

AN ORDINANCE **2011-02-03-0085**

DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF SIX TRACTS OF LAND SAN FERNANDO #1 TANK SITE LOCATED AT 449 AND 501 HARRIMAN IN NCBS 3487 AND 3488 IN COUNCIL DISTRICT 5; BASSE ROAD PUMP STATION LOCATED AT 1330 BASSE ROAD IN NCB 7238 IN COUNCIL DISTRICT 1; RAINBOW HILLS WELL SITE #1 LOCATED AT 359 DEMYA DRIVE IN NCB 15432 IN COUNCIL DISTRICT 4; RAINBOW HILLS WELL SITE #2 LOCATED AT 347 STIMMEL STREET IN NCB 15449 IN COUNCIL DISTRICT 4; BANDERA ROAD PUMP STATION LOCATED AT 101 BLOOMFIELD IN NCB 11573 IN COUNCIL DISTRICT 7; AND SAN GERONIMO AIR PARK PUMP STATION LOCATED IN COUNTY BLOCK 4404B WITHIN THE EXTRATERRITORIAL JURISDICTION LINE AND TO DECLARE AS SURPLUS AND FOR THE CITY TO RETAIN THE ZOELLER TANK SITE LOCATED AT 101, 109, AND 113 LANDA IN NCB 8261 IN COUNCIL DISTRICT 5, AS REQUESTED BY THE SAN ANTONIO WATER SYSTEM.

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WHEREAS, the San Antonio Water System Board of Trustees desires (i) to declare certain Property surplus to the needs of the System as required by City Ordinance No. 75686, (ii) to recommend that the Planning Commission and City Council consent to the declaration as required by City Ordinance No. 75686, and (iii) to authorize the President/Chief Executive Officer or his designated representative to dispose of the Property pursuant to Chapter 272 of the Local Government Code and all applicable City of San Antonio policies and procedures; and

WHEREAS, the Properties consist of the following parcels:

<i>Name of Property:</i>	<i>Description:</i>	<i>Graphic Depiction on:</i>
1. Basse Road Pump Station	NCB 7238 Blk 4 Lot 9, N 10 Ft of 1 Through 8 & N 10 Ft of 10	Attachment I
2. Rainbow Hills Well Site 1	NCB 15432 Blk 24 Lot 20 (Lackland Hts Ut-5) "WCID #16" Annxatn	Attachment II
3. Rainbow Hills Well Site 2	NCB 15449 Blk 42 Lot 1 (Lackland Hts Ut-6c) "WCID #16" Annxatn	Attachment III
4. Bandera Road Pump Station	NCB 11573 Blk 30 Lot NW 50x70 Ft of 3	Attachment IV

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|----|------------------------------------|------------------------------------------------------------------------|----------------------|
| 5. | San Geronimo Air Park Pump Station | CB 4404B Blk Lot P-100 60 X
100 Water Well San Geronimo
Air Park | Attachment V |
| 6. | San Fernando Tank Site | NCB 3487 Blk 4 Lot N Irr
107.07 of 29 & N Irr 100.07 of
30 | Attachment VI |
| | and | NCB 3488 Blk 5 Lot N Irr
93.37 Ft of 1 & N Irr 86.07 Ft
of 2 | Attachment VI |

WHEREAS, City of San Antonio Ordinance No. 75686 requires that all assets of the System be declared surplus to the needs of the System prior to their disposition; **NOW THEREFORE**,

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

SECTION 1. Acting in part in reliance on the determination of the Board of Trustees that the Properties are surplus to the needs of the San Antonio Water System, the City of San Antonio declares the Properties to be surplus to the needs of the City and authorizes the sale of the Properties on such commercially reasonable terms as the San Antonio Water System board of trustees determines to be in the best interest of the San Antonio Water System, but not for less than fair market value. The sale may include all easements appurtenant to the Property even if the acreage of the easements is not included in the description of the Property above.

SECTION 2. In making the sale, the San Antonio Water System board of trustees must reserve the right to conduct all activities related to the operation and maintenance of the monitoring wells and must further reserve any remaining groundwater rights.

SECTION 3. In addition to the Properties to be sold, the City shall accept from SAWS transfer of use, benefit, and control of the Zoeller property described on **Attachment VII** (101: NCB 8261 Blk 4 Lots 24 Through 27, 109: NCB 8261 Blk 4 Lots 28 & 29, 113: NCB 8261 Blk 4 Lot 30, & E 12.5 Ft of 31).

SECTION 4. The city manager and her designee or the San Antonio Water System, severally, should consummate the transactions contemplated by this ordinance and should take all actions necessary or convenient to effectuate the transactions, including agreeing to the form of and executing all necessary or convenient instruments and agreements. They may also develop more precise descriptions of the Properties, which more precise descriptions control over the descriptions in this ordinance.

SECTION 5. All attachments to this ordinance are incorporated into it for all purposes as if fully set forth.

SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for

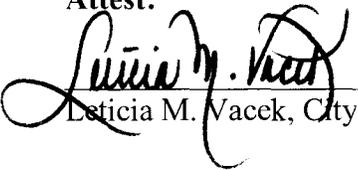
any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 7. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

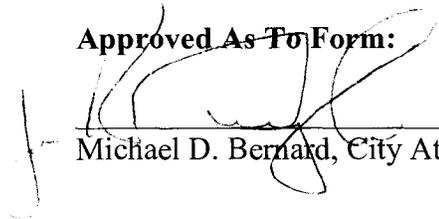
PASSED AND APPROVED this 3rd day of February 2011.


M A Y O R
Julián Castro

Attest:


Leticia M. Vacek, City Clerk

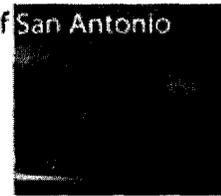
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio

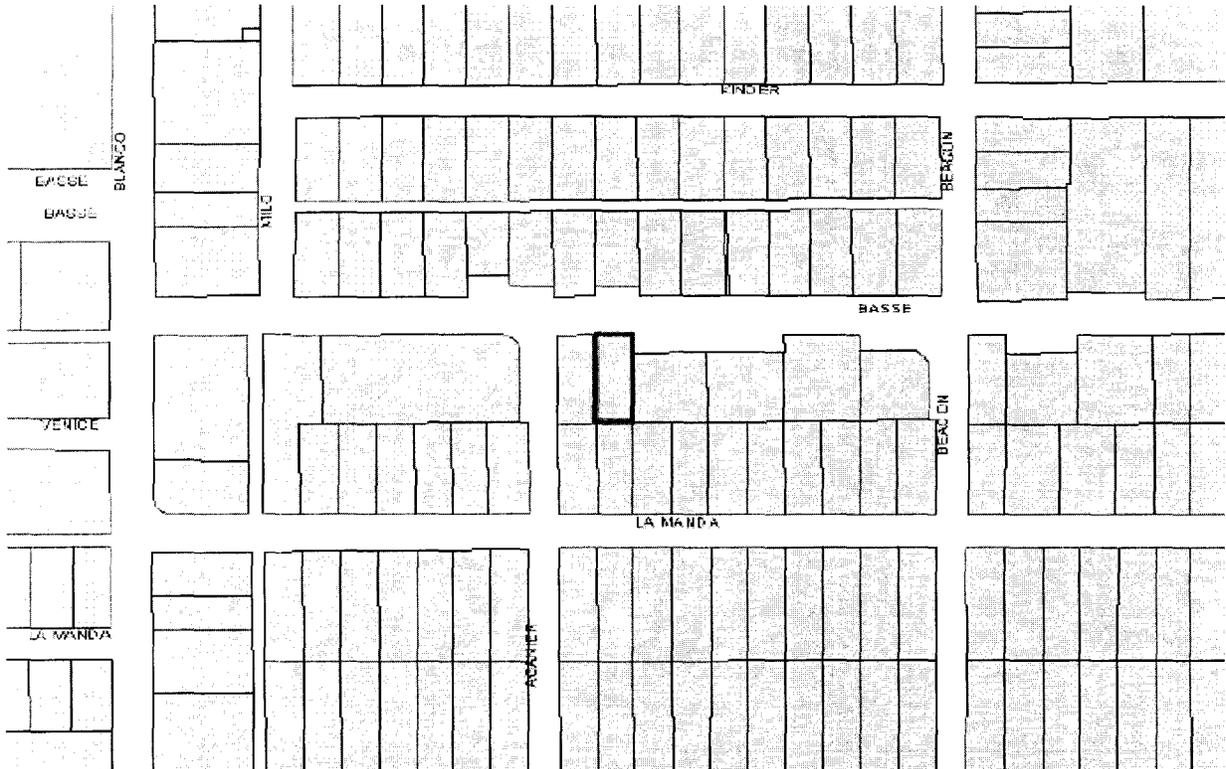


Agenda Voting Results - 11

Name:	11						
Date:	02/03/2011						
Time:	10:46:13 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance declaring as surplus and authorizing the sale of six tracts of land San Fernando #1 Tank Site located at 449 and 501 Harriman in NCBs 3487 and 3488 in Council District 5; Basse Road Pump Station located at 1330 Basse Road in NCB 7238 in Council District 1; Rainbow Hills Well Site #1 located at 359 Demya Drive in NCB 15432 in Council District 4; Rainbow Hills Well Site #2 located at 347 Stimmel Street in NCB 15449 in Council District 4; Bandera Road Pump Station located at 101 Bloomfield in NCB 11573 in Council District 7; and San Geronimo Air Park Pump Station located in County Block 4404B within the Extraterritorial Jurisdiction Line and to declare as surplus and for the City to retain the Zoeller Tank Site located at 101, 109, and 113 Landa in NCB 8261 in Council District 5, as requested by the San Antonio Water System. [Peter Zanoni, Assistant 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				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x			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 I

Basse Road Pump Station 1330 Basse Road



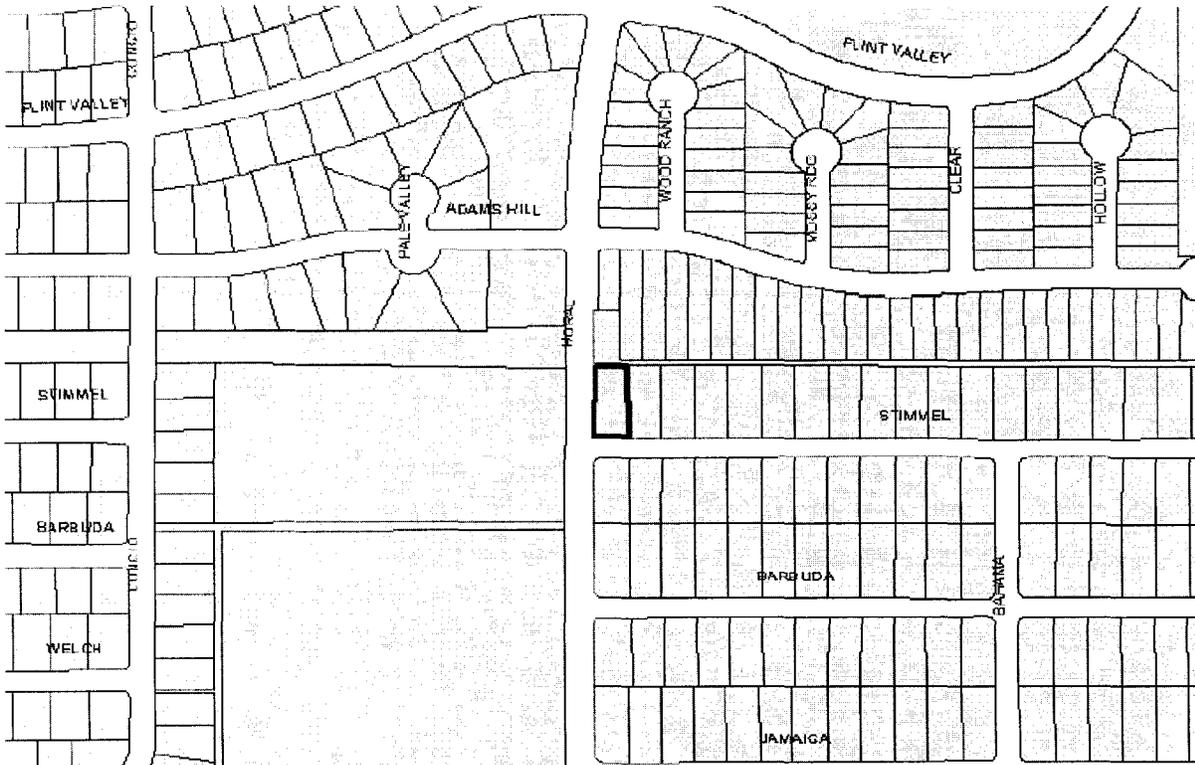
Attachment II

Rainbow Hills Well Site #1 359 Demya



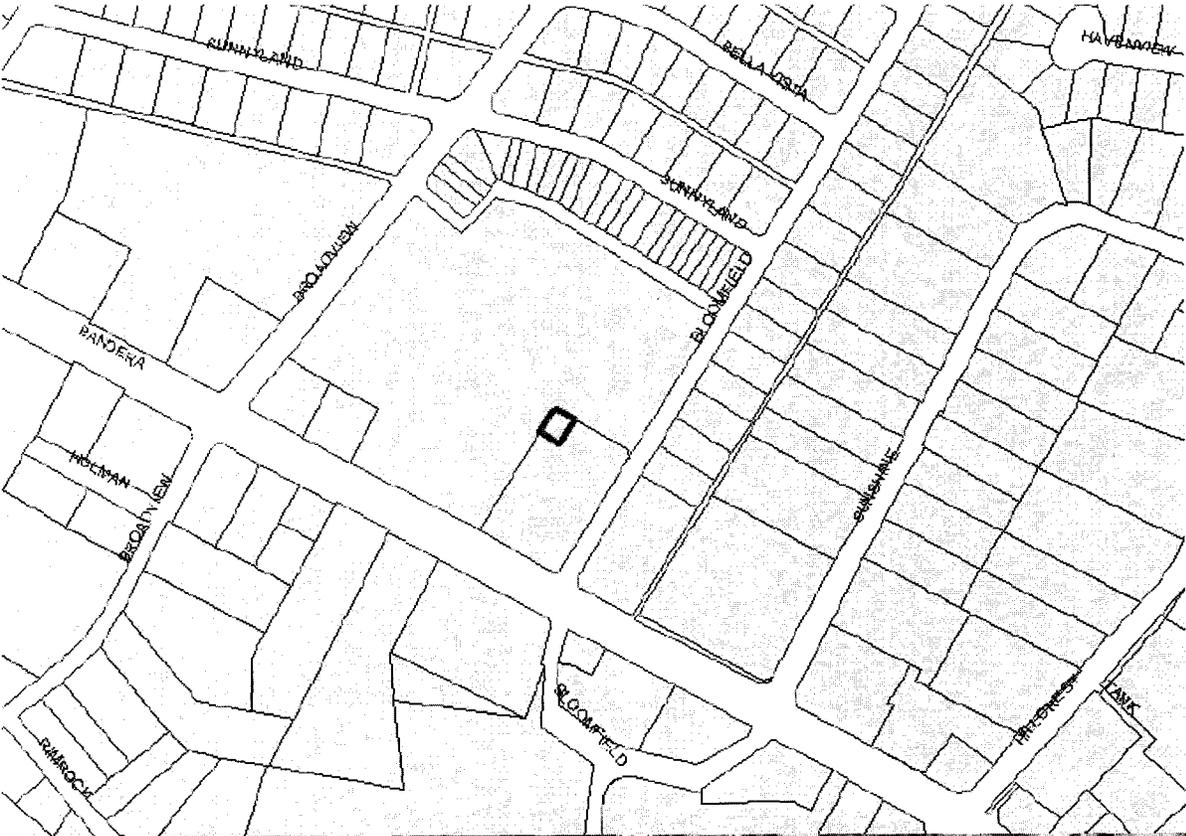
Attachment III

Rainbow Hills Well Site #2 347 Stimmel Dr.



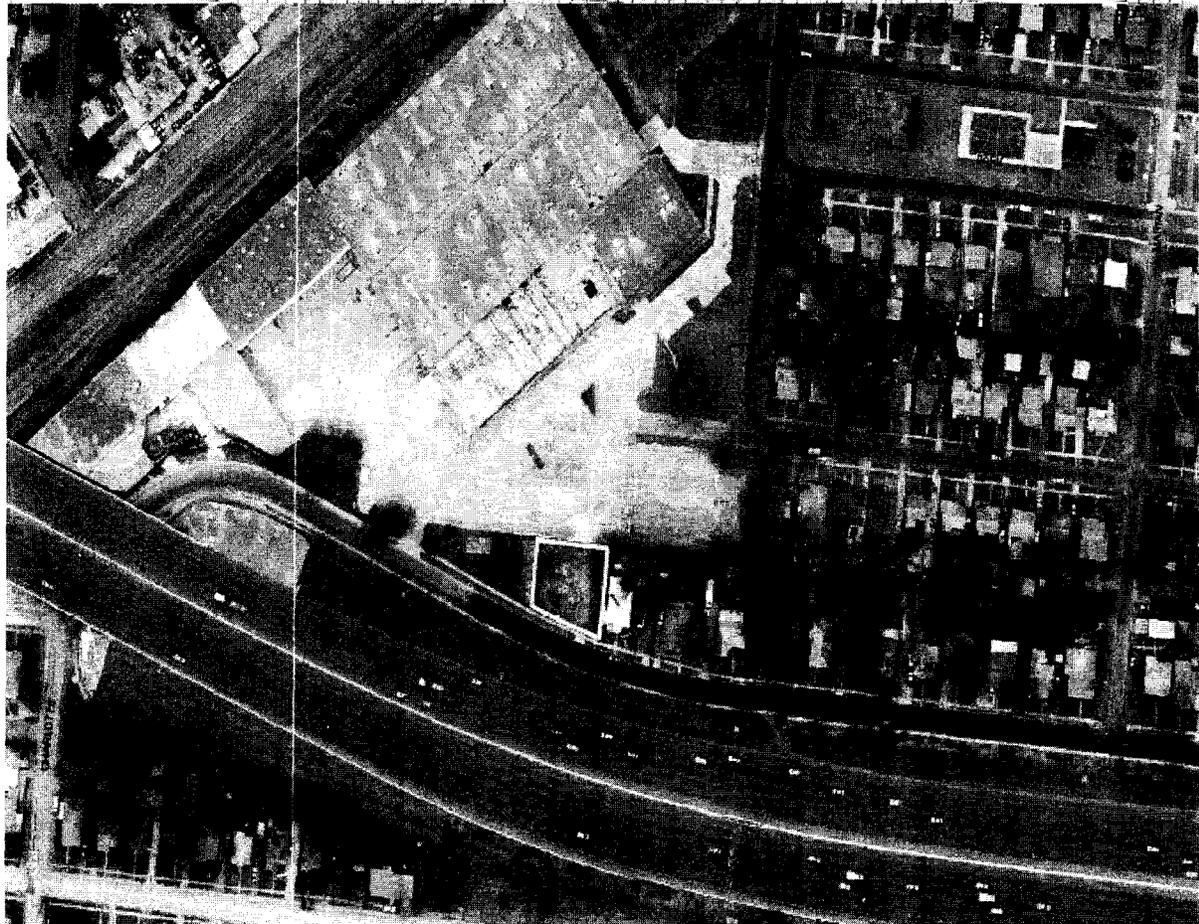
Attachment IV

Bandera Pump Station
101 Bloomfield



Attachment VI

San Fernando #1 Tank Site 449 and 501 Harriman



Attachment VII

Zoeller Tank Site
101, 109 and 113 Landa Avenue

