

AN ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM, TO ACQUIRE BY NEGOTIATION AND/OR CONDEMNATION CERTAIN PRIVATELY OWNED REAL PROPERTY AND RELATED RIGHTS OF INGRESS AND EGRESS LOCATED IN COUNTY BLOCK 4005 ALONG THE EASTERLY SIDE OF PLEASANTON ROAD APPROXIMATELY 3 MILES SOUTH OF INTERSTATE LOOP 410 FOR THE PURPOSE OF PROVIDING ACCESS FOR THE MAINTENANCE AND REPAIR OF THE MITCHELL LAKE DAM MAINTENANCE PROJECT; DECLARING THIS TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES TO ACQUIRE SUCH PRIVATELY OWNED REAL PROPERTY AND RIGHTS OF INGRESS AND EGRESS.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of privately owned real property and related rights of ingress and egress to certain real properties located in Bexar County, Texas are necessary and desirable for the expansion and operation of the City of San Antonio Water and Utility System (the “System”), including the Mitchell Lake Dam Maintenance Project, (the “Project”), as shown by Overall Project Drawing marked “**Exhibit A – 1**” attached hereto and made a part hereof; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through SAWS are in the process of investigating, surveying, defining and negotiating for the acquisition of privately owned real property and related rights of ingress and egress to certain real properties as may be needed on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of privately owned real property, and rights of ingress and egress to certain real property, it may be necessary for SAWS to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any fee simple land rights or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Public necessity requires that the City of San Antonio acquire privately owned real property over, under, across, and upon certain real property (the “Real Property”) for the public purpose of expansion and operation of the System, including the construction, operation and maintenance of the Projects, as shown by the Overall Project Drawing marked “**Exhibit A – 1**” attached hereto and made a part hereof, either through purchase or by the process of eminent domain, and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered along the route.

SECTION 2. The Real Property which are the subject of Section 1 for which fee simple land rights are required for the Projects are described in “**Exhibits A – 2 through A - 5**” inclusive, which Exhibits are attached to and are made a part of this Ordinance for all purposes.

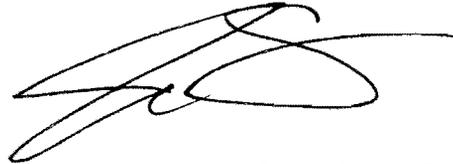
SECTION 3. SAWS, acting by and through its attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property interests described in Section 2 of this Ordinance and to acquire such interests in land as SAWS is unable to acquire through negotiation by reason of its inability agree with the owner of the land as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey specify, define and secure the necessary property rights.

SECTION 4. All acts and proceedings done or initiated by the employees, agents and attorneys of SAWS for the acquisition of such property interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

SECTION 5. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

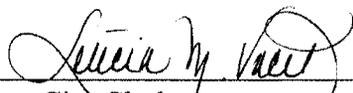
SECTION 6. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and **APPROVED** this 3rd day of September, 2009.



M A Y O R

JULIÁN CASTRO

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

795

Agenda Item:	10						
Date:	09/03/2009						
Time:	10:41:58 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through negotiation and/or condemnation by SAWS of privately owned real property located in County Block 4005 along the easterly side of Pleasanton Road approximately three miles south of Interstate Loop 410 in Council District 3 for the SAWS Mitchell Lake Dam Project; declaring it to be a public project; and declaring a public necessity for the acquisition. [Penny Post oak Ferguson, 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			x	
Philip A. Cortez	District 4		x				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				
John G. Clamp	District 10		x				

Exhibit A-1

Mitchell Lake

Mitchell Lake Dam Acquisition

Pleasanton Rd.

**SAN ANTONIO WATER SYSTEM
Project Area Map**

EDWARDS AQUIFER RECHARGE ZONE

ATASCOSA COUNTY

WILSON COUNTY

PROJECT SITE

Mitchell Lake Dam Maintenance Project

**Metes and Bounds Description
for a
47.841 Acre Tract**

Being a 47.841 acre tract of land being out of Abstract No. 3, County Block 4005, Jose Antonio de la Garza Mexican Grant, dated April 15, 1824, and out of Abstract No. 15, County Block 4005, Fernando Rodriguez Mexican Grant, dated December 10, 1833; being out of the remaining portion of a 1045 acre tract as described by deed recorded in Volume 5397, Page 50, Deed and Plat Records of Bexar County, Texas; said 47.841 acre tract being more particularly described as follows:

BEGINNING at a set iron pin with yellow cap labeled "PCI" (hereinafter referred to as "I.P.W/Y.C.") located on the northeast right-of-way line of Pleasanton Road; said I.P.W/Y.C. being the common westerly corner between this tract and a 10.000 acre tract as described by deed recorded in Volume 2681, Page 251 of the Official Public Records of Real Property of Bexar County, Texas;

Thence N 53°06'18" E, 610.21 feet departing the northeast right-of-way line of said Pleasanton Road and along the common line between this tract and the said 10.000 acre tract to a fence post found for an exterior angle point of the tract herein described;

Thence S 72°56'42" E, 338.90 feet continuing along the said common line to a set brass disk in concrete on the west line of a 838.72 acre tract of land as surveyed by David Casanova, Registered Public Surveyor No. 4251, on October 25, 1988; said brass disk being the common easterly corner between this tract and the 10.000 acre tract;

Thence along the common line between this tract and the said 838.72 acre tract the following calls:

S 41°04'08" W, 141.53 feet to a set I.P.W/Y.C. for an angle point;

S 44°13'48" W, 145.70 feet to a found iron pin for an interior angle point;

S 42°40'19" E, 65.24 feet to a found iron pin for an angle point;

S 02°10'23" W, 411.52 feet to a found iron pin for an angle point;

S 70°20'49" W, 121.40 feet to a found iron pin for an interior angle point;

S 52°04'25" W, 204.99 feet to a set I.P.W/Y.C. for an interior angle point;

S 29°23'52" W, 113.50 feet to a found iron pin for an interior angle point;

S 22°32'48" E, 211.95 feet to a set I.P.W/Y.C. for an interior angle point;

S 33°00'46" E, 348.72 feet to a found iron pin for an interior angle point;
S 63°38'50" E, 469.71 feet to a set I.P.W/Y.C. for an angle point;
S 62°17'48" E, 137.58 feet to a found iron pin for an angle point;
S 53°34'46" E, 88.92 feet to a found iron pin for an angle point;
S 52°52'38" E, 358.68 feet to a found iron pin for an interior angle point;
S 55°14'47" E, 299.43 feet to a set I.P.W/Y.C. for an interior angle point;
S 59°24'23" E, 64.94 feet to a found iron pin for an interior angle point;
N 66°19'55" E, 114.06 feet to a set I.P.W/Y.C. for an angle point;
N 71°11'38" E, 179.26 feet to a found iron pin for an interior angle point;
N 70°28'59" E, 549.98 feet to a found iron pin for an angle point;
N 80°19'58" E, 360.29 feet to a set I.P.W/Y.C. for an angle point;
S 65°45'07" E, 52.01 feet to a set I.P.W/Y.C. for an interior angle point;
N 40°56'54" E, 32.27 feet to a found iron pin for an angle point;
S 87°53'11" E, 74.20 feet to a found iron pin for an interior angle point;
N 27°02'48" E, 300.00 feet to a set I.P.W/Y.C. at the common corner between this tract, the said 838.72 acre tract and the remaining portion of the said 1045 acre tract of land;

Thence departing the said 838.72 acre tract along the common line between this tract and the remaining portion of the said 1045 acre tract of land the following calls;

S 62°57'39" E, 250.00 feet to a set I.P.W/Y.C. for an angle point;

S 27°02'21" W, 251.06 feet to a set I.P.W/Y.C. for an angle point;

S 39°23'17" W, 991.26 feet to a set I.P.W/Y.C. located on the south line of a 40 foot wide Recycled Water and Sludge Line Easement as described by deed recorded in Volume 8901, Page 100 of the Official Public Records of Real Property of Bexar County, Texas for a corner of the tract herein described;

N 89°05'50" W, 1378.14 feet along the said south easement line to a found iron pin with yellow cap labeled "CDS" located on the northeast right-of-way line of Pleasanton Road; said iron pin being the most southwesterly corner of the tract herein described;

Thence along the northeast right-of-way line of said Pleasanton Road the following calls:

N 34°06'10" W, 88.49 feet to a set I.P.W/Y.C. for an angle point;

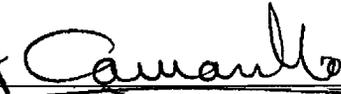
N 35°12'10" W, 1286.00 feet to a set I.P.W/Y.C. at the beginning of a curve to the right;

248.01 feet along the said curve to the right having a central angle of 13°58'00" and a radius of 1017.40 feet to a set I.P.W/Y.C. for the end of this curve;

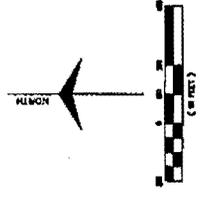
N 21°14'10" W, 997.94 feet to a fence post found for an interior angle point;

Thence N 25°44'10" W, 107.50 feet to the **POINT OF BEGINNING** and containing 47.841 acres of land, 0

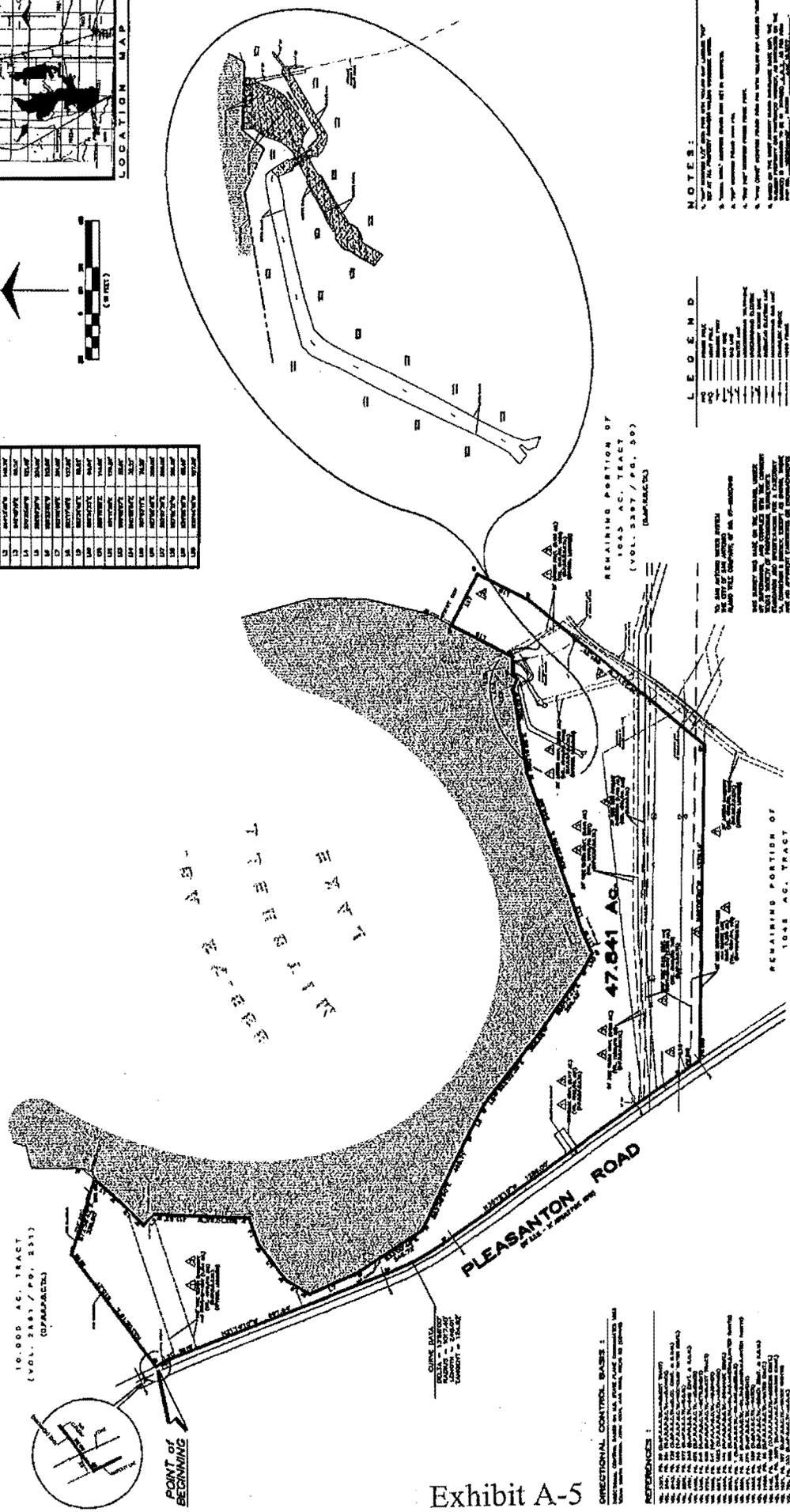



Adalberto Camarillo
Registered Professional Land Surveyor
No. 3929
December 6, 2007

Revised February 11, 2008
Revised August 25, 2008
Revised May 27, 2009



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NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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LEGEND

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- IMPROVED ROAD
- RAILROAD
- POWER LINE
- TELEPHONE LINE
- WATER MAIN
- SEWER MAIN
- GAS MAIN
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- ASPHALT DRIVE
- GRAVEL DRIVE
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REVISIONS

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REFERENCES:

- 1. SURVEY RECORD NO. 1045 AC. TRACT (VOL. 3887 / PG. 59)
- 2. SURVEY RECORD NO. 47.841 AC. TRACT (VOL. 3887 / PG. 59)
- 3. SURVEY RECORD NO. 10.000 AC. TRACT (VOL. 3887 / PG. 59)
- 4. SURVEY RECORD NO. 1045 AC. TRACT (VOL. 3887 / PG. 59)
- 5. SURVEY RECORD NO. 47.841 AC. TRACT (VOL. 3887 / PG. 59)
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- 9. SURVEY RECORD NO. 10.000 AC. TRACT (VOL. 3887 / PG. 59)
- 10. SURVEY RECORD NO. 1045 AC. TRACT (VOL. 3887 / PG. 59)

DIRECTIONAL CONTROL BASE:

ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

POZNECKI - CAMARILLO and ASSOC., INC.
 ENGINEERING SURVEYING PLANNING
 SUITE 200 SAN ANTONIO, TEXAS 78228
 5835 CALLAGHAN ROAD SAN ANTONIO, TEXAS 78228
 210/349-3273

REMAINING PORTION OF 1045 AC. TRACT (VOL. 3887 / PG. 59)

REMAINING PORTION OF 47.841 AC. TRACT (VOL. 3887 / PG. 59)

REMAINING PORTION OF 10.000 AC. TRACT (VOL. 3887 / PG. 59)

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Exhibit A-5