

AN ORDINANCE

2008-01-31-0074

DECLARING AS SURPLUS THREE TRACTS, INCLUDING TWO TRACTS PREVIOUSLY RESERVED FOR INTERSTATE HIGHWAY EXPANSION BUT NOT BEING USED FOR THAT PURPOSE, AND AUTHORIZING SALE OF THE THREE TRACTS TO MARCUS GARZA FOR A TOTAL OF \$60,317.

* * * * *

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

SECTION 1. The following properties are declared surplus to the needs of the City of San Antonio:

Tract I: A 0.224 acre tract, more or less, out of Lot 55, NCB 7895, Melrose Gardens Addition, as recorded in Volume 105, Page 235, San Antonio, Bexar County, Texas, as more particularly described on **Attachment I**

Tract II: A 0.182 acre tract, more or less, consisting of Lot 97, NCB 7895, C.D. Simpson Subdivision, as recorded in Volume 2222, Page 232, San Antonio, Bexar County, Texas, as more particularly described on **Attachment II**

Tract III: A 0.280 tract, more or less, out of Block 6, NCB 10376, according to a plat recorded in Volume 3850, Page 86, and out of TxDOT right of way, I.H.-10 West, San Antonio, Bexar County, Texas, as more particularly described on **Attachment III**

All attachments are incorporated into this Ordinance for all purposes as if fully set forth.

SECTION 2. The City Manager and her designee, severally, are authorized and directed to execute and deliver a deed in favor of Marcus Garza or his assignee and otherwise to do all things necessary or convenient to effectuate transfer of the City's title to the properties. The City Manager and her designee, severally, may further make such exceptions and conditions to and reservations from the conveyances as they deem to be in the best interests of the City, including but not limited to reserving drainage easements.

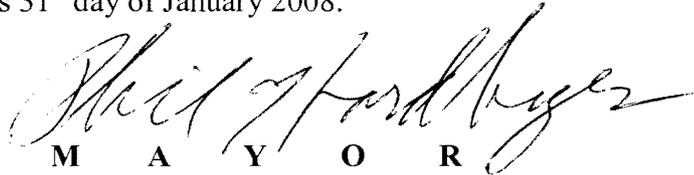
SECTION 3. Funds generated by this ordinance will be deposited into Fund 76002000 Building Maintenance, Internal Order 224000000010 Sale of Land, General Ledger 4903101 Sales-Land.

SECTION 4. Any financial transactions necessary to remove this asset from the City of San Antonio's Official records, will be coordinated through the COSA Finance Department.

SECTION 5. 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.

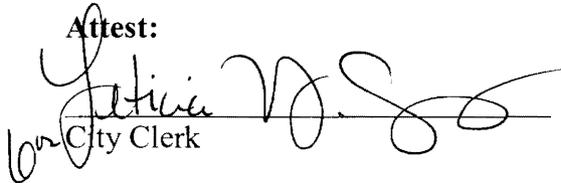
SECTION 6. This ordinance becomes effective 10 days after its passage.

PASSED AND APPROVED this 31st day of January 2008.

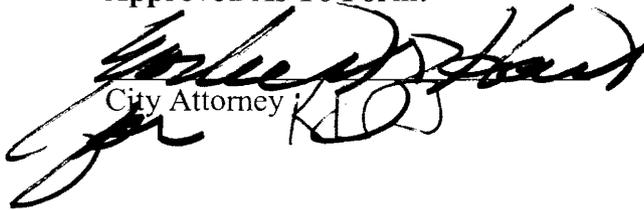

M A Y O R

PHIL HARDBERGER

Attest:


City Clerk

Approved As To Form:


City Attorney

SCANNED

Notice Of Confidentiality Rights: If You Are A Natural Person, You May Remove Or Strike Any or All Of The Following Information From This Instrument Before It Is Filed For Record In The Public Records: Your Social Security Number Or Your Driver's License Number.

State of Texas }
 }
County of Bexar }



**Deed Without Warranty
With Reserved Easement**

Authorizing Ordinance: 2008-01-31-0074

Statutory Authority: Local Government Code § 272.001 (a).

Grantor: City of San Antonio, a Texas Municipal Corporation, acting by and through its City Manager, or designee

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Bexar County, Texas 78283-3966

Grantor's Street Address: City Hall, 2nd Floor, 100 Military Plaza, San Antonio, Texas 78205, Attn: City Clerk

Grantee: Marcus Garza

Grantee's Mailing Address: 919 S.W. Military Dr., San Antonio, Texas 78221

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: The three tracts situated in San Antonio, Bexar County, Texas, as more particularly described on **Exhibits A-C**, all of which are incorporated by reference for all purposes.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**



The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions: This conveyance is explicitly subject to the following:

A. Reservations: None, except for:

B. Easements: Any and all recorded and unrecorded easements, whether or not open and obvious on the Property.

C. Restrictions: Any and all covenants and restrictions affecting the Property.

D. Exceptions: All valid and effective instruments affecting the Property.

E. Conditions: All conditions affecting the Property.

F. Drainage Easement. Grantor specifically reserves for itself and the public a drainage easement over and across the entire tract described on **Exhibits A and B** and also over and across the tract described in **Exhibit D** (collectively, "Servient Estate"). Grantor may construct, reconstruct, inspect, patrol, maintain, and repair all types of drainage facilities on the Servient Estate. Grantor may relocate such facilities within the Servient Estate; remove from the Servient Estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights reserved in this deed. Grantor reserves the right of ingress and egress over the Servient Estate for the purpose of exercising all other rights hereby reserved. Grantee must not permit any temporary or permanent buildings on the Servient Estate. Grantee must not permit any vehicles heavier than 10,000 pounds to cross or park on the Servient Estate. Grantee and his heirs, successors, and assigns must indemnify Grantor and its successors and assigns from any loss, cost, liability, or expense arising from damage to drainage infrastructure in the Servient Estate arising from the acts or omissions of Grantee or those claiming through Grantee.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise

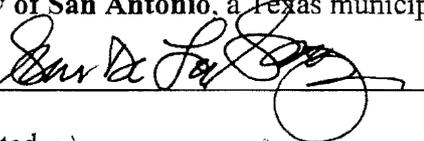
In purchasing the Property, Grantee is not relying upon any representation, statement, or other assertion from or chargeable to Grantor. Grantee, on behalf of itself and anyone claiming by, through, or under Grantee, by acceptance of this deed, releases Grantor from

any and all claims that Grantee or anyone claiming by, through, or under Grantee, may now have or hereafter acquires against Grantor arising out of or related to this acquisition. This release applies according to its express terms and provisions, including, but not limited to unknown and unsuspected claims, damages, and causes of action.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

Grantor:

City of San Antonio, a Texas municipal corporation

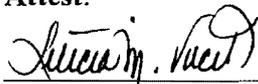
By: 

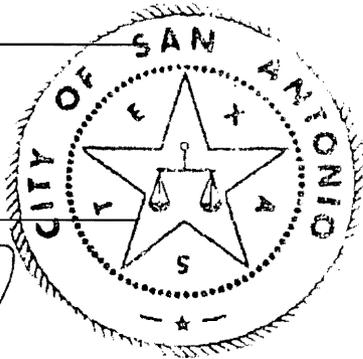
Printed Name: Sharon DeLaBarza

Title: Assistant to City Manager

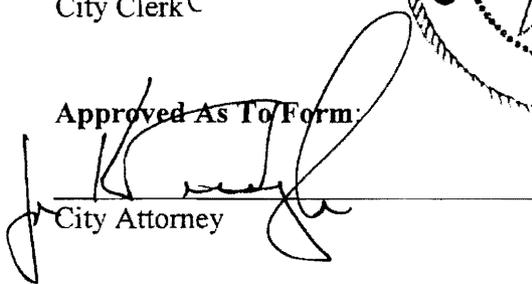
Date: 2/20/08

Attest:


City Clerk



Approved As To Form:

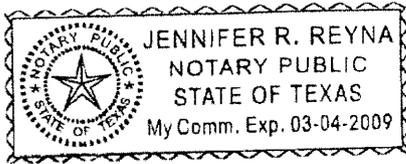

City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by Sharon De La Garza in the capacity therein stated, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity.

Date: Feb. 20, 2008



Jennifer R. Reyna
Notary Public, State of Texas

My Commission Expires: 3/4/09

After Recording, Return To:

Marcus Garza
919 S.w. Military Dr.
San Antonio, Texas 78221

Exhibit A

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.224 OF AN ACRE TRACT OF LAND (9,765.81 SQUARE FEET)

October 3, 2006

Being a 0.224 of an acre tract of land (9,765.81 Square Feet), out of Lot 55, New City Block 7895, Melrose Gardens Addition, as recorded in Volume 105 Page 235, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

COMMENCING: at a TxDOT Monument found on the westerly right-of-way line of TxDOT Interstate Highway 35 South at it's intersection with the north right-of-way line of Harlan Ave., for the southeast corner of Lot A-2, as recorded in Volume 2222 Page 325, Deed & Plat Records, Bexar County, Texas. Thence, N 27°32'25" E, a distance of 141.32 feet to a ½" iron rod set for the southeast corner of Lot 99, as shown in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being the southwest corner of said lot 55 for the **POINT OF BEGINNING** and the south corner of this tract;

THENCE: N 00°30'23" E, with the east line of the plat recorded in said Volume 2222 Page 232, passing at a distance of 132.79 feet the approximate centerline of an underground 10' X 7' drainage easement, continuing a distance of 63.69 feet to a ½" iron rod found for the northeast corner of Lot 96 of said plat and being the southeast corner Lot 54, being that certain tract of land conveyed unto Daniel D. Chavez in Volume 4522 Page 1056, Real Property Records, Bexar County, Texas. Thence, continuing for an overall distance of 227.13 feet to a ½" iron rod set on the east line of said Lot 54, being the southwest corner of a 0.439 of an acre tract of land recorded in Volume 11133, Page 901, Deed Records Bexar County, Texas, for the northwest corner of this tract;

THENCE: S 64°34'54" E, a distance of 94.81 feet to a ½" iron rod set on the westerly line of said Interstate Highway 35, and being the southeast corner of the said 0.439 of an acre tract, for the east corner of this tract. Said ½" iron rod being S 25°10'46" W, a distance of 269.50 feet from a TxDOT Monument found on the said westerly line of Interstate Highway 35 at it's intersection with the north right-of-way line of Stonewall Ave.;

THENCE: S 25°10'46" W, along the westerly right-of-way line of said Interstate Highway 35, passing at a distance of 39.53 feet the approximate centerline of said underground 10' X 7' drainage easement, and continuing for an overall a distance of 206.00 feet to the **POINT OF BEGINNING** and containing 0.224 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas

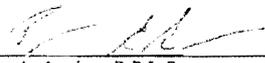

Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002
A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit B

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.182 OF AN ACRE TRACT OF LAND (7,927.10 SQUARE FEET)

October 3, 2006

Being a 0.182 of an acre tract of land, (7,927.10 Square Feet) consisting of Lot 97, New City Block 7895, C.D. Simpson Subdivision, as recorded in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

BEGINNING: at a 4" pipe found, on the east Right of Way of Commercial Ave., being the northwest corner of Lot 98, of said C. D. Simpson Subdivision, for the Southwest corner of this tract;

THENCE: N 00°01'00" E, along the east Right of Way of said Commercial Ave., passing at a distance of 25.44 feet the approximate centerline of an underground 10' X 7' drainage easement, and continuing for an overall distance of 48.55 feet to a ½" iron rod set, being the southwest corner of Lot 96, of said C. D. Simpson Subdivision, for the Northwest corner of this tract;

THENCE: S 89°11'26" E, a distance of 162.76 feet to a fence corner, being the southeast corner of said Lot 96, for the Northeast corner of this tract;

THENCE: S 00°30'23" W, passing at a distance of 13.94 feet the approximate centerline of the said underground 10' X 7' drainage easement, and continuing for an overall distance of 48.99 feet to a ½" iron rod set, being the northeast corner of said Lot 98, for the Southeast corner of this tract;

THENCE: N 89°02'02" W, a distance of 162.35 feet to the **POINT OF BEGINNING** and containing 0.182 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002

A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit C

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.280 OF AN ACRE TRACT OF LAND (12,215.82 SQUARE FEET)

October 3, 2006

Being a 0.280 of an acre tract of land, (12,215.82 Square Feet) out of the Texas Department of Transportation Highway Right of Way, I. H. 10 West, and being more particularly described as follows:

BEGINNING: at a Texas Department of Transportation Monument, on the south Right of Way of El Monte Blvd., being the northwest corner of Lot 6, Block 6, New City Block 10378, Green Lawn Terrace, recorded in Volume 3850, Page 86, Deed and Plat Records of Bexar County Texas, for the Northeast corner of this tract;

THENCE: S 00°01'53" E, a distance of 110.00 feet, to a Texas Department of Transportation Monument, being the southwest corner of said Lot 6, for the Southeast corner of this tract;

THENCE: N 90°00'00" W, along the north Right of Way of I.H. 10 West, a distance of 81.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 64°33'58" W, along the north Right of Way of said I.H. 10 West, passing at a distance of 22.45 feet a 15 foot drainage and access easement, and continuing for an overall a distance of 39.00 feet to a ½" iron rod set, for the Southwest corner of this tract;

THENCE: N 00°25'40" E, along an existing concrete drain, a distance of 55.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 09°58'01" E, along said existing concrete drain, a distance of 20.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 39°34'04" E, along said existing concrete drain, a distance of 24.00 feet to a ½" iron rod set, for the Northwest corner of this tract;

THENCE: N 89°58'07" E, along the south Right of Way of said El Monte Blvd., passing at a distance of 15 feet the said 15 foot drainage and access easement, and continuing for an overall a distance of 97.00 feet to the **POINT OF BEGINNING** and containing 0.280 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas

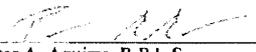

Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-003
A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit D

A 15-foot wide strip out of Parcel 114, Block 6, NCB 10378, San Antonio, Bexar County, Texas, described as follows:

- Beginning:** At a Texas Department of Transportation Monument on the south right-of-way line of El Monte Blvd., being the northwest corner of Lot 6, Block 6, NCB 10378, Green Lawn Terrace Subdivision, recorded in volume 3850, Page 86, Deed and Plat Records of Bexar County, Texas.
- Thence:** South 89 degrees 58 minutes 07 seconds west a distance of 82 feet for a **Point of Beginning**.
- Thence:** South 00 degrees 01 minutes 53 seconds east a distance of 5.4 feet.
- Thence:** South 39 degrees 34 minutes 04 seconds west a distance of 25.44 feet
- Thence:** South 09 degrees 58 minutes 01 seconds west a distance of 14.79 feet
- Thence:** South 00 degrees 25 minutes 40 seconds west a distance of 60.75 feet
- Thence:** North 64 degrees 33 minutes 58 seconds west a distance of 16.55 feet
- Thence:** North 00 degrees 25 minutes 40 seconds east a distance of 55 feet
- Thence:** North 09 degrees 58 minutes 01 seconds east a distance of 20 feet
- Thence:** North 39 degrees 34 minutes 04 seconds east a distance of 24 feet
- Thence:** N. 89 degrees 58 minutes 07 seconds east a distance of 15 feet to the **Point of Beginning**.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on this date and at the time stated herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20080197066 Fees: \$56.00
09/08/2008 1:52PM # Pages 11
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

SEP 08 2008



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.

Notice Of Confidentiality Rights: If You Are A Natural Person, You May Remove Or Strike Any or All Of The Following Information From This Instrument Before It Is Filed For Record In The Public Records: Your Social Security Number Or Your Driver's License Number.

State of Texas }
 }
County of Bexar }

**Deed Without Warranty
With Reserved Easement**

Authorizing Ordinance: 2008-01-31-0074

Statutory Authority: Local Government Code § 272.001 (a).

Grantor: City of San Antonio, a Texas Municipal Corporation, acting by and through its City Manager, or designee

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Bexar County, Texas 78283-3966

Grantor's Street Address: City Hall, 2nd Floor, 100 Military Plaza, San Antonio, Texas 78205, Attn: City Clerk

Grantee: Marcus Garza

Grantee's Mailing Address: 919 S.W. Military Dr., San Antonio, Texas 78221

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: The three tracts situated in San Antonio, Bexar County, Texas, as more particularly described on **Exhibits A-C**, all of which are incorporated by reference for all purposes.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions: This conveyance is explicitly subject to the following:

- A. Reservations:** None, except for:
- B. Easements:** Any and all recorded and unrecorded easements, whether or not open and obvious on the Property.
- C. Restrictions:** Any and all covenants and restrictions affecting the Property.
- D. Exceptions:** All valid and effective instruments affecting the Property.
- E. Conditions:** All conditions affecting the Property.
- F. Drainage Easement.** Grantor specifically reserves for itself and the public a drainage easement over and across the entire tract described on **Exhibits A and B** and also over and across the tract described in **Exhibit D** (collectively, "Servient Estate"). Grantor may construct, reconstruct, inspect, patrol, maintain, and repair all types of drainage facilities on the Servient Estate. Grantor may relocate such facilities within the Servient Estate; remove from the Servient Estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights reserved in this deed. Grantor reserves the right of ingress and egress over the Servient Estate for the purpose of exercising all other rights hereby reserved. Grantee must not permit any temporary or permanent buildings on the Servient Estate. Grantee must not permit any vehicles heavier than 10,000 pounds to cross or park on the Servient Estate. Grantee and his heirs, successors, and assigns must indemnify Grantor and its successors and assigns from any loss, cost, liability, or expense arising from damage to drainage infrastructure in the Servient Estate arising from the acts or omissions of Grantee or those claiming through Grantee.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise

In purchasing the Property, Grantee is not relying upon any representation, statement, or other assertion from or chargeable to Grantor. Grantee, on behalf of itself and anyone claiming by, through, or under Grantee, by acceptance of this deed, releases Grantor from

any and all claims that Grantee or anyone claiming by, through, or under Grantee, may now have or hereafter acquires against Grantor arising out of or related to this acquisition. This release applies according to its express terms and provisions, including, but not limited to unknown and unsuspected claims, damages, and causes of action.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

Grantor:

City of San Antonio, a Texas municipal corporation

By: *Sharon DeLa Garza*

Printed Name: Sharon DeLa Garza

Title: Assistant to City Manager

Date: 2/20/08

Attest:

Sharon M. Vuest
City Clerk



Approved As To Form:

[Signature]
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by Sharon De La Garza in the capacity therein stated, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity.

Date: Feb. 20, 2008

Jennifer R. Reyna
Notary Public, State of Texas

My Commission Expires: 3/4/09

After Recording, Return To:

Marcus Garza
919 S.w. Military Dr.
San Antonio, Texas 78221

Exhibit A

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.224 OF AN ACRE TRACT OF LAND (9,765.81 SQUARE FEET)

October 3, 2006

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THENCE: N 00°30'23" E, with the east line of the plat recorded in said Volume 2222 Page 232, passing at a distance of 132.79 feet the approximate centerline of an underground 10' X 7' drainage easement, continuing a distance of 63.69 feet to a ½" iron rod found for the northeast corner of Lot 96 of said plat and being the southeast corner Lot 54, being that certain tract of land conveyed unto Daniel D. Chavez in Volume 4522 Page 1056, Real Property Records, Bexar County, Texas. Thence, continuing for an overall distance of 227.13 feet to a ½" iron rod set on the east line of said Lot 54, being the southwest corner of a 0.439 of an acre tract of land recorded in Volume 11133, Page 901, Deed Records Bexar County, Texas, for the northwest corner of this tract;

THENCE: S 64°34'54" E, a distance of 94.81 feet to a ½" iron rod set on the westerly line of said Interstate Highway 35, and being the southeast corner of the said 0.439 of an acre tract, for the east corner of this tract. Said ½" iron rod being S 25°10'46" W, a distance of 269.50 feet from a TxDOT Monument found on the said westerly line of Interstate Highway 35 at it's intersection with the north right-of-way line of Stonewall Ave.;

THENCE: S 25°10'46" W, along the westerly right-of-way line of said Interstate Highway 35, passing at a distance of 39.53 feet the approximate centerline of said underground 10' X 7' drainage easement, and continuing for an overall a distance of 206.00 feet to the **POINT OF BEGINNING** and containing 0.224 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002

A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit B

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.182 OF AN ACRE TRACT OF LAND (7,927.10 SQUARE FEET)

October 3, 2006

Being a 0.182 of an acre tract of land, (7,927.10 Square Feet) consisting of Lot 97, New City Block 7895, C.D. Simpson Subdivision, as recorded in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

BEGINNING: at a 4" pipe found, on the east Right of Way of Commercial Ave., being the northwest corner of Lot 98, of said C. D. Simpson Subdivision, for the Southwest corner of this tract;

THENCE: N 00°01'00" E, along the east Right of Way of said Commercial Ave., passing at a distance of 25.44 feet the approximate centerline of an underground 10' X 7' drainage easement, and continuing for an overall distance of 48.55 feet to a ½" iron rod set, being the southwest corner of Lot 96, of said C. D. Simpson Subdivision, for the Northwest corner of this tract;

THENCE: S 89°11'26" E, a distance of 162.76 feet to a fence corner, being the southeast corner of said Lot 96, for the Northeast corner of this tract;

THENCE: S 00°30'23" W, passing at a distance of 13.94 feet the approximate centerline of the said underground 10' X 7' drainage easement, and continuing for an overall distance of 48.99 feet to a ½" iron rod set, being the northeast corner of said Lot 98, for the Southeast corner of this tract;

THENCE: N 89°02'02" W, a distance of 162.35 feet to the **POINT OF BEGINNING** and containing 0.182 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002

A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit C

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.280 OF AN ACRE TRACT OF LAND (12,215.82 SQUARE FEET)

October 3, 2006

Being a 0.280 of an acre tract of land, (12,215.82 Square Feet) out of the Texas Department of Transportation Highway Right of Way, I. H. 10 West, and being more particularly described as follows:

BEGINNING: at a Texas Department of Transportation Monument, on the south Right of Way of El Monte Blvd., being the northwest corner of Lot 6, Block 6, New City Block 10378, Green Lawn Terrace, recorded in Volume 3850, Page 86, Deed and Plat Records of Bexar County Texas, for the Northeast corner of this tract;

THENCE: S 00°01'53" E, a distance of 110.00 feet, to a Texas Department of Transportation Monument, being the southwest corner of said Lot 6, for the Southeast corner of this tract;

THENCE: N 90°00'00" W, along the north Right of Way of I.H. 10 West, a distance of 81.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 64°33'58" W, along the north Right of Way of said I.H. 10 West, passing at a distance of 22.45 feet a 15 foot drainage and access easement, and continuing for an overall a distance of 39.00 feet to a ½" iron rod set, for the Southwest corner of this tract;

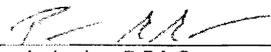
THENCE: N 00°25'40" E, along an existing concrete drain, a distance of 55.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 09°58'01" E, along said existing concrete drain, a distance of 20.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 39°34'04" E, along said existing concrete drain, a distance of 24.00 feet to a ½" iron rod set, for the Northwest corner of this tract;

THENCE: N 89°58'07" E, along the south Right of Way of said El Monte Blvd., passing at a distance of 15 feet the said 15 foot drainage and access easement, and continuing for an overall a distance of 97.00 feet to the **POINT OF BEGINNING** and containing 0.280 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-003

A drawing exhibit is also prepared.
Revised: October 10, 2006



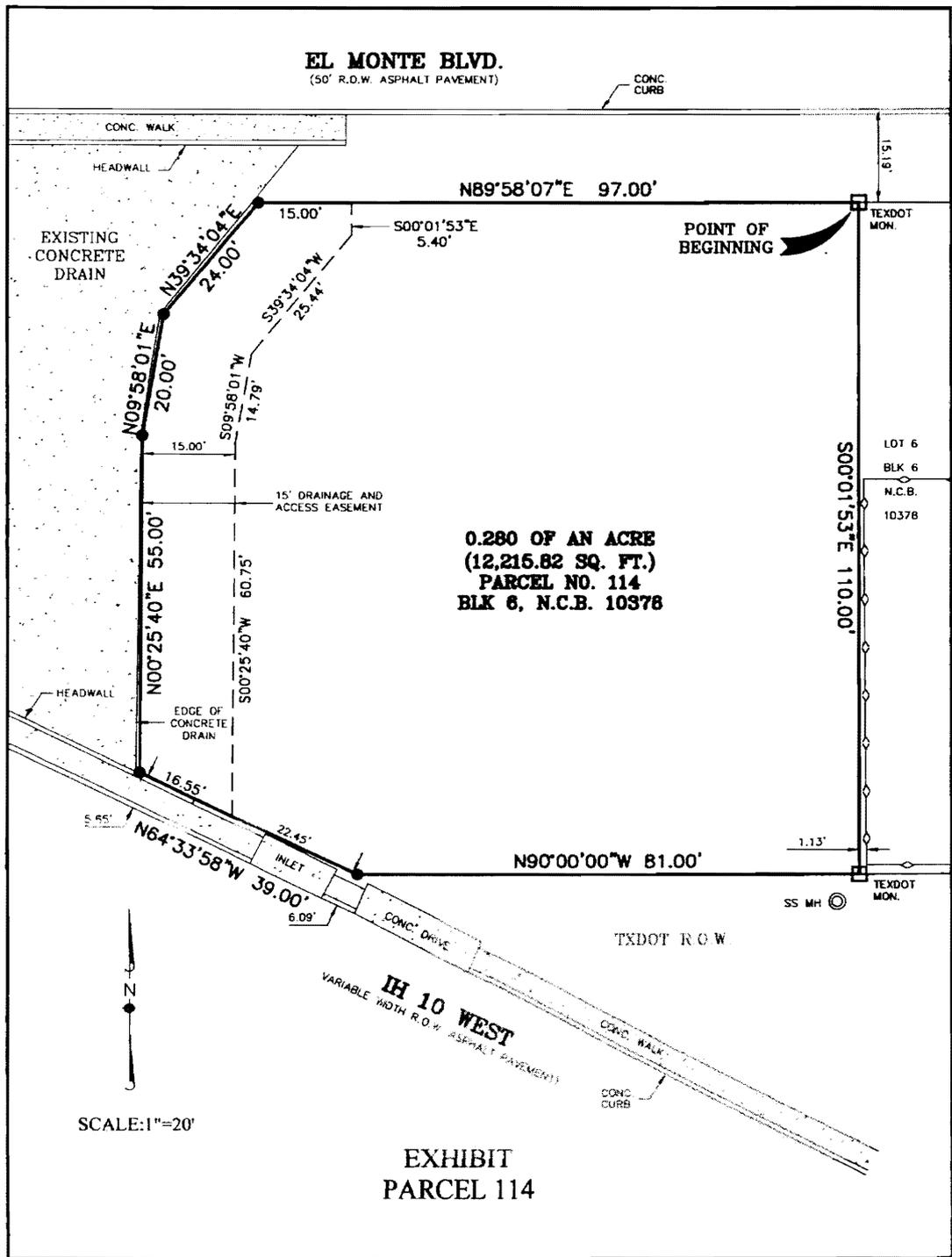


Exhibit D

A 15-foot wide strip out of Parcel 114, Block 6, NCB 10378, San Antonio, Bexar County, Texas, described as follows:

- Beginning:** At a Texas Department of Transportation Monument on the south right-of-way line of El Monte Blvd., being the northwest corner of Lot 6, Block 6, NCB 10378, Green Lawn Terrace Subdivision, recorded in volume 3850, Page 86, Deed and Plat Records of Bexar County, Texas.
- Thence:** South 89 degrees 58 minutes 07 seconds west a distance of 82 feet for a **Point of Beginning**.
- Thence:** South 00 degrees 01 minutes 53 seconds east a distance of 5.4 feet.
- Thence:** South 39 degrees 34 minutes 04 seconds west a distance of 25.44 feet
- Thence:** South 09 degrees 58 minutes 01 seconds west a distance of 14.79 feet
- Thence:** South 00 degrees 25 minutes 40 seconds west a distance of 60.75 feet
- Thence:** North 64 degrees 33 minutes 58 seconds west a distance of 16.55 feet
- Thence:** North 00 degrees 25 minutes 40 seconds east a distance of 55 feet
- Thence:** North 09 degrees 58 minutes 01 seconds east a distance of 20 feet
- Thence:** North 39 degrees 34 minutes 04 seconds east a distance of 24 feet
- Thence:** N. 89 degrees 58 minutes 07 seconds east a distance of 15 feet to the **Point of Beginning**.

DM



CMS or Ordinance Number: CN0040002556

TSLGRS File Code:

Document Title:

CONT - Request a Resolution and declare three City-owned properties as surplus NCBs 7895 and 10378 previously resrvd for State Highway System.

Commencement Date:

1/31/2008

Expiration Date:

1/31/2009

**CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

 TO: City Manager's Office
FROM: Mark Gretchen, Interim Director, Department of Asset Management
COPIES: File
SUBJECT: S.P. No. 1305-Resolution requesting that the State of Texas remove two properties from the State Highway System and declare as surplus and sell three tracts, including the two properties requested to be removed from the State Highway System
DATE: February 6, 2008

PROJECT TYPE: Sale of Surplus Property
ORDINANCE: 2008-01-31-0074
ORDINANCE DATE: January 31, 2008
RESOLUTION: 2008-01-31-0007R

BACKGROUND:

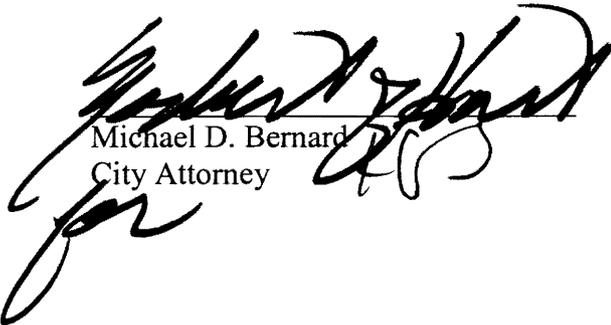
The attached Resolution authorizes the City of San Antonio to request that the State of Texas remove two properties from the State Highway System previously reserved for interstate highway expansion and declare them as surplus to the State of Texas' needs. The attached Ordinance declares three tracts of land, including the two properties from the State Highway System previously reserved for interstate highway expansion, as surplus to the City of San Antonio's needs and authorize their sale to Marcus Garza for a total of \$60,317.00. These properties are located in City Council Districts Nos. 1 and 5.

POLICY ANALYSIS:

This action is consistent with the City Code and Ordinances which require City Council approval for the disposition of any surplus City-owned real property.



Mark Gretchen, Interim Director
Department of Asset Management



Michael D. Bernard
City Attorney

Disclosure Notice:

Date: December 10, 2007

Buyer: Marcus Garza

Buyer's Address: 919 S.W. Military Drive, San Antonio, Texas 78221

Identification of Purchased Property: The three tracts identified on **Exhibits A-C** to this notice, all of which are incorporated into this notice for all purposes.

By the signature of Buyer or its representative below, Buyer acknowledges receipt of the following disclosures pertaining to the purchased property referred to above:

1. All property is conveyed subject to all existing easements and other encumbrances. If Buyer wants assurance of title, Buyer must contract and pay for an owner's policy of title insurance. Some or all the properties may need to be replatted or rezoned.
2. The deed to the property described on Exhibit C will retain a 15-foot easement along the west side.
3. The deed to all properties will contain a restriction prohibiting a house or other structure for human habitation. In addition, the deed to the property described on Exhibit C will further prohibit a garage or other storage structure, except that storage buildings not exceeding 288 square feet will be permissible.
4. The property described on Exhibit C is part of the state highway system, and the City will not convey it unless the Texas Department of Transportation releases its interest.
5. Grantor will reserve for itself and the public a drainage easement over and across the entire tract described on **Exhibits A and B** and also over and across the tract described in **Exhibit D** (collectively, "Servient Estate"). Grantor may construct, reconstruct, inspect, patrol, maintain, and repair all types of drainage facilities on the Servient Estate. Grantor may relocate such facilities within the Servient Estate; remove from the Servient Estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights reserved in this deed. Grantor reserves the right of ingress and egress over the Servient Estate for the purpose of exercising all other rights hereby reserved. Grantee must not permit any temporary or permanent buildings on the Servient Estate. Grantee must not permit any vehicles heavier than 10,000 pounds to cross or park on the Servient Estate. Grantee and his heirs, successors, and assigns must indemnify Grantor and its successors and assigns from any loss, cost, liability, or expense arising from damage to drainage infrastructure in the Servient Estate arising from the acts or omissions of Grantee or those claiming through Grantee. COSA is also reserving a drainage easement on the property described on Exhibit B since the underground culvert is also beneath this property.

6. The property described on Exhibit A is part of the state highway system, and the City will not convey it unless the Texas Department of Transportation releases its interest.
7. This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

The City of San Antonio provides the above disclosures for its own convenience. City does not assume the duty to give disclosures generally or to give the above disclosures accurately. Buyer must independently ascertain the accuracy of the above disclosures and must further independently ascertain all other facts relating to the title, character, condition, or suitability of the purchased property. The City of San Antonio disclaims any duty of disclosure whatsoever.

Upon receiving this disclosure statement, Buyer can choose not to close instead of signing the disclosure and going forward.

Dated: 12-10-07



Marcus Garza

Exhibit A

SouthCentral Surveyors of Texas

1514 S. Prent, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

**FIELD NOTES FOR
A 0.224 OF AN ACRE TRACT OF LAND
(9,765.81 SQ. ARE FEET)**

October 3, 2006

Being a 0.224 of an acre tract of land (9,765.81 Square Feet), out of Lot 55, New City Block 7895, Melrose Gardens Addition, as recorded in Volume 105 Page 235, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

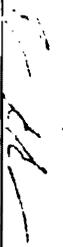
COMMENCING: at a TxDOT Measurement found on the westerly right-of-way line of TxDOT Interstate Highway 35 South at it's intersection with the north right-of-way line of Hurton Ave., for the southeast corner of Lot A-2, as recorded in Volume 2222 Page 325, Deed & Plat Records, Bexar County, Texas, Thence, N 27°32'25" E, a distance of 141.32 feet to a ½" iron rod set for the southeast corner of Lot 99, as shown in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being the southwest corner of said lot 55 for the **POINT OF BEGINNING** and the south corner of this tract;

THENCE: N 00°30'23" E, with the east line of the plat recorded in said Volume 2222 Page 232, passing at a distance of 132.79 feet the approximate continuation of an underground 10" X 7" drainage easement, containing a distance of 63.69 feet to a ½" iron rod found for the northeast corner of Lot 96 of said plat and being the southeast corner Lot 54, being that certain tract of land conveyed unto Daniel D. Chavez in Volume 4522 Page 1056, Real Property Records, Bexar County, Texas. Thence, containing for an overall distance of 227.13 feet to a ½" iron rod set on the east line of said Lot 54, being the southeast corner of a 0.439 of an acre tract of land recorded in Volume 11133, Page 901, Deed Records Bexar County, Texas, for the southwest corner of this tract;

THENCE: S 64°24'54" E, a distance of 94.81 feet to a ½" iron rod set on the westerly line of said Interstate Highway 35, and being the southeast corner of the said 0.439 of an acre tract, for the east corner of this tract. Said ½" iron rod being S 25°10'46" W, a distance of 269.50 feet from a TxDOT Monument found on the said westerly line of Interstate Highway 35 at it's intersection with the north right-of-way line of Spoonsell Ave.;

THENCE: S 25°10'46" W, along the westerly right-of-way line of said Interstate Highway 35, passing at a distance of 39.53 feet the approximate centerline of said underground 10" X 7" drainage easement, and containing for an overall a distance of 206.00 feet to the **POINT OF BEGINNING** and containing 0.224 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas


Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002
A drawing exhibit is also prepared.
Revised: October 10, 2006



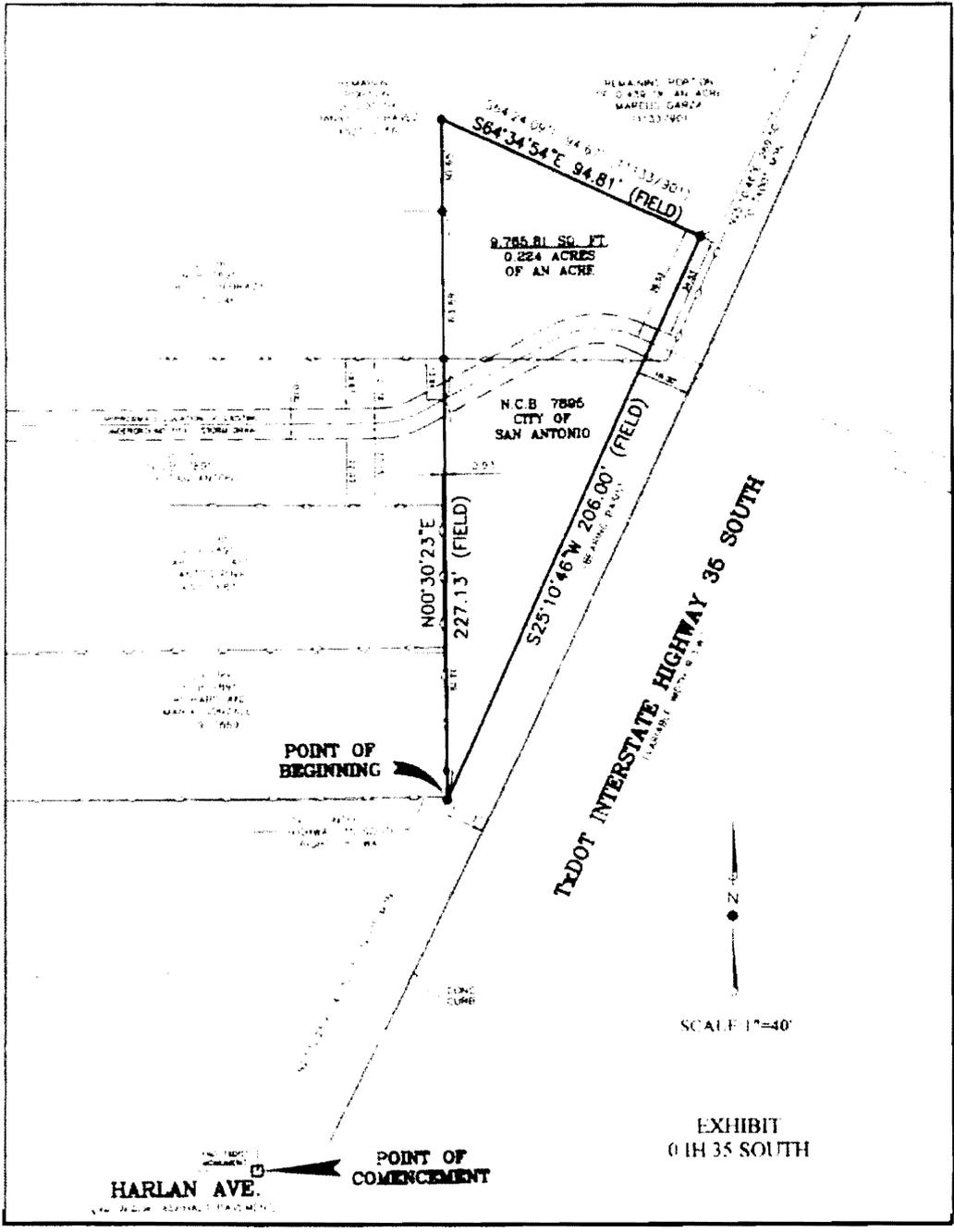


Exhibit A

Exhibit B

SouthCentral Surveyors of Texas

1514 S. Prema, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.182 OF AN ACRE TRACT OF LAND (7,927.10 SQUARE FEET)

October 3, 2006

Being a 0.182 of an acre tract of land, (7,927.10 Square Feet) consisting of Lot 97, New City Block 7895, C.D. Simpson Subdivision, as recorded in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

BEGINNING: at a 4" pipe found, on the east Right of Way of Commercial Ave., being the northwest corner of Lot 98, of said C. D. Simpson Subdivision, for the Southwest corner of this tract;

THENCE: N 00°01'00" E, along the east Right of Way of said Commercial Ave., passing at a distance of 25.44 feet the approximate centerline of an underground 10' X 7' drainage easement, and continuing for an overall distance of 48.55 feet to a 1/2" iron rod set, being the southwest corner of Lot 96, of said C. D. Simpson Subdivision, for the Northwest corner of this tract;

THENCE: S 89°11'26" E, a distance of 162.76 feet to a fence corner, being the southeast corner of said Lot 96, for the Northeast corner of this tract;

THENCE: S 00°30'23" W, passing at a distance of 13.94 feet the approximate centerline of the said underground 10' X 7' drainage easement, and continuing for an overall distance of 48.99 feet to a 1/2" iron rod set, being the northeast corner of said Lot 96, for the Southeast corner of this tract;

THENCE: N 89°02'02" W, a distance of 162.35 feet to the **POINT OF BEGINNING** and containing 0.182 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas


Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002
A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit C

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.280 OF AN ACRE TRACT OF LAND (12,215.82 SQUARE FEET)

October 3, 2006

Being a 0.280 of an acre tract of land, (12,215.82 Square Feet) out of the Texas Department of Transportation Highway Right of Way, I. H. 10 West, and being more particularly described as follows:

BEGINNING: at a Texas Department of Transportation Monument, on the south Right of Way of El Monte Blvd., being the northwest corner of Lot 6, Block 6, New City Block 10378, Green Lawn Terrace, recorded in Volume 3850, Page 86, Deed and Plat Records of Bexar County Texas, for the Northeast corner of this tract;

THENCE: S 00°01'53" E, a distance of 110.00 feet, to a Texas Department of Transportation Monument, being the southwest corner of said Lot 6, for the Southeast corner of this tract;

THENCE: N 90°00'00" W, along the north Right of Way of I.H. 10 West, a distance of 81.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 64°33'58" W, along the north Right of Way of said I.H. 10 West, passing at a distance of 22.45 feet a 15 foot drainage and access easement, and continuing for an overall a distance of 39.00 feet to a ½" iron rod set, for the Southwest corner of this tract;

THENCE: N 00°25'40" E, along an existing concrete drain, a distance of 55.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 09°58'01" E, along said existing concrete drain, a distance of 20.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 39°34'04" E, along said existing concrete drain, a distance of 24.00 feet to a ½" iron rod set, for the Northwest corner of this tract;

THENCE: N 89°58'07" E, along the south Right of Way of said El Monte Blvd., passing at a distance of 15 feet the said 15 foot drainage and access easement, and continuing for an overall a distance of 97.00 feet to the **POINT OF BEGINNING** and containing 0.280 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas


Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-003
A drawing exhibit is also prepared.
Revised: October 10, 2006



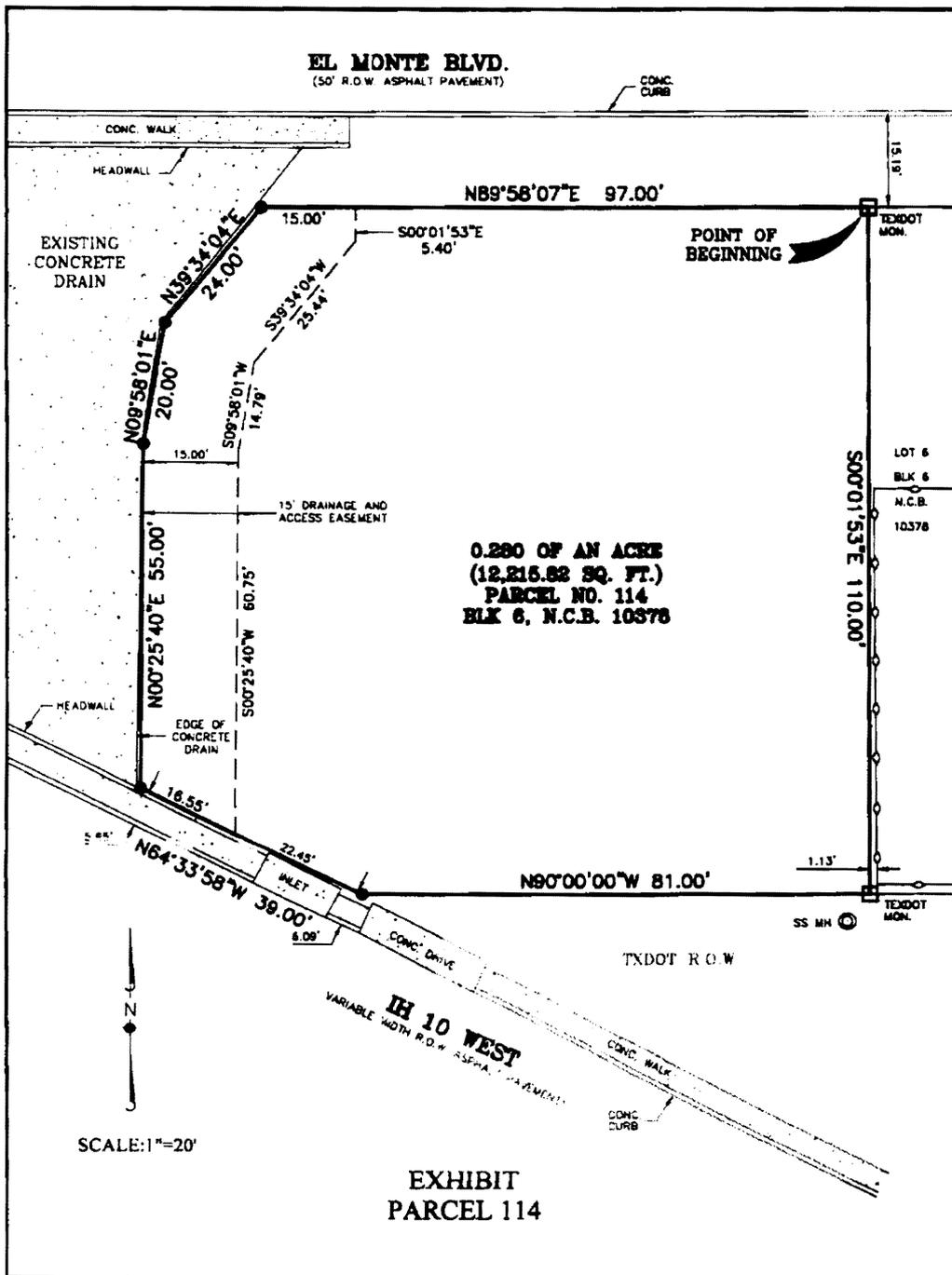


Exhibit C

Exhibit D

A 15-foot wide strip out of Parcel 114, Block 6, NCB 10378, San Antonio, Bexar County, Texas, described as follows:

- Beginning:** At a Texas Department of Transportation Monument on the south right-of-way line of El Monte Blvd., being the northwest corner of Lot 6, Block 6, NCB 10378, Green Lawn Terrace Subdivision, recorded in volume 3850, Page 86, Deed and Plat Records of Bexar County, Texas.
- Thence:** South 89 degrees 58 minutes 07 seconds west a distance of 82 feet for a **Point of Beginning**.
- Thence:** South 00 degrees 01 minutes 53 seconds east a distance of 5.4 feet.
- Thence:** South 39 degrees 34 minutes 04 seconds west a distance of 25.44 feet
- Thence:** South 09 degrees 58 minutes 01 seconds west a distance of 14.79 feet
- Thence:** South 00 degrees 25 minutes 40 seconds west a distance of 60.75 feet
- Thence:** North 64 degrees 33 minutes 58 seconds west a distance of 16.55 feet
- Thence:** North 00 degrees 25 minutes 40 seconds east a distance of 55 feet
- Thence:** North 09 degrees 58 minutes 01 seconds east a distance of 20 feet
- Thence:** North 39 degrees 34 minutes 04 seconds east a distance of 24 feet
- Thence:** N. 89 degrees 58 minutes 07 seconds east a distance of 15 feet to the **Point of Beginning**.

Attachment I

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

**FIELD NOTES FOR
A 0.224 OF AN ACRE TRACT OF LAND
(9,765.81 SQUARE FEET)**

October 3, 2006

Being a 0.224 of an acre tract of land (9,765.81 Square Feet), out of Lot 55, New City Block 7895, Melrose Gardens Addition, as recorded in Volume 105 Page 235, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

COMMENCING: at a TxDOT Monument found on the westerly right-of-way line of TxDOT Interstate Highway 35 South at it's intersection with the north right-of-way line of Harlan Ave., for the southeast corner of Lot A-2, as recorded in Volume 2222 Page 325, Deed & Plat Records, Bexar County, Texas. Thence, N 27°32'25" E, a distance of 141.32 feet to a ½" iron rod set for the southeast corner of Lot 99, as shown in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being the southwest corner of said lot 55 for the **POINT OF BEGINNING** and the south corner of this tract;

THENCE: N 00°30'23" E, with the east line of the plat recorded in said Volume 2222 Page 232, passing at a distance of 132.79 feet the approximate centerline of an underground 10' X 7' drainage easement, continuing a distance of 63.69 feet to a ½" iron rod found for the northeast corner of Lot 96 of said plat and being the southeast corner Lot 54, being that certain tract of land conveyed unto Daniel D. Chavez in Volume 4522 Page 1056, Real Property Records, Bexar County, Texas. Thence, continuing for an overall distance of 227.13 feet to a ½" iron rod set on the east line of said Lot 54, being the southwest corner of a 0.439 of an acre tract of land recorded in Volume 11133, Page 901, Deed Records Bexar County, Texas, for the northwest corner of this tract;

THENCE: S 64°34'54" E, a distance of 94.81 feet to a ½" iron rod set on the westerly line of said Interstate Highway 35, and being the southeast corner of the said 0.439 of an acre tract, for the east corner of this tract. Said ½" iron rod being S 25°10'46" W, a distance of 269.50 feet from a TxDOT Monument found on the said westerly line of Interstate Highway 35 at it's intersection with the north right-of-way line of Stonewall Ave.;

THENCE: S 25°10'46" W, along the westerly right-of-way line of said Interstate Highway 35, passing at a distance of 39.53 feet the approximate centerline of said underground 10' X 7' drainage easement, and continuing for an overall a distance of 206.00 feet to the **POINT OF BEGINNING** and containing 0.224 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002

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(7,927.10 SQUARE FEET)**

October 3, 2006

Being a 0.182 of an acre tract of land, (7,927.10 Square Feet) consisting of Lot 97, New City Block 7895, C.D. Simpson Subdivision, as recorded in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

BEGINNING: at a 4" pipe found, on the east Right of Way of Commercial Ave., being the northwest corner of Lot 98, of said C. D. Simpson Subdivision, for the Southwest corner of this tract;

THENCE: N 00°01'00" E, along the east Right of Way of said Commercial Ave., passing at a distance of 25.44 feet the approximate centerline of an underground 10' X 7' drainage easement, and continuing for an overall distance of 48.55 feet to a ½" iron rod set, being the southwest corner of Lot 96, of said C. D. Simpson Subdivision, for the Northwest corner of this tract;

THENCE: S 89°11'26" E, a distance of 162.76 feet to a fence corner, being the southeast corner of said Lot 96, for the Northeast corner of this tract;

THENCE: S 00°30'23" W, passing at a distance of 13.94 feet the approximate centerline of the said underground 10' X 7' drainage easement, and continuing for an overall distance of 48.99 feet to a ½" iron rod set, being the northeast corner of said Lot 98, for the Southeast corner of this tract;

THENCE: N 89°02'02" W, a distance of 162.35 feet to the **POINT OF BEGINNING** and containing 0.182 of an acre of land, more or less, according to a survey made on the ground.

South Central Surveyors of Texas



Peter A. Aguirre, R.P.L.S.

Registration No. 5464

Job # 6-0129-002

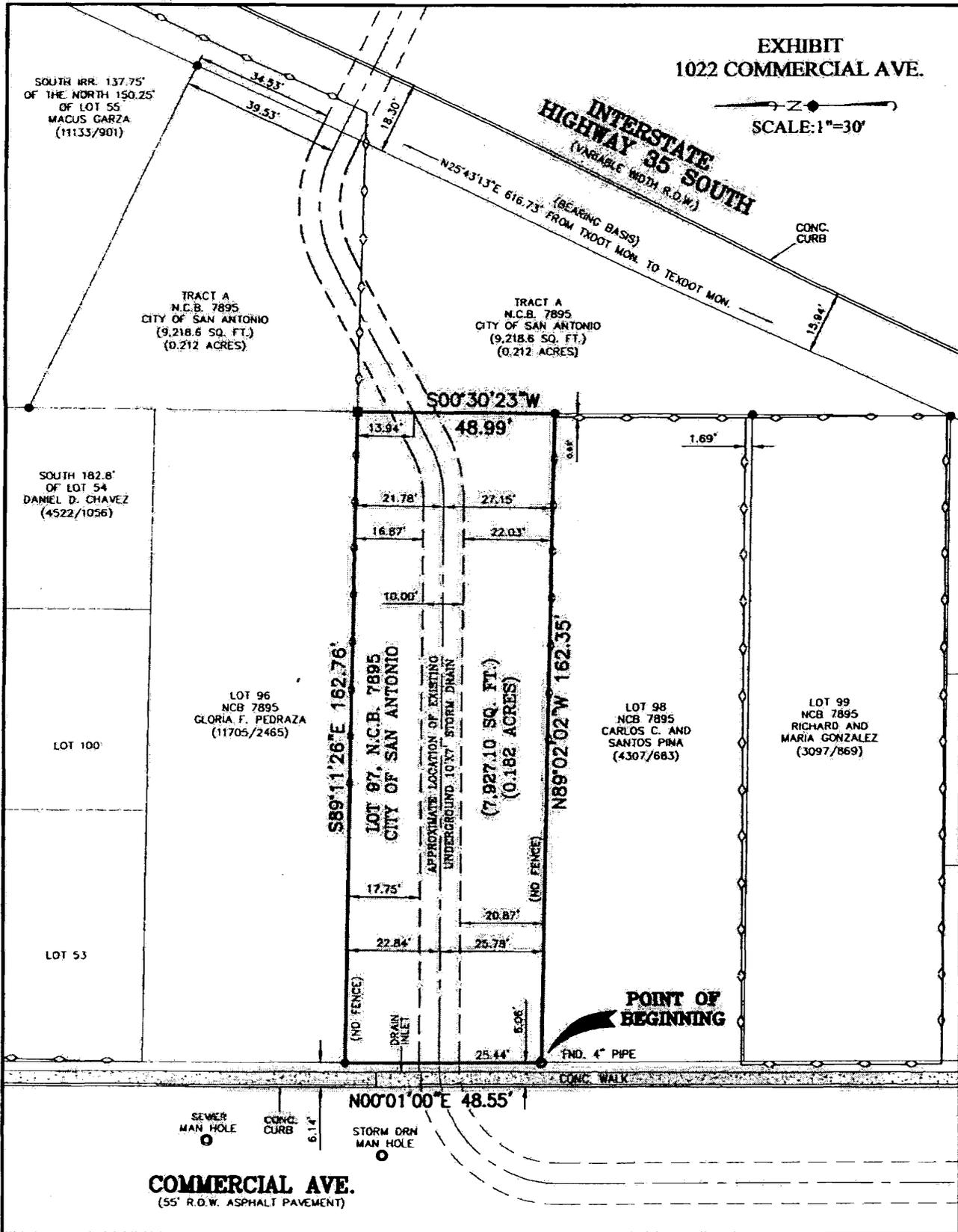
A drawing exhibit is also prepared.

Revised: October 10, 2006



EXHIBIT
1022 COMMERCIAL AVE.

SCALE: 1"=30'



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THENCE: S 00°01'53" E, a distance of 110.00 feet, to a Texas Department of Transportation Monument, being the southwest corner of said Lot 6, for the Southeast corner of this tract;

THENCE: N 90°00'00" W, along the north Right of Way of I.H. 10 West, a distance of 81.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 64°33'58" W, along the north Right of Way of said I.H. 10 West, passing at a distance of 22.45 feet a 15 foot drainage and access easement, and continuing for an overall a distance of 39.00 feet to a ½" iron rod set, for the Southwest corner of this tract;

THENCE: N 00°25'40" E, along an existing concrete drain, a distance of 55.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 09°58'01" E, along said existing concrete drain, a distance of 20.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 39°34'04" E, along said existing concrete drain, a distance of 24.00 feet to a ½" iron rod set, for the Northwest corner of this tract;

THENCE: N 89°58'07" E, along the south Right of Way of said El Monte Blvd., passing at a distance of 15 feet the said 15 foot drainage and access easement, and continuing for an overall a distance of 97.00 feet to the **POINT OF BEGINNING** and containing 0.280 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas


Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-003

A drawing exhibit is also prepared.
Revised: October 10, 2006



EL MONTE BLVD.
(50' R.O.W. ASPHALT PAVEMENT)

CONC. CURB

CONC. WALK

HEADWALL

N89°58'07"E 97.00'

EXISTING CONCRETE DRAIN

POINT OF BEGINNING

TEXDOT MON.

N09°58'01"E

20.00'

N39°34'04"E

24.00'

S00°01'53"E 5.40'

S39°34'04"W

25.44'

S09°58'01"W

14.79'

N00°25'40"E

55.00'

15" DRAINAGE AND ACCESS EASEMENT

**0.280 OF AN ACRE
(12,215.82 SQ. FT.)
PARCEL NO. 114
BLK 6, N.C.B. 10378**

LOT 6
BLK 6
N.C.B.
10378

S00°01'53"E 110.00'

HEADWALL

EDGE OF CONCRETE DRAIN

N00°25'40"E

60.75'

5.65'

N64°33'58"W

39.00'

22.45'

INLET

6.09'

N90°00'00"W 81.00'

1.13'

SS MH

TEXDOT MON.

TXDOT R.O.W.

IH 10 WEST
VARIABLE WIDTH R.O.W. ASPHALT PAVEMENT

CONC. CURB



SCALE: 1"=20'

**EXHIBIT
PARCEL 114**

A RESOLUTION **2008 - 01 - 31 - 0007R**

REQUESTING THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS TRANSPORTATION COMMISSION, TO DECLARE AN UNUSED 0.224 ACRE TRACT, MORE OR LESS, APPURTENANT TO INTERSTATE HIGHWAY 35 RIGHT OF WAY AND AN UNUSED 0.280 ACRE TRACT, MORE OR LESS, APPURTENANT TO INTERSTATE HIGHWAY 10 RIGHT OF WAY, BOTH IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS TO BE DECLARED SURPLUS TO THE NEEDS OF THE STATE AND REMOVED FROM THE STATE HIGHWAY SYSTEM.

* * * * *

WHEREAS, the City of San Antonio acquired a certain unused property for constructing a highway facility consisting of 0.224 acres, more or less, according to a Deed recorded in Volume 3947, page 482 of the Deed Records of Bexar County, Texas ("0.224 Acre Tract"); and

WHEREAS, the City of San Antonio acquired a certain unused property for constructing a highway facility consisting of 0.280 acres, more or less, according to a Deed recorded in Volume 3971, page 422 of the Deed Records of Bexar County, Texas ("0.280 Acre Tract"); and

WHEREAS, the 0.224 Acre Tract is in the City of San Antonio, Bexar County, Texas, and is more particularly described by metes and bounds in attached **Exhibit A**; and

WHEREAS, the 0.280 Acre Tract is in the City of San Antonio, Bexar County, Texas, and is more particularly described by metes and bounds in attached **Exhibit B**; and

WHEREAS, neither the 0.224 acre Tract nor the 0.280 Acre Tract is any longer needed for use by the citizens as a road or any other state highway purposes; and

WHEREAS, the City of San Antonio has concurred with the State to release both the 0.224 Acre Tract and the 0.280 Acre Tract from the State Highway system; and

WHEREAS, the City of San Antonio has agreed to accept the transfer, jurisdiction, and maintenance of the 0.224 Acre Tract and the 0.280 Acre Tract; **NOW THEREFORE**,

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

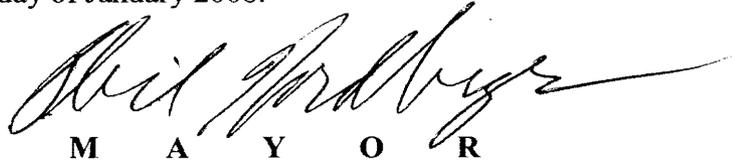
SECTION 1: The City Council of City of San Antonio, State of Texas, on the date stated below, formally asks that the Texas Transportation Commission pass an appropriate Minute Order declaring that the 0.224 Acre Tract and the 0.280 Acre Tract are surplus to the needs of the State and removing them from the State Highway System.

SECTION 2. All exhibits are incorporated into this resolution for all purposes as if fully set forth.

SECTION 3. The City of San Antonio concurs with the State to release both the 0.224 Acre Tract and the 0.280 Acre Tract from the State Highway system and accepts transfer, jurisdiction, and maintenance of the 0.224 Acre Tract and the 0.280 Acre Tract.

SECTION 4. This resolution becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

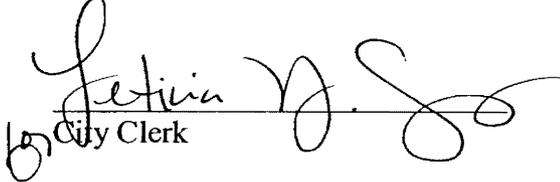
PASSED AND APPROVED this 31st day of January 2008.



M A Y O R

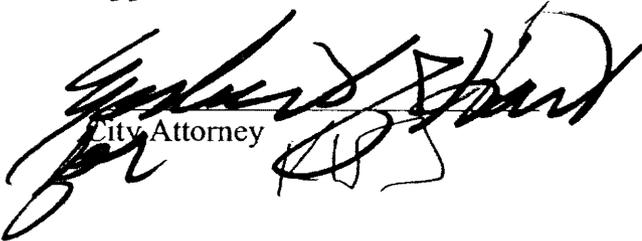
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney

Exhibit A

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.224 OF AN ACRE TRACT OF LAND (9,765.81 SQUARE FEET)

October 3, 2006

Being a 0.224 of an acre tract of land (9,765.81 Square Feet), out of Lot 55, New City Block 7895, Melrose Gardens Addition, as recorded in Volume 105 Page 235, Deed & Plat Records, Bexar County, Texas, and being more particularly described as follows:

COMMENCING: at a TxDOT Monument found on the westerly right-of-way line of TxDOT Interstate Highway 35 South at it's intersection with the north right-of-way line of Harlan Ave., for the southeast corner of Lot A-2, as recorded in Volume 2222 Page 325, Deed & Plat Records, Bexar County, Texas. Thence, N 27°32'25" E, a distance of 141.32 feet to a ½" iron rod set for the southeast corner of Lot 99, as shown in Volume 2222 Page 232, Deed & Plat Records, Bexar County, Texas, and being the southwest corner of said lot 55 for the **POINT OF BEGINNING** and the south corner of this tract;

THENCE: N 00°30'23" E, with the east line of the plat recorded in said Volume 2222 Page 232, passing at a distance of 132.79 feet the approximate centerline of an underground 10' X 7' drainage easement, continuing a distance of 63.69 feet to a ½" iron rod found for the northeast corner of Lot 96 of said plat and being the southeast corner Lot 54, being that certain tract of land conveyed unto Daniel D. Chavez in Volume 4522 Page 1056, Real Property Records, Bexar County, Texas. Thence, continuing for an overall distance of 227.13 feet to a ½" iron rod set on the east line of said Lot 54, being the southwest corner of a 0.439 of an acre tract of land recorded in Volume 11133, Page 901, Deed Records Bexar County, Texas, for the northwest corner of this tract;

THENCE: S 64°34'54" E, a distance of 94.81 feet to a ½" iron rod set on the westerly line of said Interstate Highway 35, and being the southeast corner of the said 0.439 of an acre tract, for the east corner of this tract. Said ½" iron rod being S 25°10'46" W, a distance of 269.50 feet from a TxDOT Monument found on the said westerly line of Interstate Highway 35 at it's intersection with the north right-of-way line of Stonewall Ave.;

THENCE: S 25°10'46" W, along the westerly right-of-way line of said Interstate Highway 35, passing at a distance of 39.53 feet the approximate centerline of said underground 10' X 7' drainage easement, and continuing for an overall a distance of 206.00 feet to the **POINT OF BEGINNING** and containing 0.224 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-002

A drawing exhibit is also prepared.
Revised: October 10, 2006



Exhibit B

SouthCentral Surveyors of Texas

1514 S. Presa, San Antonio, Texas, 78210
PH: 210.534.6700 Fax: 210.534.9673

FIELD NOTES FOR A 0.280 OF AN ACRE TRACT OF LAND (12,215.82 SQUARE FEET)

October 3, 2006

Being a 0.280 of an acre tract of land, (12,215.82 Square Feet) out of the Texas Department of Transportation Highway Right of Way, I. H. 10 West, and being more particularly described as follows:

BEGINNING: at a Texas Department of Transportation Monument, on the south Right of Way of El Monte Blvd., being the northwest corner of Lot 6, Block 6, New City Block 10378, Green Lawn Terrace, recorded in Volume 3850, Page 86, Deed and Plat Records of Bexar County Texas, for the Northeast corner of this tract;

THENCE: S 00°01'53" E, a distance of 110.00 feet, to a Texas Department of Transportation Monument, being the southwest corner of said Lot 6, for the Southeast corner of this tract;

THENCE: N 90°00'00" W, along the north Right of Way of I.H. 10 West, a distance of 81.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 64°33'58" W, along the north Right of Way of said I.H. 10 West, passing at a distance of 22.45 feet a 15 foot drainage and access easement, and continuing for an overall a distance of 39.00 feet to a ½" iron rod set, for the Southwest corner of this tract;

THENCE: N 00°25'40" E, along an existing concrete drain, a distance of 55.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 09°58'01" E, along said existing concrete drain, a distance of 20.00 feet to a ½" iron rod set, for an angle point of this tract;

THENCE: N 39°34'04" E, along said existing concrete drain, a distance of 24.00 feet to a ½" iron rod set, for the Northwest corner of this tract;

THENCE: N 89°58'07" E, along the south Right of Way of said El Monte Blvd., passing at a distance of 15 feet the said 15 foot drainage and access easement, and continuing for an overall a distance of 97.00 feet to the **POINT OF BEGINNING** and containing 0.280 of an acre of land, more or less, according to a survey made on the ground.

SouthCentral Surveyors of Texas



Peter A. Aguirre, R.P.L.S.
Registration No. 5464
Job # 6-0129-003

A drawing exhibit is also prepared.
Revised: October 10, 2006



EL MONTE BLVD.
(50' R.O.W. ASPHALT PAVEMENT)

CONC. CURB

CONC. WALK

HEADWALL

EXISTING CONCRETE DRAIN

N89°58'07"E 97.00'

15.19'

TEXDOT MON.

POINT OF BEGINNING

S00°01'53"E
5.40'

N39°34'04"E
24.00'

S39°34'04"W
25.44'

N09°58'01"E
20.00'

S09°58'01"W
14.79'

15.00'

15' DRAINAGE AND ACCESS EASEMENT

**0.280 OF AN ACRE
(12,215.82 SQ. FT.)
PARCEL NO. 114
BLK 8, N.C.B. 10378**

LOT 6
BLK 6
N.C.B.
10378

S00°01'53"E 110.00'

HEADWALL

EDGE OF CONCRETE DRAIN

N00°25'40"E 55.00'

S00°25'40"W 60.75'

5.65'

N64°33'58"W 39.00'

22.45'

6.09'

N90°00'00"W 81.00'

1.13'

SS MH

TEXDOT MON.

TXDOT R.O.W.

IH 10 WEST
VARIABLE WIDTH R.O.W. ASPHALT PAVEMENT)

CONC. CURB



SCALE: 1"=20'

**EXHIBIT
PARCEL 114**

33 /



CMS or Ordinance Number: OR00000200801310074

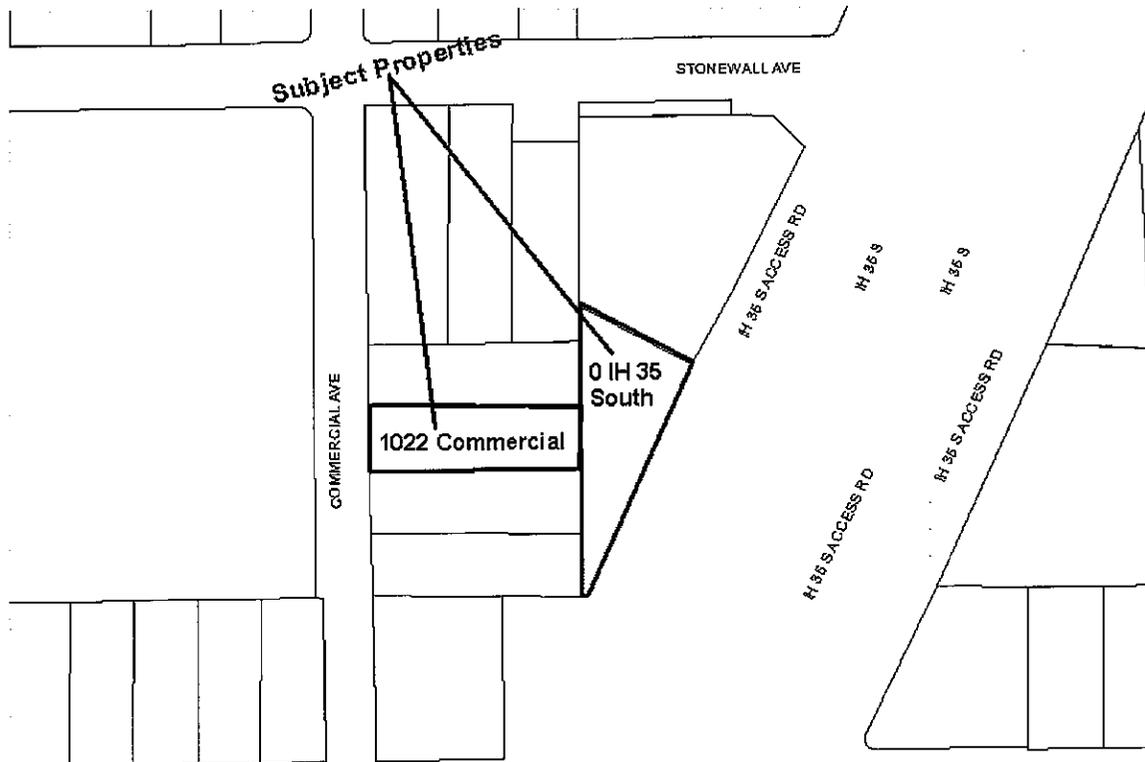
TSLGRS File Code: 1000-05

Document Title:

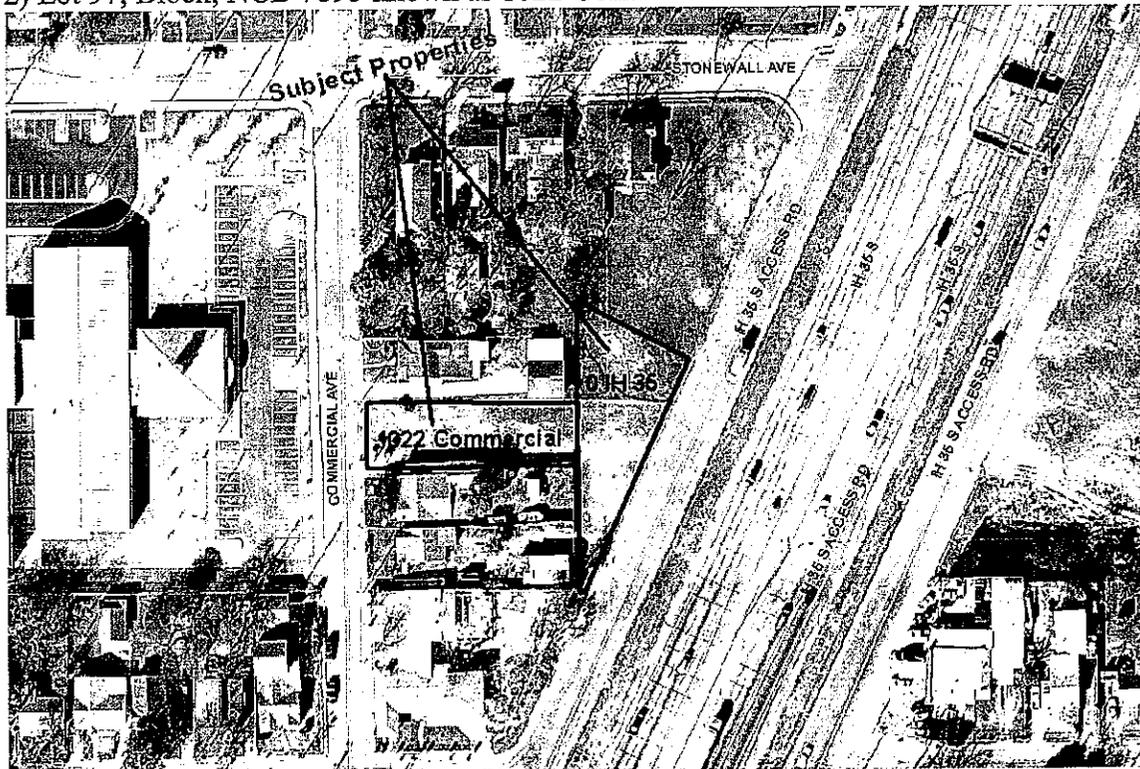
ORD - Request a Resolution and declare three City-owned properties as surplus NCBs 7895 and 10378 previously resrvd for State Highway System.

Ordinance Date:
1/31/2008

*Carri
6/9/08*

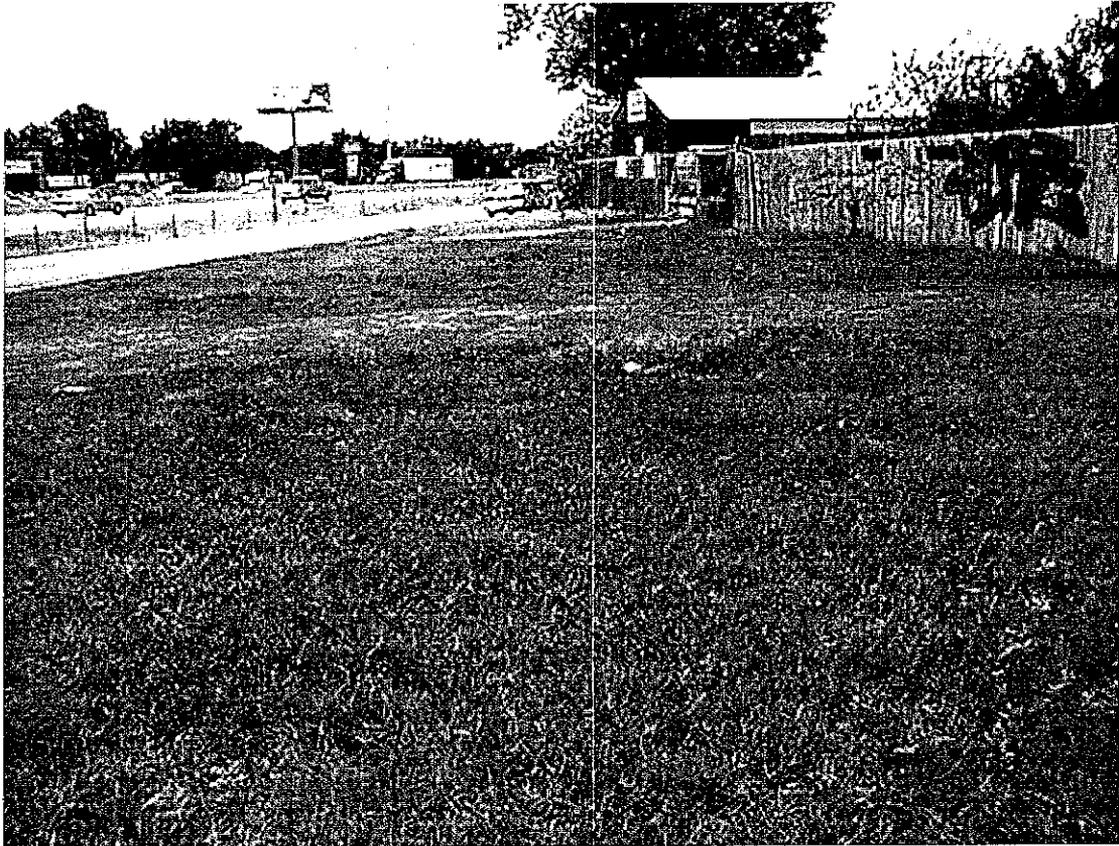


- 1) Map of tracts within New City Block 7895 legally described as Lot S Irregular 238.82 feet of tract 55, Block, New City Block 7895 commonly known as 0 IH 35 South and
- 2) Lot 97, Block, NCB 7895 known as 1022 Commercial Avenue in Council District No. 5

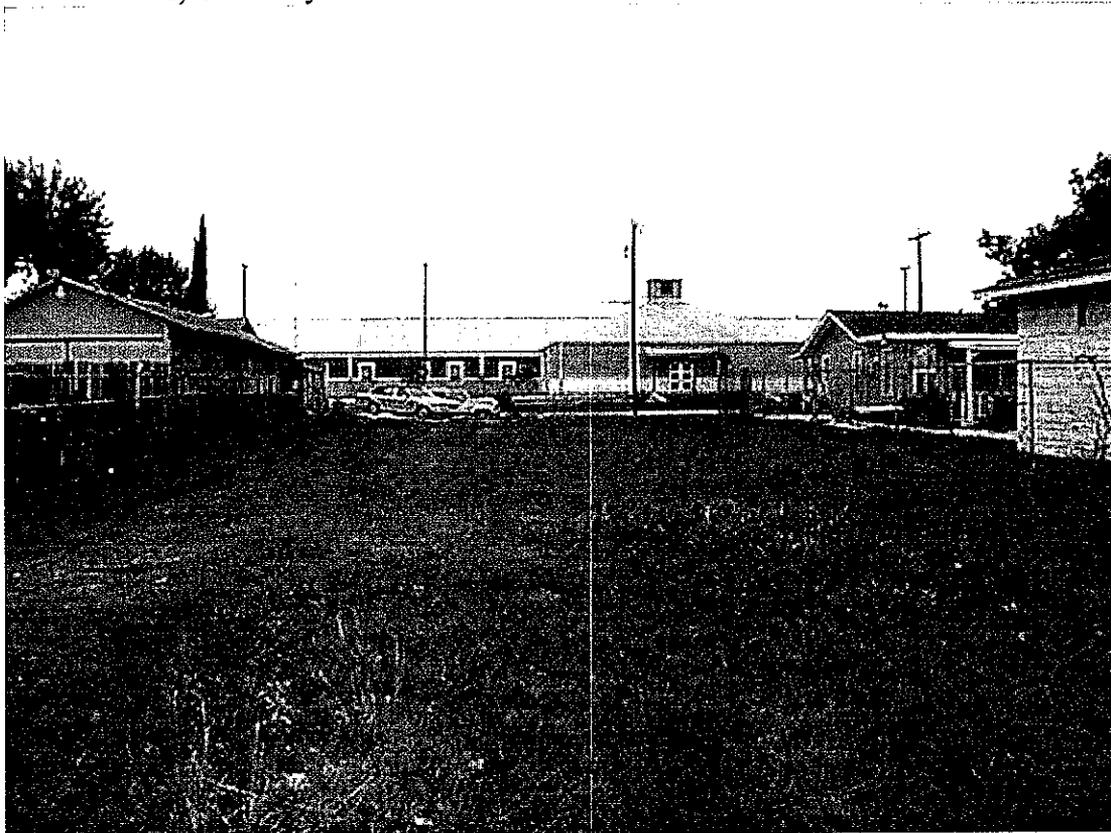


- 1) Aerial Photograph of tracts within New City Block 7895 legally described as Lot S Irregular 238.82 feet of Tract 55, Block, New City Block 7895 commonly known as 0 IH 35 South and 2) Lot 97, Block, NCB 7895 known as 1022 Commercial Avenue in Council District No. 5

Exhibit "A"



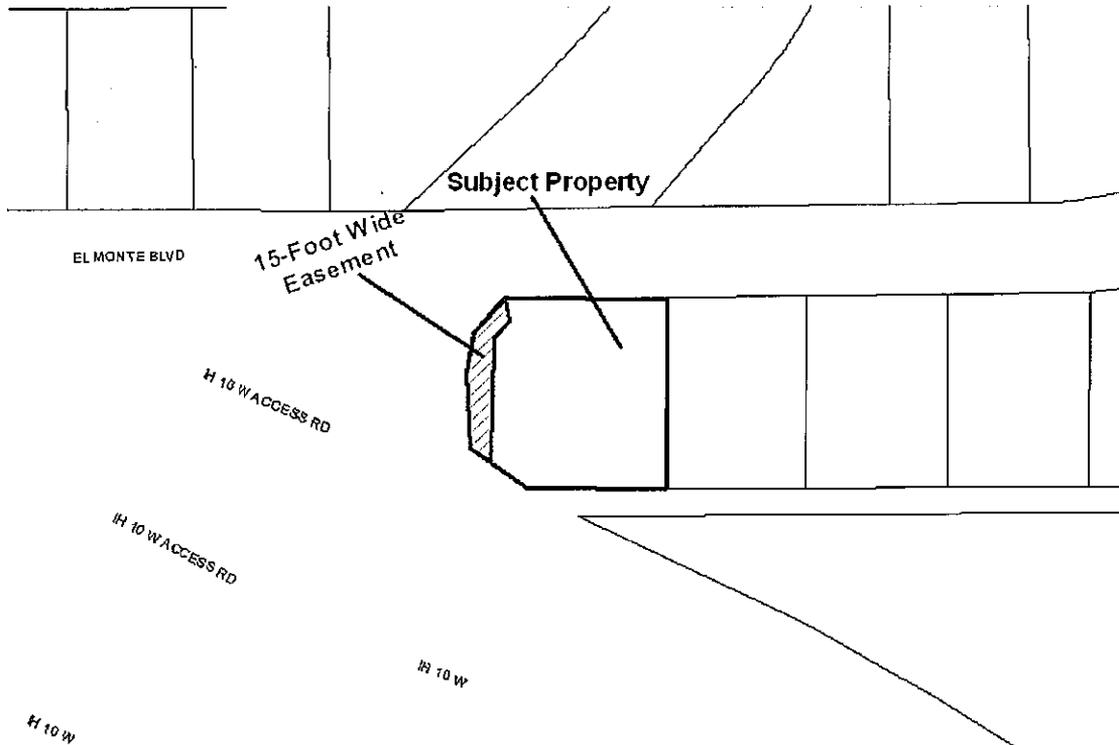
1) Southerly View of 0 IH 35 South in Council District No. 5



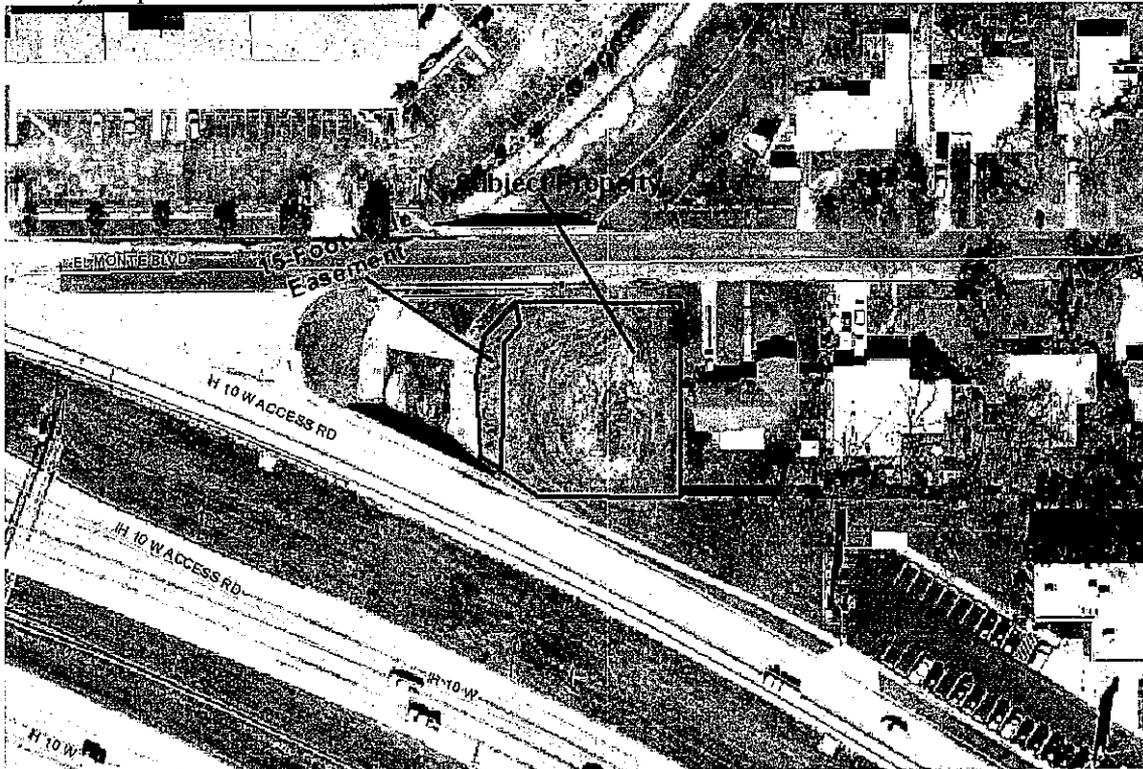
2) Westerly View of 1022 Commercial Avenue in Council District No. 5

Exhibit "A"

Page 2 of 4

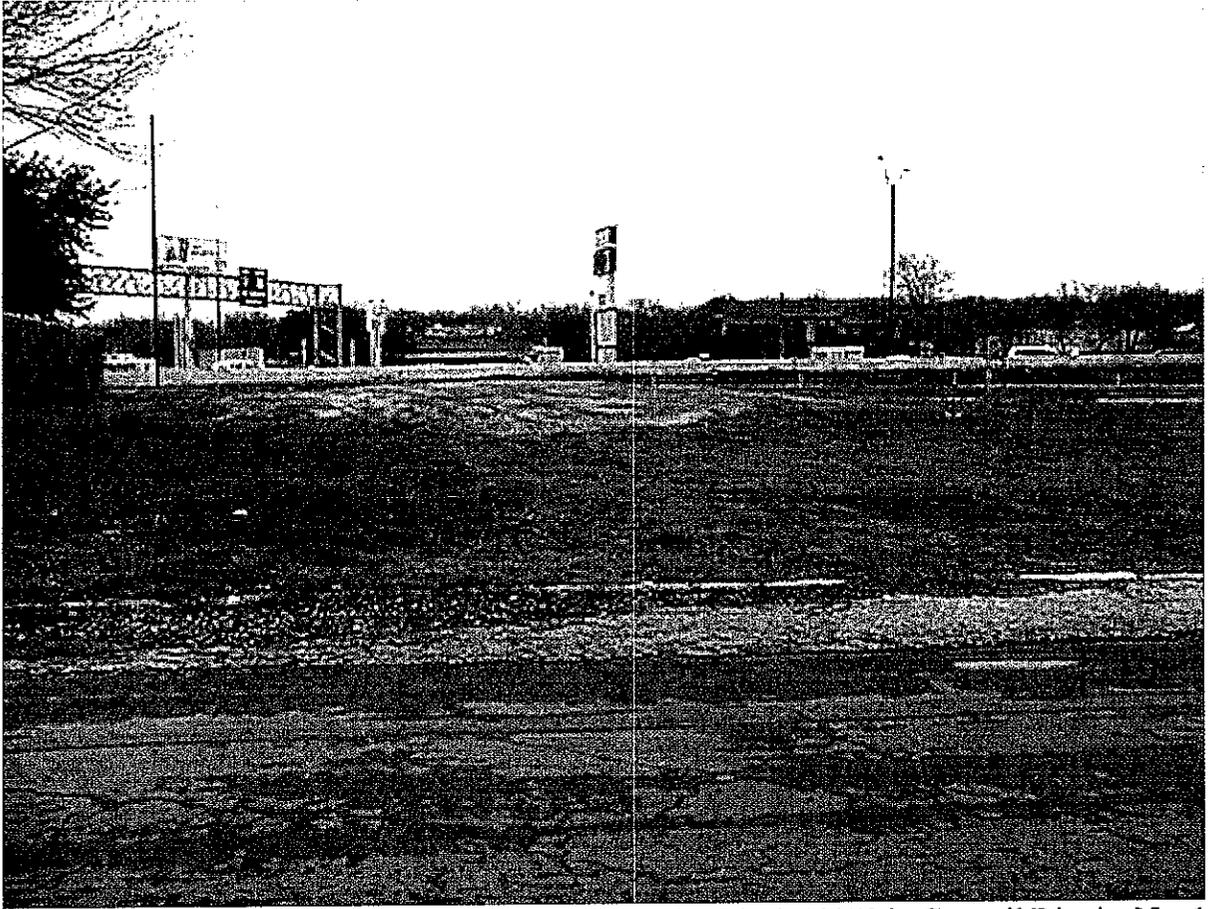


3) Map of tract within Block 6, New City Block 10378 in Council District No. 1



3) Aerial Photograph of tract within Block 6, New City Block 10378 in Council District No. 1

Exhibit "A"



3) Southerly View of tract within Block 6, New City Block 10378 in Council District No. 1

Exhibit "A"

Page 4 of 4