

AN ORDINANCE 2010-03-04-0166

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF A PERMANENT UTILITY EASEMENT ON PRIVATELY OWNED REAL PROPERTY OUT OF LOT 19, BLOCK 11, NEW CITY BLOCK 19216 IN COUNCIL DISTRICT 9 FOR THE PARMAN LIBRARY AT STONE OAK PROJECT, A 2007-2012 BOND AND CERTIFICATES OF OBLIGATION PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING AN EXPENDITURE OF \$6,000.00 FROM PREVIOUSLY APPROVED CERTIFICATES OF OBLIGATION FOR THE ACQUISITION AND OTHER ASSOCIATED EXPENDITURES.

* * * * *

WHEREAS, the City of San Antonio ("City") seeks to acquire a utility easement interest on privately owned property at fair market value either by negotiation, dedication or condemnation for the Parman Library at Stone Oak Project; and

WHEREAS, this Project provides for the construction of a 16,400 square foot library on a 10 acre heavily wooded site over the Edwards Aquifer, with a drive through site, associated parking and detention pond; and

WHEREAS, acquisition of this property will allow a 24 foot long x 28 foot wide utility easement to bridge a gap from the library property line to the existing easement and bring temporary overhead power to site for construction and permanent power to the library from an existing utility pole; and

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

WHEREAS, the funds in the amount of \$6,000.00 for the Parman Library at Stone Oak Project has been approved from previously approved Certificates of Obligation; **NOW THEREFORE**,

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

SECTION 1. The City Council of the City of San Antonio finds a public necessity exists to acquire a permanent utility easement interest to certain privately owned real property, by negotiation, dedication or condemnation, for the Parman Library at Stone Oak Project in San Antonio, Bexar County, Texas.

SECTION 2. A specific public necessity exists to acquire by negotiation, dedication or condemnation; if necessary, the permanent utility easement interest as depicted on Site Map attached hereto as **Exhibit A** and incorporated herein for all purposes.

SECTION 3. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00142, District 9 New Branch Library, shall be revised by increasing/decreasing the SAP WBS Elements as follows:

WBS NO.	WBS NAME	G/L	G/L NAME	CURRENT PLAN VERSION 0 (Optional)	PLAN VERSION 0 REVISION/ Appropriation	REVISED PLAN VERSION 0 (Optional)
40-00142-01-02	Design	5101010	Regular Salaries	\$0.00	\$665.94	\$665.94
40-00142-01-02	Design	5103005	FICA & Medicare Exp	\$0.00	\$50.55	\$50.55
40-00142-01-02	Design	5105010	Retirement Exp	\$0.00	\$84.66	\$84.66
40-00142-01-02	Design	5201100	Architectural Fees	\$271,044.10	-\$195,148.93	\$75,895.17
40-00142-01-02	Design	5201170	Engineering Fees	\$400,000.00	\$195,148.93	\$595,148.93
40-00142-01-04	Design Capital Admin Costs	5101010	Regular Salaries	\$0.00	\$894.65	\$894.65
40-00142-01-04	Design Capital Admin Costs	5103005	FICA & Medicare Exp	\$0.00	\$67.25	\$67.25
40-00142-01-04	Design Capital Admin Costs	5105010	Retirement Exp	\$0.00	\$112.67	\$112.67
40-00142-01-04	Design Capital Admin Costs	5402010	Cap Prog Admin Cost	\$70,237.55	\$12,402.25	\$82,639.80
40-00142-01-05	Program Management Cost	5201040	Fees to Prof Contractors	\$0.00	\$7,428.33	\$7,428.33
40-00142-01-05	Program Management Cost	5402010	Cap Prog Admin Cost	\$0.00	\$1,752.87	\$1,752.87
40-00142-01-06	Design Enhancement	5201040	Fees to Prof Contractors	\$43,724.00	-\$6,550.00	\$37,174.00
40-00142-01-06	Design Enhancement	5201170	Engineering Fees	\$0.00	\$6,550.00	\$6,550.00
40-00142-01-07	\$30 Million (Tax Notes)	5201170	Engineering Fees	\$45,000.00	-\$944.17	\$44,055.83
40-00142-01-07	\$30 Million (Tax Notes)	5402010	Cap Prog Admin Cost	\$5,000.00	\$944.17	\$5,944.17
40-00142-03-02- 04	ROW Acquisition	5209010	Land Acquisition	\$0.00	\$6,000.00	\$6,000.00
40-00142-04-01	Environmental Capital Admin Costs	5101010	Regular Salaries	\$0.00	\$253.20	\$253.20
40-00142-04-01	Environmental Capital Admin Costs	5103005	FICA & Medicare Exp	\$0.00	\$16.37	\$16.37
40-00142-04-01	Environmental Capital Admin Costs	5105010	Retirement Exp	\$0.00	\$31.75	\$31.75
40-00142-04-01	Environmental Capital Admin Costs	5402010	Cap Prog Admin Cost	\$4,213.00	-\$301.32	\$3,911.68
40-00142-04-02	Environmental	5201040	Fees to Prof	\$22,131.00	-\$2,694.00	\$19,437.00

	Costs		Contractors			
40-00142-04-02	Environmental Costs	5201170	Engineering Fees	\$0.00	\$2,694.00	\$2,694.00
40-00142-04-02	Environmental Costs	5402010	Cap Prog Admin Cost	\$0.00	\$7.02	\$7.02
40-00142-05-02	Construction Costs	5201140	Construction Cost	-\$21,400.00	\$21,400.00	\$0.00
40-00142-05-02-01	Construction - City	5201140	Construction Cost	\$4,372,972.95	-\$15,378.95	\$4,357,594.00
40-00142-05-02-01	Construction - City	5202020	Contractual Services	\$0.00	\$15,378.95	\$15,378.95
40-00142-05-06	Project Contingency	5201140	Construction Cost	\$211,118.70	-\$50,866.19	\$160,252.51
			TOTALS	\$5,424,041.30	\$0.00	\$5,424,041.30

SECTION 4. Payment in the amount not to exceed \$6,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00142, District 9 New Branch Library, is authorized to be encumbered and made payable to Alamo Title Company for acquisition of a permanent utility easement on one parcel of privately owned real property.

SECTION 5. 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 6. The City staff is hereby directed to negotiate with the owner of the parcel for the acquisition of the easement interest at fair market value, 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.

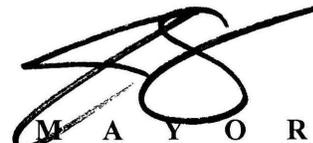
SECTION 7. In the event that the City negotiations fail and staff is unable to acquire the easement interest from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be needed from time to time, and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 8. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 9. 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 10. 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 4th day of March, 2010.



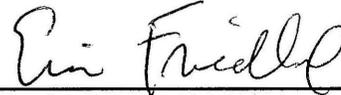
M A Y O R
Julián Castro

ATTEST:

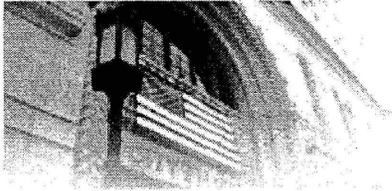


Leticia M. Vadek, City Clerk

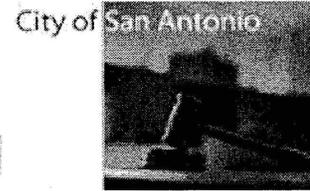
APPROVED AS TO FORM:



for _____
Michael Bernard, City Attorney



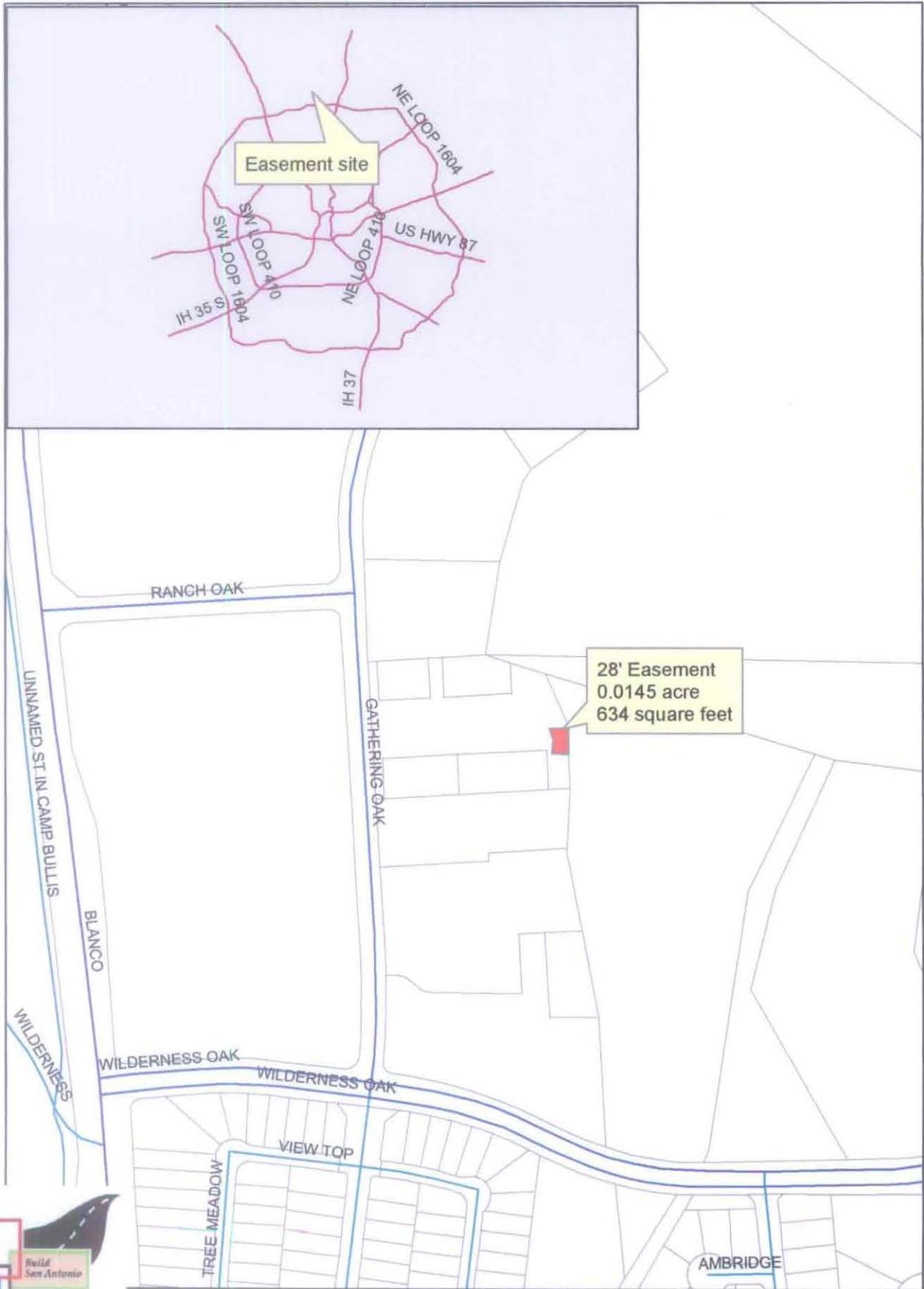
Request for
**COUNCIL
ACTION**



Agenda Voting Results - 13

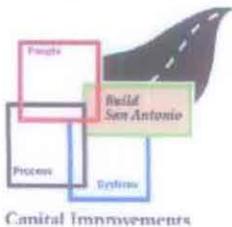
Name:	6, 7, 9, 10, 11, 12, 13, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 18, 19						
Date:	03/04/2010						
Time:	10:11:48 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through negotiation or condemnation, of a permanent utility easement on privately owned real property out of Lot 19, Block 11, New City Block 19216 in Council District 9 for the Parman Library at Stone Oak Project, a 2007-2012 Bond and Certificates of Obligation Project; declaring it to be a public project; declaring a public necessity for the acquisition; and authorizing an expenditure of \$6,000.00 from previously approved Certificates of Obligation for the acquisition and other associated expenditures. [Pat DiGiovanni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		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				

District #9 New Branch Library Parman Library at Stone Oak



Not to Scale

EXHIBIT A





SCANNED

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property 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 § **Know All By These Presents:**

Parcel # 18302A
Parman Library

Utility Easement Deed



Authorizing Ordinance: 2010-03-04-0166

Grantor: Traditional Value Homes, Ltd.

Grantor's Address: P.O. Box 4198, Bergheim, Texas 78004-4198

Grantee City of San Antonio

Grantee's Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Purchase Price: \$1,585

Purpose of Easement: The following purposes:

- 1. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting sanitary sewer lines and associated facilities
- 2. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting water lines and water line facilities;
- 3. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting distribution gas main pipelines, service connections and all necessary or desirable appurtenances
- 4. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting underground and overhead electric transmission and distribution lines consisting of variable numbers of wires and cables, and all necessary or desirable appurtenances
- 5. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting poles, hanging wires on, installing underground cables, conduits, aboveground transformers

6. Constructing, reconstructing, inspecting, patrolling, maintaining, repairing, replacing, relocating, removing, and erecting lines and facilities of other utilities
7. Removing from the Servient Estate all trees and parts thereof and other obstructions that may interfere with the exercise of the rights granted hereunder
8. All other rights respecting constructing, reconstructing, inspecting, patrolling, maintaining, and repairing utilities and their lines and facilities that would exist were the Servient Estate a public street right of way easement
9. Ingress and egress over the Servient Estate for the purpose of exercising all other rights hereby granted

Description of Servient Estate: A 0.0146 acre parcel out of Lot 19, Block 11, NCB 19216, Gathering Oaks PUD, as shown on a plat recorded at Volume 9577, Page 16, Deed and Plat Records, Bexar County, Texas, as described on **Exhibit A**, which is incorporated into this agreement for all purposes as if fully set forth.

In consideration of the Purchase Price, Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement in gross in perpetuity over, across, under, and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above. Grantor covenants and for itself, its heirs, executors, successors, and assigns, that no building or obstruction of any kind will be placed on the servient estate herein granted. Despite this easement being in gross, it may be assigned to a utility providing utility service to the area in which the Servient Estate is located.

To Have and To Hold the above described easement and rights unto Grantee, its successors and assigns, until its use is abandoned. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereto.

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Witness my hand, this 11th day of March, 2010.

Traditional Value Homes, Ltd. a Texas limited partnership, by and through its sole general partner

Productive Management Services, LLC, a Texas limited liability company

By: [Signature]

Printed Name: Norman Rutzmeyer

Title: Owner

Date: 3/11/10

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date, in the capacity therein stated, by Norman Rutzmeyer, on behalf of Productive Management Services, LLC, a Texas limited liability company, in that entity's capacity as sole general partner of Traditional Value Homes, Ltd.

Date: 3/11/10

[Signature]
Notary Public, State of Texas

My Commission expires: 3/19/11



Exhibit A

VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS

Parcel# 18302A

Project: District 9 Library-Parman

METES AND BOUNDS DESCRIPTION
FOR A 0.0146-ACRE UTILITY EASEMENT
OUT OF LOT 19, BLOCK 11, NCB 19216,
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

Being a 0.0146-acre (634 square feet) Utility Easement out of Lot 19, Block 11, NCB 19216, Gathering Oaks PUD, as shown on plat recorded in Volume 9577, Page 16, Deed and Plat Records of Bexar County, Texas, said Lot 19 being a portion out of a 3.210-acre tract conveyed to Traditional Value Homes, Ltd. by Warranty Deeds recorded in Volume 12177, Page 1689, and Volume 12177, Page 1694, both recorded in the Official Public Records of Real Property, Bexar County, Texas, said 0.0146-acre easement being more particularly described as follows with all bearings being referenced to North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone:

COMMENCING at a found ½ inch iron rod at the common corner of a 8.744-acre tract recorded in Volume 13764, Page 1741, Official Public Records of Real Property, Bexar County, Texas, said Lot 19, and a tract of land currently owned by San Antonio River Authority and described by deed recorded in Volume 6823, Page 556, Official Public Records of Real Property, Bexar County, Texas, South 23°54'57" East, along the common line of said 8.744-acre tract and Lot 19, a distance of 127.36 feet to a point, South 02°02'37" East, continuing along said common line, a distance of 16.35 feet to the **POINT OF BEGINNING** and northeast corner of the herein described easement;

THENCE, South 02°02'37" East, continuing along said common line, a distance of 28.10 feet to a point for the southeast corner of the herein described easement;

THENCE, departing said common line into and across said Lot 19, the following four (4) courses:

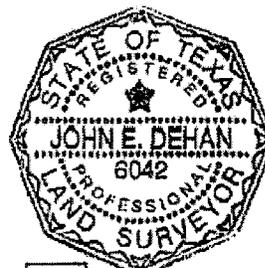
North 87°09'31" West, a distance of 23.10 feet to a point on the east line of an existing 28 foot wide Electric Easement as shown on plat recorded in Volume 9518, Page 4, Deed and Plat Records of Bexar County, Texas, for the southwest corner of the herein described easement;

North 02°58'46" East, continuing along the common line of said existing Electric Easement and this easement, a distance of 15.87 feet to a point for a corner of the herein described easement;

North 13°27'29" West, continuing along said common line, a distance of 12.64 feet to a point for the northwest corner of the herein described easement;

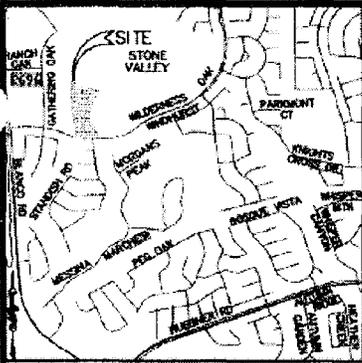
South 87°09'31" East, departing said common line, a distance of 24.22 feet to the **POINT OF BEGINNING** containing 0.0146 of an acre or 634 square feet of land, more or less.


John E. DeHan, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration Number 6042
Vickrey & Associates, Inc.



V&A Job No. 1795-003-108
JD m&b (634 sq. ft.)
January 20, 2010





PARCEL #: 18302A
PROJECT: DISTRICT 9 LIBRARY-PARMAN

REMAINING PORTION OF 364.887 ACRES
VOLUME 6823, PAGE 556
O.P.R.
OWNER: SAN ANTONIO RIVER AUTHORITY



SCALE: 1" = 30'

LOCATION MAP
NOT TO SCALE

P.O.C.
FOUND 1/2" IRON ROD

LINE TABLE		
LINE	LENGTH	BEARING
L1	28.10'	S02°02'37"E
L2	23.10'	N87°09'31"W
L3	15.87'	N02°58'46"E
L4	12.64'	N13°27'29"W
L5	24.22'	S67°09'31"E

EXIST. 28' ELECTRIC EASEMENT
VOLUME 9518, PAGE 4
D.P.R.

8.744-ACRE TRACT
VOLUME 13764, PAGE 1741
O.P.R.
OWNER: SAN ANTONIO PUBLIC LIBRARY FOUNDATION

LOT 19, BLOCK 11, NCB 19216
GATHERING OAKS PUD
VOLUME 9577, PAGE 16
D.P.R.
OWNER: TRADITIONAL VALUE HOMES, LTD.

S02°02'37"E, 16.35'

P.O.B.

LEGEND

- FOUND 1/2 INCH IRON ROD w/ V/A PROPERTY CORNER CAP. (UNLESS OTHERWISE NOTED)
- POINT
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.
- D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- SQ. FT. SQUARE FEET
- x- WIRE FENCE LINE

28' UTILITY EASEMENT
0.0146 ACRE
(634 SQ. FT.)

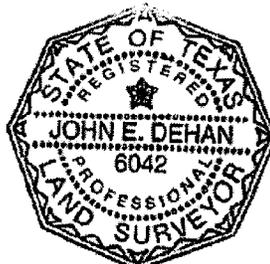
CONC.

EXHIBIT OF
A 0.0146-ACRE (634 SQ. FT.) UTILITY EASEMENT
OUT OF LOT 19, BLOCK 11
NEW CITY BLOCK 19216, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

PAGE 2 OF 2

DATED THIS THE 20th DAY OF Jan, 2010

John E. Dehan
JOHN E. DEHAN, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6042
VICKREY & ASSOCIATES, INC



VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
12940 Country Parkway, San Antonio, Texas 78216
Telephone: (210)348-3271
Firm Registration No: F-159

CITY OF SAN ANTONIO
Department of Capital Improvements Management Services
(CIMS)
Real Estate Acquisition Division

TO: Leticia Vacek, City Clerk
FROM: Steve Hodges, Real Estate Manager 
COPIES: Mary Esther Gaitan, Senior Real Estate Specialist
SUBJECT: Real Estate Transaction
Project Name: Parman Library District 9
Parcel#: 18302A
Ordinance#: 2010-03-04-0166

DATE: March 25, 2010

Attached please find the original recorded instrument for the real estate transaction between the City and Traditional Value Homes, Ltd. being more fully described as:

Being a 0.0146 acre parcel out of Lot 19, Block 11, NCB 19216, Gathering Oaks PUD, as shown on a plat recorded at Volume 9577, Page 16, Deed and Plat Records, Bexar County, Texas

Should any further information be required, please feel free to contact Mary Esther Gaitan at 207-8119.