

AN ORDINANCE 2012-10-04-0776

ACCEPTING DEDICATION TO THE CITY OF SAN ANTONIO OF A TEMPORARY CONSTRUCTION EASEMENT BY BROOKS DEVELOPMENT AUTHORITY FOR THE USE OF BDA PROPERTY (NCB 10879 AND NCB 10921) ON LYSTER ROAD, BETWEEN AVIATION LANDING AND S. NEW BRAUNFELS AVENUE ALONG CHENNAULT PATH FOR THE CONSTRUCTION OF A TEMPORARY ROADWAY LOCATED IN DISTRICT 3.

\* \* \* \* \*

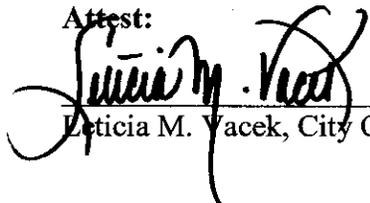
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

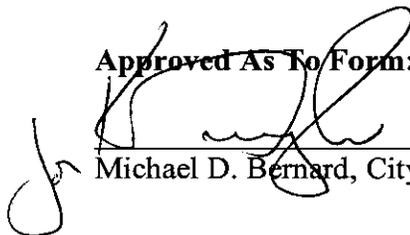
**SECTION 1.** The City Manager and her designee, severally are authorized and directed to accept on behalf of the City dedication of a temporary construction easement substantially in the form of **Attachment I**, which is incorporated herein by reference for all purposes as if it were fully set forth. The City manager and her designee, severally, are further authorized and directed to take all other actions reasonably necessary or convenient to effectuate transfer of the easement, including agreeing to nonmaterial changes to the form of conveyance and executing and delivering ancillary documents and instruments conducive to effectuating the transaction approved hereby.

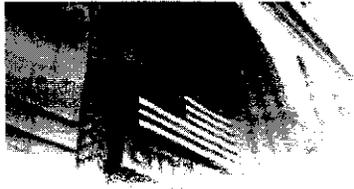
**SECTION 2.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 4<sup>th</sup> day of October 2012.

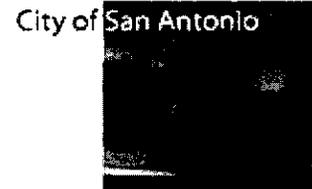
  
M A Y O R  
Julián Castro

Attest:  
  
Leticia M. Vacek, City Clerk

Approved As To Form:  
  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**



**Agenda Voting Results - 8**

<b>Name:</b>	5, 6, 7, 8, 9, 10, 13A, 13B, 13D, 13E, 14, 15, 16, 17						
<b>Date:</b>	10/04/2012						
<b>Time:</b>	09:34:55 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing a Temporary Construction Easement between the City of San Antonio and the Brooks Development Authority (BDA) for the use of BDA property (NCB 10879 and NCB 10921) on Lyster Road, between Aviation Landing and S. New Braunfels Avenue along Chennault Path for the construction of a temporary roadway located in District 3. [Ed Belmares, Assistant City Manager; Majed A. Al Ghafray, Director, Public Works]						
<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				
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

**Attachment I**

---

**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     §  
                              §     **Know All By These Presents:**  
County of Bexar   §

**Temporary Construction Easement**

---

**Authorizing Ordinance:**

**Grantor:** Brooks Development Authority

**Grantor's Address:** 3201 Sidney Brooks, San Antonio, Texas 78235

**Grantee** City of San Antonio

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

**Purpose of Easement:** Easement for the construction of the following improvements, and associated ingress and egress: Street-related improvements, including pavement markings, signs, and roadway repairs and upgrade.

**Description of Servient Estate:** Present and projected path of Chennault Way between s. New Braunfels and Aviation Landing, San Antonio, Bexar County, Texas, as graphically depicted on **Exhibit A**, which is incorporated by reference into this instrument for all purposes as if fully set forth.

**Beginning Date:** The Effective Date of the Authorizing Ordinance

**Expiration Date:** April 30, 2013

Effective during the period from the Beginning Date to the Expiration Date, Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors a temporary construction easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above.

**To Have and To Hold** the above described easement and rights unto Grantee, its successors and assigns, until this easement expires.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Brooks Development Authority, a Texas  
Defense Base Development Authority**

Signature: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved As To Form:**

\_\_\_\_\_  
City Attorney

State of Texas           §

County of Bexar       §

This instrument was acknowledged before me this date by \_\_\_\_\_, of Brooks Development Authority, a Texas defense base development authority, in the capacity therein stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

Exhibit A

