

AN ORDINANCE 2009-10-29-0855

**AUTHORIZING THE ACQUISITION AND/OR CONDEMNATION OF A PERMANENT DRAINAGE EASEMENT ON A PORTION OF PRIVATELY OWNED REAL PROPERTY LOCATED IN BLOCK, 1, LOT 7, N.C.B. 16686, IN COUNCIL DISTRICT 10 FOR THE JONES MALTSBERGER ROAD - REDLAND ROAD TO THOUSAND OAKS PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE AVAILABLE FROM 2007-2012 GENERAL OBLIGATION BOND FUNDS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio (“City”) seeks to acquire a permanent drainage easement interest on a portion of a parcel out of NCB 16686, either by negotiation or condemnation for the Jones Maltzberger Road - Redland Road to Thousand Oaks Project; and

**WHEREAS**, the Jones Maltzberger Road - Redland Road to Thousand Oaks Project includes the reconstruction of Jones Maltzberger Road from Redland Road to Thousand Oaks, in the Scattered Oaks Unit 3, Public Utilities District; and

**WHEREAS**, the Project will include the reconstruction and widening of Jones Maltzberger to five lanes with curbs, sidewalks, driveway approaches and necessary drainage to include construction of a bridge to eliminate a low water crossing; and

**WHEREAS**, there is no additional fiscal impact associated with these acquisitions. The expenditures for these projects were approved by City Council on May 7, 2009 through Ordinance 2009-05-07-0350; **NOW THEREFORE**,

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

**SECTION 1.** The Jones Maltzberger Road - Redland Road to Thousand Oaks 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, a permanent drainage easement interest to a portion of certain privately owned real property, and more particularly described as follows:

| PARCEL   | LOT(S) | BLK | NCB   |
|----------|--------|-----|-------|
| 18389C-E | 7      | 1   | 16686 |

The property is more specifically shown on the Site Map and further described by metes and bounds and survey map attached hereto as **Exhibits A, B and C** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

**SECTION 3.** Funding and payment for this ordinance was previously authorized. There is no additional fiscal impact at this time. All expenditures will comply with the approved capital budgets for current and future fiscal years.

**SECTION 4.** Payment not to exceed the limitations of the budgeted amount is authorized and should be encumbered with a purchase order.

**SECTION 5.** 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 6.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcel for the permanent easement 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 7.** In the event that the City negotiations fail and staff is unable to acquire the easement 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 acquire the easement through eminent domain proceedings.

**SECTION 8.** 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.

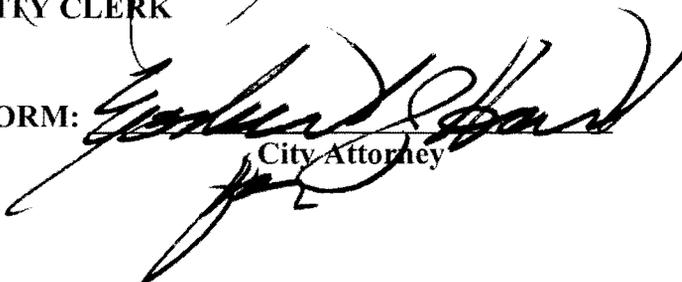
**PASSED AND APPROVED** this the 29<sup>th</sup> day of **October, 2009.**

  
M A Y O R  
JULIÁN CASTRO

ATTEST:

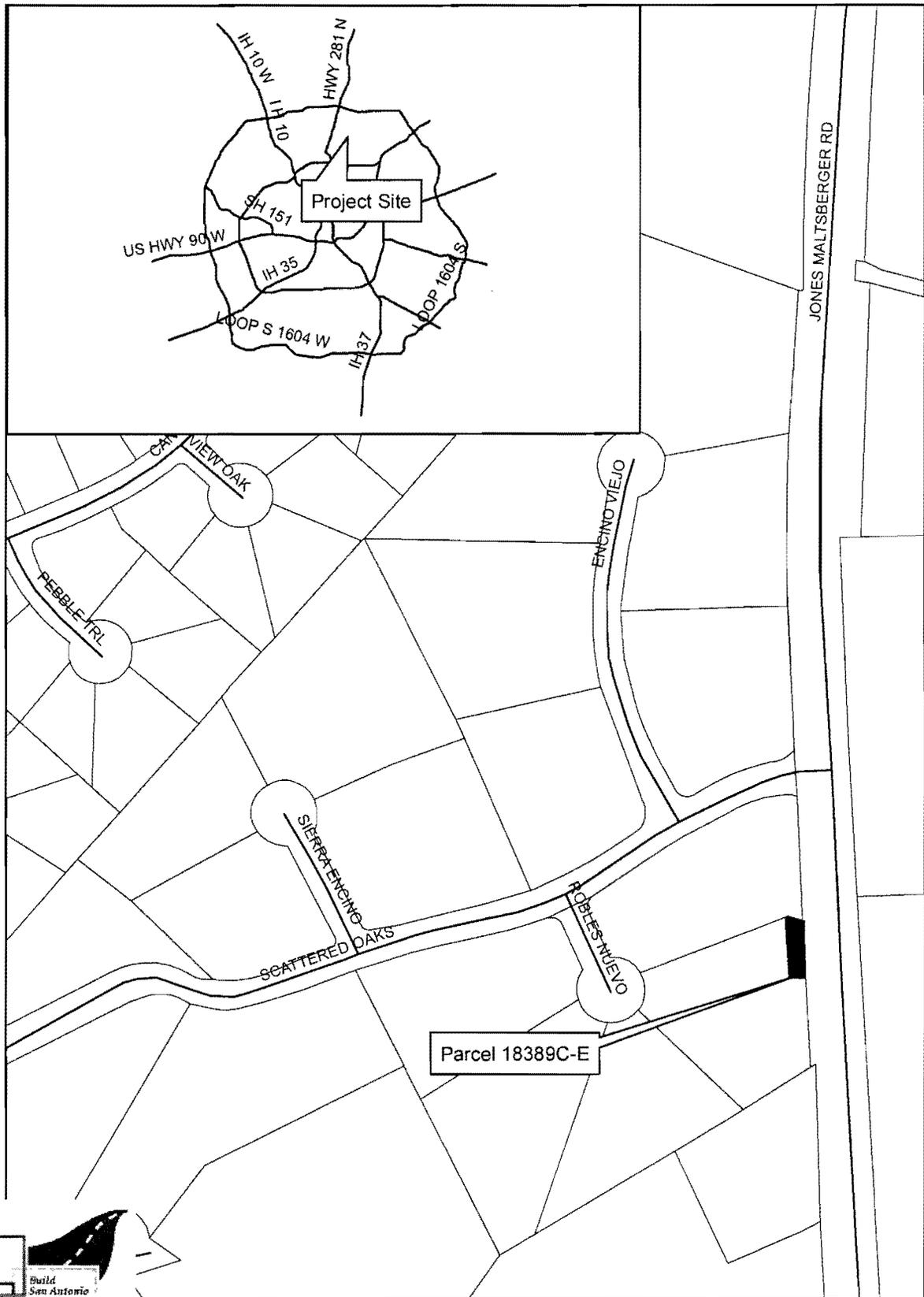
  
CITY CLERK

APPROVED AS TO FORM:

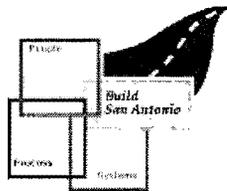
  
City Attorney

|                        |  |                    |            |            |                |               |               |
|------------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Agenda Item:</b>    | <b>13B ( in consent vote: 5, 6, 7, 8, 9, 11, 13A, 13B, 15, 16, 19, 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J, 22K, 23, 24, 25 )</b>   |                    |            |            |                |               |               |
| <b>Date:</b>           | 10/29/2009   |                    |            |            |                |               |               |
| <b>Time:</b>           | 09:38:59 AM  |                    |            |            |                |               |               |
| <b>Vote Type:</b>      | Motion to Approve  |                    |            |            |                |               |               |
| <b>Description:</b>    | An Ordinance authorizing the acquisition of a portion of one parcel of privately owned real property located in Block 1, Lot 7, N.C.B. 16686, in Council District 10 for the Jones Maltsberger Road - Redland Road to Thousand Oaks Project. |                    |            |            |                |               |               |
| <b>Result:</b>         | Passed   |                    |            |            |                |               |               |
| <b>Voter</b>           | <b>Group</b>   | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>Motion</b> | <b>Second</b> |
| Julián Castro          | Mayor  |                    | x          |            |                |               |               |
| Mary Alice P. Cisneros | District 1   |                    | x          |            |                | x             |               |
| Ivy R. Taylor          | District 2   |                    | x          |            |                |               |               |
| Jennifer V. Ramos      | District 3   |                    | 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          |            |                |               |               |

# Jones Maltzberger - Redland Road to Thousand Oaks



Not to Scale



Capital Improvements  
Management Services

**EXHIBIT A**

**Metes and Bounds Description**  
for a  
**0.032 Ac. Tract**  
(1,413 sq. ft.)  
**(Drainage Easement)**

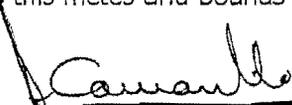
Being 0.032 acres of land (1,413 sq. ft.) out of Lot 7, Block 1, New City Block 16686, Scattered Oaks Unit 3, P.U.D., San Antonio, Bexar County, Texas, recorded in Volume 9543, Page 75 of the Deed and Plat Records of Bexar County, Texas; said 0.032 acre tract (1,413 sq. ft.) being more particularly described as follows:

**Beginning** at a found iron pin located on the west right-of-way line of Jones Maltsberger Road and being the common easterly corner of the said Lot 7 and of Lot 8, said Scattered Oaks Unit 3, P.U.D., said found iron pin being the most northeasterly corner of the said Lot 7 and also of the tract herein described;

1. Thence S 02°59'54" E, 54.08 feet along the said west right-of-way line to a set ½" iron pin for the most southeasterly corner of the tract herein described;
2. Thence S 87°00'06" W, 24.10 feet departing the said west right-of-way line to a set ½" iron pin for the most southwesterly corner of the tract herein described;
3. Thence N 02°59'54" W, 63.19 feet to a set ½" iron pin located on the common line between the said Lot 7 and Lot 8; said ½" iron pin being the most northwesterly corner of the tract herein described;
4. Thence S 72°17'22" E, 25.76 feet along the said common line to the **Point of Beginning** and containing 0.032 acres of land (1,413 sq. ft.), more or less.

A plat of even date accompanies this metes and bounds description.



  
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Adalberto Camarillo  
Registered Professional Land Surveyor  
No. 3929  
September 28, 2009  
Revised October 7, 2009

Jones Maltsberger - Thousand Oaks to Redland

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Parcel name: 18389C-E

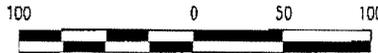
North: 13763811.7940 East: 2147145.5097  
Line Course: N 02-59-54 W Length: 63.19  
North: 13763874.8975 East: 2147142.2044  
Line Course: S 72-17-22 E Length: 25.76  
North: 13763867.0610 East: 2147166.7435  
Line Course: S 02-59-54 E Length: 54.08  
North: 13763813.0551 East: 2147169.5723  
Line Course: S 87-00-06 W Length: 24.10  
North: 13763811.7945 East: 2147145.5053

Perimeter: 167.14 Area: 1,413 sq. ft. 0.032 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.0044 Course: N 83-16-26 W  
Error North: 0.00052 East: -0.00441  
Precision 1: 37,984.09

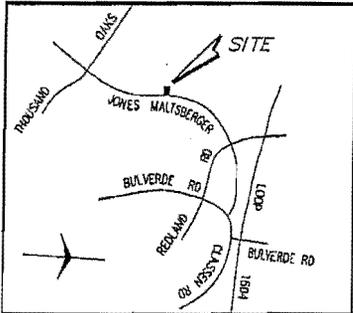
**ROZNECKI**  
**CAMARILLO**

5835 CALLAGHAN RD. / SUITE 200  
SAN ANTONIO, TEXAS 78228 (210) 349-3273



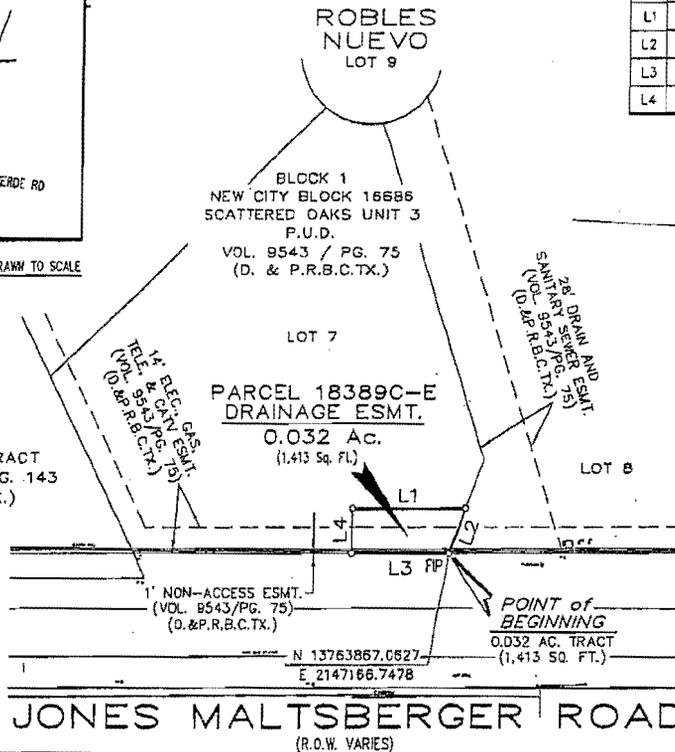
( IN FEET )  
1 INCH = 100 FEET

PARCEL NO.: 18389C-E  
PROJECT NAME: JONES MALTSBERGER,  
THOUSAND OAKS TO REDLAND



LOCATION MAP NOT DRAWN TO SCALE

| LINE DATA TABLE |             |        |
|-----------------|-------------|--------|
| NO.             | BEARING     | LENGTH |
| L1              | N02°59'54"W | 63.19' |
| L2              | S72°17'22"E | 25.76' |
| L3              | S02°59'54"E | 54.08' |
| L4              | S87°00'06"W | 24.10' |



**NOTES :**

- "SIP" DENOTES SET 1/2" IRON PIN WITH YELLOW CAP LABELED "PCI".
- "FIP" DENOTES FOUND IRON PIN.
- "D.&P.R.B.C.TX." - DEED & PLAT RECORDS OF BEXAR COUNTY, TEXAS.
- "O.P.R.R.P.B.C.TX." - OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.
- "D.R.B.C.TX." - DEED RECORDS OF BEXAR COUNTY, TEXAS.
- 1/2" IRON PINS SET AT ALL DRAINAGE EASEMENT CORNERS.
- COORDINATES SHOWN ARE SURFACE ADJUSTED. TO CONVERT GRID COORDINATES, DIVIDE BY A COMBINED ADJUSTMENT FACTOR OF 0.999830029.

**DIRECTIONAL CONTROL BASIS :**

ALL BEARINGS SHOWN ARE BASED UPON THE TEXAS STATE PLANE SYSTEM (SOUTH CENTRAL ZONE NAD 83) AS DETERMINED BY GLOBAL POSITIONING SYSTEM (GPS).

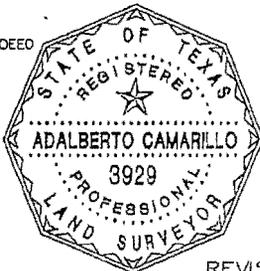
**PLAT SHOWING :**

BEING A 0.032 ACRE TRACT (1,413 SQ. FT.) (DRAINAGE EASEMENT) OUT OF LOT 7, BLOCK 1, NEW CITY BLOCK 16686, SCATTERED OAKS UNIT 3 P.U.D., SAN ANTONIO, BEXAR COUNTY, TEXAS, RECORDED IN VOLUME 9543, PAGE 75 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

**REFERENCES :**

- VOL. 6211, PG. 143 (D.R.B.C.TX.)
- VOL. 9543, PG. 75 (O.&P.R.B.C.TX.)
- VOL. 5695, PG. 561 (D.R.B.C.TX.)

JOB NO. : 08025  
DWN BY : TALAMANIEZ  
DWG FILE : (REF. DATESTAMP)



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT. ADDITIONAL EASEMENTS/RESTRICTIONS MAY APPLY.

**FLOOD STATEMENT :**

THE SUBJECT PROPERTY IS INDICATED TO BE IN ZONE "X" AS PER FLOOD INSURANCE RATE MAP NO. 48029C0279 F, DATED JANUARY 4, 2002.

STATE OF TEXAS  
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY PERSONNEL WORKING UNDER MY SUPERVISION.

THIS 28th DAY OF SEPTEMBER 2009, A.D.

Adalberto Camarillo  
ADALBERTO CAMARILLO, R.P.L.S. NO. 3929

REVISED: OCTOBER 7, 2009 SHEET 2 OF 2

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