

AN ORDINANCE 2008-05-29-0447

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE OF FIVE (5) PARCELS OF REAL PROPERTY LOCATED IN COUNCIL DISTRICT 7 AND DECLARING THE PROPOSITION 3 CREEKWAY LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT (PROJECT) TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

NO.	DESCRIPTION
1	16.317 acres out of a 31.018 acre tract in NCB 18559.
2	13.508 acres out of a 36.085 acre tract in NCB 18559.
3	3.094 acres out of a 49.479 acre tract in NCB 18559.
4	0.57 acres out of the remainder of a 31.01 acre tract in NCB 18559.
5	0.18 acres out of Lot 4, Block 9, NCB 18559.

* * * * *

WHEREAS, the City of San Antonio (“City”) seeks to acquire five properties either by negotiation or condemnation for the development and completion of the Linear Creekway Parks Development Project; and

WHEREAS, property interests are required for the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project and property acquisitions of approximately 33.669 acres more or less and is a necessary step in implementing this Project; and

WHEREAS, the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project is a proposed acquisition of properties along Leon Creek located in City Council District 7 which are completely within the 100-year FEMA flood plain and are necessary for the Linear Creekways Development; and

WHEREAS, this Ordinance authorizes the acquisition of five tracts of land along Leon Creek at a fair market value through negotiation or condemnation; and

WHEREAS, the funds in the amount of \$65,000,000.00 for the Parks Development and Expansion Venue Projects were approved in the FY 2008-2013 Adopted Annual Capital Budget, **NOW THEREFORE**;

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

SECTION 1. The Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire by negotiation and/or condemnation, if necessary, the fee simple title to certain privately owned real property, for the development and completion of the Linear Creekway Parks Development Project. The property is more specifically described in the "Metes and Bounds Description" affixed hereto as **Exhibit A** and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

SECTION 3. Payment in the amount up to \$195,168.00 is authorized for payment for negotiation or condemnation from project 26-00060 Leon Ck Greenway (Acq. Prop 3) and should be encumbered with a purchase order and made payable to the respective land owner.

SECTION 4. 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 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. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value, to execute sales agreements purchasing the property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by Order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 6. In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be

needed from time to time, and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 7. This Ordinance shall be effective on the tenth day after passage.

PASSED AND APPROVED this the 29th day of May, 2008.



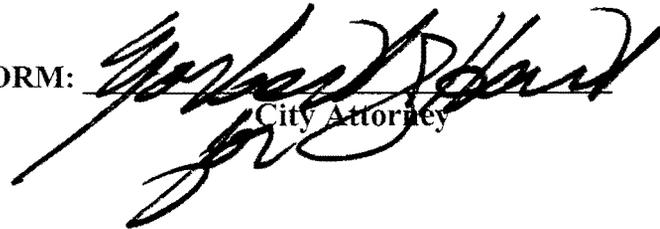
M A Y O R

PHIL HARDBERGER

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 27

Name:	27
Date:	05/29/2008
Time:	11:22:39 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the acquisition of fee simple title of five (5) parcels of real property located in Council District 7 and declaring the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project (Project) to be a public project; declaring a public necessity for the acquisition of privately owned real property described below, all properties being in the City of San Antonio, Bexar County, Texas; authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings, if necessary. [Frances A. Gonzalez, Assistant City Manager; Malcolm Matthews, Director, Parks and Recreation] NO. DESCRIPTION 1 16.317 acres out of a 31.018 acre tract in NCB 18559. 2 13.508 acres out of a 36.085 acre tract in NCB 18559. 3 3.094 acres out of a 49.479 acre tract in NCB 18559. 4 0.57 acres out of the remainder of a 31.01 acre tract in NCB 18559. 5 0.18 acres out of Lot 4, Block 9, NCB 18559.
Result:	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				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x			x	
Diane G. Cibrian	District 8		x				x
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

FIELD NOTE DESCRIPTION OF A 16.317 ACRE TRACT

Being a 16.317 (710,812 Sq. Ft.) acre tract out of a 31.01 acre tract of land described in Volume 7032, Page 1974, Official Public Records of Real Property, Bexar County, Texas and being that same tract as described in deed to MNM Building LLC as recorded in Volume 12726, Page 2075, Official Public Records of Real Property, Bexar County, Texas, said tract also being out of the M. G. De Los Santos Survey No. 82, County Block 4446, New City Block (N.C.B.) 18559, San Antonio, Bexar County, Texas, said 16.317 acre tract of land being more particularly described as follows:

SURVEYOR NOTE:

All bearings and distances are based on the Texas State Plane Coordinate System, South Central Zone N.A.D. 83.

BEGINNING at a ½" iron rod with a Civil Engineering Consultant (CEC) cap set at the northeast corner of said 31.01 acre tract and the northwest corner of a 36.085 acre tract as described in Volume 12734, Page 382, Official Public Records of Real Property, Bexar County, Texas, said point having a coordinate value of N = 13,734,016.9594, E = 2,085,337.9326;

THENCE, S. 42°52'54" W., along the common boundary line of said 31.01 acre tract and said 36.085 acre tract, a distance of 1815.37 feet to a ½" iron rod with "Castella" cap found for an angle point of the herein described tract;

THENCE, S. 11°04'10" W., continuing along said common boundary line a distance of 167.24 feet to a ½" iron rod with "Castella" cap found for the southeast corner of the herein described tract;

THENCE, S. 89°29'09" W., along the south line of said 31.01 acre tract and the south line of the herein described tract, a distance of 323.61 feet to a ½" iron rod with "Castella" cap found for the southwest corner of the herein described tract;

THENCE, N. 33°10'26" W., along the southwest line of said 31.01 acre tract, a distance of 249.83 feet to a ½" iron rod with "Baker" cap found for the southeast corner of Lot 5, Block 9, N.C.B. 18559, Forced To Plat Subdivision, Unit 3, as recorded in Volume 9551, Page 210, Deed and Plat Records, Bexar County, Texas;

THENCE, crossing through said 31.01 acre tract along the south boundary line of Lot 5, Block 9, N.C.B. 18559, Forced To Plat Subdivision, Unit 3, as recorded in Volume 9551, Page 210, Deed and Plat Records, Bexar County, Texas as follows:

N. 35°28'55" E., a distance of 15.91 feet to a ½" iron rod with "Baker" cap found for an angle point of the herein described tract;

N. 52°57'34" E., a distance of 167.63 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 56°03'30" E., a distance of 96.05 feet to a ½" iron rod with "Baker" cap found for an angle point of the herein described tract;

N. 68°44'43" E., a distance of 39.54 feet to a ½" iron rod with "Baker" cap found for an angle point of the herein described tract;

N. 68°00'39" E., a distance of 22.01 feet to a ½" iron rod with "Baker" cap found for an angle point of the herein described tract;

N. 54°03'59" E., a distance of 154.32 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 54°35'52" E., a distance of 151.88 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 48°55'20" E., a distance of 44.20 feet to a ½" iron rod found for an angle point of the herein described tract;

N. 21°09'04" E., a distance of 35.28 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 12°49'29" E., a distance of 80.23 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 34°07'57" E., a distance of 45.13 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 31°05'52" E., a distance of 151.53 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 28°18'27" E., a distance of 30.71 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 23°07'20" E., a distance of 116.61 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 38°51'15" E., a distance of 233.95 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 46°07'17" E., a distance of 220.15 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 50°51'42" E., a distance of 284.95 feet to a ½" iron rod with "Baker" cap found for the southwest corner of 0.57 acre tract (Tract Three) as recorded in Volume 13153, Page 1280, Official Public Records of Real Property, Bexar County, Texas and the southeast corner of a 0.31 acre tract as recorded in Volume 13153, Page 1276, Official Public Records of Real Property, Bexar County, Texas;

THENCE, S. 36°03'16" E., along the southwest line of said 0.57 acre tract, a distance of 124.63 feet to a ½" iron rod with "Baker" cap found for south corner of said 0.57 acre tract;

THENCE, N. 54°30'36" E., along the south line of said 0.57 acre tract, a distance of 346.06 feet to a ½" iron rod with "Baker" cap found for the northwest corner of the herein described tract;

THENCE, S. 33°12'52" E., along the south right of way line of Bandera Road (State Hwy No. 16) (variable width right of way) a distance of 163.61 feet to the **POINT OF BEGINNING** and containing 16.317 (710,812 Sq. Ft.) acres of land more or less.

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 10th day of March, 2008.

Chester A. Varner, RPLS # 4812

FIELD NOTE DESCRIPTION OF A 13.508 ACRE TRACT

Being a 13.508 (588,428 Sq. Ft.) acre tract out of a 36.085 acre tract of land described in Volume 12734, Page 382, Official Public Records of Real Property, Bexar County, Texas, said tract also being out of the M. G. De Los Santos Survey No. 82, County Block 4446, New City Block (N.C.B.) 18559, San Antonio, Bexar County, Texas, said 13.508 acre tract of land being more particularly described as follows:

SURVEYOR NOTE:

All bearings and distances are based on the Texas State Plane Coordinate System, South Central Zone N.A.D. 83.

BEGINNING at a ½" iron rod with a Civil Engineering Consultant (CEC) cap set at the northwest corner of said 36.085 acre tract and the northeast corner of a 31.01 acre tract as described in Volume 7032, Page 1974 and Volume 12726, Page 2075, Official Public Records of Real Property, Bexar County, Texas, said point having a coordinate value of N = 13,734,016.9594, E=2,085,337.9326;

THENCE, S. 33°10'05" E., along the south right of way line of Bandera Road (State Hwy. No. 16) (variable width right of way), a distance of 309.73 feet to a ½" iron rod with "CEC" cap set for the northeast corner of the herein described tract,

THENCE, crossing through said 36.085 acre tract as follows:

S. 34°06'07" W., a distance of 85.20 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 68°18'07" W., a distance of 66.40 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 24°21'58" W., a distance of 119.07 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 58°44'26" W., a distance of 90.21 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 09°44'00" W., a distance of 40.55 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 36°12'22" W., a distance of 95.80 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 23°53'16" W., a distance of 76.17 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 43°52'27" W., a distance of 182.15 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 90°00'00" W., a distance of 70.26 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 41°35'45" W., a distance of 254.30 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 39°50'55" W., a distance of 161.36 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 34°44'04" W., a distance of 218.06 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 45°55'02" W., a distance of 197.47 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 13°00'08" W., a distance of 33.44 feet to a ½" iron rod with "CEC" cap set for the southeast corner of the herein described tract, said point being in the south line of said 36.085 acre tract and the north line of a 49.479 acre tract as recorded in Volume 7586, Page 96, Official Public Records of Real Property, Bexar County, Texas;

THENCE, S. 89°28'56" W., along the south line of said 36.085 acre tract, the north line of said 49.0479 acre tract and the south line of the herein described tract, a distance of 364.59 feet to a ½" iron rod with "Castella" cap found for the southwest corner of the herein described tract and the southeast corner of said 31.01 acre tract;

THENCE, N. 11°04'10" E., along the common boundary line of said 36.085 acre tract and said 31.01 acre tract, a distance of 167.24 feet to a ½" iron rod with "Castella" cap found for an angle point of the herein described tract;

THENCE, N. 42°52'54" E., continuing along said common boundary lines, a distance of 1815.37 feet to the **POINT OF BEGINNING** and containing 13.508 (588,428 Sq. Ft.) acres of land more or less.

Job No.: S0242716
May 29, 2008

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 10th day of March, 2008.

Chester A. Varner, RPLS # 4812

S. 14°15'00" W., a distance of 35.16 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 67°05'09" W., a distance of 33.81 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 18°03'19" W., a distance of 30.66 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 82°39'25" W., a distance of 70.29 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 20°38'09" W., a distance of 86.22 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 56°55'43" W., a distance of 92.79 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 11°35'28" W., a distance of 22.11 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 48°55'54" W., a distance of 129.11 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 27°10'28" W., a distance of 84.36 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 04°51'25" W., a distance of 101.33 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 60°15'50" W., a distance of 33.65 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 00°01'02" W., a distance of 32.87 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 42°56'28" W., a distance of 102.67 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 08°38'31" W., a distance of 90.01 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 26°05'58" W., a distance of 42.13 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 10°26'54" W., a distance of 146.98 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 32°43'08" W., a distance of 38.15 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 07°48'47" E., a distance of 150.41 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

S. 01°21'57" E., a distance of 200.95 feet to a ½" iron rod found for the northeast corner of a 4.971 acre tract as described in Volume 4431, Page 1955, and Volume 8115, Page 2002, Official Public Records, Bexar County, Texas and an angle point of the herein described tract, said point being the southwest corner of said 49.479 acre tract;

THENCE, S. 06°09'01" E., along the east line of said 66.1235 acre tract and said 7.578 acre tract and the west line of said 4.971 acre tract and the east line of the herein described tract, a distance of 86.60 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

THENCE, S. 11°15'27" E., continuing along the east boundary line of said 66.1235 acre tract and said 7.578 acre tract and the west line said 4.971 acre tract, a distance of 125.00 feet to a ½" iron rod with "CEC" cap set for the southeast corner of the herein described tract and the southeast corner of said 7.578 acre tract;

THENCE, S. 78°44'33" W., along the south said 7.578 acre tract and the south line of the herein described tract, a distance of 215.00 feet to a ½" iron rod with "CEC" cap set for the southwest corner of said 7.578 acre tract and the southwest corner of the herein described tract;

THENCE, crossing through said 66.1235 acre tract and along the west line of said 7.578 acre tract as follows:

N. 11°15'27" W., a distance 132.35 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 07°20'27" W., a distance of 90.04 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 10°28'05" W., a distance of 413.21 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

N. 11°58'44" E., a distance of 917.49 feet to the **POINT OF BEGINNING** and containing 10.272 (447,464 Sq. Ft.) acres of land more or less.

Job No.: S0242717

May 29, 2008

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 24th day of March, 2008.

Chester A. Varner, RPLS # 4812

March 20, 2008



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
DEVELOPMENT • PUBLIC WORKS
SURVEYING • TRANSPORTATION

3135

FIELD NOTE DESCRIPTION OF A 0.57 ACRE TRACT

Being a 0.57 of an acre tract out of the remainder of a 31.01 acre tract of land described in Volume 7032, Page 1974, and Volume 12726, Page 2075, Official Public Records of Real Property, Bexar County, Texas and being that same tract as described in deed to Oscar Andres Hernandez, as recorded in Volume 13153, Page 1280, Official Public Records of Real Property, Bexar County, Texas, said tract also being out of the M. G. De Los Santos Survey No. 82, County Block 4446, New City Block (N.C.B.) 18559, San Antonio, Bexar County, Texas, said 0.57 of an acre tract of land being more particularly described as follows:

SURVEYOR NOTE:

All bearings and distances are based on the Texas State Plane Coordinate System, South Central Zone N.A.D. 83.

BEGINNING at a ½" iron rod found at the southeast corner of Lot 5, Block 9, N.C.B. 18559, Forced to Plat Subdivision, Unit 3, as recorded in Volume 9551, Page 210, Deed and Plat Records, Bexar County, Texas and a point in the southwest line of Lot 4, Block 9, N.C.B. 18559, Daughtry Subdivision, Unit 1A, as recorded in Volume 9541, Page 21, Deed and Plat Records, Bexar County, Texas and for the northern corner of said 31.01 acre tract and the north corner of the herein described tract, said point having a coordinate value of N = 13,734,095.1787, E = 2,084,993.1269;

THENCE, S. 35°09'15" E., along the northeast boundary line of said 31.01 acre tract and the southwest boundary line of said Lot 4 a distance of 50.38 feet to a ½" iron rod found for the south corner of said Lot 4 and an angle point of the herein described tract,

THENCE, N. 54°33'57" E., along the northwest boundary line of said 31.01 acre tract and the southeast boundary line of said Lot 4 a distance of 232.25 feet to a ½" iron rod found in the southwest right-of-way line of Bandera Road (variable width R.O.W. 120' min.) for the east corner of said Lot 4 and the north corner of the herein described tract;

THENCE, S. 54°22'17" E., along the southwest right-of-way line of said Bandera Road a distance of 32.62 feet to a ½" iron rod found for an angle point of the herein described tract;

THENCE, S. 33°14'14" E., continuing along the southwest right-of-way line of said Bandera Road a distance of 18.93 feet to a ½" iron rod found for the east corner of the herein described tract;



Job No.: S0242715

March 20, 2008

THENCE, S. 54°30'35" W., crossing through said 31.01 acre tract a distance of 345.99 feet to a ½" iron rod found for the south corner of the herein described tract;

THENCE, N. 36°03'12" W., continuing through said 31.01 acre tract a distance of 124.58 feet to a ½" iron rod found for the west corner of the herein described tract;

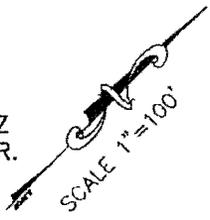
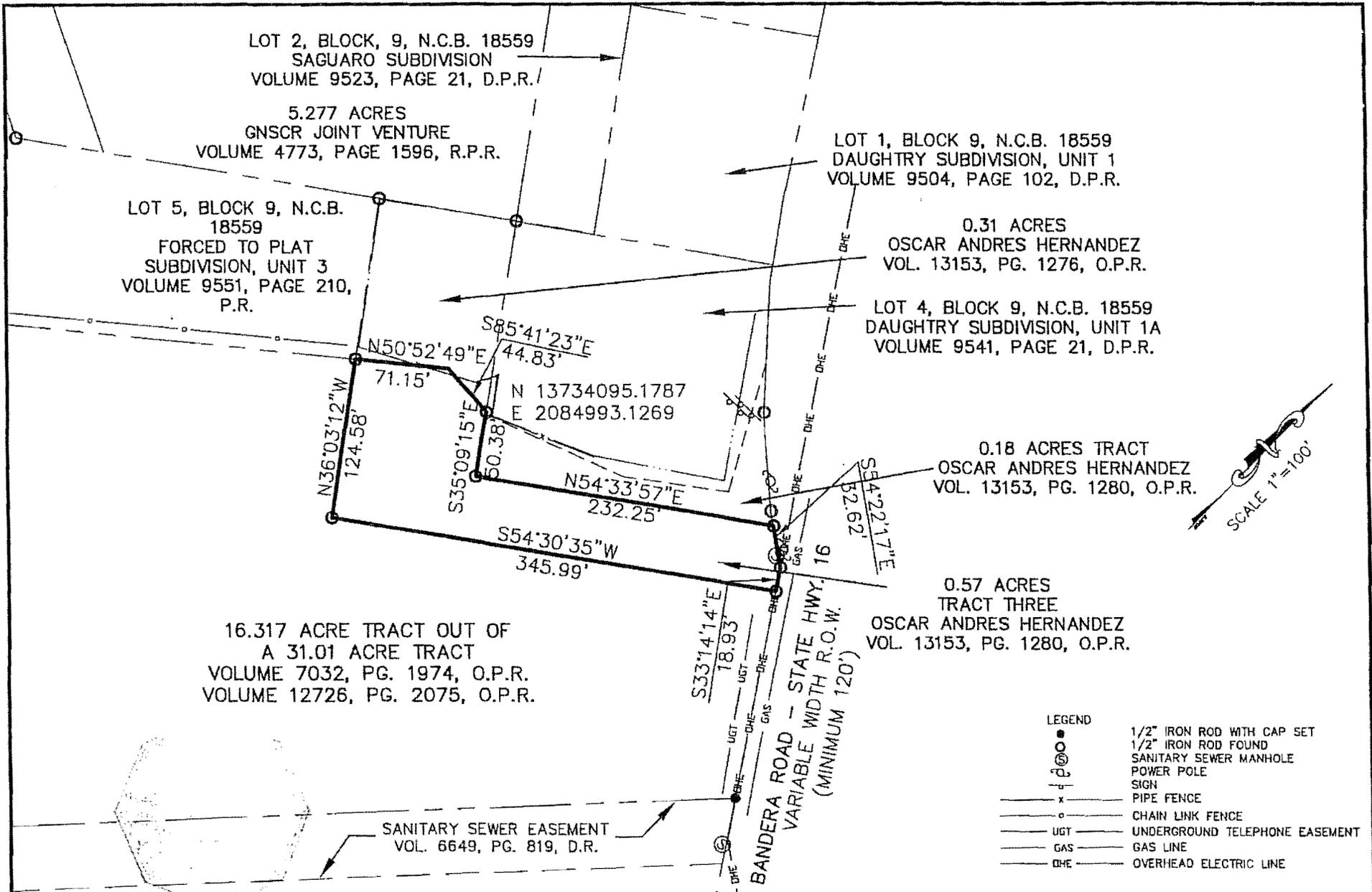
THENCE, N. 50°52'49" E., along the northwest boundary line of the herein described tract and the southeast boundary line of said Lot 5 a distance of 71.15 feet to a PK nail found for an angle point of the herein described tract;

THENCE, S. 85°41'23" E., continuing along the northwest boundary line of the herein described acre tract and the southeast boundary line of said Lot 5 a distance of 44.83 feet to the **POINT OF BEGINNING** and containing 0.57 of an acre of land more or less.

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 10th day of March, 2008.

Chester A. Varner, R.P.S.
Chester A. Varner, RPLS # 4812 3/20/08





- LEGEND**
- 1/2" IRON ROD WITH CAP SET
 - 1/2" IRON ROD FOUND
 - ⊙ SANITARY SEWER MANHOLE
 - ⊕ POWER POLE
 - ⊞ SIGN
 - x PIPE FENCE
 - CHAIN LINK FENCE
 - UGT UNDERGROUND TELEPHONE EASEMENT
 - GAS GAS LINE
 - DHE OVERHEAD ELECTRIC LINE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY AND THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN. SURVEYED THIS 10TH DAY OF MARCH, 2008.

Chester A. Varner
 CHESTER A. VARNER REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4812

CEC

CIVIL ENGINEERING CONSULTANTS
 DON DUDEN, INC.
 11600 L.L. 10 WEST, SUITE 200
 SAN ANTONIO, TEXAS 78230
 P) 810.641.8999
 F) 810.641.6440
 Email: cec@cecotexas.com

PLAT SHOWING: 0.57 OF AN ACRE OUT OF THE M.G. DE LOS SANTOS SURVEY NO. 82, ABSTRACT 664, COUNTY BLOCK 4446, NEW CITY BLOCK 18559, BEING OUT OF LOT 5, BLOCK 9, FORCED TO PLAT SUBDIVISION, UNIT 3, RECORDED IN VOLUME 9551, PAGE 210, PLAT RECORDS BEXAR COUNTY, TEXAS.

SHEET	1 OF 1
DRAWN BY:	D.L.D.
DATE:	MARCH 2008
JOB NO.	S0242716



CIVIL ENGINEERING CONSULTANTS
DON DURBEN, INC.
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SURVEYING • TRANSPORTATION

998

FIELD NOTE DESCRIPTION OF A 0.18 ACRE TRACT

Being a 0.18 of an acre tract out of Lot 4, Block 9, N.C.B. 18559, Daughtry Subdivision, Unit 1A, as recorded in Volume 9541, Page 21, Deed and Plat Records, Bexar County, Texas and also being out of the M. G. De Los Santos Survey No. 82, County Block 4446, New City Block (N.C.B.) 18559, San Antonio, Bexar County, Texas, said 0.18 of an acre tract of land being more particularly described as follows:

SURVEYOR NOTE:

All bearings and distances are based on the Texas State Plane Coordinate System, South Central Zone N.A.D. 83.

BEGINNING at a ½" iron rod found at the east corner of said Lot 4 and the herein described tract, said point being in the southwest right-of-way line of Bandera Road (variable width R.O.W. 120' min.) said point having a coordinate value of N = 13,734,188.8361, E = 2,085,211.6465;

THENCE, S. 54°33'57" W., along the northwest boundary line of a 31.01 acre tract as recorded in Volume 7032, Page 1974, and Volume 12726, Page 1280, Official Public Records of Real Property, Bexar County, Texas, and the southeast boundary line of Lot 4 a distance of 232.25 feet to a ½" iron rod found for the south corner of said Lot 4 and the south corner of the herein described tract,

THENCE, N. 35°09'15" W., along the northeast boundary line of said 31.01 acre tract and the southwest boundary line of said Lot 4 and the herein described tract a distance of 50.38 feet to a ½" iron rod found for south corner of the herein described tract;

THENCE, N. 70°26'54" E., crossing through said Lot 4 a distance of 116.73 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

THENCE, N. 53°24'48" E., continuing across said Lot 4 a distance of 81.56 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

THENCE, N. 28°12'28" W., continuing across said Lot 4 a distance of 105.28 feet to a ½" iron rod with "CEC" cap set in the southwest right-of-way line of Bandera Road (variable width R.O.W. 120' min.) said point being the north corner of the herein described tract;



Job No.: S0242715

March 20, 2008

THENCE, S. 41°32'22" E., along the southwest right-of-way line of said Bandera Road a distance of 39.56 feet to a ½" iron rod found for an angle point of the herein described tract;

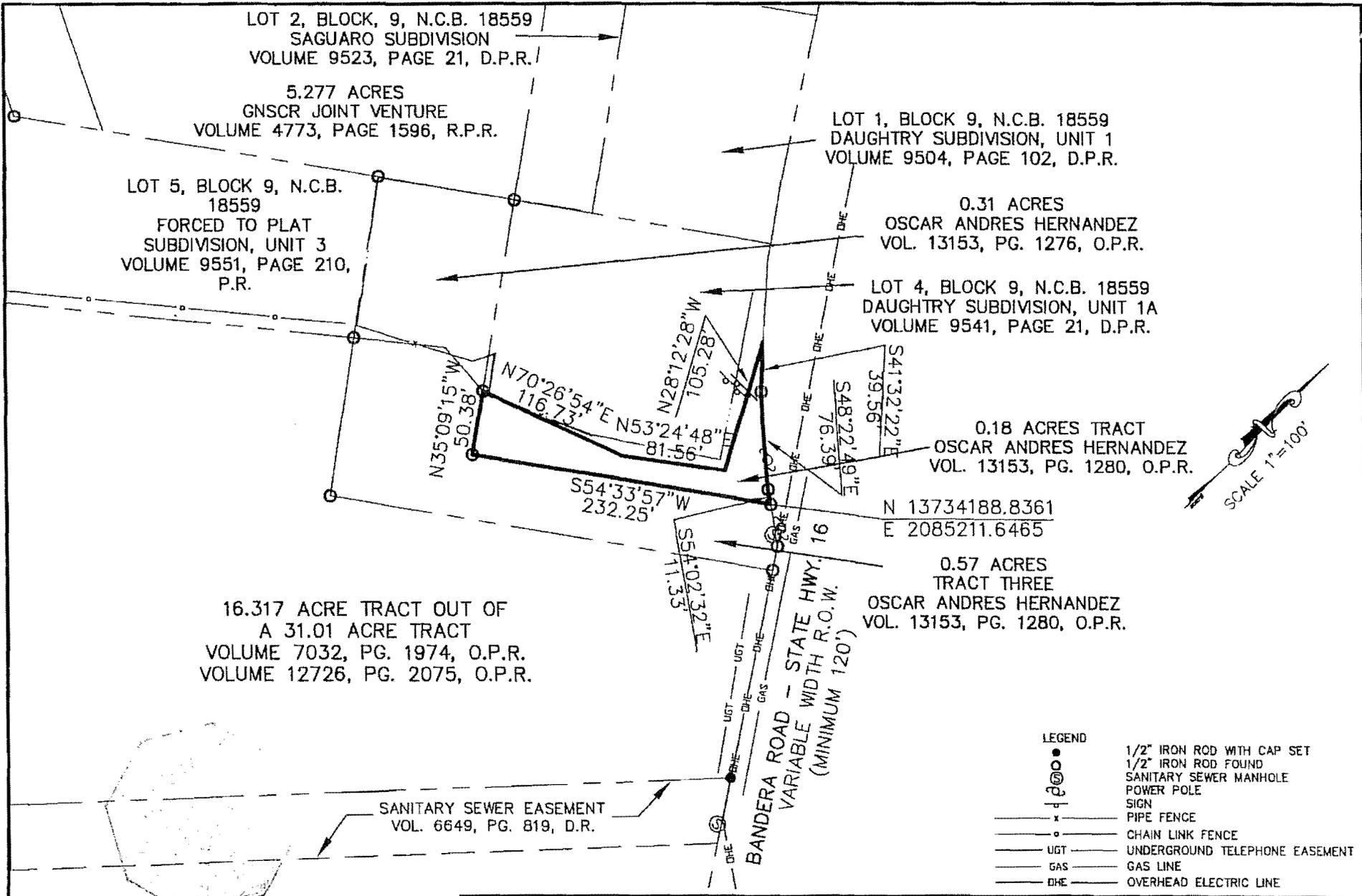
THENCE, S. 48°22'49" E., continuing along the southwest right-of-way line of said Bandera Road a distance of 76.39 feet to a ½" iron rod found for an angle point of the herein described tract;

THENCE, S. 54°02'32" E., continuing along the southwest right-of-way line of said Bandera Road a distance of 11.33 feet to the **POINT OF BEGINNING** and containing 0.18 of an acre of land more or less.

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 10th day of March, 2008.

Chester A. Varner, P.L.S.
Chester A. Varner, RPLS # 4812 3/24/08





I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY AND THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN, SURVEYED THIS THE 10TH DAY OF MARCH, 2008.

Chester A. Varner
CHESTER A. VARNER REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4612

CEC

CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
11850 L.H. 10 WEST, SUITE 895
SAN ANTONIO, TEXAS 78260
P) 810.641.8999
F) 810.641.8440
Email: cec@cecotexas.com

PLAT SHOWING: 0.18 OF AN ACRE OUT OF LOT 4, BLOCK 9, N.C.B. 18559, DAUGHTRY SUBDIVISION, UNIT 1A, AS RECORDED IN VOLUME 9541, PAGE 21 DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS AND ALSO BEING OUT OF THE M.G. DE LOS SANTOS SURVEY NO. 82, ABSTRACT 664, COUNTY BLOCK 4448, NEW CITY BLOCK 18559, SAN ANTONIO, BEXAR COUNTY, TEXAS.

SHEET	1 OF 1
DRAWN BY:	D.L.D.
DATE:	MARCH 2008
JOB NO.	S0242716