

AN ORDINANCE **2010-10-07-0859**

AUTHORIZING THE ACQUISITION, THROUGH DEDICATION FROM THE UNIVERSITY OF THE INCARNATE WORD AND AT&T, FOR THREE PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE OF HILDEBRAND AVENUE, WEST OF BROADWAY STREET IN COUNCIL DISTRICT 9, N.C.B. A52 AND N.C.B. 49, AS PART OF THE BROADWAY CORRIDOR PHASE IIIA PROJECT; AND, IF NECESSARY, AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF THE ABOVE PROPERTY; DECLARING IT TO BE A PUBLIC PROJECT; AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITIONS.

* * * * *

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

SECTION 1. The City authorizes and directs the City Manager and her designee, severally, to accept on behalf of the City the deeds, drainage easements, and temporary construction easements as follows:

From Incarnate Word

A deed substantially in the form attached as **Attachment I**.

From Southwestern Bell Telephone Company

A deed substantially in the form attached as **Attachment II**.

From Southwestern Bell Telephone Company

An easement substantially in the form attached as **Attachment III**.

SECTION 2. The City Manager and her designee, severally, should take all other actions necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved forms.

SECTION 3. Payment not to exceed the amount of \$700,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00047, Broadway Corridor - Phase III A (Carnahan), is authorized to be encumbered and made payable for acquisition of two parcels of land located in District 9 from previously appropriated funds.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer 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.

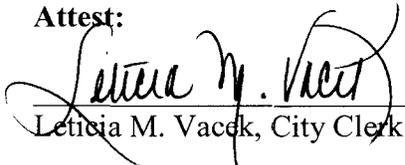
SECTION 5. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 7th day of October 2010.



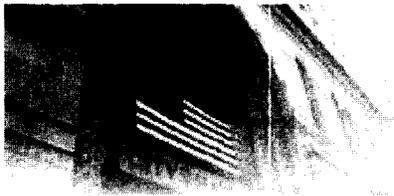
M A Y O R
Julián Castro

Attest:


Leticia M. Vacck, City Clerk

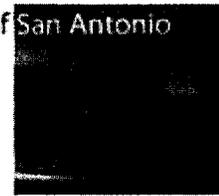
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 9

Name:	9						
Date:	10/07/2010						
Time:	10:42:20 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through dedication from The University of the Incarnate Word and AT&T, for three parcels of privately owned real property located on the north and south side of Hildebrand Avenue, west of Broadway Street in Council District 9, N.C.B. A52 and N.C.B. 49, as part of the Broadway Corridor Phase IIIA Project; and, if necessary, authorizing the acquisition through negotiation or condemnation of the above property; declaring it to be a public project; and declaring a public necessity for the acquisitions. [Peter Zanoni , Assistant City Manager; Mike Frisbie , Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	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			x	
John G. Clamp	District 10		x				x

Attachment I

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

**SPECIAL WARRANTY DEED
(AND ASSIGNMENT OF CLAIMS)**

Authorizing Ordinance:

SP No./Parcel: 18792

Grantor: University of the Incarnate Word

Grantor's Mailing Address: 4301 Broadway Street, San Antonio, Texas 78209

Grantee: City of San Antonio

Grantee's Mailing Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Capital Improvement Management Services)

Consideration: The Property is conveyed as a donation to the Grantee for the benefit of the citizens of San Antonio.

Property: A 0.082 acre tract of land, more or less, out of Lot 45, NCB A-52 of the Incarnate Word College Subdivision recorded in Volume 9515, Page 132 of the Real Property Records of Bexar County Texas, out of a 19.23 acre tract described in Volume 13333, Page 174 of the Real Property Records of Bexar County, Texas and being more particularly described on **Exhibit A**, which is incorporated by reference for all purposes as if fully set forth.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **grants, sells, and conveys to Grantee**, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold to Grantee, and Grantee's heirs and assigns forever.

Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Assignment of Claims

In addition to the conveyance of real estate addressed above, Grantor hereby assigns to Grantee all choate and inchoate statutory and common-law claims, if any, it may have against its predecessors in title and against any other potentially responsible person for environmental contamination of the Property now known or later found to exist.

University of the Incarnate Word, a Texas nonprofit corporation

Name

Signature

Title

Date

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by _____,
_____ of University of the Incarnate Word a Texas corporation, on behalf of
that entity and in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Approved as to Form:

City Attorney

After recording, please return to:
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966
(Attention: Director, Capital Improvement Management Services)

Exhibit A

FIELD NOTES

For a
0.082 Acre (3,579 sq. ft.)

Of a 0.082 acre tract (3,579 sq. ft.) of land out of a Lot 45, N.C.B. A-52 of the Incarnate Word College Subdivision recorded in Volume 9515, Page 132 of the Deed and Plat Records of Bexar County, Texas, out of a 19.23 described in Volume 13333, Page 174 of the Official Public Record of Real Property Records of Bexar County, Texas, and more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a Unintech Inc. cap set having a Northing of 13719635.85 and an Easting of 2139128.26 (Texas State Plane Coordinates, South Central Zone, Bearing Basis); in the North line of Hildebrand Avenue (Right-of-Way varies), same being the South line of said Lot 45, for the Southeast corner hereof, and from which a punch hole found for the Southeast corner of said Lot 45 bears North 89°51'52" East, a distance of 315.86 feet;

THENCE with the South line of said Lot 45, same being the North line of said Hildebrand Avenue the following three (3) courses and distances:

- 1) South 89°51'52" West, a distance of 510.00 feet to a 1/2-inch iron rod with a Pape-Dawson cap found for a point of curve to the right;
- 2) along said curve to the right, having a central angle of 03°53'17", a radius of 423.07 feet, an arc length of 28.71 feet and whose chord bears North 79°32'17" West, a distance of 28.70 feet to a PK Nail set for a point of curve to the left;
- 3) along said curve to the left, having a central angle of 04°45'02", a radius of 497.08 feet, and whose chord bears North 80°03'03" West, a distance of 41.20 feet to a PK Nail set for the Northwest corner hereof;

THENCE leaving the North line of Hildebrand Avenue, over and across said Lot 45 the following ten (10) bearing and distances:

- 1) South 88°37'09" East, a distance of 166.94 feet to a 1/2-inch iron rod with a Unintech Inc. cap set for an angle point of the herein described tract;
- 2) North 01°22'51" East, a distance of 5.00 feet to a 1/2-inch iron rod with a Unintech Inc. cap set for an angle point of the herein described tract;

- 3) South 88°57'51" East, a distance of 76.00 feet to a 1/2-inch iron rod with a Unintech Inc. cap set for an angle point of the herein described tract;
- 4) South 01° 22' 51" West, a distance of 5.00 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 5) South 89° 45' 54" East, a distance of 27.12 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 6) South 88° 37' 09" East, a distance of 50.58 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 7) South 89° 41' 16" East, a distance of 134.05 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 8) South 88° 37' 09" East, a distance of 66.49 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 9) South 89° 18' 09" East, a distance of 57.73 feet to a 1/2" iron rod with a Unintech cap set for an angle point of the herein described tract;
- 10) South 00°07'43" East, a distance of 1.36 feet to the **POINT OF BEGINNING** and containing a computed area of 0.082 acres of Land;

This Description accompanies a sketch referenced as \\Server02\...dwg\Parcel 18792.dwg


Philip V. Hampton RPLS 5520
Unintech Consulting Engineers
2431 E. Evans Road
San Antonio, Texas 78259



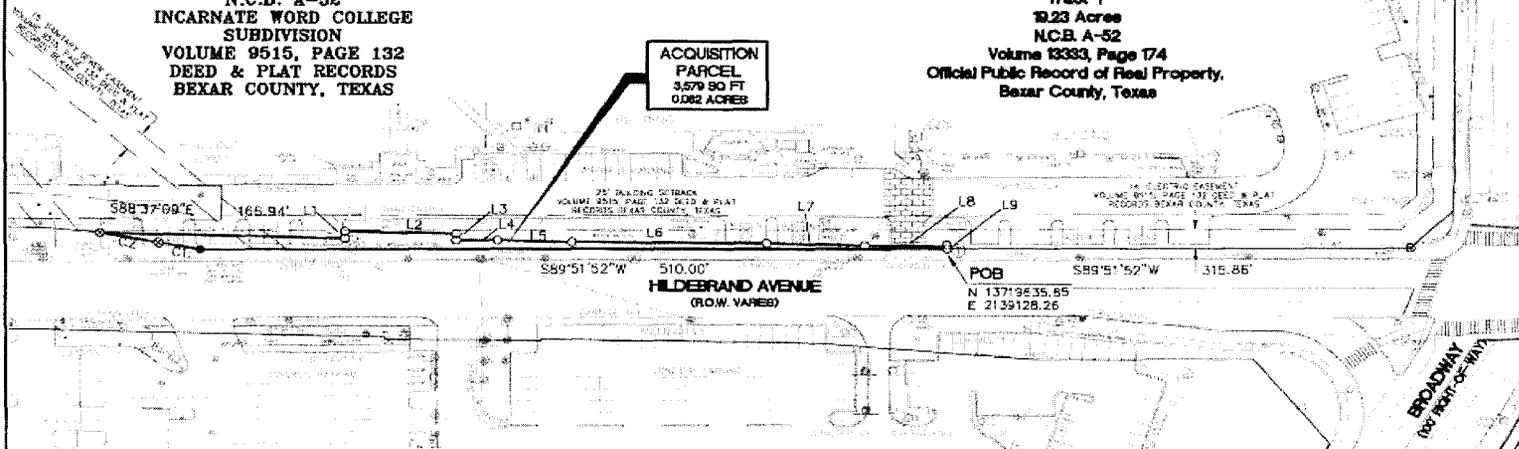
CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	3°53'17"	423.07'	28.71'	N79°32'17"W	28.70
C2	4°45'02"	497.08'	41.21'	N80°03'03"W	41.20

PARCEL NO.: 16792
PROJECT NAME: BROADWAY CORRIDOR PHASE IIIA

LOT 45
N.C.B. A-52
INCARNATE WORD COLLEGE
SUBDIVISION
VOLUME 9515, PAGE 132
DEED & PLAT RECORDS
BEXAR COUNTY, TEXAS

ACQUISITION
PARCEL
3,579 SQ FT
0.082 ACRES

Tract T
19.23 Acres
N.C.B. A-52
Volume 13333, Page 174
Official Public Record of Real Property,
Bexar County, Texas



OF A 0.084 ACRE TRACT (3,664SQ. FT.) OF LAND OUT OF A LOT 45, N.C.B. A-52 OF THE INCARNATE WORD COLLEGE SUBDIVISION RECORDED IN VOLUME 9515, PAGE 132 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, OUT OF A 19.23 DESCRIBED IN VOLUME 13333, PAGE 174 OF THE OFFICIAL PUBLIC RECORD OF REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS

LINE	DIRECTION	LENGTH
L1	N01°22'51"E	5.00'
L2	S88°37'51"E	76.00'
L3	S01°22'51"W	5.00'
L4	S89°45'54"E	27.12'
L5	S89°37'09"E	50.58'
L6	S89°41'16"E	134.05'
L7	S88°37'09"E	66.49'
L8	S89°18'09"E	57.73'
L9	S00°07'43"E	1.36'

SYMBOL LEGEND

- 1/2 INCH IRON ROD WITH A UNINTECH INC CAP SET
- 1/2 INCH IRON ROD FOUND
- ⊕ PK NAIL SET

NOTES:
1) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. THE COORDINATES ARE GRID AND THE GRID TO SURFACE SCALE FACTOR IS 1.00017

This sketch is accompanied by a set of field notes referenced here: \\server02\...Easements\XML\UNW 1.doc



I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS SKETCH WAS CREATED ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON APRIL 17, 2009.

Philip V. Hampton
Philip V. Hampton, R.P.L.S. NO. 5520



0 100 200
SCALE: 1"=100'

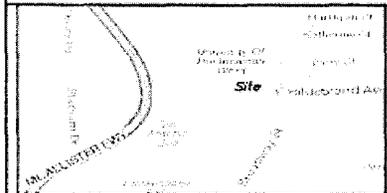
BROADWAY & HILDEBRAND

UNIVERSITY OF THE INCARNATE WORD

UNINTECH CONSULTING ENGINEERS, INC.

SKETCH NO. 09-094	SCALE: HORZ 1"=100'	SHEET 3
DATE: FEBRUARY 2010		
DRAWN BY: SEE		
CHECKED BY: PWH		

10/20/09 10:43:54 AM EDT
10/20/09 10:43:54 AM EDT
10/20/09 10:43:54 AM EDT



Attachment II

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

**SPECIAL WARRANTY DEED
(AND ASSIGNMENT OF CLAIMS)**

Authorizing Ordinance:

SP No./Parcel: 18791

Grantor: Soutwestern Bell Telephone Company

Grantor's Mailing Address: 208 S. Akard Street, Dallas, Texas 78502

Grantee: City of San Antonio

Grantee's Mailing Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Capital Improvement Management Services)

Consideration: The Property is conveyed as a donation to the Grantee for the benefit of the citizens of San Antonio.

Property: A 0.0342 acre tract of land, more or less, out of a 10.573 acre tract of land, NCB A-49, recorded in Volume 7455, Page 145 and in Volume 4226, Page 1458, both of the Real Property Records of Bexar County Texas and being more particularly described on **Exhibit A**, which is incorporated by reference for all purposes as if fully set forth.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **grants, sells, and conveys to Grantee**, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold to Grantee, and Grantee's heirs and assigns forever.

Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural and plural ones include the singular.

Assignment of Claims

In addition to the conveyance of real estate addressed above, Grantor hereby assigns to Grantee all choate and inchoate statutory and common-law claims, if any, it may have against its predecessors in title and against any other potentially responsible person for environmental contamination of the Property now known or later found to exist.

Southwestern Bell Telephone Company, a Texas corporation

Name

Signature

Title

Date

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by _____,
_____ of Southwestern Bell Telephone Company, a Texas corporation, on
behalf of that entity and in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Approved as to Form:

City Attorney

After recording, please return to:
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966
(Attention: Director, Capital Improvement Management Services)

Exhibit A

FIELD NOTES

For a
0.342 Acre (14,913 sq. ft.)

Of a 0.342 acre tract (14,913 sq. ft.) of land out of a 10.573 acre tract of land N.C.B. A-49, recorded in Volume 7455, Page 145 and in Volume 4226, Page 1458, both of the Official Public Record of Real Property Records of Bexar County, Texas, and more particularly described as follows:

BEGINNING at a mag nail set having a Northing of 13719531.17 and an Easting of 2139414 (Texas State Plane Coordinates, South Central Zone, Bearing Basis); in the West line of Broadway (a 100' right-of-way), same being the East line of said 10.573 acre tract, and the Northeast corner hereof;

THENCE South 30° 08' 22" West, along the West line of Broadway, same being the East line of said 10.573 acre tract, a distance of 49.89 Feet to a mag nail set for the Southeast corner hereof;

THENCE leaving the West line of Broadway, over and across said 10.573 acre tract the following thirteen (13) courses and distances:

- 1) North 38° 49' 23" West, a distance of 83.28 Feet to a 1/2" iron rod with a Unintech cap set;
- 2) South 89° 52' 17" West, a distance of 148.70 Feet to a Mag Nail set for an angle point;
- 3) North 85° 24' 04" West, a distance of 150.64 Feet to a Mag Nail set for an angle point;
- 4) North 88° 37' 09" West, a distance of 40.32 Feet to a Mag Nail set for an angle point;
- 5) North 89° 28' 42" West, a distance of 100.01 Feet to a Mag Nail set for an angle point;
- 6) North 88° 37' 09" West, a distance of 50.23 Feet to a Mag Nail set for an angle point;
- 7) South 01° 22' 51" West, a distance of 1.50 Feet to a Mag Nail set for an angle point;
- 8) North 88° 36' 53" West, a distance of 30.55 Feet to a 1/2" iron rod with a Unintech cap set;
- 9) North 89° 45' 53" West, a distance of 50.12 Feet to a 1/2" iron rod with a Unintech cap set;

- 10) North $88^{\circ} 37' 09''$ West, a distance of 24.78 Feet to a 1/2" iron rod with a Unintech cap set;
- 11) North $01^{\circ} 22' 51''$ East, a distance of 1.50 Feet to a 1/2" iron rod with a Unintech cap set;
- 12) North $88^{\circ} 37' 09''$ West, a distance of 236.31 Feet to an "x" in concrete set;
- 13) South $89^{\circ} 47' 26''$ West, a distance of 33.12 Feet to a 1/2" iron rod with a Unintech cap set in the West line of said 10.573 acre tract, same being the East line of a 4.425 acre tract of land conveyed to the City of San Antonio in Document No. 20060031265 of the Official Public Records of Real Property, Bexar County, Texas, and being out of Lots A-32 and A-33, N.C.B. A-49, also known as Parcel Number Two, recorded in Volume 4226, Page 1458 of the Official Public Records of Real Property of Bexar County, Texas, for the Southwest corner hereof;

THENCE North $00^{\circ} 22' 15''$ East, along the east line of said 4.425 acre tract, same being the west line of said 10.573 acre tract, a distance of 1.58 Feet to an "x" in concrete set in the South line of Hildebrand Avenue (Right-of-Way varies), same being the Northeast corner of said 4.425 acre tract, for the Northwest corner of said 10.573 acre tract, and the Northwest corner hereof;

THENCE along the South line of said Hildebrand Avenue, same being the North line of said 10.573 acre tract, the following four (4) courses and distances:

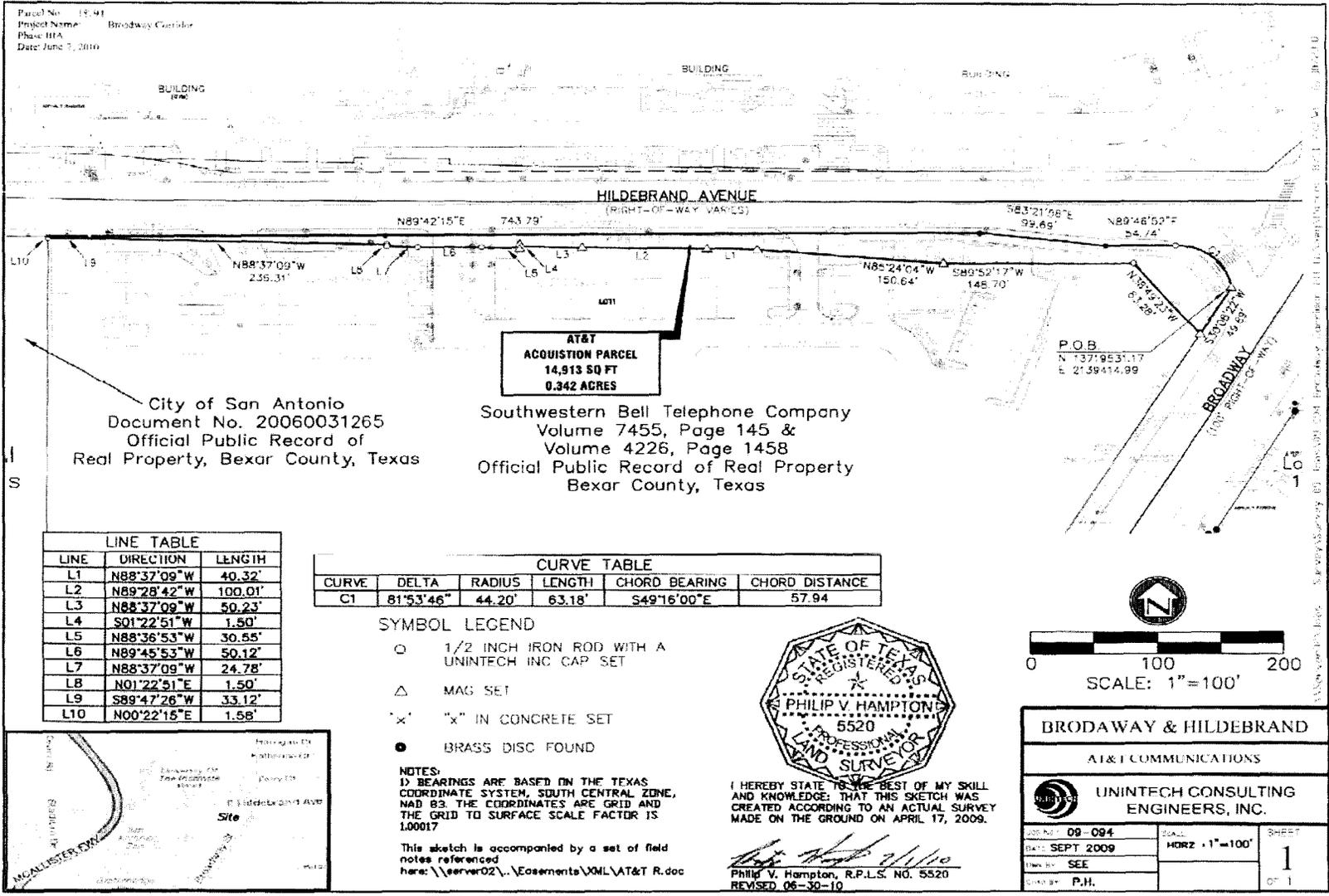
- 1) North $89^{\circ} 42' 15''$ East, a distance of 743.79 Feet to a brass disc found;
- 2) South $83^{\circ} 21' 58''$ East, a distance of 99.69 Feet to a brass disc found;
- 3) North $89^{\circ} 46' 52''$ East, a distance of 54.74 Feet to a brass disc found at the point of curvature of a curve to the right;
- 4) Along a curve turning to the right having a delta angle of $81^{\circ} 53' 46''$, a radius of 44.20 Feet, an arc length of 63.18 and whose long chord bears South $49^{\circ} 16' 00''$ East, a distance of 57.94 Feet to the **POINT OF BEGINNING** and containing a computed area of 0.342 acres of Land;



Philip V. Hampton 7/1/10

Philip V. Hampton RPLS 5520
 Unintech Consulting Engineers
 2431 E. Evans Road
 San Antonio, Texas 78259

Parcel No. 15.91
 Project Name: Broadway Corridor
 Phase IIIA
 Date: June 7, 2010



City of San Antonio
 Document No. 20060031265
 Official Public Record of
 Real Property, Bexar County, Texas

Southwestern Bell Telephone Company
 Volume 7455, Page 145 &
 Volume 4226, Page 1458
 Official Public Record of Real Property
 Bexar County, Texas

AT&T
 ACQUISITION PARCEL
 14,913 SQ FT
 0.342 ACRES

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N88°37'09"W	40.32'
L2	N89°28'42"W	100.01'
L3	N88°37'09"W	50.23'
L4	S01°22'51"W	1.50'
L5	N88°36'53"W	30.55'
L6	N89°45'53"W	50.12'
L7	N88°37'09"W	24.78'
L8	N01°22'31"E	1.50'
L9	S89°47'26"W	33.12'
L10	N00°22'15"E	1.58'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	81°53'46"	44.20'	63.18'	S49°16'00"E	57.94'

- SYMBOL LEGEND
- 1/2 INCH IRON ROD WITH A UNINTECH INC CAP SET
 - △ MAG SET
 - 'x' "x" IN CONCRETE SET
 - BRASS DISC FOUND

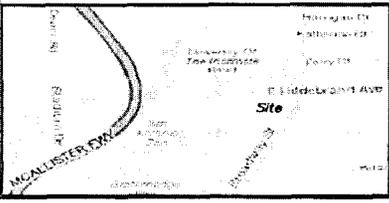
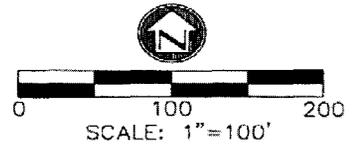
NOTES:
 1) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. THE COORDINATES ARE GRID AND THE GRID TO SURFACE SCALE FACTOR IS 1.00017

This sketch is accompanied by a set of field notes referenced here: \\server02\...\Easements\XML\AT&T R.doc



I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE: THAT THIS SKETCH WAS CREATED ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON APRIL 17, 2009.

Philip V. Hampton
 Philip V. Hampton, R.P.L.S. NO. 5520
 REVISED 06-30-10



BROADWAY & HILDEBRAND		
A&I COMMUNICATIONS		
UNINTECH CONSULTING ENGINEERS, INC.		
DATE: 09-094	SCALE: HORIZ. 1"=100'	SHEET 1 OF 1
DATE: SEPT 2009		
DRAWN BY: SEE		
CHECKED BY: P.H.		

Attachment III

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
 § **Know All By These Presents:**
County of Bexar §

Public Sidewalk Dedication

**Authorizing
Ordinance:**

SP No./Parcel: 18791E

Grantor: Soutwestern Bell Telephone Company

Grantor's Address: 208 S. Akard Street, Dallas, Texas 78502

Grantee: City of San Antonio

Grantee's Address: P.O. Box 839966, San Antonio, Texas 78283-3966 (Bexar County)

Purpose of Easement: Sidewalk purposes, allowing Grantee and the public all rights incident to public sidewalks. This instrument burdens the Subject Property to the same extent as if it were a platted sidewalk right of way, and the Subject Property may be used for all purposes for which sidewalks may be used from time to time in the City of San Antonio.

Consideration: The Property is conveyed as a donation to the Grantee for the benefit of the citizens of San Antonio.

Subject Property: A 0.050 acre tract of land, more or less, out of a 10.573 acre tract of land, NCB A-49, recorded in Volume 7455, Page 145 and in Volume 4226, Page 1458, both of the Real Property Records of Bexar County Texas and being more particularly described on **Exhibit A**, which is incorporated by reference for all purposes as if fully set forth.

Grantor grants, dedicates, and conveys to Grantee and to the public generally, for and in consideration of the benefits accruing to Grantor, to Grantor's other property, and to the

public, an easement in gross in perpetuity over, across, under, and upon the Subject Property for the Purpose of the Easement. Grantee may construct, maintain, reconstruct, remove, relocate, and replace improvements related to the Purpose of the Easement anywhere within the Subject Property and may inspect, patrol, and police the Subject Property. Grantee may remove all trees and other vegetation and all other natural or artificial obstructions from the Subject Property, and Grantee may further excavate, fill, level, grade, pave, and otherwise improve the Subject Property as may be conducive to the Purpose of the Easement. Grantor covenants for itself, its heirs, executors, successors, and assigns that no permanent building or obstruction of any kind will be placed on the Subject Property.

To Have and To Hold the above described easement and rights unto the public until its use is abandoned.

Grantors bind itself and its heirs, executors, successors, and assigns, to warrant and forever defend, all and singular, the above described easement and rights unto Grantee and the public against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Southwestern Bell Telephone Company, a Texas corporation

Name

Signature

Title

Date

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by _____,
_____ of Southwestern Bell Telephone Company, a Texas corporation,
on behalf of that entity and in the capacity stated.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Exhibit A

FIELD NOTES

For a

0.050 Acre (2,191 sq. ft.)

Of a 0.050 acre tract (2,191 sq. ft.) of land out of a 10.573 acre tract of land N.C.B. A-49, recorded in Volume 7455, Page 145 and in Volume 4226, Page 1458, both of the Official Public Record of Real Property Records of Bexar County, Texas, and more particularly described as follows:

COMMENCING at an "x" in concrete set in the South line of Hildebrand Avenue (Right-of-Way varies), for the Northeast corner of that certain 4.425 acre tract of land conveyed to the City of San Antonio in Document No. 20060031265 of the Official Public Records of Real Property, Bexar County, Texas, same being the Northwest corner of said 10.573 acre tract;

THENCE South $00^{\circ} 22' 15''$ West, along the east line of said 4.425 acre tract, same being the west line of said 10.573 acre tract, a distance of 1.58 feet to a 1/2" iron rod with a Unintech cap set;

THENCE, leaving the east line of said 4.425 acre tract, over and across said 10.573 acre tract, the following eight (8) courses and distances:

- 1) North $89^{\circ} 47' 26''$ East, a distance of 33.12 feet to a Mag Nail set in concrete;
- 2) North $88^{\circ} 37' 09''$ East, a distance of 6.71 feet to a Mag Nail set in asphalt for the **POINT OF BEGINNING** of herein described tract;
- 3) South $88^{\circ} 37' 09''$ East, a distance of 105.39 feet to a Mag Nail set in asphalt for the angle point hereof;
- 4) South $01^{\circ} 22' 51''$ West, a distance of 19.18 feet to a Mag Nail set in asphalt for the angle point hereof;
- 5) South $40^{\circ} 12' 03''$ West, a distance of 26.15 feet to a Mag Nail set in asphalt for the angle point hereof;
- 6) North $49^{\circ} 47' 57''$ West, a distance of 39.17 feet to a Mag Nail set in asphalt for the angle point hereof;
- 7) North $88^{\circ} 37' 09''$ West, a distance of 53.49 feet to a Mag Nail set in asphalt for the angle point hereof;

- 1) North $01^{\circ} 22' 51''$ East, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing a computed area of 0.050 acres of Land;

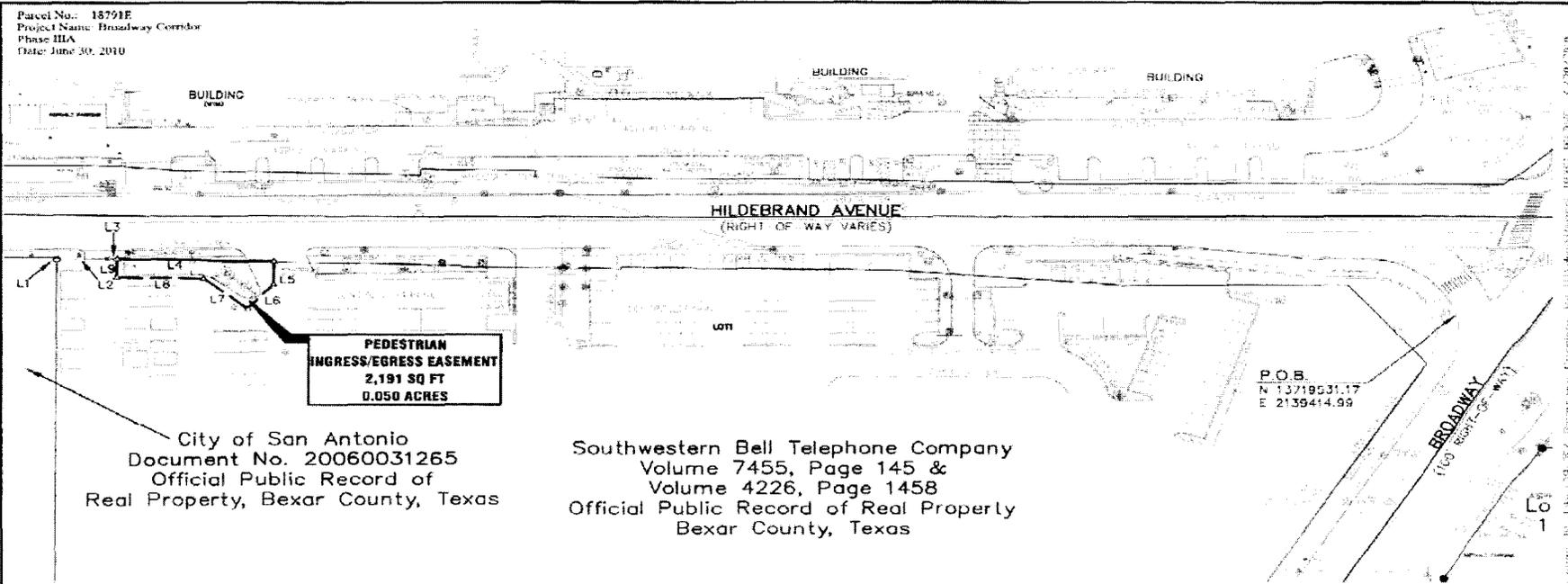
This Description accompanies a sketch referenced as "Survey02.dwg" (Plot: 18791.dwg)

Philip V. Hampton 7/1/10

Philip V. Hampton RPLS 5520
Unintech Consulting Engineers
2431 E. Evans Road
San Antonio, Texas 78259



Parcel No.: 18791E
 Project Name: Broadway Corridor
 Phase IIIA
 Date: June 30, 2010



**PEDESTRIAN
 INGRESS/EGRESS EASEMENT**
 2,191 SQ FT
 0.050 ACRES

City of San Antonio
 Document No. 20060031265
 Official Public Record of
 Real Property, Bexar County, Texas

Southwestern Bell Telephone Company
 Volume 7455, Page 145 &
 Volume 4226, Page 1458
 Official Public Record of Real Property
 Bexar County, Texas

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S00°22'15"W	1.58'
L2	N89°47'26"E	33.12'
L3	N88°37'09"W	6.71'
L4	S88°37'09"E	105.39'
L5	S01°22'51"W	19.18'
L6	S40°12'03"W	26.15'
L7	N49°47'57"W	39.17'
L8	N88°37'09"W	58.49'
L9	N01°22'51"E	15.00'

SYMBOL LEGEND

- 1/2 INCH IRON ROD WITH A UNINTECH INC CAP SET
- △ MAG SET
- ✕ "x" IN CONCRETE SET
- BRASS DISC FOUND

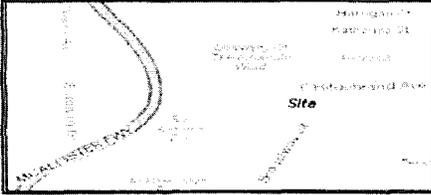
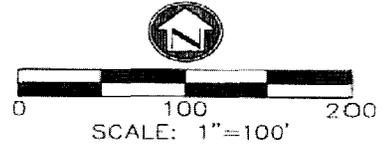
NOTES:
 1) BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. THE COORDINATES ARE GRID AND THE GRID TO SURFACE SCALE FACTOR IS 1.00017

This sketch is accompanied by a set of field notes referenced here: \\server02\...Easements\XML\AT&T R.doc



I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS SKETCH WAS CREATED ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON APRIL 17, 2009.

Philip V. Hampton
 Philip V. Hampton, R.P.L.S.-NO. 5520



BROADWAY & HILDEBRAND		
A & I COMMUNICATIONS		
UNINTECH CONSULTING ENGINEERS, INC		
PROJECT NO. 09-094	SCALE: 1"=100'	SHEET 1 OF 1
DATE: SEPT 2009	DRAWN BY: SEE	
DATE: P.H.		

Surveyed by: Philip V. Hampton, Registered Professional Land Surveyor, License No. 5520, State of Texas, Date: 4/17/09

Steel House Lofts -- Westside TIRZ

City staff met with Developer, Dennis McDaniel, of the Steel House Lofts project on Tuesday, September 14, 2010. City staff from the TIF Unit, Economic Development, the Historic Preservation Officer, and the City Attorney's Office participated.

At issue was incentives would Developer receive and reimbursement timing. Project qualifies for a Historic Tax Abatement for all City taxes for the first 5 years after completion and 50% for the following 5 years, here totaling \$450,890 in abated taxes. A Historic Tax Abatement is an entitlement and does not require City Council action. Upon qualification, Bexar County is notified of the affected parcels and the property tax is reduced per the abatement.

On April 4, 2010, City Council approved an economic incentive package for the project that included: a \$109,000 grant, \$117,000 in SAWS impact fee waivers, and \$719,962 in reimbursement from the Westside TIRZ to cover the Developer's then documented financing gap. On April 30, 2010, the TIRZ Board accepted Steel House Lofts as a TIRZ project and approved TIRZ reimbursement of \$719,962.

On August 9, 2010, the TIRZ Board reconvened but did not approve a Development Agreement for Steel House Lofts at the Developer's request. In dispute were the parcels reimbursing the project: the project's specific parcels per the TIF Unit. Developer held otherwise, that reimbursement should be derived from the whole TIRZ, but can not provide documentation for his position. This issue appears to have been conceded by Developer in staff meeting of September 14, 2010.

At the same meeting with Developer, TIF Unit showed that with the Historic Tax Abatement his project parcels would be paying him off in 2030. Only then would contribute to the TIRZ overall and TIRZ is set to expire just two years later in 2032. Compensation to the Developer with the Historic Tax Abatement totals \$1,396,852, more than Developer's gap. TIRZ Board has not been informed about the Historic Tax Abatement and therefore would anticipate the project adding increment for use by other TIRZ projects as early as 2023. Further HUD only credited Developer \$136,000 for the Historic Tax Abatement, thereby adding to Developer's actual gap.

TIF Unit and EDD will continue to work with Developer to reach a deal acceptable to City. Development Agreement can then be finalized accordingly. Note that Westside TIRZ has an open RFP for TIRZ projects. Proposals are due October 1, 2010. TIRZ Board may find other Westside projects more appealing and chose to not fund Steel House Lofts.

Property Donation for Broadway Corridor Phase III A 2007-2012 Bond Project

**Agenda Item 9:
October 7, 2010**

City Council Item

- Authorizing acceptance of donated property from AT&T and University of Incarnate Word (UIW) for Broadway Corridor Phase IIIA Project, a 2007 Bond Project in Council District 9
- If property is not donated, authorizing acquisition of property through negotiation or condemnation

Background

- Project reconstructs and widens Hildebrand Avenue with curbs, sidewalks, driveway approaches, and center turn lanes with necessary traffic signal improvements.
- Project provides a drainage system to convey a 100-year storm event across Broadway
- Right of Way is required along Hildebrand from UIW and AT&T to complete the project

Background (cont.)

- Property to be acquired:
 - AT&T ROW: 14,913 sq. ft.
 - AT&T Pedestrian easement: 2,191 sq. ft.
 - UIW ROW: 3,579 sq. ft.
- Meetings have occurred with UIW and AT&T regarding property acquisition to minimize impact

Aerial Map of Subject Property



Fiscal Impact & Recommendation

Fiscal Impact

- If property is donated no fiscal impact
- If property is to be acquired \$700,000 are authorized for the acquisition and associated costs
- Funds are included in the FY 2011-2016 Capital Budget

Recommendation

- Staff recommends approval of this ordinance

**Property Donation for
Broadway Corridor Phase III A
2007-2012 Bond Project**

**Agenda Item 9:
October 7, 2010**