

AN ORDINANCE 2010-01-21-0043

**AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, DEDICATION OR CONDEMNATION OF A TURNAROUND EASEMENT TO A PORTION OF DIVISION 1, O.C.L. 4, DISTRICT 6, RANGE 5, OUT OF TRACT C, NCB 8669 OFF OF GROWDEN ROAD IN COUNCIL DISTRICT 5; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$7,800.00 FROM PREVIOUSLY APPROVED GENERAL OBLIGATION BOND FUNDS.**

\* \* \* \* \*

**WHEREAS**, the Project is in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the City of San Antonio ("City") seeks to acquire an easement interest in 0.0463 acres of land at fair market value either by negotiation, dedication or condemnation for the 36<sup>th</sup> Street – US 90 to Growden Road Project; and

**WHEREAS**, this Project provides for the reconstruction of 36<sup>th</sup> Street from US 90 to Growden to a four lane street with a median and will include curbs, sidewalks and drainage improvements; and

**WHEREAS**, acquisition of this property is necessary for providing proper drainage as well as a turnaround easement allowing vehicles on Growden Road a turnaround location since access to 36<sup>th</sup> Street will no longer exist; and

**WHEREAS**, in order to proceed with the acquisition of the easement, it is also deemed necessary and appropriate to establish just compensation for the easement interest to be acquired; and

**WHEREAS**, an independent appraisal for the easement interest to be acquired for easement has been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the easement interest; and

**WHEREAS**, the funds in the amount of \$7,800.00 for the 36<sup>th</sup> Street – US 90 to Growden Road Project has been approved, the estimated appraised value of this easement interest is \$6,600.00.  
**NOW THEREFORE;**

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

**SECTION 1.** The 36<sup>th</sup> Street – US 90 to Growden Project is hereby declared to be a necessary public project.

**SECTION 2.** The City Council of the City of San Antonio finds a public necessity exists to acquire an easement interest to certain privately owned real property, by negotiation, dedication or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street,

drainage and/or utility improvements as part of the 36<sup>th</sup> Street – US 90 to Growden Project in San Antonio, Bexar County, Texas.

**SECTION 3.** A specific public necessity exists to acquire by negotiation, dedication or condemnation; if necessary, the easement interest and more particularly described by metes and bounds and map affixed hereto as **Exhibit A** and incorporated herein for all purposes.

**SECTION 4.** Payment not to exceed \$6,600.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00839, 36th Street - US90 to Growdon, is authorized to be encumbered and made payable to Service Title for acquisition, title and filing costs.

**SECTION 5.** Payment not to exceed \$1,200.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00839, 36th Street - US90 to Growdon, is authorized to be encumbered and made payable to Dugger, Canaday, Grafe Inc. for appraisal services.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 7.** The City staff is hereby directed to negotiate with the owner of the respective parcel for the acquisition of the easement interest at fair market value as found in Section 4, above, to execute sales agreements purchasing the easement interest from the owner as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the easement interest from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

**SECTION 8.** In the event that the City staff is unable to acquire the easement interest by negotiation by reason of its inability to agree with the owners thereof as to the value of the easement, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the easement interest. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be needed from time to time, and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

**SECTION 9.** Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

**SECTION 10.** The financial allocations in this Ordinance are subject to approval by the Director of San Antonio, City of San Antonio. The Director of Finance, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 11.** This Ordinance shall be effective immediately if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

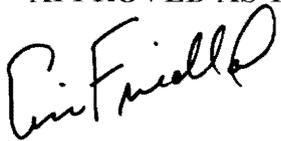
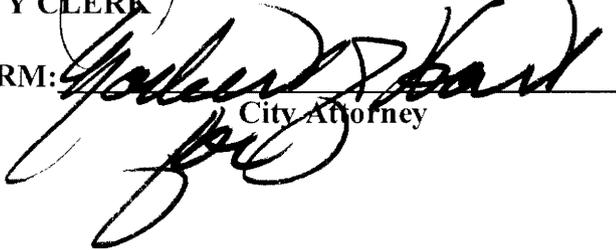
**PASSED AND APPROVED** this the 21<sup>st</sup> day of January, 2010.

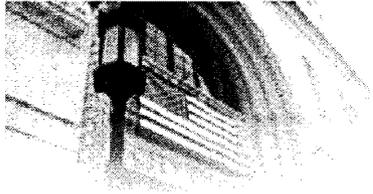
ATTEST:

  
CITY CLERK

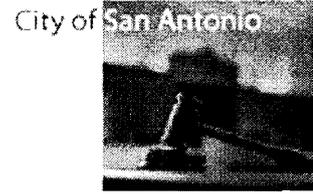
  
MAYOR  
JULIAN CASTRO

APPROVED AS TO FORM:

  
  
City Attorney



Request for  
**COUNCIL**  
ACTION



### Agenda Voting Results - 15E

<b>Name:</b>	15A, 15D, 15E						
<b>Date:</b>	01/21/2010						
<b>Time:</b>	04:47:54 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acquisition, through negotiation, dedication or condemnation of a turnaround easement to a portion of Tract C, NCB 8669; declaring this project to be a public project; declaring a public necessity for the acquisition; and authorizing the expenditure of \$7,800.00 for the acquisition, available from authorized General Obligation Street Bond funds.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

**A Metes and Bounds Description of a 0.0463 of an Acre  
Turn Around Easement**

Being 0.0463 of an acre, (2,018 square foot), Turn Around Easement, out of a 4 acre tract recorded in Volume 7866, Page 447 of the Official Public Records of Real Property of Bexar County, Texas, in the City of San Antonio, Bexar County, being out of Division 1, O.C.L. 4, District 6, Range 5, also out of tract C, New City Block 8669, Texas, said easement being more particularly described as follows:

COMMENCING: At a found ½" iron rod, for the southwest corner of said 4 acre tract and the southeast corner of a 17.3928 acre tract recorded in Volume 6859, Page 1650 of the Official Public Records of Real Property of Bexar County, Texas and same point being an angle point in a north line of a 1402.40 acre tract described in Volume 7211, Page 664 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 84°07'16" E, along and with the north line of the aforementioned 1402.40 acre tract and the south line of the said 4 acre tract, a distance of 89.79 feet to a set ½" iron rod with yellow cap stamped "B.M.B. Inc. Easement", for the **POINT OF BEGINNING** of the herein described easement;

THENCE: N 06°06'40" E, departing the north line of the said 1402.40 acre tract across and into the aforementioned 4 acre tract, a distance of 40.35 feet to a set ½" iron rod with yellow cap stamped "B.M.B. Inc. Easement" the northwest corner of the herein described easement;

THENCE: S 84°07'16 E, continuing across and into 4 acre tract, a distance of 50.00 feet to a set ½" iron rod with yellow cap stamped "B.M.B. Inc. Easement", the northeast corner of the herein described easement;

THENCE: S 06°06'40 W, continuing across and into said 4 acre tract, a distance of 40.35 feet to a set ½" iron rod with yellow cap stamped "B.M.B. Inc. Easement" a north line of the aforementioned 1402.40 acre tract, the southeast corner of the herein described easement;

THENCE: N 84°07'16 W, along and with a north line of the aforementioned 1402.40 acre tract a distance of 50.00 feet, to the **POINT OF BEGINNING** containing 0.0463 of an acre more or less, said easement being described in accordance with a survey made on the ground under my supervision and prepared by Bain Medina Bain, Inc.

Bearings are based on the Texas Coordinate System, South Central Zone, NAD83.  
Bearings are grid, distances and area are surface.

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

Surveyed on the ground 13 day of JUNE, 2008.



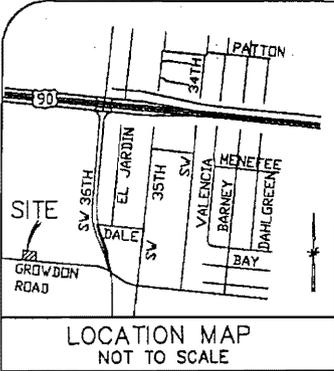
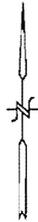
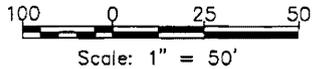
A handwritten signature in black ink, appearing to read "A. E. Reyes".

Adrian E. Reyes  
Registered Professional Land Surveyor  
Texas Registration No. 5806

CITY OF SAN ANTONIO  
EASEMENT PARCEL # 17962E

**LEGEND**

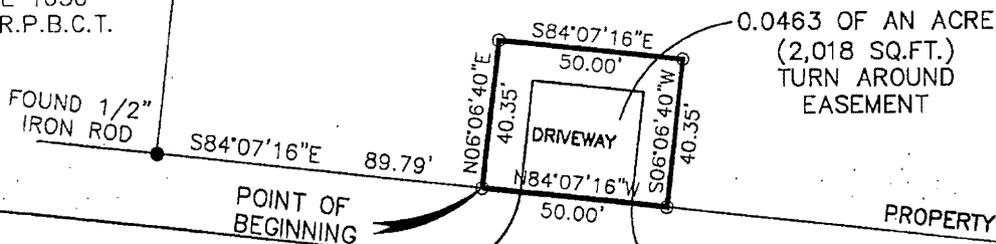
- Set 1/2" IRON ROD WITH A YELLOW CAP MARKED "B.M.B., INC., EASEMENT" UNLESS OTHERWISE NOTED.
- O.P.R.R.P.B.C.T. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS.
- ○ — ○ — CHAIN LINK FENCE



4 ACRES  
GABRIEL L. THIENPORT  
VOLUME 7866, PAGE 447  
O.P.R.R.P.B.C.T.

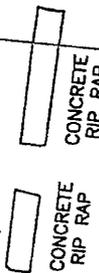
DIVISION 1,  
O.C.L. 4, DISTRICT 6,  
RANGE 5, AND TRACT C,

17.3928 ACRES  
ALAMO  
AIRCRAFT  
VOLUME 6859,  
PAGE 1650  
O.P.R.R.P.B.C.T.



GROWDON ROAD  
(PORT AUTHORITY  
OF SAN ANTONIO)

EDGE OF PAVEMENT  
EDGE OF PAVEMENT



1402.40 ACRES  
PORT AUTHORITY  
OF SAN ANTONIO  
VOLUME 7211, PAGE 664  
O.P.R.R.P.B.C.T.

DIVISION 1,  
O.C.L. 4, DISTRICT 6,  
RANGE 5, AND TRACT C,

1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.
2. BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83. BEARINGS ARE GRID, DISTANCES AND AREA ARE SURFACE.

STATE OF TEXAS §  
COUNTY OF BEXAR §

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THIS 13 DAY OF JUNE, 20 08 A.D.

*[Signature]*  
ADRIAN REYES R.P.L.S. 5806  
REVISED DATE : \_\_\_\_\_ (JOB) NO.: S-5175



0.0463 OF AN ACRE TURN AROUND EASEMENT GROWDON ROAD	DESIGNED BY: AR
	DRAWN BY: LMS3
PREPARED BY: <b>MB</b> BAIN MEDINA BAIN, INC. ENGINEERS & SURVEYORS 7073 San Pedro San Antonio, Texas 78216 210/494-7223	APPROVED BY: AR
	DATE: JUNE 2008
	JOB NO.: S-5175
SHEET 3 OF 3	