

AN ORDINANCE

2013-01-17-0021

AUTHORIZING THE CONTRIBUTION OF \$7,093,000 TOWARD THE TEXAS PARKS AND WILDLIFE DEPARTMENT'S ACQUISITION OF AN APPROXIMATELY 461-ACRE TRACT KNOWN AS THE MABE-CANYON RANCH LOCATED IN BEXAR COUNTY, TEXAS TO BE HELD AS PART OF THE GOVERNMENT CANYON STATE NATURAL AREA, AND RECEIVING IN EXCHANGE AN AQUIFER-PROTECTION CONSERVATION EASEMENT.

* * * * *

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 contribute \$7,093,000 toward the Texas Parks and Wildlife Department's acquisition of approximately 461 acres in Bexar County, Texas known as Mabe-Canyon Ranch and located adjacent to the Government Canyon State Natural Area.

SECTION 2. The Mabe-Canyon Ranch is as described on **Attachment I**, which is incorporated by reference for all purposes as if fully set forth.

SECTION 3. The City's contribution to the Texas Parks and Wildlife purchase is conditioned on two occurrences:

- a. That the Mabe-Canyon Ranch be incorporated into and managed as part of the Government Canyon State Natural Area, except to the extent such incorporation and management is inconsistent with the conservation easement referred to below.
- b. That the City receive an aquifer-protection conservation easement over the Mabe-Canyon Ranch.

SECTION 4. The City Manager and her designee, severally, are authorized and directed to consummate the transaction contemplated in the described easements. The City Manager and her designee, severally, should take all actions necessary or convenient to effectuate the transaction, including agreeing to and executing all necessary or convenient instruments and agreements.

SECTION 5. The amount of \$713,462.27 is appropriated in SAP Fund 29100000, Edwards Aqu Prot '10, SAP Internal Order # 390000001564, from 29100000 to 40-00271-90-14-01, SAP General Ledger 6102100, Interfund Transfer Out. The amount of \$713,462.27 is authorized to be transferred to SAP Fund 40005000, Park Improvements.

SECTION 6. The budget in SAP Fund 40005000, Park Improvements, SAP Project Definition 40-00271, Edwards Aquifer Land Acquisitions, shall be revised by increasing SAP WBS Element 40-00271-90-14-01, Transfer from I/O# 390000001564, SAP General Ledger 6101100, Interfund Transfer In, by the amount \$713,462.27.

SECTION 7. The budget in SAP Fund 40005000, Park Improvements, SAP Project Definition 40-00271, Edwards Aquifer Land Acquisitions, shall be revised by increasing SAP WBS Element 40-00271-01-11, Land Acquisition Cost, SAP General Ledger 5209010, Land Acquis/Closing Costs by the amount \$713,462.27.

SECTION 8. Payment in the amount of \$7,093,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 40-00271, Edwards Aquifer Land Acquisitions, is authorized to be encumbered and made payable to Stewart Title Company for the acquisition of a 461 acre tract of land known as the Mabe-Canyon Ranch located in Bexar County, Texas.

SECTION 9. The acquisition of surplus property must be coordinated through the City's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

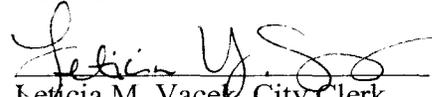
SECTION 10. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 11. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

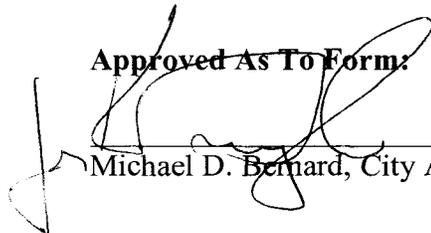
PASSED AND APPROVED this 17th day of January 2013.

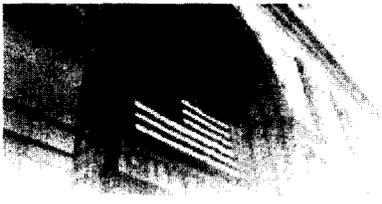

M A Y O R
Julián Castro

Attest:


for Leticia M. Vacek, City Clerk

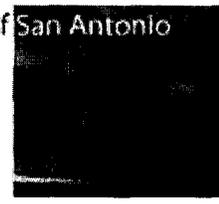
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 9

Name:	9						
Date:	01/17/2013						
Time:	09:28:00 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing payment in the amount of \$7,093,000.00 to Stewart Title Company, as escrow agent for land, due diligence and closing costs toward the acquisition of a 461 acre tract of land known as the Mabe-Canyon Ranch located in Bexar County, as part of the Edwards Aquifer Protection Program. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
Carlton Soules	District 10		x			x	

Attachment I

**Mabe-Canyon Ranch
Legal Description**

461.230 Acres, more or less, comprised of that 436.95 acre tract, 31.37 acre tract and 7.936 acre tract conveyed to MaBe-Canyon Ranch, LC in Special Warranty Deed with Vendors Lien recorded in Volume 8394, Pages 952-960; that 8.642 Acre tract conveyed to East Texas Wing and Rotor Inc. in Warranty Deed with Vendors Lien recorded in Volume 8394, Pages 970-975, that 46.562 acre tract conveyed to MaBe-Canyon Ranch, LC in General Warranty Deed recorded in Volume 8825, Pages 856-861; that 6.175 acre tract conveyed to MaBe-Canyon Ranch, Ltd. in General Warranty Deed recorded in Volume 10905, Pages 1715-1718; and that 19.49 acre tract conveyed to MaBe-Canyon Ranch, Ltd. in General Warranty Deed recorded in Volume 10950, Pages 894-899, LESS THAT 95.834 acres out of said 436.95 acre tract, said 95.834 acres comprised of that 75 acre tract conveyed to La Cantera Development Company in Special Warranty Deed recorded in Volume 9150, Pages 664-670 and that 20.834 acre tract conveyed to the Trust for Public Land in Special Warranty Deed recorded in Volume 11207, Pages 1871-1882, all of the Official Public Records of Real Property of Bexar County, Texas and being out of the Manuel Gomez Survey No. 7, Abstract 1045, County Block 4518, the W. D. Rounsavall Survey No. 3, Abstract 1065, County Block 4485, the J. Hoffman Survey No. 8, Abstract 1208, County Block 4516, the T.C. Railway Co. Survey No. 3, Abstract 1027, County Block 4517, the Mrs. M.A. Sharp Survey, Abstract 1143, County Block 4577, and the T.C. Railway Co. Survey No. 9, Abstract 1026, County Block 4519, all of Bexar County Texas. Said 461.230 acres being now further described as a 511.144 acre tract SAVE AND EXCEPT 49.914 acres, said 49.914 acres being composed of that called 17.48 acres conveyed to Sam Briggs in deed recorded in Volume 7532, Pages 1310-1317 and that called 32.41 acres conveyed to Zigmund Khersonsky in deed recorded in Volume 15420, Pages 1695-1699 both of the Official Public Records of Real Property of Bexar County, Texas. said 511.144 acres described as follows with bearings based on the Texas Coordinate System for the South Central Zone:

BEGINNING: At a found ½" iron rod at the southeast corner of said 436.95 acre tract and the southwest corner of the Los Reyes Canyon Unit 11B subdivision recorded in Volume 9554, Pages 192-194 of the Deed and Plat Records of Bexar County, Texas, on the north line of that 592.9 acre tract conveyed to the City of San Antonio in deed recorded in Volume 8819, Pages 72-83 the Official Public Records of Real Property of Bexar County, Texas, the southeast corner of the herein described tract at North 13,761.392.5 feet, East 2,058,576.6 feet, Latitude North 29°35'16.268", Longitude West 98°42'59.670"

THENCE: N 84°32'7" W, with the south line of said 436.95 acre tract and the north line of said 592.9 acre tract a distance of 3302.91 feet to a found ½" iron rod at the northwest corner of said 592.9 acre tract, an angle of said 436.95 acre tract at the northeast corner of that 400.168 acre tract and the southeast corner of that 20.834 acre tract, both the 400.168 acre tract and the aforementioned 20.834 acre tract conveyed to Texas Parks and Wildlife, The City of San Antonio, and San Antonio Water Systems in deeds recorded in

Volume 11207, Pages 2019-2031, 2032-2046 and 2053-2067 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Over and across said 436.95 acre tract with the line of said 20.834 acre tract the following calls and distances: N 14°41'11" E, a distance of 450.14 feet to a found ½" iron rod; S 86°8'0" W, a distance of 102.33 feet to a found ½" iron rod; N 79°44'16" W, a distance of 642.64 feet to a found "+" on rock for the northernmost northwest corner of said 20.834 acre tract, on an east line of the aforementioned 75 acre tract;

THENCE: Continuing over and across said 436.95 acre tract with the line of said 75 acre tract the following calls and distances: N 15°37'22" W, a distance of 279.63 feet to a found "+" on rock; N 40°30'29" W, a distance of 274.75 feet to a found iron rod with cap marked "Pape-Dawson"; N 77°4'33" W, a distance of 626.80 feet to a found "+" on rock; S 55°15'40" W, a distance of 825.45 feet to a found iron rod with cap marked "Pape-Dawson"; N 34°48'52" W, a distance of 231.33 feet to a found iron rod with cap marked "Pape-Dawson"; S 48°30'48" W, a distance of 1279.23 feet to a found iron rod with cap marked "Pape-Dawson" at the west corner of said 75 acre tract on a southwest line of said 436.95 acre tract, on the line of that 1121.668 acre tract conveyed to the Texas Parks and Wildlife in deed recorded in Volume 12625, Pages 1025-1034 the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 36°45'16" W, with the line of said 1121.668 acre tract, a distance of 772.13 feet to a found iron rod with cap marked "Baker";

THENCE: N 54°45'36" E, with the line of said 1121.668 acre tract, a distance of 1371.91 feet to a found railroad spike at an angle of said 1121.668 acre tract, an angle of said 436.95 acre tract and an angle of that 11.00 acre tract conveyed to Robert G. Honts in deed recorded in Volume 2076, Pages 800-803 the Official Public Records of Real Property of Bexar County, Texas;

THENCE: With the line of said 436.95 acre tract and said 11.00 acre tract the following calls and distances: S 37°15'26" E, a distance of 325.94 feet to a found railroad spike; N 59°11'32" E, a distance of 627.64 feet to a found railroad spike; N 37°41'37" W, a distance of 884.88 feet to a found 80d nail at the north corner of said 11.00 acre tract, an angle of said 436.95 acre tract, on the line of the aforementioned 1121.668 acre tract;

THENCE: Continuing with the line of said 1121.668 acre tract the following calls and distances: N 53°25'29" E, a distance of 1028.67 feet to a found 80d nail; N 13°15'11" E, a distance of 198.30 feet to a found 80d nail; N 60°52'25" W, a distance of 1638.86 feet to a found ½" iron rod; N 27°3'35" E, a distance of 639.75 feet to a found iron rod with cap marked "Baker"; S 75°58'08" E, a distance of 1299.73 feet to a found iron rod with cap marked "Baker", from which a found 80d nail bears N 29°32', a distance of 1.1 feet;

THENCE: N 14°02'05" E, a distance of 999.90 feet to a found iron rod with cap marked "Baker" at the northwest corner of said 436.95 acre tract, on the south line of the aforementioned 8.624 acre tract;

THENCE: With the line of said 8.624 acre tract the following calls and distances: Along a curve to the right, said curve having a radius of 1458.17 feet, an angle of $51^{\circ}02'55''$, and a chord bearing and distance of $N 72^{\circ}26'24'' W$, 1256.63 feet for an arc length of 1299.18 feet to the southwest corner of said 8.624 acre tract, on the southeast line of Lot 84, Block 22, County Block 4577 of the Shadow Canyon Subdivision recorded in Volume 9562, Pages 75-77 of the Deed and Plat Records of Bexar County, Texas, from which a found iron rod with cap marked "Baker" bears $S 62^{\circ}55' W$, a distance of 1.7 feet;

THENCE: $N 47^{\circ}52'50'' E$, with the line of said Lot 84, a distance of 110.42 feet to a found $\frac{1}{2}$ " iron rod at the northwest corner of said 8.624 acre tract, and the southwest corner of that 205.902 acre tract conveyed to CRK Properties Inc. in deed recorded in Volume 15123, Pages 1841-1881 the Official Public Records of Real Property of Bexar County, Texas;

THENCE: Along a curve to the left with the line of said 205.902 acre tract and said 8.624 acre tract, said curve having a radius of 1348.17 feet, an angle of $50^{\circ}39'22''$, and a chord bearing and distance of $S 72^{\circ} 38'10'' E$, 1153.50 feet for an arc length of 1191.94 feet to a set iron rod with cap marked "Pape-Dawson";

THENCE: $N 82^{\circ}29'' E$, with the line of said 205.902 acre tract and said 8.624 acre tract, a distance of 1155.72 feet to a set iron rod with cap marked "Pape-Dawson";

THENCE: Along a curve to the left, said curve having a radius of 1446.20 feet, an angle of $26^{\circ}30'00''$, and a chord bearing and distance of $N 68^{\circ}47'9'' E$, 662.94 feet for an arc length of 668.89 feet to a found iron rod with cap marked "Baker";

THENCE: $N 55^{\circ}32'9'' E$, a distance of 321.52 feet to a found iron rod with cap marked "Baker" at the northwest corner of Ranch Parkway, a 110-foot right-of-way dedicated in the San Antonio Ranch – New Community Unit 1 recorded in Volume 9503, pages 83-84 of the Deed and Plat Records of Bexar County, Texas;

THENCE: $S 34^{\circ}27'51'' E$, with the west line of said Ranch Parkway and the east line of said 8.625 acre tract, and continuing with the west line of Lot 2, Block 7 of said San Antonio Ranch – New Community Subdivision for a total distance of 155.00 feet to a found iron rod with cap marked "Pape-Dawson" at the southwest corner of said Lot 2, a reentrant corner of the aforementioned 46.562 acre tract;

THENCE: Along a curve to the right with the north line of said 46.562 acre tract and the south line of said Lot 2., said curve having a radius of 700.00 feet, an angle of $72^{\circ}59'49''$, and a chord bearing and distance of $S 87^{\circ}57'57'' E$, 832.72 feet for an arc length of 891.83 feet to a found nail and washer stamped "Pape-Dawson";

THENCE: $S 51^{\circ}28'2'' E$, continuing with the north line of said 46.562 acre tract and the south line of said Lot 2, a distance of 159.89 feet to a 2" steel fence post at the northeast

corner of said 46.562 acre tract, the north corner of Lot 1, Block 7 of the San Antonio Ranch – New Community Unit 1 Subdivision recorded in Volume 7900, Pages 131-152 of the Deed and Plat Records of Bexar County, Texas;

THENCE: S 38°30'39" W, with the east line of said 46.562 acre tract and the west line of said Lot 1, and continuing with the east line of said 46.562 acre tract for a total distance of 311.10 feet to a found nail with washer stamped "Pape-Dawson" for an angle of said 46.562 acre tract, at the ostensible north corner of that 49.823 acre tract described in deed to Manuel Olivares in deed recorded in Volume 5604, Pages 1289-1297 the Official Public Records of Real Property of Bexar County, Texas ;

THENCE: S 30°26'7" W, with the east line of said 46.562 acre tract, the west line of said 49.823 acre tract, a distance of 901.80 feet to a found iron rod with cap marked "Pape-Dawson" at the north corner of the aforementioned 6.175 acre tract;

THENCE: Over and across said 49.823 acre tract with the northeast line of said 6.175 acre tract the following calls and distances: S 49°35'13" E, a distance of 221.48 feet to a found iron rod with cap marked "Pape Dawson"; S 34°47'23" E, a distance of 204.78 feet to a found iron rod with cap marked "Pape Dawson"; S 32°02'40" E, a distance of 263.25 feet to a found iron rod with cap marked "Baker" at the southeast corner of said 6.175 acre tract and the northeast corner of the aforementioned tract, a reentrant corner of said 49.823 acre tract and the west corner of that 5.181 acre tract conveyed to Lillian S, Haney in deed recorded in Volume 13363, Pages 731-735 the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 40°02'12" E, with the east line of said 31.37 acres and the west line of said 5.181 acre tract, a distance of 635.19 feet to a found iron rod with cap marked "Baker" at an angle of said 31.37 acre tract, the south corner of said 5.181 acre tract, on the west line of the Wildlake Tracts comprised of 49.045 acres and 2.772 acres conveyed to the San Antonio Municipal Utility District No. 1 in deed recorded in Volume 8221, Pages 278-286 of the Deed Records of Bexar County, Texas ;

THENCE: With the line of said Wildlake tracts and the east line of said 31.37 acre tract the following calls and distances: S 5°45'44" E, a distance of 315.21 feet to a found iron rod with cap marked "Baker"; S 18°06'44" E, a distance of 289.25 feet to a found iron rod with cap marked "Baker"; S 30°42'51" E, a distance of 215.30 feet to a found iron rod with cap marked "Baker"; S 50°33'20" E, a distance of 181.13 feet to a found railroad spike; S 18°25'33" E, a distance of 505.95 feet to a found railroad spike; S 26°36'58" W, a distance of 290.86 feet to a found iron rod with cap marked "Baker"; S 17°52'17" W, a distance of 325.60 feet to a set iron rod with cap marked "Pape-Dawson"; S 22°25'51" E, a distance of 254.26 feet to a found iron rod with cap marked "Baker"; S 24°08'57" W, a distance of 27.60 feet to a found iron rod with cap marked "Baker " at the south corner of said 31.37 acre tract, an angle in the west line of said 49.045 acre tract and the north corner of said 2.772 acre tract and the east corner of the aforementioned 19.49 acre tract;

THENCE: S 36°10'10" W, with the line of said 19.49 acre tract and the line of said 2.772 acre tract, a distance of 585.17 feet to a found iron rod with cap marked "Baker, at the southwest corner of said 2.772 acre tract and an angle in the aforementioned 436.95 acre tract" on the southeast line of said 19.49 acre tract;

THENCE: S 72°36'5" E, departing the line of said 19.49 acre tract with the line of said 2.772 acre tract and said 436.95 acre tract, a distance of 335.40 feet to a found "+" on rock at the southeast corner of said 2.772 acre tract, a reentrant corner of said 436.95 acre tract;

THENCE: N 15°50'25" E, with the east line of said 2.772 acre tract and the line of said 436.95 acre tract, a distance of 421.23 feet to a found iron rod with cap marked "Baker" at the northeast corner of said 2.772 acre tract, a south corner of said 49.045 acre Wildlake tract, an angle in the west line of Lot 211 of the aforementioned Los Reyes Canyon Unit 11B Subdivision;

THENCE: S 28°10'43" E, with the west line of said Los Reyes Canyon Unit 11 B Subdivision a distance of 1559.11 feet to the **POINT OF BEGINNING** and containing 511.144 acres, more or less;

SAVE AND EXCEPT

49.914 Acres further described by metes and bounds as follows with bearings based on the Texas Coordinate System for the South Central Zone:

COMMENCING: At a found ½" iron rod at the southeast corner of said 436.95 acre tract and the southwest corner of the Los Reyes Canyon Unit 11B subdivision recorded in Volume 9554, Pages 192-194 of the Deed and Plat Records of Bexar County, Texas, on the north line of that 592.9 acre tract conveyed to the City of San Antonio in deed recorded in Volume 8819, Pages 72-83 the Official Public Records of Real Property of Bexar County, Texas, the southeast corner of the herein described tract at North 13,761,392.5 feet, East 2,058,576.6 feet, Latitude North 29°35'16.268", Longitude West 98°42'59.670"

THENCE: N 52°49'34" W, a distance of 2496.98 feet over and across said 436.95 acre tract and said 19.49 acre tract to the **POINT OF BEGINNING**, being the northwest corner of said 19.49 acre tract, on an east line of said 436.95 acre tract and the southwest corner of the aforementioned 32.41 acre tract at North 13,762,901.0 feet, East 2,056,587.3 feet, Latitude North 29°35'31.250", Longitude West 98°43'22.163";

THENCE: With an east line of said 436.95 acre tract and the west line of said 32.41 acre tract and said 17.48 acre tract the following calls and distances:

Along a curve to the left, said curve having a radius of 743.00 feet, an angle of 28°34'40" and a chord bearing and distance of N 43°37'3" W, 366.76 feet for an arc length of 370.59 feet to a found ½" iron rod;

Along a curve to the right, said curve having a radius of 657.00 feet, an angle of $42^{\circ}48'29''$, and a chord bearing and distance of $N 36^{\circ}30'9'' W$, 479.53 feet for an arc length of 490.87 feet to a found iron rod with cap marked "Baker";

$N 15^{\circ}5'54'' W$, at a distance of 32.95 feet passing a found iron rod with cap marked "Baker" at the west corner of said 32.41 acre tract, the south corner of said 17.48 acre tract, and continuing for a total distance of 723.49 feet to a set iron rod with cap marked "Pape-Dawson" at a point of curvature;

Along a curve to the right, said curve having a radius of 1957.00 feet, an angle of $19^{\circ}44'25''$, and a chord bearing and distance of $N 5^{\circ}13'42'' W$, 670.92 feet for an arc length of 674.25 feet to a found iron rod with cap marked "Baker";

Along a curve to the left, said curve having a radius of 743.00 feet, an angle of $4^{\circ}02'10''$, and a chord bearing and distance of $N 2^{\circ}37'26'' E$, 52.33 feet for an arc length of 52.34 feet to a found iron rod with cap marked "Baker" at the northwest corner of said 17.48 acre tract, the southwest corner of the aforementioned 7.936 acre tract;

THENCE: $S 88^{\circ}49'16'' E$, with the line of said 7.936 acre tract and the north line of said 17.48 acre tract a distance of 46.88 feet to a found "+" on rock;

THENCE: $N 79^{\circ}49'3'' E$, with the line of said 7.936 acre tract and the north line of said 17.48 acre tract a distance of 499.61 feet to a set iron rod with cap marked "Pape-Dawson";

THENCE: $N 61^{\circ}46'35'' E$, with the line of said 7.936 acre tract and the north line of said 17.48 acre tract a distance of 239.91 feet to a found iron rod with cap marked "Baker" at the northeast corner of said 17.48 acre tract and the southeast corner of said 7.936 acre tract, on the west line of the aforementioned 31.37 acre tract;

THENCE: $S 28^{\circ}14'21'' E$, with the east line of said 17.48 acre tract and the west line of said 31.37 acre tract a distance of 301.09 feet to a found $\frac{1}{2}$ " iron rod at the southeast corner of said 17.48 acre tract, the north corner of said 32.41 acre tract;

THENCE: $S 28^{\circ}9'26'' E$, with the line of said 31.37 acre tract and said 32.41 acre tracts a distance of 1345.46 feet to a set iron rod with cap marked "Pape-Dawson" at the southeast corner of said 32.41 acre tract, the north corner of said 19.49 acre tract;

THENCE: $S 27^{\circ}16'7'' W$, with the line of said 32.41 acre tract and said 19.49 acre tract a distance of 715.83 feet to a found iron rod with cap marked "Pape-Dawson";

THENCE: $S 66^{\circ}9'22'' W$, with the line of said 32.41 acre tract and said 19.49 acre tract a distance of 452.57 feet to the POINT OF BEGINNING and containing 49.914 acres and in all a net acreage of 461.230 acre in Bexar County, Texas. Said tracts described in

accordance with a field survey ending on October 26 and corresponding map or plat prepared by Pape-Dawson Engineers under Job Number 5000-13.