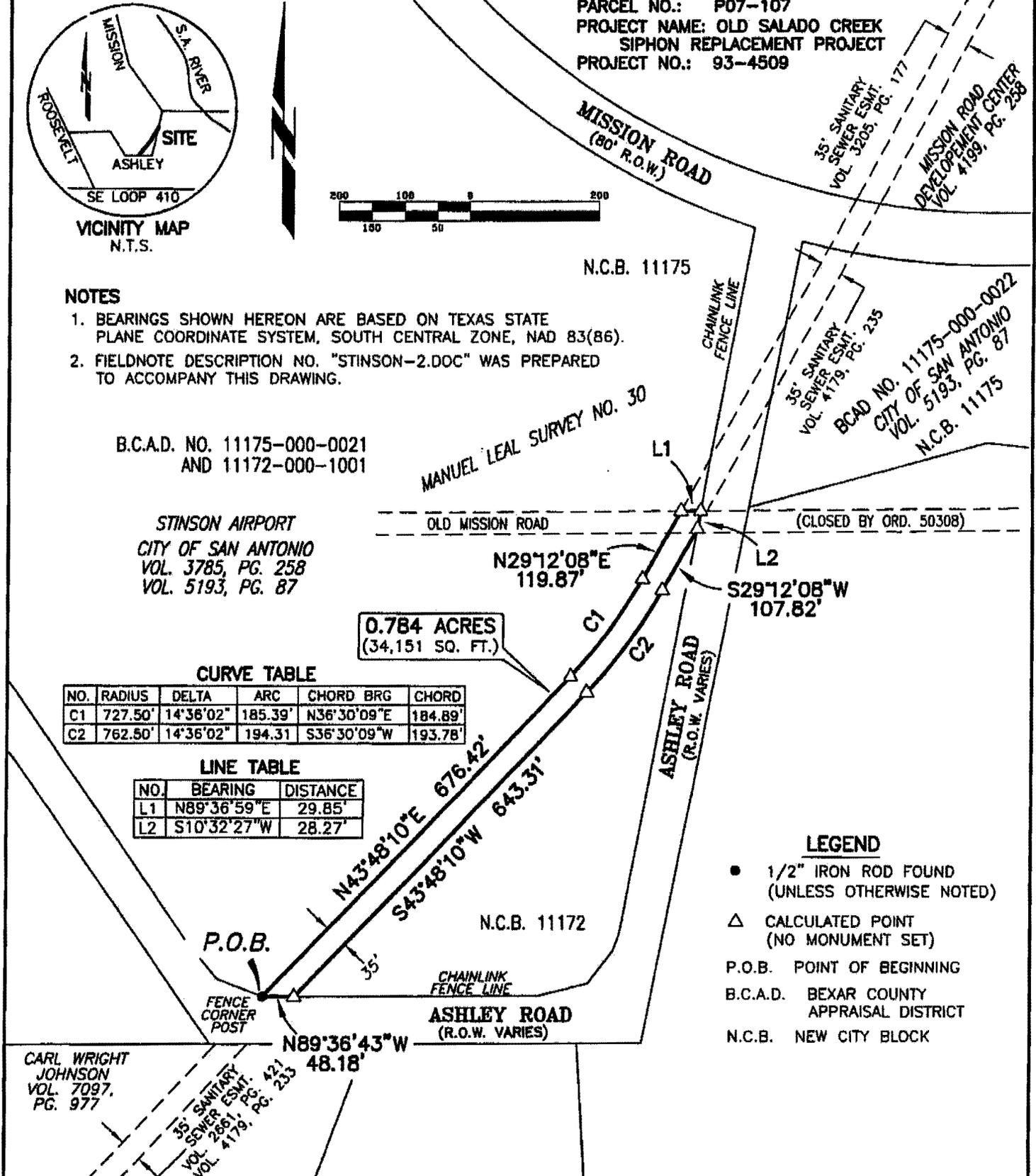
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- B.C.A.D. BEXAR COUNTY APPRAISAL DISTRICT
- N.C.B. NEW CITY BLOCK



CARL WRIGHT
 JOHNSON
 VOL. 7097,
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35' SANITARY
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Paul T. Ross 10 JULY 08
 PAUL T. ROSS, RPLS DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5158

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Parcel No.: P07-107
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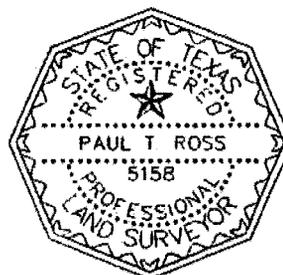
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The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, South Central Zone, NAD 1983(86).

I, Paul T. Ross, a Registered Professional Land Surveyor, do hereby certify that the above field notes and the drawing which accompanies it, were prepared using information obtained by an on-the-ground survey made under my direction and supervision.

Paul T. Ross 10 July 08
Paul T. Ross Date
Registered Professional Land Surveyor
Texas Registration No. 5158





CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 45
Council Meeting Date: 12/4/2008
RFCA Tracking No: R-4199

DEPARTMENT: Aviation Department

DEPARTMENT HEAD: Mike Sawaya

COUNCIL DISTRICT(S) IMPACTED:
Council District 3

SUBJECT:
Joint Use Agreement with SAWS

SUMMARY:

This ordinance authorizes a Joint Use Agreement with San Antonio Water System ("SAWS") in connection with 0.784 acres located at Stinson Municipal Airport for the Old Salado Creek Replacement Project (Sewer Line).

BACKGROUND INFORMATION:

SAWS is in the process of upgrading a sewer main at Stinson Municipal Airport ("Stinson") as part of the Old Salado Creek Replacement Project. The partial joint use area is located along the east and southeast boundary of the airport property on the westerly and northerly side of Ashley Road at the curve junction. It consists of 0.784 acres. It is approximately 675 feet long and 35 feet wide. It follows the alignment of an existing 42 foot sewer main crossing the aforementioned area and the runway diagonally.

SAWS desires to replace and install certain sewer system improvements creating the need for a written agreement for use of the property previously described. SAWS has requested the City commit to not constructing any building on top of the sewer improvements, however, this will not affect the expansion of the runway. The City has no known reason not to enter into this agreement.

ISSUE:

Approval of the joint use agreement will allow SAWS to proceed with sewer main improvement upgrades.

ALTERNATIVES:

City Council could defer approval of the action; however, this would result in delaying the needed improvements and possibly increasing the construction costs for SAWS.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

RECOMMENDATION:

Staff recommends approval of the joint use agreement with SAWS.

A Discretionary Contracts Disclosure Form is not required for this action.

ATTACHMENT(S):

File Description	File Name
Signed SAWS Joint Use Agreement 2008	Signed SAWS Joint Use Agreement 2008.pdf
Exhibit A	Exhibit A.pdf
Exhibit B	Exhibit B.pdf
Voting Results	
Ordinance/Supplemental Documents	200812041104.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Eric Kaalund Assistant Director Aviation Department

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager