

AN ORDINANCE 2008-04-03-0258

**AUTHORIZING THE CITY TO GRANT TO ROGERS PLACE, LLC A 16-FOOT WIDE PERMANENT SANITARY SEWER EASEMENT AND A 25-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT TO SERVICE THE FUTURE DEVELOPMENT OF CULEBRA POINTE SUBDIVISION, DISTRICT 6, FOR A \$9,207.00 FEE**

\* \* \* \* \*

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

**SECTION 1.** The City Manager and her designee, severally, are authorized and directed to: (A) to grant a 16-foot wide permanent sanitary sewer easement and a 25-foot wide temporary construction easement to Rogers Place, LLC and (B) in connection therewith, to execute and deliver (1) easements substantially in the form attached hereto as **Attachments I and II** and (2) all other documents and instruments necessary or convenient to effectuate the transactions contemplated by this ordinance; and (C) otherwise to do all things necessary or convenient to effectuate the transaction.

**SECTION 2.** Funds generated by this ordinance will be deposited into Fund 76002000 Building Maintenance Improvement & Contingency Fund, Internal Order 224000000099 Lease Agreement in ROW, General Ledger 4202410 License Agreements - Use of ROW.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This ordinance becomes effective 10 days after passage.

**PASSED AND APPROVED** this 3rd day of April 2008.



M A Y O R

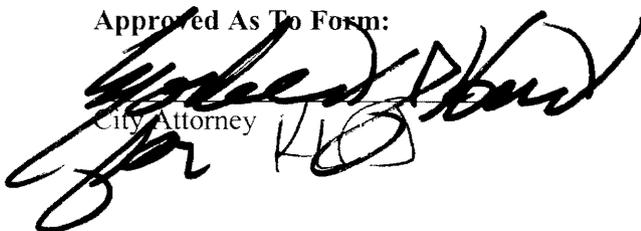
**PHIL HARDBERGER**

Attest:



City Clerk

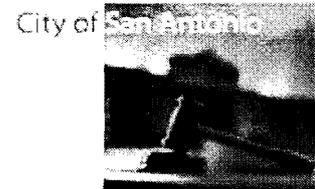
Approved As To Form:



City Attorney



Request for  
**COUNCIL**  
ACTION



**Agenda Voting Results - 22**

| <b>Name:</b>           | 6, 10, 13, 14, 17, 18, 20, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38A, 38B, 38C  |             |     |     |         |        |        |
|------------------------|---|-------------|-----|-----|---------|--------|--------|
| <b>Date:</b>           | 04/03/2008  |             |     |     |         |        |        |
| <b>Time:</b>           | 10:06:43 AM   |             |     |     |         |        |        |
| <b>Vote Type:</b>      | Motion to Approve   |             |     |     |         |        |        |
| <b>Description:</b>    | An Ordinance authorizing the City to grant to Rogers Place, LLC a 16-foot wide permanent sanitary sewer easement and a 25-foot wide temporary construction easement to service the future development of Culebra Pointe Subdivision, District 6, for a \$9,207.00 fee. [Mike Frisbie, Director, Capital Improvements Management Services] |             |     |     |         |        |        |
| <b>Result:</b>         | 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   |     |         |        | x      |
| Philip A. Cortez       | District 4  |             | x   |     |         |        |        |
| Lourdes Galvan         | District 5  | x           |     |     |         |        |        |
| Delicia Herrera        | District 6  |             | x   |     |         |        |        |
| Justin Rodriguez       | District 7  |             | x   |     |         |        |        |
| Diane G. Cibrian       | District 8  |             | x   |     |         |        |        |
| Louis E. Rowe          | District 9  |             | x   |     |         | x      |        |
| John G. Clamp          | District 10   |             | x   |     |         |        |        |



**EXHIBIT "A"**

**NOTES:**

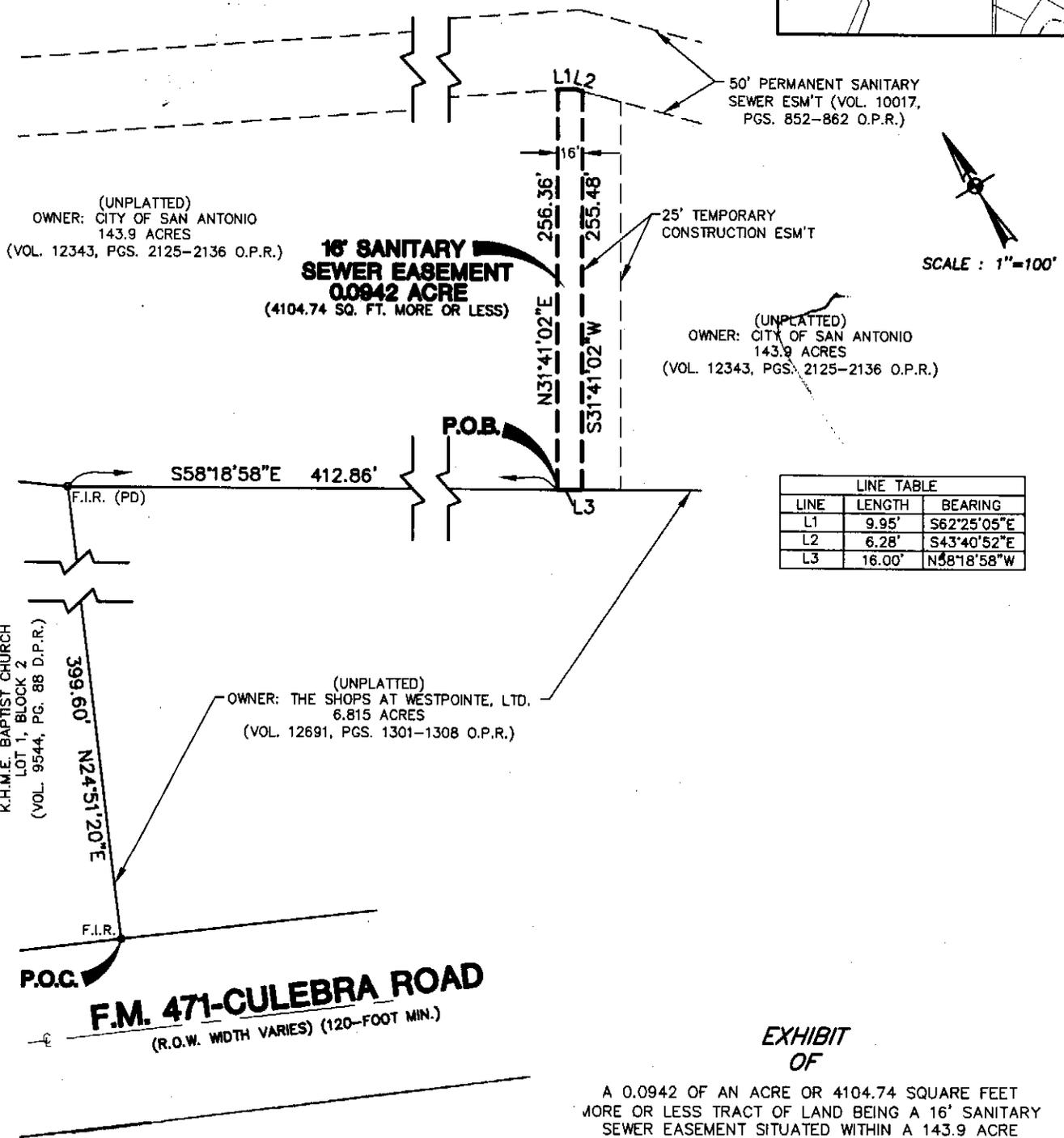
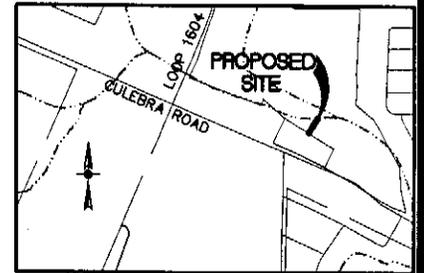
1. THE BEARINGS ARE BASED ON A 6.815 ACRE TRACT CONVEYED TO SHOPS AT WESTPOINTE, LTD., DESCRIBED BY GENERAL WARRANTY DEED, RECORDED IN VOLUME 12691, PAGES 1301-1308 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS WITH THE REFERENCE BEARING BEING THE EAST LINE OF LOT 1 BLOCK 2 OF K.H.M.E. BAPTIST CHURCH RECORDED IN VOLUME 9544, PAGE 88 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS..

2. PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.

**LEGEND:**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- PL = PROPERTY LINE
- F.I.R. (PD) = FOUND 1/2" IRON ROD WITH CAP MARKED PAPE-DAWSON
- O.P.R. = OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TX
- D.P.R. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TX
- C.B. = COUNTY BLOCK
- NCB = NEW COUNTY BLOCK

PROJECT NAME: CULEBRA POINTE  
16' SANITARY SEWER EASEMENT



(UNPLATTED)  
OWNER: CITY OF SAN ANTONIO  
143.9 ACRES  
(VOL. 12343, PGS. 2125-2136 O.P.R.)

**16' SANITARY SEWER EASEMENT**  
**0.0942 ACRE**  
(4104.74 SQ. FT. MORE OR LESS)

(UNPLATTED)  
OWNER: CITY OF SAN ANTONIO  
143.9 ACRES  
(VOL. 12343, PGS. 2125-2136 O.P.R.)

OWNER: KOREAN HAN-MA-EUM  
BAPTIST CHURCH  
K.H.M.E. BAPTIST CHURCH  
LOT 1, BLOCK 2  
(VOL. 9544, PG. 88 D.P.R.)

(UNPLATTED)  
OWNER: THE SHOPS AT WESTPOINTE, LTD.  
6.815 ACRES  
(VOL. 12691, PGS. 1301-1308 O.P.R.)

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 9.95'  | S62°25'05"E |
| L2         | 6.28'  | S43°40'52"E |
| L3         | 16.00' | N58°18'58"W |



**EXHIBIT OF**

A 0.0942 OF AN ACRE OR 4104.74 SQUARE FEET MORE OR LESS TRACT OF LAND BEING A 16' SANITARY SEWER EASEMENT SITUATED WITHIN A 143.9 ACRE TRACT CONVEYED TO THE CITY OF SAN ANTONIO DESCRIBED BY SPECIAL WARRANTY DEED, RECORDED IN VOLUME 12343, PAGES 2123-2136 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

Date: May 24, 2007, 9:01am User ID: EAlvarez File: P:\65140\01\Design\Exhibits\070521\EX070521-SS.dwg



CMS or Ordinance Number: CN0040002552

TSLGRS File Code:1000-25

Document Title:

CONT - Rogers Place, LLC 16' wide permanent sanitary sewer easement &  
a 25" wide temp construction easement Council Dist. 6

**Commencement Date:**

**4/3/2008**

**Expiration Date:**

**12/31/2008**

**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.**

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

**Sanitary Sewer Easement**

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**Authorizing Ordinance:** 2008-04-03-0258  
**SP No.:** 1339

**Grantor:** City of San Antonio

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

**Grantee:** Rogers Place, LLC

**Grantee's Address:** 555 E. Ramsey, San Antonio, Texas 78216 (Bexar  
County)

**Purpose of Easement:** Constructing, reconstructing, inspecting, patrolling, maintaining, and repairing sanitary sewer lines and associated facilities; relocating such lines and facilities within the servient estate; removing from the servient estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights granted hereunder; together with the right of ingress and egress over the servient estate for the purpose of exercising all other rights hereby granted

**Description of Servient Estate:** A 0.0942 acre, more or less, tract consisting of a 16-foot strip out of a 143.9 acres, more or less, conveyed to the City of San Antonio by Special Warranty Deed, volume 12343, page 2123-2136, Official Records of Real Property, Bexar County, Texas as more particularly described on **Exhibit A**, which is incorporated herein by reference for all purposes as if it were fully set forth.

**Easement Fee:** \$9,165

Exhibit A's references to a joint use area do not alter this instrument's effect as an easement.

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above. Grantor covenants and for itself, its heirs, executors, successors, and assigns, that no building or obstruction of any kind will be placed on the servient estate herein granted.

**To Have and To Hold** the above described easement and rights unto Grantee, its successors and assigns, until its use is abandoned.

This easement is subordinate to all previously granted easements or other instruments of record. This instrument does not authorize Grantee to disturb or disrupt existing infrastructure.

Witness my hand, this 14<sup>th</sup> day of August, 2008.

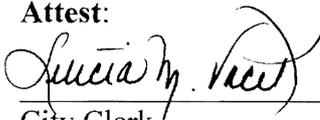
**City of San Antonio,**  
a Texas municipal corporation



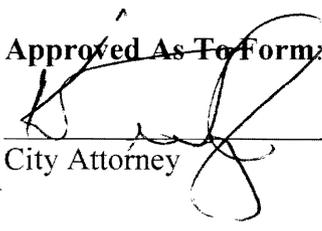
\_\_\_\_\_  
Penny Postoak-Ferguson   
Assistant City Manager

Penny Postoak-Ferguson  
(Printed Name)

**Attest:**

  
\_\_\_\_\_  
City Clerk

**Approved As To Form:**

  
\_\_\_\_\_  
City Attorney

State of Texas       §

County of Bexar     §

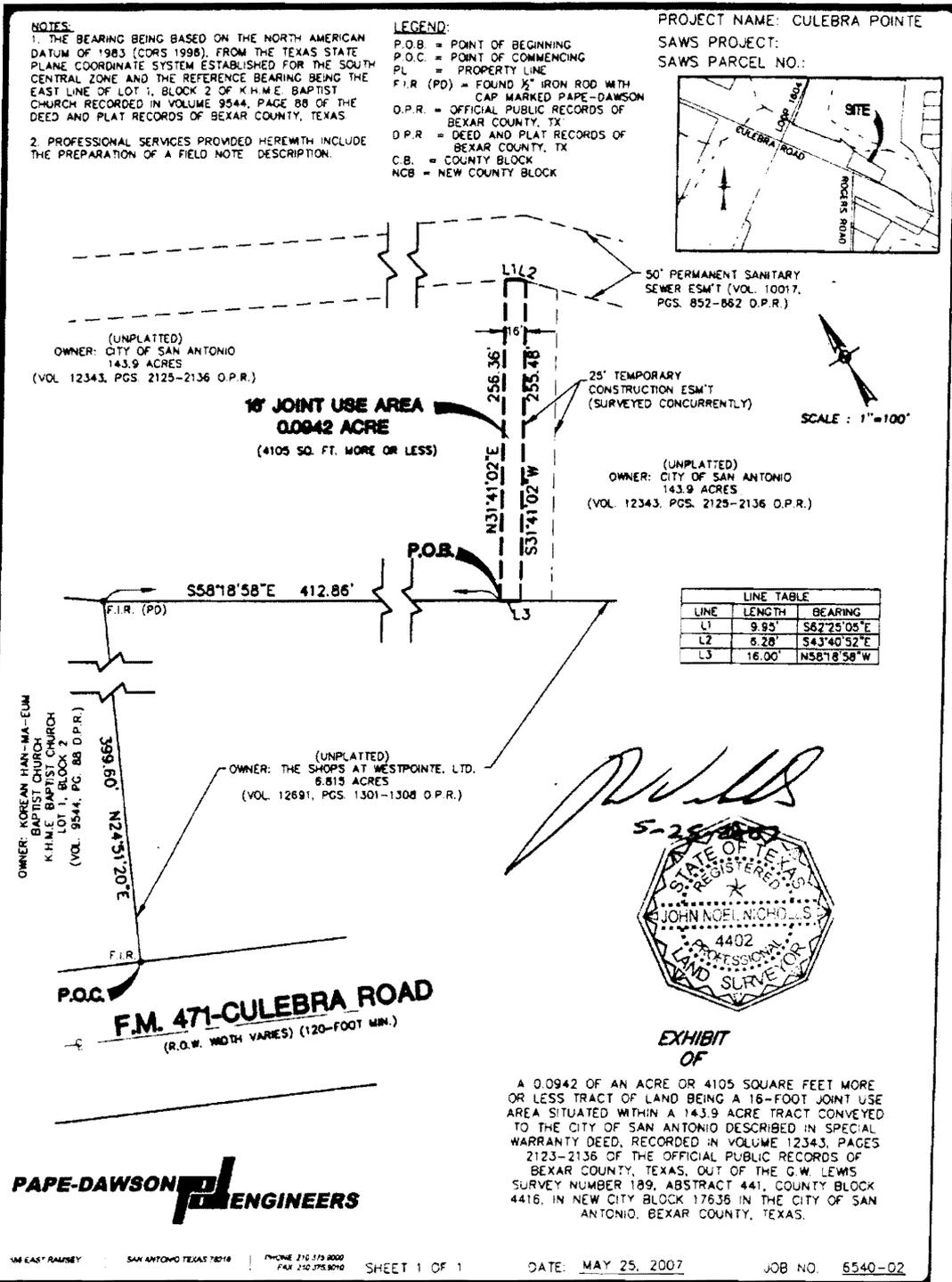
This instrument was acknowledged before me this date by \_\_\_\_\_,  
of the City of San Antonio, a Texas municipal corporation, in the capacity therein  
stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

# Exhibit A





LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

SAWS PROJECT \_\_\_\_\_  
SAWS PARCEL NO. \_\_\_\_\_

FIELD NOTES  
FOR  
A 0.0942 OF AN ACRE, (4,108 SQUARE FEET)  
16-FOOT JOINT USE AREA

A 0.0942 of an acre, or 4,107.74 square feet more or less tract of land being a 16-foot Joint Use Area situated within a 143.9 acre tract conveyed to the City of San Antonio described by Special Warranty Deed, recorded in Volume 12343, Pages 2123-2136 of the Official Public Records of Bexar County, Texas. Said 0.0942 of an acre tract being more particularly described as follows with the bearings being based on with the bearing being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone and the reference bearing being the east line of Lot 1, Block 2 of K.H.M.E. Baptist Church recorded in Volume 9544, Page 88 of the Deed and Plat Records of Bexar County, Texas:

COMMENCING: At a found 1/2" iron rod at the northeast right-of-way line of F.M. 471-Culebra Road, a variable width right-of-way, 120-foot minimum, southeast corner of said and southwest corner of a 6.815 acre tract recorded in Volume 12691, Pages 1301-1308 of the Official Public Records of Bexar County, Texas;

THENCE: N 24°51'20"E, departing the northeast right-of-way line of said Culebra Road, along and with the southeast line of said Lot 1, the northwest line of said 6.815 acre tract, a distance of 399.60 feet to a found 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point of said 143.9 acre tract, the northeast corner of said Lot 1, the northwest corner of said 6.815 acre tract;

THENCE S 58°18'58"E, along and with the southwest line of said 143.9 acre tract, and the northeast line of said 6.815 acre tract, a distance of 412.86 feet to the POINT OF BEGINNING of the herein described easement;

THENCE: Departing the southwest line of said 143.9 acre tract and the northeast line of said 6.815 acre tract, over and across said 143.9 acre tract the following calls and distances:

N 31°41'02"E, a distance of 256.36 feet to a point on the southwest line of a 50-foot permanent sanitary sewer easement recorded in Volume 10017, Pages 852-862 of the Official Public Records of Bexar County, Texas;

S 62°25'05"E, along and with the southwest line of said 50-foot permanent sanitary sewer easement, a distance of 9.95 feet to an angle point;

SAN ANTONIO / AUSTIN  
WWW.PAPE-DAWSON.COM

555 East Ramsey San Antonio, Texas 78216 P 210.375.9000 F 210.375.9010

0.0942 Acres  
Job No. 6540-01  
Page 2 of 2

S 43°40'52"E, continuing along and with the southwest line of said 50-foot permanent sanitary sewer easement, a distance of 6.28 feet to an angle point;

S 31°41'02"W, departing the southwest line of said 50-foot permanent sanitary sewer easement, a distance of 255.48 feet to a point on the southwest line of said 143.9 acre tract and the northeast line of said 6.815 acre tract;

THENCE: N 58°18'58"W, along and with the southwest line of said 143.9 acre tract, and the northeast line of said 6.815 acre tract, a distance of 16.00 feet to the POINT OF BEGINNING and containing 0.0942 of an acre of land in the City of San Antonio, Bexar County, Texas. Said Easement being described in accordance with and exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: May 25, 2007  
JOB No. 6540-01  
DOC. ID.: P:\6540\01\Word\Field Notes\FN-654001-SS Esmt.doc



**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.**

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

**Temporary Construction Easement**

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**Authorizing Ordinance:** 2008-04-03-0258  
                          **SP No.:** 1339

**Grantor:** City of San Antonio

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

**Grantee** Rogers Place, LLC

**Grantee's Address:** 555 E. Ramsey, San Antonio, Texas 78216 (Bexar  
County)

**Purpose of Easement:** Easement for the construction of the following  
improvements, and associated ingress and egress:  
sanitary sewer lines and associated facilities

**Description of Servient  
Estate:** A 0.1448 acre, more or less, tract consisting of a 25-foot  
strip out of a 143.9 acres, more or less, conveyed to the  
City of San Antonio by Special Warranty Deed, volume  
12343, page 2123-2136, Official Records of Real  
Property, Bexar County, Texas as more particularly  
described on **Exhibit A**, which is incorporated herein by  
reference for all purposes as if it were fully set forth.

**Expiration:** This easement expires December 31, 2008

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors a temporary construction easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above.

**To Have and To Hold** the above described easement and rights unto Grantee, its successors and assigns, until this easement expires.

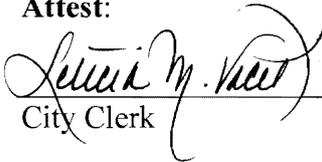
Witness my hand, this 14<sup>th</sup> day of August, 2008.

**City of San Antonio,**  
a Texas municipal corporation

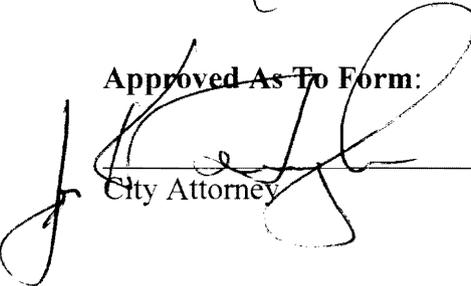
  
\_\_\_\_\_  
Penny Postoak-Ferguson ~~to~~  
Assistant City Manager

Penny Postoak Ferguson  
(Printed Name)

**Attest:**

  
\_\_\_\_\_  
City Clerk

**Approved As To Form:**

  
\_\_\_\_\_  
City Attorney

State of Texas       §

County of Bexar     §

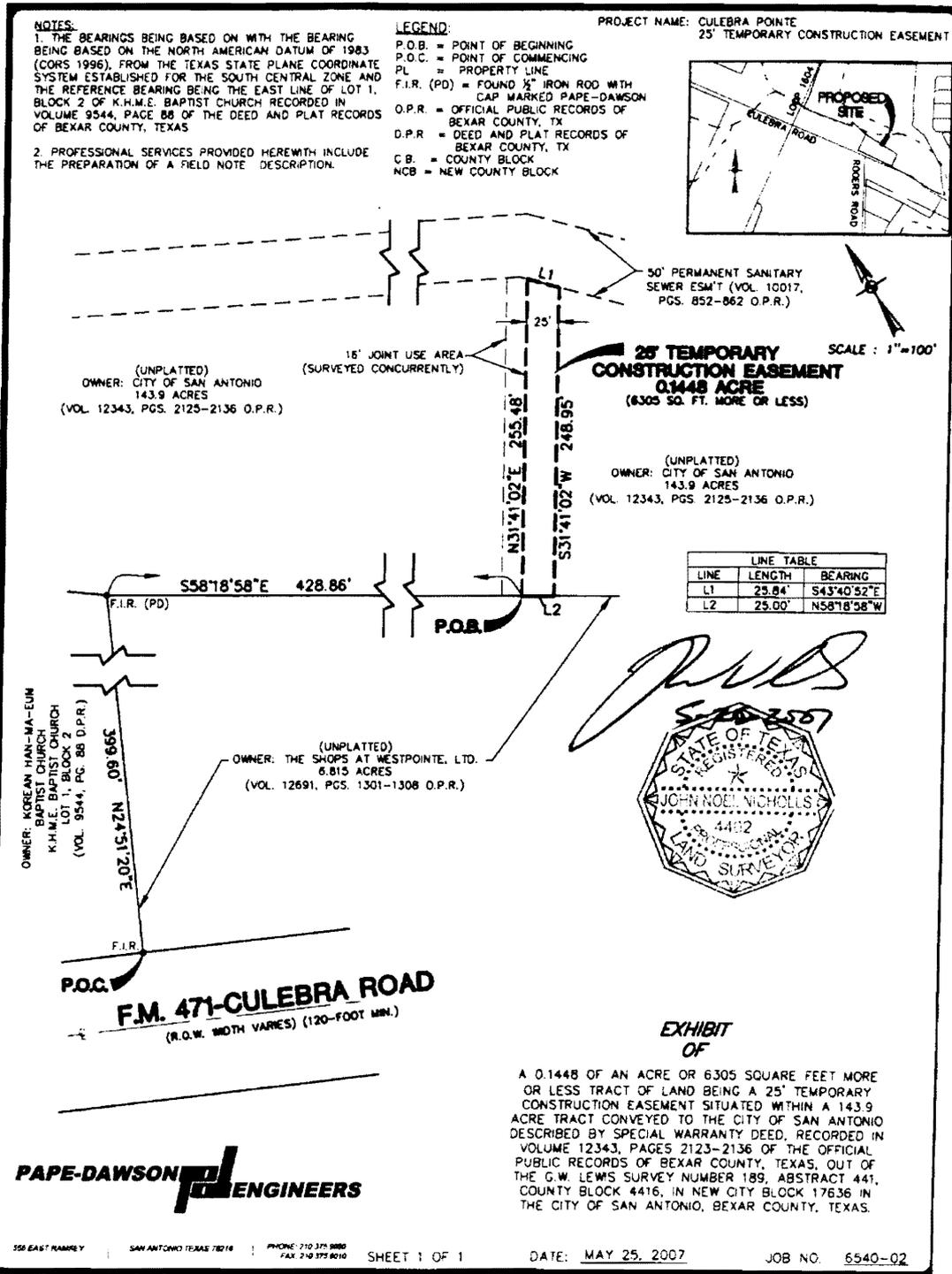
This instrument was acknowledged before me this date by \_\_\_\_\_,  
of the City of San Antonio, a Texas municipal corporation, in the capacity therein  
stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

# Exhibit A





LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES

FOR

A 0.1448 OF AN ACRE (6,305.48 SQUARE FEET)  
25' TEMPORARY CONSTRUCTION EASEMENT

A 0.1448 of an acre, or 6,305.48 square feet more or less tract of land, being a 25' Temporary Construction Easement situated within a 143.9 acre tract conveyed to the City of San Antonio described by Special Warranty Deed, recorded in Volume 12343, Pages 2123-2136 of the Official Public Records of Bexar County, Texas. Said 0.1448 of an acre easement being more particularly described as follows with the bearings being based on with the bearing being based on the North American Datum of 1983 (CORS 1996), from the Texas State Plane Coordinate System established for the South Central Zone and the reference bearing being the east line of Lot 1, Block 2 of K.H.M.E. Baptist Church recorded in Volume 9544, Page 88 of the Deed and Plat Records of Bexar County, Texas:

COMMENCING: At a found 1/2" iron rod at the northeast right-of-way line of F.M. 471-Culebra Road, a variable width right-of-way, 120-foot minimum, southeast corner of said and southwest corner of a 6.815 acre tract recorded in Volume 12691, Pages 1301-1308 of the Official Public Records of Bexar County, Texas;

THENCE: N 24°51'20"E, departing the northeast right-of-way line of said Culebra Road, along and with the southeast line of said Lot 1, the northwest line of said 6.815 acre tract, a distance of 399.60 feet to a found 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point of said 143.9 acre tract, the northeast corner of said Lot 1, the northwest corner of said 6.815 acre tract;

THENCE S 58°18'58"E, along and with the southwest line of said 143.9 acre tract, and the northeast line of said 6.815 acre tract, a distance of 428.86 feet to an angle point, the POINT OF BEGINNING of the herein described easement;

THENCE: Departing the southwest line of said 143.9 acre tract and the northeast line of said 6.815 acre tract the following calls and distances:

N 31°41'02"E, a distance of 255.48 feet to a point on the southwest line of a 50-foot permanent sanitary sewer easement recorded in Volume 10017, Pages 852-862 of the Official Public Records of Bexar County, Texas;

S 43°40'52"E, along and with the southwest line of said 50-foot permanent sanitary sewer easement, a distance of 25.84 feet to an angle point;

S 31°41'02"W, a distance of 248.95 feet to a point on the southwest line of said 143.9 acre tract and the northeast line of said 6.815 acre tract;

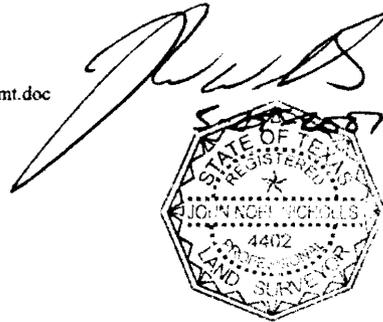
SAN ANTONIO / AUSTIN  
WWW.PAPE-DAWSON.COM

555 East Ramsey San Antonio, Texas 78216 P 210 375 9000 F 210 375 9010

0.1448 Acres  
Job No. 6540-01  
Page 2 of 2

THENCE: N 58°18'58"W, along and with the southwest line of said 143.9 acre tract, and the northeast line of said 6.815 acre tract, a distance of 25.00 feet to the POINT OF BEGINNING and containing 0.1448 of an acre of land in the City of San Antonio, Bexar County, Texas. Said Easement being described in accordance with and exhibit prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: May 25, 2007  
JOB No. 6540-01  
DOC. ID.: P:\6540\01\Word\Field Notes\FN-654001-TC Esmt.doc



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**PAPE-DAWSON  
ENGINEERS**



CMS or Ordinance Number: OR00000200804030258

TSLGRS File Code: 1000-05

Document Title:

ORD - Rogers Place, LLC 16' wide permanent sanitary sewer easement &  
a 25" wide temp contruction easement Council Dist. 6

**Ordinance Date:**  
**4/3/2008**