

AN ORDINANCE      2010-12-16-1085

**AUTHORIZING THE ACCEPTANCE OF 2.463 ACRES TO BE DONATED BY CHANDOHA, LTD. TO THE CITY OF SAN ANTONIO TO BE USED AS THE RIGHT-OF-WAY FOR THE REALIGNMENT OF EAST THEO AVENUE, AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT**

\* \* \* \* \*

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

**SECTION 1.** The City authorizes and directs the City Manager and her designee, severally, to accept by donation on behalf of the City the property interest described below:

From Chandoha, Ltd.

A public street right-of-way interest in the two tracts described in **Attachment A-1** and **Attachment A-2**.

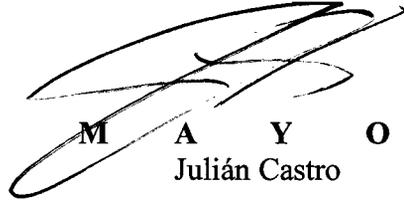
**SECTION 2.** The City Manager and her designee, severally, should take all other actions necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form.

**SECTION 3.** There is no fiscal impact from this item. Maintenance of the newly constructed portion of East Theo Avenue will be included as a part of the City's street maintenance program.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the 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.

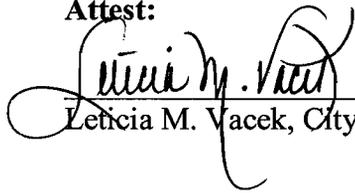
**SECTION 5.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

**PASSED AND APPROVED** this 16<sup>th</sup> day of December 2010.



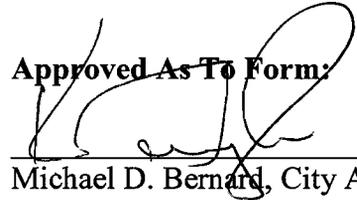
**M A Y O R**  
Julián Castro

**Attest:**



\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**Approved As To Form:**



\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**

City of San Antonio



## Agenda Voting Results - 28B

<b>Name:</b>	28A, 28B						
<b>Date:</b>	12/16/2010						
<b>Time:</b>	03:00:25 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acceptance of 2.463 acres to be donated by Chandoha, Ltd. to the City of San Antonio to be used as the Right-Of-Way for the realignment of East Theo Avenue, as requested by the Parks and Recreation Department.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			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				

**Attachment A-1**

---

**THE STATE OF TEXAS:  
COUNTY OF BEXAR:**

**FIELD NOTES  
FOR 1.171 ACRES (50,993 SQ.FT)**

**BEING 1.171 ACRES (50,993 SQ. FT.) OF LAND, OUT OF A 55.132 ACRE TRACT OF LAND, N.C.B. A-20, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS DESCRIBED IN A SURVEY MADE BY DAVID CASANOVA, REGISTERED PROFESSIONAL LAND SURVEYOR # 4251, DATED JULY 15, 2009, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

Beginning at a set iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", said point being the northwest corner of this tract and in the proposed north Right of Way line of Theo Avenue and being in the north line of said 55.132 acre tract and the south line of a 13.27 acre tract, N.C.B. A-20, City of San Antonio, Bexar County, Texas recorded in Volume 11586, Page 964 of the Official Public Records of Real Property of Bexar County, Texas, said point being N. 71°26'11" E., 207.84 feet from the northwest corner of said 55.132 acre tract and the southwest corner of said 13.27 acre tract;

Thence N. 71°26'11" E., 106.18 feet, with the common line of said 55.132 acre tract and said 13.27 acre tract, crossing the proposed Right of Way of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", for the north corner of the herein described tract;

Thence S. 22°27'41" W., 3.02 feet, leaving the south line of said 13.27 acre tract and crossing said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 56.07 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 580.00 feet, a tangent of 28.06 feet, a delta angle of 05°32'19" and a chord bearing and distance of S. 25°13'50" W., 56.05 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S. 28°00'00" W., 126.79 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 48.03 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 388.00 feet, a tangent of 24.05 feet, a delta angle of 07°05'33" and a chord bearing and distance of S. 31°32'47" W., 48.00 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PRC of a curve to the left;

Thence an arc length of 22.16 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a radius of 15.00 feet, a tangent of 13.66 feet, a delta angle of 84°39'39" and a chord bearing and distance of S. 07°14'16" E., 20.20 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S. 49°34'06" E., 10.82 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", for an angle point of the herein described tract;

Thence S. 40°25'54" W., 57.50 feet, continuing across said 55.132 acre tract, with the south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the left;

Thence an arc length of 21.43 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a radius of 15.00 feet, a tangent of 13.01 feet, a delta angle of 81°51'44" and a chord bearing and distance of S. 89°30'02" W., 19.65 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S. 48°34'10" W., 103.16 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of tangent curve to the right;

Thence an arc length of 32.92 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 65.00 feet, a tangent of 16.82 feet, a delta angle of 29°01'00" and a chord bearing and distance of S. 63°04'40" W., 32.57 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at a PRC of a curve to the left;

Thence an arc length of 23.38 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 60.00 feet, a tangent of 11.84 feet, a delta angle of 22°19'46" and a chord bearing and distance of S. 66°25'17" W., 23.24 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S. 55°15'24" W., 18.90 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at a PC of a tangent curve to the left;

Thence an arc length of 43.18 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a

radius of 370.00 feet, a tangent of 21.62 feet, a delta angle of  $06^{\circ}41'14''$  and a chord bearing and distance of S.  $51^{\circ}54'47''$  W., 43.16 feet, to a set 1/2" iron rod with an orange

plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at a PRC of a curve to the right;

Thence an arc length of 218.77 feet, continuing across said 55.132 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 430.00 feet, a tangent of 111.81 feet, a delta angle of  $29^{\circ}09'03''$  and a chord bearing and distance of S.  $63^{\circ}08'41''$  W., 216.42 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR" in the west line of said 55.132 acre tract and the east line of a portion of a called 20 acre tract referred to as Tract Sixth described in Volume 828, Page 65 of the Deed and Plat Records of Bexar County, Texas, for the south corner of the herein described tract;

Thence N.  $03^{\circ}54'57''$  W., 60.75 feet, along the common line between said 55.132 acre tract and said 20 acre tract and crossing the proposed Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", set in a curve to the left;

Thence an arc length of 222.59 feet, crossing said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the left, having a radius of 370.00 feet, a tangent of 114.78 feet, a delta angle of  $34^{\circ}28'10''$  and a chord bearing and distance of N.  $59^{\circ}07'01''$  E., 219.25 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N.  $41^{\circ}52'56''$  E., 14.95 feet, continuing across said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 64.19 feet, continuing across said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the right, having a radius of 550.00 feet, a tangent of 32.13 feet, a delta angle of  $06^{\circ}41'14''$  and a chord bearing and distance of N.  $45^{\circ}13'33''$  E., 64.16 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDIAN BAIN INC PROP COR", at the PT of said curve;

Thence N.  $48^{\circ}34'10''$  E., 87.85 feet, continuing across said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the left;

Thence an arc length of 112.01 feet, continuing across said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the left, having a radius of 312.00 feet, a tangent of 56.61 feet, a delta angle of  $20^{\circ}34'10''$  and a chord bearing and distance of N.  $38^{\circ}17'05''$  E., 111.41 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N. 28°00'00" E.. 108.68 feet, continuing across said 55.132 acre tract, with the proposed north Right of Way line of Theo Avenue, to the place of beginning containing 1.171(50,993 Sq. Ft.) acres, more or less.

Bearings based on NAD 83(93), Texas South Central Zone.

All distances are grid.

This property description is accompanied by a separate plat of even date.

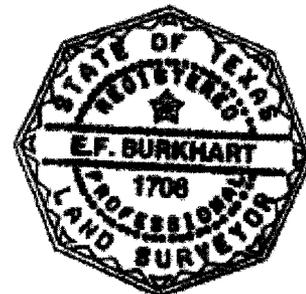
Surveyed on the ground the 21<sup>st</sup> day of July, 2010.



E. F. Burkhart, RPLS 1706

Revised Date 08/17/2010

Job # S-5294



**Attachment A-2**

~~THE STATE OF TEXAS:~~

COUNTY OF BEXAR:

**FIELD NOTES  
FOR 1.292 ACRES (56,281 SQ.FT)**

**BEING 1.292 ACRES (56,281 SQ. FT.) OF LAND, OUT OF A 13.27 ACRE TRACT OF LAND, N.C.B. A-20 RECORDED IN VOLUME 11586, PAGE 964 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, AND BEING PART OF LOT 54, N.C.B. A-20, ST. PETER/JOSEPH & AND SETON HOME SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS RECORDED IN VOLUME 9563, PAGE 192 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

Beginning at a set iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", said point being the east corner of this tract and in the existing west Right of Way line of Mission Road, said point being in the east line of said 13.27 acre tract and the east line of said Lot 54, said point being N.  $47^{\circ}29'26''$  W., 42.55 feet from an iron rod with a Ford cap for the southeast corner of said 13.259 acre tract, at the PC of a tangent curve to the left;

Thence an arc length of 17.81 feet, crossing said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a radius of 15.00 feet, a tangent of 10.13 feet, a delta angle of  $68^{\circ}02'27''$  and a chord bearing and distance of N.  $78^{\circ}15'40''$  W., 16.78 feet, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S.  $67^{\circ}43'06''$  W., 105.64 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 30.64 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the right, having a radius of 65.00 feet, a tangent of 15.61 feet, a delta angle of  $27^{\circ}00'32''$  and a chord bearing and distance of S.  $81^{\circ}13'22''$  W., 30.36 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", in the proposed south Right of Way line of Theo Avenue, at the PRC of a curve to the left;

Thence an arc length of 21.09 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a radius of 45.00 feet, a tangent of 10.74 feet, a delta angle of  $26^{\circ}51'17''$  and a chord bearing and distance of S.  $81^{\circ}17'59''$  W., 20.90 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", in the proposed south Right of Way line of Theo Avenue, at the PCC of a curve to the left;

Thence an arc length of 605.44 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a

radius of 870.00 feet, a tangent of 315.56 feet, a delta angle of  $39^{\circ}52'21''$  and a chord bearing and distance of S.  $47^{\circ}56'10''$  W., 593.29 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S.  $28^{\circ}00'00''$  W., 12.61 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR.", at the PC of a tangent curve to the left;

Thence an arc length of 27.45 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, along said curve to the left, having a radius of 284.00 feet, a tangent of 13.74 feet, a delta angle of  $05^{\circ}32'19''$  and a chord bearing and distance of S.  $25^{\circ}13'50''$  W., 27.44 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence S.  $22^{\circ}27'41''$  W., 38.08 feet, continuing across said 13.27 acre tract, with the proposed south Right of Way line of Theo Avenue, to a set 1/2" iron rod with and orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", intersecting the boundary line between said 13.259 acre tract and a 55.132 acre tract described in a survey made by David Casanova, Registered Professional Land Surveyor # 4251, July 15, 2009, for the south corner of the herein described tract;

Thence S.  $71^{\circ}26'11''$  W., 106.18 feet, with the common line between said 13.27 acre tract and said 55.132 acre tract, and crossing proposed Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", in the proposed north Right of Way line of Theo Avenue, for the west corner of the herein described tract;

Thence N.  $28^{\circ}00'00''$  E., 18.12 feet, leaving the common line of said 13.27 acre tract and said 55.132 acre tract, and crossing said 13.259 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 56.07 feet, continuing across said 13.27 acre tract along the proposed north Right of Way line of Theo Avenue, along said curve to the right, having a radius of 580.00 feet, a tangent of 28.06 feet, a delta angle of  $05^{\circ}32'19''$  and a chord bearing and distance of N.  $30^{\circ}46'10''$  E., 56.05 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N.  $33^{\circ}32'19''$  E., 41.09 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the left;

Thence an arc length of 27.45 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the left, having a radius of 284.00 feet, a tangent of 13.74 feet, a delta angle of  $05^{\circ}32'19''$  and a chord bearing and distance of N.  $30^{\circ}46'10''$  E., 27.44 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N. 28°00'00" E., 12.61 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the right;

Thence an arc length of 644.69 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the right, having a radius of 930.00 feet, a tangent of 335.91 feet, a delta angle of 39°43'06" and a chord bearing and distance of N. 47°51'33" E., 631.86 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PT of said curve;

Thence N. 67°43'06" E., 126.42 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", at the PC of a tangent curve to the left;

Thence an arc length of 33.39 feet, continuing across said 13.27 acre tract, with the proposed north Right of Way line of Theo Avenue, along said curve to the left, having a radius of 20.00 feet, a tangent of 22.08 feet, a delta angle of 95°39'14" and a chord bearing and distance of N. 19°53'29" E., 29.64 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC PROP COR", intersecting the existing west Right of Way line of Mission Road, for the north corner of the herein described tract, set in a curve to the left;

Thence an arc length of 106.80 feet, with the existing west Right of Way line of Mission Road, along said curve to the left, having a radius of 375.28 feet, a tangent of 53.76 feet, a delta angle of 16°18'19" and a chord bearing and distance of S. 36°05'18" E., 106.44 feet, to the place of beginning containing 1.292 (56,281 Sq. Ft.) acres of land more or less.

Bearings based on NAD 83(93), Texas South Central Zone.

All distances are grid.

This property description is accompanied by a separate plat of even date.

Surveyed on the ground the 21<sup>st</sup> day of July, 2010.



  
E. F. Burkhart, RPLS 1706  
Job # S-5294