ELF:gg
04-30-2015
Item No. 16C

AN ORDINANCE 2015-04-30-0345

AUTHORIZING THE ACQUISITION OF A 12-ACRE PARCEL LOCATED AT THE CORNER OF RICHLAND HILLS AND INGRAM RD. IN THE AMOUNT OF $2,815,000.00 PAYABLE TO SAWS FOR THE DEVELOPMENT OF MULTIPURPOSE ATHLETIC FIELDS AND APPROPRIATING FUNDS IN THE AMOUNT OF $1,500,000.00 AND AUTHORIZING THREE ANNUAL PAYMENTS IN THE AMOUNT OF $438,333.34 EACH IN MARCH 2016, 2017, AND 2018, CONTINGENT UPON APPROVAL OF BUDGETS IN SUBSEQUENT FISCAL YEARS.

* * * * *

WHEREAS, in 2011, City Council District 6 provided funds for a study of the need for a new Recreation Center in the northwest quadrant of San Antonio; and

WHEREAS, in May of 2012, voters approved the 2012-2017 General Obligation Bond Program, of which $3 million was designated for a project titled the Northwest Area Recreation Center in Council District 6 ; and

WHEREAS, the second phase of the project will be accomplished through a Public-Private Partnership (P3) to include the construction of multi-purpose athletic fields on a 12 acre parcel currently owned by SAWS; and

WHEREAS, a Development Agreement is being proposed in order to provide for the construction of the multipurpose athletic fields which could not be constructed at this time without this partnership. The Development Agreement is contingent upon the City's acquisition of the 12-acre property from SAWS; and

WHEREAS, this council action includes authorization for the City Manager to acquire the 12 acre parcel, at the corner of Richland Hills and Ingram Rd., from SAWS for use in this project;

WHEREAS, the athletic fields will be constructed on 6 of the 12 acres and the remaining 6 acres will be used for development of a market rate Senior Independent Living Facility containing 176 units valued at approximately $19 million; and

WHEREAS, the property is currently owned by SAWS and is needed in order to move forward with the second phase of the project; and

WHEREAS, the City is proposing the acquisition of the 12-acre parcel from SAWS in the amount of $2,815,000.00 of which the City will provide $1,500,000.00 from 2015 Certificates of Obligation for the property and then provide $438,333.34 over the next three years to until the remaining balance is paid off; and

WHEREAS. the City will acquire the 12-acre parcel in the amount of $2,815,000.00 payable to SAWS, of which $1,499,139.46 will be paid from various Certificates of Obligation and $860.54 from 2012 General Obligation Bonds and the remaining balance will be paid in three installments of $438,333.34 in FY 2016, $438,333.34 in FY 2017 and $438,333.34 in FY 2018 from the following sources:

1. Sale of land from the Southwest Technology & Business Park
2. Sale of City property to SAWS
3. Project savings
4. Proceeds from P3 Project
5. Future debt financing; **NOW THEREFORE,**

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

SECTION 1. The acquisition is hereby authorized to acquire a 12-acre parcel located at the corner of Richland Hills and Ingram Rd. in the amount of $2,815,000.00 payable to SAWS for the development of multipurpose athletic fields and appropriating funds in the amount of $1,500,000.00 and authorizing three annual payments in the amount of $438,333.34 each in March 2016, March 2017, and March 2018, contingent upon approval of budgets in subsequent fiscal years. The City Manager and her designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transaction, including executing and delivering all instruments and agreements conducive to effectuating the transaction. A copy of the Transfer of Use Agreement is attached hereto substantially in the form shown in **Attachment I.**

SECTION 2. The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00452, TXDOT Disputes, shall be revised by decreasing SAP WBS Element 40-00452-03-14 entitled ROW Acquisition, SAP GL account 5209010, by the amount of $1,499,139.46.

SECTION 3. The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 40-00452, TXDOT Disputes, shall be revised by decreasing the SAP WBS Elements as follows:

EXPENDITURES

WBS NO.	WBS NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00452-90-02-01	Trf Fr CO-20780-01-01-17	6101100	Transfer In	309,086.90
40-00452-90-02-02	Trf Fr CO-00049-01-01-62	6101100	Transfer In	379,985.18
40-00452-90-02-05	Trf Fr CO-00019-01-01-23	6101100	Transfer In	12.64
40-00452-90-02-06	Trf Fr CO-00023-01-01-18	6101100	Transfer In	26.19
40-00452-90-02-07	Trf Fr CO-00025-01-01-83	6101100	Transfer In	6,714.31
40-00452-90-02-08	Trf Fr CO-00027-01-01-38	6101100	Transfer In	137,972.77
40-00452-90-02-09	Trf Fr CO-00029-01-01-60	6101100	Transfer In	165.06
40-00452-90-02-10	Trf Fr CO-00030-01-01-73	6101100	Transfer In	0.26
40-00452-90-02-11	Trf Fr CO-00034-01-01-10	6101100	Transfer In	2.08
40-00452-90-02-12	Trf Fr CO-00045-01-01-09	6101100	Transfer In	134.98
40-00452-90-02-13	Trf Fr CO-00046-01-01-11	6101100	Transfer In	1,084.42
40-00452-90-02-14	Trf Fr CO-00047-01-01-08	6101100	Transfer In	1,438.47
40-00452-90-02-15	Trf Fr CO-00050-01-01-34	6101100	Transfer In	2.21
40-00452-90-02-18	Trf Fr CO-00084-01-01-43	6101100	Transfer In	3,904.39
40-00452-90-02-19	Trf Fr CO-20061-01-01-32	6101100	Transfer In	76,922.83
40-00452-90-02-20	Trf Fr CO-20064-01-01-04	6101100	Transfer In	3,967.86
40-00452-90-02-21	Trf Fr CO-20065-01-01-05	6101100	Transfer In	627.36
40-00452-90-02-22	Trf Fr CO-20625-01-01-30	6101100	Transfer In	141,316.00
40-00452-90-02-23	Trf Fr CO-20700-01-01-21	6101100	Transfer In	403,560.40
40-00452-90-02-24	Trf Fr CO-20720-01-01-07	6101100	Transfer In	725.61
40-00452-90-02-25	Trf Fr CO-20730-01-01-08	6101100	Transfer In	283.18
40-00452-90-02-26	Trf Fr CO-20740-01-01-06	6101100	Transfer In	94.04

40-00452-90-02-27	Trf Fr CO-20750-01-01-23	6101100	Transfer In	31,112.32
			Totals	1,499,139.46

SECTION 4. The amount of $1,499,139.46 is reverted in the listed SAP Funds. The amount of $1,499,139.46 is authorized to be transferred from SAP Fund 45099000.

EXPENDITURES

WBS NO.	WBS NAME	G/L	Fund	Fund Name	PLAN VERSION 0 REVISION/ Appropriation
CO-00019-01-01-23	Trf to 40-00452-90-02-05	6102100	43122000	2002 FIRE IMPRVMT	-12.64
CO-00023-01-01-18	Trf to 40-00452-90-02-06	6102100	43141000	2001 MUN FACLT	-26.19
CO-00025-01-01-83	Trf to 40-00452-90-02-07	6102100	43151000	2001 MPO	-6,714.31
CO-00027-01-01-38	Trf to 40-00452-90-02-08	6102100	43161000	2001 DRAIN IMPRVMT	-137,972.77
CO-00029-01-01-60	Trf to 40-00452-90-02-09	6102100	43171000	2001 ST IMPRVMT	-165.06
CO-00030-01-01-73	Trf to 40-00452-90-02-10	6102100	43172000	2002 ST IMPRVMT	-0.26
CO-00034-01-01-10	Trf to 40-00452-90-02-11	6102100	43192000	2002 ECO DEV	-2.08
CO-00045-01-01-09	Trf to 40-00452-90-02-12	6102100	43502001	2004 FIRE STATION 25	-134.98
CO-00046-01-01-11	Trf to 40-00452-90-02-13	6102100	43503001	2004 PKBRACKENRIDGE	-1,084.42
CO-00047-01-01-08	Trf to 40-00452-90-02-14	6102100	43504001	2004 S A RIVER IMPRO	-1,438.47
CO-00049-01-01-62	Trf to 40-00452-90-02-02	6102100	43506001	2004 MPO FUTURE MAT	-379,985.18
CO-00050-01-01-34	Trf to 40-00452-90-02-15	6102100	43507001	2004 STREETS MED CEN	-2.21
CO-00084-01-01-43	Trf to 40-00452-90-02-18	6102100	43828000	1998A ST IMPRVMT	-3,904.39
CO-20061-01-01-32	Trf to 40-00452-90-02-19	6102100	43902001	2006 C/O Fire	-76,922.83
CO-20064-01-01-04	Trf to 40-00452-90-02-20	6102100	43902006	2006 C/O E Dev:Kelly	-3,967.86
CO-20065-01-01-05	Trf to 40-00452-90-02-21	6102100	43902007	2006C/O E Dev:Brooks	-627.36
CO-20625-01-01-30	Trf to 40-00452-90-02-22	6102100	43902017	2006 CO CIP	-141,316.00
CO-20700-01-01-21	Trf to 40-00452-90-02-23	6102100	43902020	2007 CO MUNICIPAL FA	-403,560.40
CO-20720-01-01-07	Trf to 40-00452-90-02-24	6102100	43902022	2007 CO FIRE	-725.61
CO-20730-01-01-08	Trf to 40-00452-90-02-25	6102100	43902023	2007 CO LIBRARY	-283.18
CO-20740-01-01-06	Trf to 40-00452-90-02-26	6102100	43902024	2007 CO MISSION DRV	-94.04
CO-20750-01-01-23	Trf to 40-00452-90-02-27	6102100	43902025	2007 CO PARKS	-31,112.32
CO-20780-01-01-17	Trf to 40-00452-90-02-01	6102100	43902027	2007 CO STREETS	-309,086.90
				Totals	-1,499,139.46

SECTION 5. The amount of $1,499,139.46 is appropriated in the listed SAP Funds. The amount of $1,499,139.46 is authorized to be transferred to SAP Fund 45099000.

REVENUE TRANSFERS OUT B

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
CO-00049-01-01-68	Trf to 40-00380-90-02-12	6102100	Transfer Out	379,985.18
CO-00084-01-01-46	Trf To 40-00380-90-02-01	6102100	Transfer Out	3,904.39
CO-00023-01-01-20	Trf To 40-00380-90-02-02	6102100	Transfer Out	26.19
CO-00025-01-01-86	Trf To 40-00380-90-02-03	6102100	Transfer Out	6,714.31
CO-00027-01-01-40	Trf To 40-00380-90-02-04	6102100	Transfer Out	137,972.77
CO-00029-01-01-63	Trf To 40-00380-90-02-05	6102100	Transfer Out	165.06
CO-00019-01-01-24	Trf To 40-00380-90-02-06	6102100	Transfer Out	12.64
CO-00030-01-01-74	Trf To 40-00380-90-02-07	6102100	Transfer Out	0.26

CO-00034-01-01-11	Trf To 40-00380-90-02-08	6102100	Transfer Out	2.08
CO-00045-01-01-12	Trf To 40-00380-90-02-09	6102100	Transfer Out	134.98
CO-00046-01-01-15	Trf To 40-00380-90-02-10	6102100	Transfer Out	1,084.42
CO-00047-01-01-11	Trf To 40-00380-90-02-11	6102100	Transfer Out	1,438.47
CO-00050-01-01-35	Trf To 40-00380-90-02-13	6102100	Transfer Out	2.21
CO-20061-01-01-39	Trf To 40-00380-90-02-14	6102100	Transfer Out	76,922.83
CO-20064-01-01-08	Trf To 40-00380-90-02-15	6102100	Transfer Out	3,967.86
CO-20065-01-01-09	Trf To 40-00380-90-02-16	6102100	Transfer Out	627.36
CO-20625-01-01-34	Trf To 40-00380-90-02-17	6102100	Transfer Out	141,316.00
CO-20700-01-01-24	Trf To 40-00380-90-02-18	6102100	Transfer Out	403,560.40
CO-20720-01-01-10	Trf To 40-00380-90-02-19	6102100	Transfer Out	725.61
CO-20730-01-01-11	Trf To 40-00380-90-02-20	6102100	Transfer Out	283.18
CO-20740-01-01-09	Trf To 40-00380-90-02-21	6102100	Transfer Out	94.04
CO-20750-01-01-26	Trf To 40-00380-90-02-22	6102100	Transfer Out	31,112.32
CO-20780-01-01-25	Trf To 40-00380-90-02-23	6102100	Transfer Out	309,086.90
			Totals	**1,499,139.46**

SECTION 6. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00380, Northwest Area Recreational Facility, shall be revised by increasing SAP WBS Elements as follows:

REVENUE TRANSFERS IN (Optional)

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	G/L NAME	
40-00380-90-02-12	Trf fr CO-00049-01-01-68	6101100	Transfer In	-379,985.18
40-00380-90-02-01	Trf Fr CO-00084-01-01-46 (1998A)	6101100	Transfer In	-3,904.39
40-00380-90-02-02	Trf Fr CO-00023-01-01-20 (2001)	6101100	Transfer In	-26.19
40-00380-90-02-03	Trf Fr CO-00025-01-01-86 (2001)	6101100	Transfer In	-6,714.31
40-00380-90-02-04	Trf Fr CO-00027-01-01-40 (2001)	6101100	Transfer In	-137,972.77
40-00380-90-02-05	Trf Fr CO-00029-01-01-63 (2001)	6101100	Transfer In	-165.06
40-00380-90-02-06	Trf Fr CO-00019-01-01-24 (2002)	6101100	Transfer In	-12.64
40-00380-90-02-07	Trf Fr CO-00030-01-01-74 (2002)	6101100	Transfer In	-0.26
40-00380-90-02-08	Trf Fr CO-00034-01-01-11 (2002)	6101100	Transfer In	-2.08
40-00380-90-02-09	Trf Fr CO-00045-01-01-12 (2004)	6101100	Transfer In	-134.98
40-00380-90-02-10	Trf Fr CO-00046-01-01-15 (2004)	6101100	Transfer In	-1,084.42
40-00380-90-02-11	Trf Fr CO-00047-01-01-11 (2004)	6101100	Transfer In	-1,438.47
40-00380-90-02-13	Trf Fr CO-00050-01-01-35 (2004)	6101100	Transfer In	-2.21
40-00380-90-02-14	Trf Fr CO-20061-01-01-39 (2006)	6101100	Transfer In	-76,922.83
40-00380-90-02-15	Trf Fr CO-20064-01-01-08 (2006)	6101100	Transfer In	-3,967.86
40-00380-90-02-16	Trf Fr CO-20065-01-01-09 (2006)	6101100	Transfer In	-627.36
40-00380-90-02-17	Trf Fr CO-20625-01-01-34 (2006)	6101100	Transfer In	-141,316.00
40-00380-90-02-18	Trf Fr CO-20700-01-01-24 (2007)	6101100	Transfer In	-403,560.40
40-00380-90-02-19	Trf Fr CO-20720-01-01-10 (2007)	6101100	Transfer In	-725.61
40-00380-90-02-20	Trf Fr CO-20730-01-01-11 (2007)	6101100	Transfer In	-283.18
40-00380-90-02-21	Trf Fr CO-20740-01-01-09 (2007)	6101100	Transfer In	-94.04

40-00380-90-02-22	Trf Fr CO-20750-01-01-26 (2007)	6101100	Transfer In	-31,112.32
40-00380-90-02-23	Trf Fr CO-20780-01-01-25 (2007)	6101100	Transfer In	-309,086.90
			Totals	-1,499,139.46

SECTION 7. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00380, Northwest Area Recreational Facility, shall be revised by increasing the SAP WBS Elements as follows:

WBS NO.	WBS NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00380-04-02-01	Environmental-City	5201040	Fees to Prof Contr	3,160.54
40-00380-05-02-01	Construction-City	5201140	Construction Cost	137,009.30
			Totals	140,169.84

SECTION 8. A Payment not to exceed $2,815,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00380, Northwest Area Recreational Facility, is authorized to be encumbered and made payable to SAWS for the acquisition of 12 parcels of privately owned real property located at the corner of Richland Hills and Ingram Rd for the development of multipurpose athletic fields in Council District 6 in Bexar County, Texas. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years

SECTION 9. 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 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 10. 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 **30th** day of **April**, **2015**.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Eric Friedel

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**16C (in consent vote: 6, 7, 8, 9, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 16D, 17, 18, 19A, 19B, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30)**
Date:	04/30/2015
Time:	11:00:22 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the acquisition of a 12-acre parcel located at the corner of Richland Hills and Ingram Rd. for an amount of $2,815,000.00 payable to SAWS for the development of multipurpose athletic fields and appropriating funds in the amount of $1,500,000.00 and authorizing three annual payments in the amount of $438,333.34 each in March 2016, March 2017, and March 2018, contingent upon approval of budgets in subsequent fiscal years.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9	x					
Michael Gallagher	District 10		x			x	

TRANSFER OF USE AGREEMENT

An Agreement is made this day between the City of San Antonio, hereinafter referred to as "CITY" in cooperation with the San Antonio Water System, hereinafter referred to as "SAWS", acting by and through duly authorized representatives, as follows:

WHEREAS, SAWS is the beneficial owner of a certain approximately 12.31 acre tract of real property which is more particularly described and depicted in Exhibit "A" attached hereto and made a part hereof, herein referred to as the "SAWS Property";

WHEREAS, the SAWS Board of Trustees declared the SAWS Property surplus to the needs of SAWS pursuant to Resolution No. 12-304, approved on June 5, 2012;

WHEREAS, SAWS is a municipally owned utility of CITY;

WHEREAS, CITY desires to acquire use and control of the SAWS Property;

WHEREAS, CITY has agreed to provide compensation to SAWS for the transfer of use and control of the PROPERTY;

WHEREAS, this transfer has been approved by the SAWS Board of Trustees pursuant to Resolution No.15-091 approved on April 7, 2015; and

WHEREAS, this transfer has been approved by the City Council of the City of San Antonio pursuant to Ordinance No._____approved on_____;

NOW THEREFORE, THE PARTIES AGREE TO THE FOLLOWING TRANSFER OF USE:

SECTION I. SAWS hereby transfers use and control of the SAWS Property to CITY.

SECTION II. As consideration for this transfer, the City shall pay to SAWS the sum of
$2,815,000.00, payable as follows:

a. Contemporaneously with the date of execution of this Transfer and Use Agreement,
CITY shall pay SAWS the sum of $1,500,000.00; and

b. City shall thereafter make the following payments to SAWS: (i) a payment of
$438,333.34 due on or before March 1, 2016, (ii) a payment of $438,333.33 due on or before March 1, 2017 and (iii) a payment of $438,333.33 due on or before March 1,
2018. The City shall have the right to prepay any of the foregoing payments at any time.

c. All obligations of the City of San Antonio under this instrument, save and except the obligation set forth in Section IIa hereinabove which has been appropriated by the San Antonio City Council pursuant to Ordinance No. _____ approved on _____, are funded subject to the availability and appropriation of funds by the San Antonio City Council.

Attachment I

SECTION III. Neither CITY nor SAWS by execution of this Transfer of Use Agreement waive or relinquish any right which they may have under the law or constitution, state or federal.

SECTION IV. **Condition of SAWS Property**.

(a) Disclaimer. **SAWS** hereby specifically disclaims any warranty, guaranty, or representation, oral or written; past, present or future, of, as to, or concerning (i) the nature and condition of the SAWS Property, including, but not by way of limitation, the water, soil, geology and the suitability thereof, and of the SAWS Property, for any and all activities and uses which **CITY** may elect to conduct thereon, income to be derived therefrom or expenses to be incurred with respect thereto, or any obligations or any other matter or thing relating to or affecting the same; (ii) the manner of construction and condition and state of repair or lack of repair of any improvements located thereon; (iii) the nature and extent of any easement, right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; and
(iv) the compliance of the SAWS Property or the operation of the SAWS Property with any laws, rules, ordinances, or regulations of any government or other body. **SAWS** HAS NOT MADE, AND DOES NOT
MAKE, ANY REPRESENTATIONS, WARRANTIES OR COVENANTS OF ANY KIND OR
CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO THE QUALITY OR CONDITION OF THE SAWS PROPERTY, THE SUITABILITY OF THE SAWS
PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH **CITY** MAY CONDUCT
THEREON, COMPLIANCE BY THE SAWS PROPERTY WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND SPECIFICALLY, **SAWS** DOES NOT MAKE ANY REPRESENTATIONS REGARDING HAZARDOUS WASTE, AS DEFINED BY THE LAWS OF THE STATE OF TEXAS AND ANY REGULATIONS ADOPTED PURSUANT THERETO OR THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AT 40 C.F.R., PART 261, OR THE DISPOSAL OF ANY HAZARDOUS WASTE OR ANY OTHER HAZARDOUS OR
TOXIC SUBSTANCES IN OR ON THE PROPERTY. By accepting transfer of the use, benefit and control of the SAWS Property, **CITY** acknowledges that it has inspected the SAWS Property to its satisfaction. **CITY** agrees to accept transfer of the use, benefit and control of the SAWS Property with the SAWS Property being in its present AS IS condition WITH ALL FAULTS.

(b) Property Condition. **CITY** ACKNOWLEDGES AND AGREES THAT **CITY** IS EXPERIENCED IN THE OWNERSHIP, DEVELOPMENT AND/OR OPERATION OF PROPERTIES SIMILAR TO THE SAWS PROPERTY AND THAT **CITY** HAS INSPECTED THE SAWS PROPERTY TO ITS SATISFACTION AND IS QUALIFIED TO MAKE SUCH INSPECTION. **CITY** ACKNOWLEDGES THAT IT IS FULLY RELYING ON **CITY'S** (OR **CITY'S** REPRESENTATIVES') INSPECTIONS OF THE SAWS PROPERTY AND NOT UPON ANY STATEMENT (ORAL OR WRITTEN) WHICH MAY HAVE BEEN MADE OR MAY BE MADE (OR PURPORTEDLY MADE) BY **SAWS** OR ANY OF ITS REPRESENTATIVES. **CITY** ACKNOWLEDGES THAT **CITY** HAS (OR **CITY**'S REPRESENTATIVES HAVE) THOROUGHLY INSPECTED AND EXAMINED THE SAWS PROPERTY TO THE EXTENT DEEMED NECESSARY BY **CITY** IN ORDER TO ENABLE **CITY** TO EVALUATE THE CONDITION OF THE SAWS PROPERTY AND ALL OTHER ASPECTS OF THE SAWS PROPERTY (INCLUDING, BUT NOT LIMITED TO, THE ENVIRONMENTAL CONDITION OF THE SAWS PROPERTY); AND **CITY** ACKNOWLEDGES THAT **CITY** IS RELYING SOLELY

UPON ITS OWN (OR ITS REPRESENTATIVES') INSPECTION, EXAMINATION AND EVALUATION OF THE SAWS PROPERTY. **CITY** HEREBY EXPRESSLY ASSUMES ALL RISKS, LIABILITIES, CLAIMS, DAMAGES AND COSTS (AND AGREES THAT **SAWS** SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, OR OTHER DAMAGES) RESULTING OR ARISING FROM OR RELATED TO THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE SAWS PROPERTY ATTRIBUTABLE TO THE PERIOD FROM AND AFTER THE DATE HEREOF. **CITY** EXPRESSLY WAIVES (TO THE EXTENT ALLOWED BY APPLICABLE LAW) ANY CLAIMS UNDER FEDERAL, STATE OR OTHER LAW THAT **CITY** MIGHT OTHERWISE HAVE AGAINST **SAWS** RELATING TO THE USE, CHARACTERISTICS OR CONDITION OF THE SAWS PROPERTY.

Signatures and acknowledgements on following pages

IN WITNESS WHEREOF, the parties hereto have affixed their signatures effective the_____day of _____, 2015.

SAN ANTONIO WATER SYSTEM

By: _____
Name: Nancy Belinsky
Title: Vice President and General Counsel

STATE OF TEXAS §
§
COUNTY OF BEXAR §

The foregoing instrument was acknowledged before me this_____day of_____, 2015, by Nancy Belinsky, Vice President and General Counsel of the San Antonio Water System, on behalf of said Water System.

_____
Notary Public, State of Texas

Accepted by:

City of San Antonio,
a Texas municipal corporation

By:_____

Printed Name:_____

Title:_____

STATE OF TEXAS §
§
COUNTY OF BEXAR §

The foregoing instrument was acknowledged before me this_____day of_____, 2015, by_____,_____of the City of San Antonio, a Texas municipal corporation.

_____
Notary Public, State of Texas

Approved As To Form:

_____
City Attorney

Points of contact:

Debbie Racca-Sittre	CITY 207-8022
Eric Friedland	CITY 207-8949
Bruce Haby	SAWS 233-3636
Mark Brewton	SAWS 233-3771

AFTER RECORDING RETURN TO:

City of San Antonio
City Clerk
100 Military Plaza, 2d Floor City Hall
San Antonio, Texas 78205

Exhibit "A"

STATE OF TEXAS

Project Name: New NWSC

COUNTY OF BEXAR

FIELD NOTES
FOR
12.31 ACRES
(536,033 SQUARE FEET)

FIELD NOTES describing a 12.31 acre tract of land (536,033 sq. ft.) of land situated in the City of San Antonio, Bexar County, Texas, out of and part of the J.W. McCamley Survey No. 70, Abstract No. 470, County Block 4329 and 3.08acres out of a 6.00 acre tract, according to deed recorded in Volume 6761, Page 544 of the deed records of Bexar County, Texas and 9.23 acres out of the remainder of a 427.388 acre tract, according to deed recorded in Volume 2911, Pages 1420-1426 of the Deed Records of Bexar County, Texas, for a total of 12.31 acres. Said 12.31acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING: At a found ½" steel pin at the west right-of-way line of Richland Hills Drive and the east line of said 6.00 acre tract, for the northeast corner of this herein described tract and the arc of a curve to the left;

THENCE: Along the west right of way line of Richland Hills Drive the following calls:

Along the arc of a curve to the left, having a radius of 701.75 feet, a central angle of 5° 43' 30', an arc length of 70.12 feet, a chord bearing of S 26° 39' 34" E and a chord distance of 70.09 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract and a reverse curve to the right;

Along the arc of a curve to the right, having a radius of 701.75 feet, a central angle of 5° 43' 30', an arc length of 70.12 feet, a chord bearing of S 26° 29' 34" E and a chord distance of 70.09 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract and a reverse curve to the right;

S 23° 37' 49" E, a distance of 34.47 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for an angle point of this herein described tract and the arc of a curve to the left;

Along the arc of a curve to the left, having a radius of 1131.28 feet, a central angle of 26° 38' 33', an arc length of 526.04 feet, a chord bearing of S 36° 57' 07" E and a chord distance of 521.32 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract and a reverse curve to the right;

Along the arc of a curve to the right, having a radius of 567.05 feet, a central angle of 3° 40' 53', an arc length of 36.43 feet, a chord bearing of S 48° 25' 57" E and a chord distance of 36.43 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract and a reverse curve to the left;

Along the arc of a curve to the left, having a radius of 567.05 feet, a central angle of 11° 00' 18', an arc length of 108.92 feet, a chord bearing of S 52° 05' 39" E and a chord distance of 108.75 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract and a reverse curve to the right;

Along the arc of a curve to the right, having a radius of 1138.28 feet, a central angle of 4° 01' 41', an arc length of 80.02 feet, a chord bearing of S 55° 34' 58" E and a chord distance of 80.01 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract;

S 61° 37' 29" E, a distance of 88.46 feet, to the northwest intersection corner of Richland Hills Drive and Ingram Road, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tractand the arc of a curve to the right;

THENCE: Along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 91° 36' 45', an arc length of 23.98 feet, a chord bearing of S 15° 49' 06" E and a chord distance of 21.51 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for a corner of this herein described tract;

THENCE: S 29° 59' 17" W, a distance of 438.00 feet, along the north right-of-way line of Ingram Road, to a found ½" steel pin, for the southwest corner of this herein described tract and the arc of a curve to the right;

THENCE: Along the arc of a curve to the right having a radius of 1548.90 feet, a central angler of 12° 38' 24', an arc length of 341.70 feet, a chord bearing of N 50° 59' 34" W and a chord distance of 341.01 feet, to a found ½" steel pin, for an angle point of this herein described tract;

.THENCE: N 45° 34' 10" W, a distance of 914.45 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for an angle point of this herein described tract;

THENCE: N 46° 07' 53" W, a distance of 84.49 feet, to a set 5/8" steel pin with a yellow cap marked "SAWS SURVEYING", for the northwest corner of this herein described tract;

THENCE: N 66° 22' 11" E, a distance of 595.05 feet, to the POINT OF BEGINNING and containing 12.30 acres tract (536.033 square feet) of land, more or less. A plat was prepared this date to accompany this field note description.

David Barrera
Registered Professional Land Surveyor No. 5286

2-12-03
Date

STATE OF TEXAS
REGISTERED
DAVID BARRERA
5286
PROFESSIONAL
LAND SURVEYOR

JOB NAME: New NWSC

200 100 0 200

SCALE IN FEET

POTRANCO ROAD
(120' RIGHT-OF-WAY)
N 66°22'11" E
609.47

2.92 ACRES
OUT OF 6.00 ACRE
VOL. 6761, PG. 544

N 66°22'11" E
595.05'

S 23°37'49" E
178.14

N 46°07'53" W
84.49'

VARIABLE WIDTH INGRESS AND EGRESS EASEMENT
VOL. 6761, PG. 546

40' PERMANENT ACCESS DRIVE EASEMENT
VOL. 6761, PG. 550

POB
Fnd 1/2" Steel Pin

3.08 ACRES
REMAINDER OF
6.00 ACRE TRACT
VOL. 6761, PG. 544

S 23°37'49" E
34.47'

ALBERTSON'S - POTRANCO ROAD SUBDIVISION
8.96 Acres
259,456 sq.ft.

CITY OF SAN ANTONIO DRAINAGE RIGHT-OF-WAY
PARK 410 WEST, UNIT 1
VOL. 9519, PG. 32

914.45

9.23 ACRES
REMAINDER OF
427.388 ACRE TRACT
VOL. 2911, PG.'s 1420-1426

RICHLAND HILLS DRIVE
(RIGHT-OF-WAY VARIES)

28' ELECTRIC, GAS, TELEPHONE, CATV & SANITARY SEWER.
VOL. 9519, PG. 32

EXISTING 16' SANITARY SEWER EASEMENT
VOL. 9519, PG. 32

N 45°34'10" W

12.31 Acres
536,033 sq.ft.

J.W. McCAMLEY
SURVEY No. 70
ABSTRACT No. 470
COUNTY BLOCK 4329

S 61°37'29" E
88.46'

S 29°59'17" W
438.00

INGRAM ROAD
(86' RIGHT-OF-WAY)

STATE OF TEXAS
REGISTERED
DAVID BARRERA
5286
PROFESSIONAL
LAND SURVEYOR

CURVE TABLE

LABEL	RADIUS	ANGLE	CHORD	CHRD BEARING	TANGENT	ARC LENGTH
AA	602.75	021 56'20"	229.39	S 34°36'00" E	116.83	230.80
BA	25.00	080 00'54"	35.36	S 66°37'46" E	25.01	39.28
CA	701.75	005 43'30"	70.09	S 26°39'34" E	35.09	70.12
DA	701.75	005 43'30"	70.09	S 26°29'34" E	35.09	70.12
EA	1131.28	026 38'33"	521.32	S 36°57'07" E	267.87	526.04
FA	567.05	003 40'53"	36.43	S 48°25'57" E	18.22	36.43
GA	567.05	011 00'18"	108.75	S 52°05'39" E	54.63	108.82
HA	1138.28	004 01'41"	80.01	S 55°34'58" E	40.03	80.02
IA	15.00	091 36'45"	21.51	S 15°49'06" E	15.43	23.98
JA	1548.90	012 38'24"	341.01	N 50°59'34" W	171.55	341.70
KA	397.25	021 56'21"	151.18	N 34°35'59" W	77.00	152.11
LA	701.75	002 27'19"	30.07	S 27°33'48" E	15.04	30.07

NOTED OTHERWISE.

1. SET 1/2" STEEL PIN AT ALL CORNERS UNLESS

2. HELD N35°06'16"W, ALONG STATE HIGHWAY 151, ACCORDING TEXAS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY

3. THIS TRACT IS SUBJECT TO A BLANKET EASEMENT ACCORDING TO DEED RECORDED IN VOLUME 3466, PAGE 1746 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

This is to certify that the plat shown is true and correct according to an actual survey made on the ground

2-12-03

David Barrera

Registered Professional Land Surveyor No. 5286

JOB NO: 02-3708

SURVEY OF 12.31 ACRE TRACT

GENERAL NOTES

DR: DB CK: DB	SAN ANTONIO TRANSMISSION SYSTEM	DATE Feb. 10, 2003
MAP NO.	SYSTEMS ENGINEERING	SHEET 1 OF 1