

AN ORDINANCE 48154

GRANTING WSI PROPERTIES, INC. THE
RIGHT TO CONSTRUCT AND OPERATE A
SPUR TRACK ACROSS PETROLEUM DRIVE
AND TO OPERATE AN EXISTING SPUR
TRACK ACROSS BINZ-ENGLEMAN ROAD

* * * * *

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

1. (a) That there is hereby granted to WSI Properties, Inc., a Texas corporation, its successors, assigns, lessees, licensees and invitees, the right to construct and thereafter to operate, use, maintain and repair a certain railroad spur track over and across the portion of Petroleum Drive described as follows:

BEGINNING at a point on the west line of Petroleum Drive, said point being located a distance of 42.33 feet along the arc of a circular curve having a radius of 40 feet from the southwest intersection of Petroleum Drive and Binz-Engleman Road;

THENCE with the west line of Petroleum Drive, northwesterly along the arc of a circular curve to the left (having a radius of 40 feet and a chord which bears North 22° 54' 12" West for 20.28 feet) a distance of 20.50 feet and northwesterly along the arc of a circular curve to the right (having a radius of 430 feet and a chord which bears North 36° 55' 37" West for 9.94 feet) a distance of 9.94 feet to a point;

THENCE North 64° 23' East, 57.61 feet to an iron pin;

THENCE northeasterly along the arc of a circular curve to the left (having a radius of 366.97 feet and a chord which bears North 64° 05' 41" East for 3.70 feet) a distance of 3.70 feet to a point on the east line of Petroleum Drive;

THENCE, with the east line of Petroleum Drive, southeasterly along the arc of a circular curve to the left (having a radius of 40 feet and a chord which bears South 73° 42' 37" East for 42.58 feet) a distance of 44.90 feet to a point located a distance of 15.17 feet (along the arc of a circular curve having a radius of 40 feet) from the northeast intersection of Petroleum Drive and Binz-Engleman Road;

THENCE southwesterly, along the arc of a circular curve to the right (having a radius of 396.97 feet and a chord which bears South 61° 49' 35" West for 35.42 feet) a distance of 35.43 feet to an iron pin;

THENCE South 64° 23' West, 56.63 feet to the place of BEGINNING and containing an area of 0.0479 of an acre of land;

and to operate engines and cars upon said railroad spur track.

(b) That attached to and made a part hereof for all purposes is a map marked Exhibit "A" showing the above described portion of Petroleum Drive.

(c) That in consideration of the right granted in paragraph 1(a) above, WSI Properties, Inc. agrees to have constructed and to maintain said track over and across Petroleum Drive in the manner and form ordered and directed by the City and in accordance with the lines, grades and system of drainage approved by the Director of Public Works, and to have constructed such culverts, and make such additional provisions for drainage from time to time as may be deemed necessary by the City; and, WSI Properties, Inc., further binds and obligates itself, its successors and assigns, to hold the City of San Antonio free and harmless from all damages to persons or property that may result by reason of the grant of such right or the exercise of same; and provided further, that WSI Properties, Inc. will have constructed and will maintain proper and suitable crossings under the supervision of the Director of Public Works, so that vehicles can cross over readily and safely.

2. (a) That there is hereby granted to WSI Properties, Inc., a Texas corporation, its successors, assigns, lessees, licensees and invitees, the right to operate, use, maintain and repair a certain existing spur track over and across Binz-Engleman Road, the centerline of which railroad spur track from the northwestern boundary of Binz-Engleman Road to the Southern Pacific main line track is described as follows:

BEGINNING at the point of intersection of the centerline of a railroad spur and the northwest line of Binz-Engleman Road, said point being located in a southwesterly direction, 1439.8 feet from a concrete right-of-way marker at the intersection of the northwest line of Binz-Engleman Road and the west right-of-way line of Interstate Highway Loop 410;

THENCE, with the centerline of said railroad spur, southwesterly along the arc of a circular curve to the left (having a radius of 1041.74 feet and a chord which bears South 36° 10' 25" West for 447.15 feet) at 143.84 feet cross the southeast line of Binz-Engleman Road and the northwest line of the Southern Pacific Railroad right-of-way, a total distance of 450.66 feet to a point on the centerline of a Southern Pacific Main Line Track;

and to operate engines and cars upon said railroad spur tract.

(b) That attached to and made a part hereof for all purposes is a map marked Exhibit "B" showing the above described centerline of the existing railroad spur track which crosses Binz-Engleman Road.

(c) That in consideration of the right granted in paragraph 2(a) above, WSI Properties, Inc. agrees to maintain or cause to be maintained said track over and across Binz-Engleman Road in the manner and form ordered and directed by the City and in accordance with the lines, grades and system of drainage approved by the Director of Public Works, and to have constructed such culverts,

and make such additional provisions for drainage from time to time as may be deemed necessary by the City; and, WSI Properties, Inc. further binds and obligates itself, its successors and assigns, to hold the City of San Antonio free and harmless from all damages to persons or property that may result by reason of the grant of such right or the exercise of same; and provided further, that WSI Properties, Inc. will have constructed and will maintain proper and suitable crossings under the supervision of the Director of Public Works, so that vehicles can cross over readily and safely.

3. That the rights hereby granted shall continue in full force and effect for a term of 25 years after the date hereof, subject only to the provisions of paragraph 4 below.

4. That the right is expressly reserved to the City, acting through the City Council, to terminate the rights granted in paragraphs 1 and 2 above, or either of them, when deemed inconsistent with the public use of the property of the City, or when the same may become a public nuisance; and that the determination of the City Council on these matters shall be final and conclusive.

5. That WSI Properties, Inc. shall not be entitled to exercise any right granted hereby until it shall have purchased from Texaco Inc. that certain 40.63-acre tract of land out of the J. W. Garraty Survey No. 19, County Block 4018, in San Antonio, Bexar County, Texas, which is more particularly described in Exhibit "C" attached hereto and made a part hereof for all purposes.

6. That the exercise of any right granted by or under this ordinance shall be an acceptance of all its terms and conditions by WSI Properties, Inc., its successors and assigns.

PASSED AND APPROVED this 16th day of June, A.D. 1977.

ATTEST:


City Clerk


MAYOR
PRO TEM

APPROVED AS TO FORM:


City Attorney

77-32

add-on

*WSI Properties
Spur track across
Petroleum Drive*

ITEM NO. XL

DISTRIBUTION	
AVIATION	
BUILDING & ZONING	
CITY WATER BOARD	
COMMERCIAL RECORDER	
COMMUNITY DEVELOPMENT	
CONVENTION BUREAU	
CONVENTION CENTER	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	/
ASSESSOR	
BUDGET	/
CONTROLLER	/
TREASURY DIVISION	
FINANCE-GRANT SECTION	
INTERNAL AUDIT	
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	
HEMISFAIR PLAZA	
HUMAN RESOURCES	
LEGAL - CITY ATTORNEY	
BACK TAX ATTORNEY	
TRIAL SECTION	
LIBRARY DIRECTOR	
MANPOWER PROGRAM	
MARKET & PARKING	
MONITORING & EVALUATION	
MUNICIPAL COURTS	
PARKS & RECREATION DEPT.	
PERSONNEL DIRECTOR	/
PLANNING DEPARTMENT	
POLICE CHIEF	
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	/
ENGINEERING DIV.	
ENGINEERING - SEWERS	
PURCHASING	
RIGHT OF WAY & LAND ACQUISITION	/
TRAFFIC & TRANSPORTATION	/

MEETING OF THE CITY COUNCIL DATE: _____
 MOTION BY: Steen SECONDED BY: Webb
 ORD. NO. 48154 ZONING CASE _____
 RESOL. _____ PETITION _____

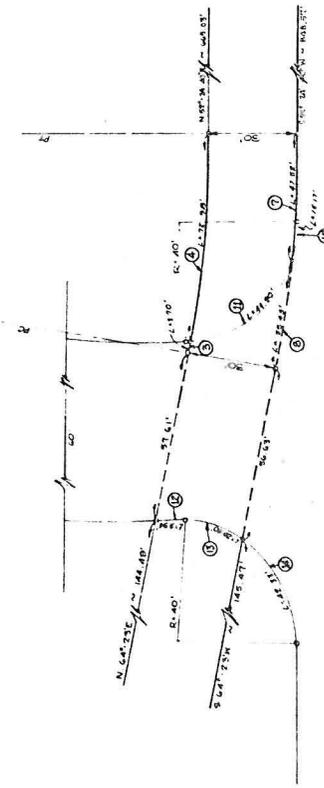
COUNCIL MEMBER	ROLL CALL	AYE	NAY
HENRY G. CISNEROS PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		✓	
RUDY C. ORTIZ PLACE 6			
JOE ALDERETE, JR. PLACE 7		abs	
PHIL PYNDUS PLACE 8		abs	
GLEN HARTMAN PLACE 9		abs	
JOHN STEEN PLACE 10		✓	
LILA COCKRELL PLACE 11 (MAYOR)		abs	

77-32

WSI Properties

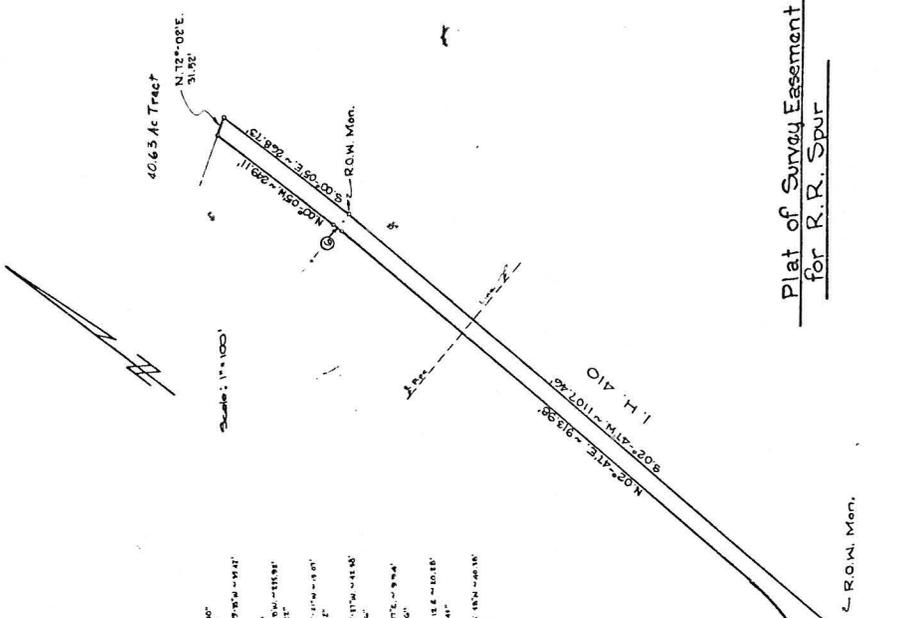
Don Orshen

EXHIBIT "A"



INSET
Scale: 1" = 200'

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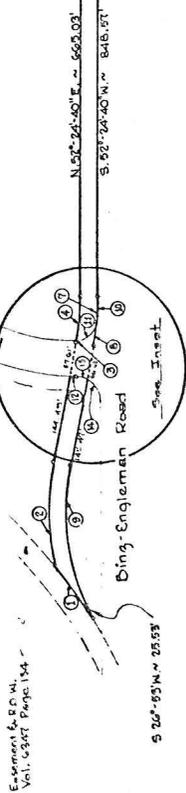
Plat of Survey Easement
for R.R. Spur

TEXAS TERMINAL PROPERTIES
SUBDIVISION

Lot 2
N.C.B. 10231, 9, 10

CRUTCHER RESOURCES SUBDIVISION

Lot 2
Blk. 1 N.C.B. 14346



Easement to R.O.W.
Vol. 68 of Page 134

I hereby certify this to be a true and correct plat of an actual survey on the ground under my supervision and that there are no visible errors or omissions, except as shown.

Survey Completed on April 6, 1971.

David B. Bunker
David B. Bunker
100 Main St., Houston, Texas

STATE OF TEXAS #

COUNTY OF BEXAR #

Field notes for a survey of 40.63 acres of land out of the J. W. Garraty Survey No. 19, County Block No. 4018 in Bexar County, Texas, said 40.63 acres also being out of and a part of that certain tract of land, designated Tract One in deed, which was conveyed to The Texas Company by deed recorded in Volume 1061 at page 395 of the Deed Records of Bexar County, Texas, said 40.63 acres of land also being the north part of Lot No. 2, N. C. B. 12201, of the Texas Terminal Properties Subdivision recorded in Volume 3850, pages 152 and 153 of the Subdivision Plat Records of Bexar County, Texas, said 40.63 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete right-of-way marker at the intersection of the east right-of-way line of Petroleum Drive and the southeast right-of-way line of Interstate Highway 35;

Thence North $23^{\circ} 40' 50''$ East, with the southeast right-of-way line of Interstate Highway 35, a distance of 2511.59 feet to an iron pin found marking the north corner of Lot No. 2 of the Texas Terminal Properties Subdivision;

Thence South $00^{\circ} 39'$ West, 749.31 feet to an iron pin found marking an ell corner of Lot No. 2 of the Texas Terminal Properties Subdivision

Thence South $89^{\circ} 51'$ East, 451.30 feet to an iron pin found on the west right-of-way line of Interstate Loop 410;

Thence South $00^{\circ} 05'$ East, with the West right-of-way line of Interstate Loop 410, a distance of 1258.00 feet to an iron pin;

Thence the following five (5) calls:

- .. South $72^{\circ} 02'$ West, 132.00 feet to an iron pin;
- South $50^{\circ} 56'$ West, 153.00 feet to an iron pin;
- South $46^{\circ} 41'$ West, 151.00 feet to an iron pin;
- South $64^{\circ} 11'$ West, 102.67 feet to an iron pin; and
- South $89^{\circ} 39'$ West, 1006.72 feet to the place of BEGINNING.

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: City Manager

FROM: Director of Traffic and Transportation

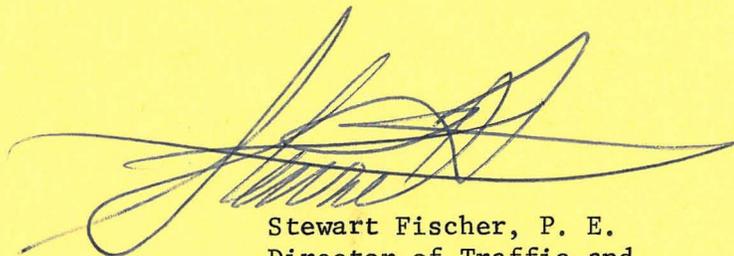
COPIES TO: _____

SUBJECT: Request for Ordinance

Date June 10, 1977

It is requested that an ordinance be prepared and adopted as soon as possible granting WSI Properties, Inc. permission to construct and maintain a railroad spur track across Petroleum Drive. The request fieldnotes and plot are attached.

Petroleum Drive is, in effect, a private street serving Texaco and there would be no problem with a crossing of it.



Stewart Fischer, P. E.
Director of Traffic and
Transportation

SF:lkw
Attachments

RECEIVED

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CITY OF SAN ANTONIO

CITY MANAGER'S OFFICE

Interdepartment Correspondence Sheet

TO: City Manager

FROM: City Clerk

COPIES TO: File

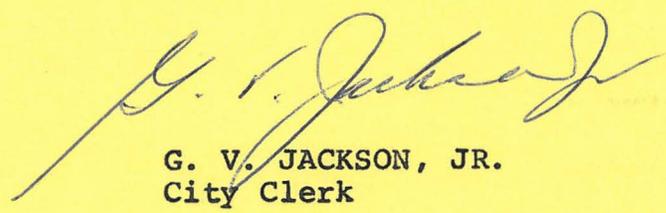
SUBJECT: Petition of WSI Properties

6-7-77

Date _____

Attached is a petition received from Mr. Dan G. Webster, III, on behalf of his client, WSI Properties, Inc., requesting permission to construct and maintain a spur track across Petroluem Drive and Binz-Engleman Road.

Your attention is called to Mr. Webster's request that this matter be handled as expeditiously as possible.


G. V. JACKSON, JR.
City Clerk

GVJ:jrh

Attachment

LAW OFFICES OF
COX, SMITH, SMITH, HALE & GUENTHER
INCORPORATED
500 NATIONAL BANK OF COMMERCE BUILDING
SAN ANTONIO, TEXAS 78205

J. BURLESON SMITH PAUL H. SMITH
JAMES R. HALE JACK GUENTHER
DAVID C. SPOOR DAN G. WEBSTER III
RICHARD T. BRADY JOE P. SMYER
WILLIAM R. SIMCOCK EUGENE B. LABAY
WAYNE T. WEBER T. DREW CAUTHORN
TERRY S. BICKERTON LEONARD BLAYLOCK
DONALD R. COMUZZI KEITH E. KAISER
R. LAURENCE MACON P. KEITH O'GORMAN
JOHN E. VICKERS III LURALEE H. WALLACE
M. FRANK RUSSELL WILLIAM H. LEMONS III
J. RANDALL PATTERSON PATRICK K. SHEEHAN
JAMES C. NORMAN

JOHN J. COX (1905-1971)
CARL WRIGHT JOHNSON
OF COUNSEL

TELEPHONE (512) 224-4281
CABLE COXSMITH

June 6, 1977

City of San Antonio
City Hall
San Antonio, Texas 78204

Attention: Mr. Garland Jackson
City Clerk

Gentlemen:

Our client, WSI Properties, Inc. ("WSI") which is a wholly-owned subsidiary of Winn's Stores, Incorporated ("Winn's"), has entered into a contract to purchase a 40-acre site from Texaco, Inc. ("Texaco"), which site is located between Loop 410 and I.H.35 to the North of Texaco's bulk storage terminal and the new Friedrich Refrigeration plant. A plot plan of a portion of the site and the adjacent Texaco terminal property is attached as Exhibit "A".

WSI proposes to construct on the site a distribution center containing approximately 300,000 square feet for Winn's. The new distribution center will serve all of Winn's 144 retail variety stores.

In order for WSI to conclude the transaction with Texaco, it is necessary that WSI confirm that a rail connection can be made from the site to the Southern Pacific main line which is located to the South of the site. Texaco has agreed to grant to WSI a spur track easement over its terminal property, which easement is marked in blue on the attached Exhibit "A". Wylain, Inc., now the owner of Friedrich Refrigeration, has agreed to grant to WSI a spur track easement over its plant site, which easement is marked in yellow on the attached Exhibit "A". In order finally to link the site to the Southern Pacific main line, WSI wishes to secure appropriate authority from the City of San Antonio to construct, maintain and operate a railroad spur track across Petroleum Drive and Binz-Engleman Road, those points of crossing being marked in red on Exhibit "A".

With respect to Petroleum Drive, a new rail crossing would have to be constructed since there is no existing track at this

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CITY CLERK

LAW OFFICES OF
COX, SMITH, SMITH, HALE & GUENTHER
INCORPORATED

City of San Antonio

-2-

June 6, 1977

point. A survey plat of the proposed Petroleum Drive crossing is attached hereto as Exhibit "B" and a field notes description of the proposed 30-foot wide right-of-way shown on the plat is attached hereto as Exhibit "C".

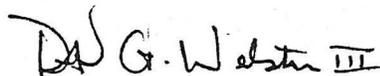
With respect to Binz-Engleman Road, our client only seeks authority to continue to operate over the existing spur track crossing which has been in place since about 1928 (prior to annexation by the City, which occurred in 1952) and is used by Texaco in the operation of a separate spur track to its terminal property. No new construction would be required. A survey plat showing the center line of the existing track across Binz-Engleman Road is attached hereto as Exhibit "D".

On behalf of our client, we request that the appropriate crossing authority be granted for the purposes set forth above and that the term of such authority be perpetual or for the maximum permissible period. We further request that any consideration required to be paid by our client for the authority be set at a nominal amount.

This matter is of some urgency to our client and we shall appreciate your handling this request as expeditiously as possible. We understand that the first step to be taken will be to refer the matter to the Department of Traffic and Transportation for study and review. We stand ready to furnish any information that may be necessary for that purpose and to otherwise cooperate with Mr. Fischer and his staff in any way.

Thank you for your consideration of this request.

Yours very truly,



Dan G. Webster, III

DGW:alt

cc: Mr. Lynn H. Spears
WSI Properties, Inc.
P. O. Drawer 20007
San Antonio, Texas 78286

WSI SITE

LOOP 410

I.H. 35

THE TEXAS CO.

RESERVOIR

HOLBROOK DRIVE

BIKE-EMBLEM ROAD

SEGUIN ROAD

F.M. 178

4383

Southern Pacific
Transportation Company

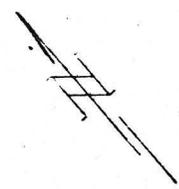
City of Austin, Texas

Map No. 474

Map No. 474

LEGEND
--- (Rail) Constructed by Railroad
--- (H. Road) Constructed by Industry

EXHIBIT "A"



PROPERTY SURV. NO. 19
SURV. 4-395

P.S. 6635 To
P.S. on Main Line - M22017

NO 19
A-395

To E1 A-50

PIPE LINE CO.

100'

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CURB 9.19 AC

17124

140'

28.45-acre Rd.
An 800' Solid
Tramway

Produce Aerial
800' Solid
Tramway

To 61-300

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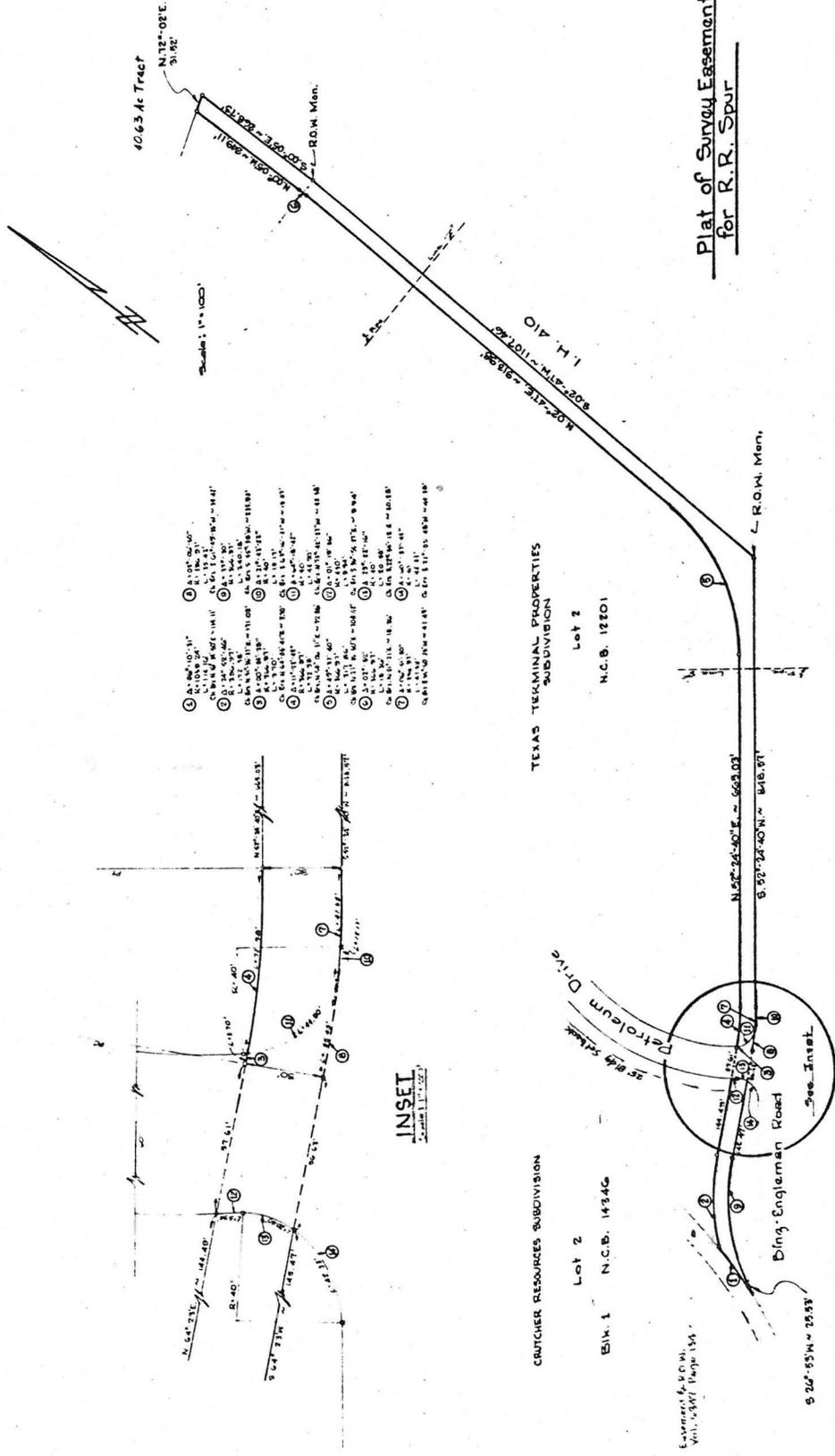
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Plat of Survey Easement
for R. R. Spur

I hereby certify this to be a true and correct copy of the original plat of survey as shown to me and that there are no other copies of the same in my possession or control.

SURVEY completed on April 4, 1917.

D. B. Bunker
Surveyor
100 West 11th Street
Dallas, Texas

EXHIBIT "B"

STATE OF TEXAS #

COUNTY OF BEXAR #

Field notes for a survey of an easement and right-of-way across Petroleum Drive in the City of San Antonio, Bexar County, Texas, said easement and right-of-way being more particularly described by metes and bounds as follows:

BEGINNING at a point on the west line of Petroleum Drive, said point being located a distance of 42.33 feet along the arc of a circular curve having a radius of 40 feet from the southwest intersection of Petroleum Drive and Binz-Engleman Road;

Thence with the west line of Petroleum Drive, northwesterly along the arc of a circular curve to the left (having a radius of 40 feet and a chord which bears North 22° 54' 12" West for 20.28 feet) a distance of 20.50 feet and northwesterly along the arc of a circular curve to the right (having a radius of 430 feet and a chord which bears North 36° 55' 37" West for 9.94 feet) a distance of 9.94 feet to a point;

Thence North 64° 23' East, 57.61 feet to an iron pin;

Thence northeasterly along the arc of a circular curve to the left (having a radius of 366.97 feet and a chord which bears North 64° 05' 41" East for 3.70 feet) a distance of 3.70 feet to a point on the east line of Petroleum Drive;

Thence, with the east line of Petroleum Drive, southeasterly along the arc of a circular curve to the left (having a radius of 40 feet and a chord which bears South 73° 42' 37" East for 42.58 feet) a distance of 44.90 feet to a point located a distance of 15.17 feet (along the arc of a circular curve having a radius of 40 feet) from the northeast intersection of Petroleum Drive and Binz-Engleman Road;

Thence southwesterly, along the arc of a circular curve to the right (having a radius of 396.97 feet and a chord which bears South 61° 49' 35" West for 35.42 feet) a distance of 35.43 feet to an iron pin;

Thence South 64° 23' West, 56.63 feet to the place of BEGINNING and containing an area of 0.0479 of an acre of land.

I, Dan B. Bunker, Registered Professional Engineer in the State of Texas, hereby certify that the foregoing field notes are true and correct according to an actual survey made on the ground under my supervision. Survey completed on April 5, 1977.

E60

Dan B. Bunker
Dan B. Bunker, P. E.
Texas Registration No. 22550

EXHIBIT "C"

June 7, 1977

Law Offices of Cox, Smith, Smith
Hale & Guenther, Inc.
500 National Bank of Commerce Bldg.
San Antonio, Texas 78205

Attention Dan G. Webster, III

Dear Mr. Webster:

This is to acknowledge receipt of your petition on behalf of your client, WSI Properties, Inc., requesting permission to maintain a spur track across Petroleum Drive and Binz-Engleman Road.

We have referred your petition and attachments to the office of the City Manager and have called attention to your request that this matter be handled as expeditiously as possible.

Yours very truly,

G. V. JACKSON, JR.
City Clerk

GVJ:jrh

cc: City Manager

STATE OF TEXAS #

COUNTY OF BEXAR #

Field notes for a survey of 40.63 acres of land out of the J. W. Garraty Survey No. 19, County Block No. 4018 in Bexar County, Texas, said 40.63 acres also being out of and a part of that certain tract of land, designated Tract One in deed, which was conveyed to The Texas Company by deed recorded in Volume 1061 at page 395 of the Deed Records of Bexar County, Texas, said 40.63 acres of land also being the north part of Lot No. 2, N. C. B. 12201, of the Texas Terminal Properties Subdivision recorded in Volume 3850, pages 152 and 153 of the Subdivision Plat Records of Bexar County, Texas, said 40.63 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete right-of-way marker at the intersection of the east right-of-way line of Petroleum Drive and the southeast right-of-way line of Interstate Highway 35;

Thence North $23^{\circ} 40' 50''$ East, with the southeast right-of-way line of Interstate Highway 35, a distance of 2511.59 feet to an iron pin found marking the north corner of Lot No. 2 of the Texas Terminal Properties Subdivision;

Thence South $00^{\circ} 39'$ West, 749.31 feet to an iron pin found marking an ell corner of Lot No. 2 of the Texas Terminal Properties Subdivision

Thence South $89^{\circ} 51'$ East, 451.30 feet to an iron pin found on the west right-of-way line of Interstate Loop 410;

Thence South $00^{\circ} 05'$ East, with the West right-of-way line of Interstate Loop 410, a distance of 1258.00 feet to an iron pin;

Thence the following five (5) calls:

- .. South $72^{\circ} 02'$ West, 132.00 feet to an iron pin;
- South $50^{\circ} 56'$ West, 153.00 feet to an iron pin;
- South $46^{\circ} 41'$ West, 151.00 feet to an iron pin;
- South $64^{\circ} 11'$ West, 102.67 feet to an iron pin; and
- South $89^{\circ} 39'$ West, 1006.72 feet to the place of BEGINNING.

June 17, 1977

Mr. Dan G. Webster III
Cox, Smith, Smith, Hale and Guenther, Inc.
500 National Bank of Commerce Building
San Antonio, Texas 78205

Dear Mr. Webster:

Enclosed for your records is a copy of Ordinance 48154
passed by the City Council at its meeting on June 16, 1977.

GRANTING WSI PROPERTIES, INC. THE
RIGHT TO CONSTRUCT AND OPERATE A
SPUR TRACK ACROSS PETROLEUM DRIVE
AND TO OPERATE AN EXISTING SPUR
TRACT ACROSS BINZ-ENGLEMAN ROAD.

If we may be of further service to you, please let us know.

Sincerely,

G. V. JACKSON, JR.
City Clerk

GVJ:nr
Enclosure