

AN ORDINANCE 2019-03-21-0219

**(I) DETERMINING THE PUBLIC NECESSITY FOR PUBLIC USE AND AUTHORIZING THE ACQUISITION OF CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS BEING ONE TEMPORARY CONSTRUCTION EASEMENT AND ONE TEMPORARY ACCESS EASEMENT, THE (“EASEMENTS”), THROUGH THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM (“THE SYSTEM”) OVER, ACROSS AND UPON PRIVATELY OWNED REAL PROPERTY (THE “PROPERTY”) FOR THE SAWS 800 BLOCK OF N. LOOP 1604 – DR1091 PROJECT (THE “PROJECT”) WHICH EASEMENTS SHALL BE ACQUIRED BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR THE PUBLIC USE OF THE EXPANSION AND OPERATION OF THE SYSTEM THROUGH THE CONSTRUCTION OF THIS PROJECT; (II) AUTHORIZING THE PRESIDENT/CEO OF THE SYSTEM, OR THE CITY MANAGER OF THE CITY OF SAN ANTONIO, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL APPROPRIATE ACTION TO ACQUIRE THE PROPERTY INTERESTS BY NEGOTIATION AND/OR CONDEMNATION; AND (III) RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SYSTEM TO ACQUIRE SUCH EASEMENTS.**

\* \* \* \* \*

**WHEREAS**, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of Easements located in Bexar County, Texas are necessary and desirable for the expansion and operation of the System in connection with the construction, operation and maintenance of the Project, which includes the construction of sewer main pipelines located in Bexar County, in the general location marked **EXHIBIT A-1** attached hereto and made a part hereof; and

**WHEREAS**, employees, agents and attorneys acting for the City of San Antonio, by and through the System, are in the process of investigating, surveying, defining and negotiating for the acquisition of such Easements (which shall include, for all purposes herein, any related rights of ingress and egress as may be needed) on behalf of the City of San Antonio; and

**WHEREAS**, in connection with the acquisition of such Easements, it may be necessary for the System to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement or conveyance document, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights; **NOW THEREFORE**,

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

**SECTION 1.** The above caption and recitals are incorporated herein for all purposes.

**SECTION 2.** Public necessity for public use requires that the System, through the City of San Antonio acquire the Easements (the "Property Interests"), over, across, and upon certain privately owned real property (the "Property") either through purchase or by the process of eminent domain for the public purpose and public use of the expansion and operation of the System, in connection with the construction, operation and maintenance of the Project, in the locations shown in **EXHIBITS A-1 and A-2** attached hereto and made a part hereof and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose and public use to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered in the location, the Property Interests for which eminent domain proceedings may be instituted expressly include, to the extent deemed necessary or desirable by the System, any covenants, conditions and restrictions of record (the "Restrictions") that affect the use of the Property Interests.

**SECTION 3.** The Property Interests which are the subject of Section 2 for which the Property Interests are required for the Project consist of temporary construction and temporary access easements, more particularly described in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

**SECTION 4.** The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property Interests described in Sections 2 and 3 of this Ordinance, expressly including any Restrictions, and to acquire such interests in land as the System is unable to acquire through negotiation by reason of its inability to agree with the owners of the land or beneficiaries of any such Property Interests as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights.


**SECTION 5.** All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the acquisition of such Property Interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

**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.

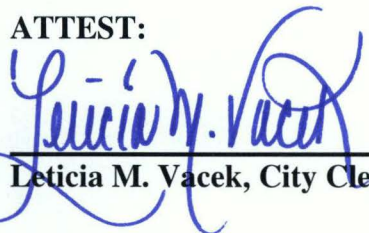
EF  
03/21/2019  
Item No. 13

**SECTION 7.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.


**PASSED and APPROVED this 21<sup>st</sup> day of March, 2019.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

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

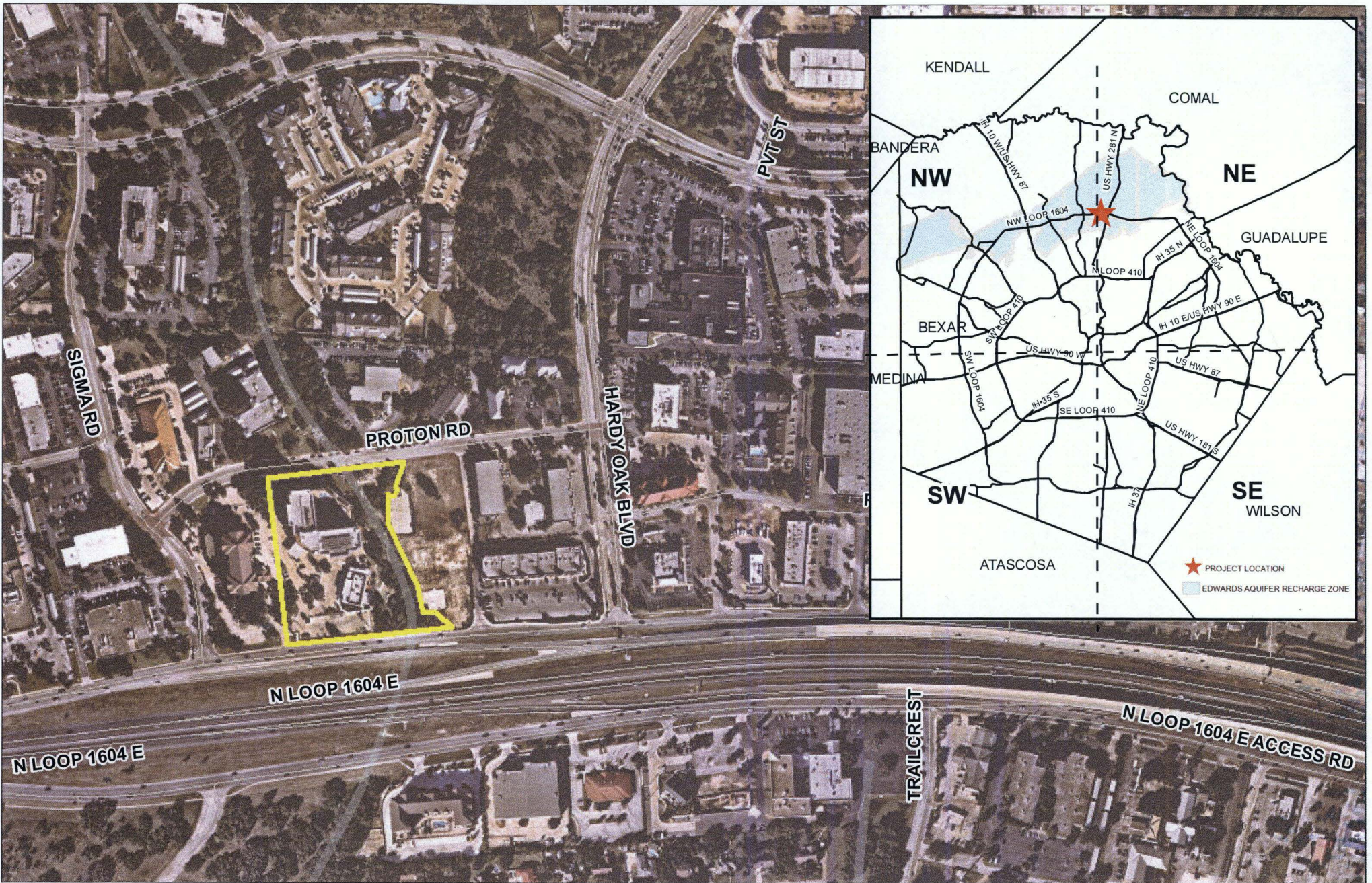
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>13</b>						
<b>Date:</b>	03/21/2019						
<b>Time:</b>	11:28:26 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving the acquisition through negotiation or condemnation, of interests in one property sufficient for project purpose (temporary access easement and temporary construction easement) of privately-owned real property located in Council District 9 and declaring the project to be a public use project and a public necessity and which is related to the SAWS 800 Block of N. Loop 1604 - DR1091 Sewer Main Project. [Peter Zanoni, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]						
<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>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
Art A. Hall	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6	x					
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				


EF  
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# **EXHIBIT “A-1”**



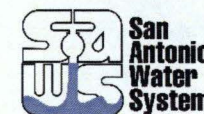
DR 1091 - 800 N. LOOP 1604  
SEWER MAIN PROJECT

LEGEND

 Subject Property - 823 N. LOOP 1604 E

AERIAL DEPICTION

**EXHIBIT A-1**



EF  
03/21/2019  
Item No. 13

# **EXHIBIT “A-2”**



# FORD ENGINEERING, INC

Date: September 5, 2018  
Project No: 1800.3939

**FIELD NOTES DESCRIPTION**  
**0.1179 ACRES (5135.7 Sq. Ft.)**  
**Temporary Access Easement**

A 0.1179 acres (5135.7 sq. ft.) temporary access easement, situated in Lot 2, Block 1, N.C.B. 17430 – Drury Inn-Sigma Subdivision as shown on a plat recorded in Volume 9561, Pages 59-60 and Lot 1, Block 1, N.C.B. 17430 – Pachangas Subdivision as shown on a plat recorded in Volume 9571, Page 42 of the Deed and Plat Records of Bexar County, Texas; being more particularly described as follows:

**BEGINNING:** at a calculated point on the Eastern line of the said Drury Inn-Sigma Subdivision, for the Southwestern corner of the said Pachangas Subdivision on the Northern line of Loop 1604 (R.O.W. varies), for a corner of this easement;

**THENCE:** S 06°54'36" E – 12.00 feet along a line of said Loop 1604, the Eastern line of the said Drury Inn-Sigma Subdivision to a calculated point for the Southeastern corner of the said Drury Inn-Sigma Subdivision, a corner of said Loop 1604, for a corner of this easement;

**THENCE:** S 83°06'11" W – 21.97 feet along the Northern line of said Loop 1604, the Southern line of the said Drury Inn-Sigma Subdivision to a point for the Southwestern corner of this easement, from which a Texas Department of Transportation right of way monument (N = 13,772,193.551, E – 2,133,457.412) found for a corner of said Loop 1604, a corner of the said Drury Inn-Sigma Subdivision bears S 83°06'11" W – 135.38 feet;

**THENCE:** Across the said Drury Inn-Sigma Subdivision, with a non-tangent curve to the left having a Delta angle of 34°04'46", a Radius of 24.57 feet, an Arc length of 14.62 feet and a Chord bearing of N 05°51'54" E – 14.40 feet to a point for a corner of this easement;

**THENCE:** N 14°23'35" W – 12.90 feet continuing across the said Drury Inn-Sigma Subdivision to a point for a corner of this easement;

**THENCE:** Continuing across the said Drury Inn-Sigma with a non-tangent curve to the left having a Delta angle of 29°11'20", a Radius of 31.54 feet, an Arc length of 16.07 feet and a Chord bearing of N 25°08'44" W – 15.89 feet to a point for a corner of this easement;

**THENCE:** N 25°31'30" E – 29.17 feet continuing across the said Drury Inn-Sigma Subdivision to a point for the Northwestern corner of this easement;





# FORD ENGINEERING, INC

**THENCE:** N 88°02'36" E – at 9.83 feet pass the common line of the said Drury Inn-Sigma Subdivision and the said Pachangas Subdivision, a **distance in all of 71.84 feet** to a point for a corner of this easement;

**THENCE:** N 83°07'26" E – 120.54 feet across the said Pachangas Subdivision to a point for the Northeastern corner of this easement;

**THENCE:** S 06°52'34" E – 25.05 feet continuing across the said Pachangas Subdivision to a point on the Northern line of a 0.0507 acre temporary construction easement, this day described, for a corner of this easement;

**THENCE:** S 83°07'26" W – 27.17 feet along the Northern line of the said 0.0507 acre temporary construction easement, this day described and across the said Pachangas Subdivision to a point for the Northwestern corner of the said 0.0507 acre temporary construction easement, for a corner of this easement;

**THENCE:** N 06°53'34" W – 7.43 feet continuing across the said Pachangas Subdivision to a point for a corner of this easement;

**THENCE:** S 83°07'26" W – 122.91 feet continuing across the said Pachangas Subdivision to a point for a corner of this easement;

**THENCE:** Continuing across the said Pachangas Subdivision with a non-tangent curve to the left having a Delta angle of 29°07'25", a Radius of 42.71 feet, an Arc length of 21.71 feet and a Chord bearing of S 68°45'33" W – 21.48 feet to a point for a corner of this easement;

**THENCE:** Continuing across the said Pachangas Subdivision with a non-tangent curve to the left having a Delta angle of 52°19'45", a Radius of 9.19 feet, an Arc length of 8.40 feet and a Chord bearing of S 33°12'35" W – 8.11 feet to a point for a corner of this easement;

**THENCE:** S 04°28'18" E – 10.53 feet continuing across the said Pachangas Subdivision to a point for a corner of this easement;

**THENCE:** Continuing across the said Pachangas Subdivision with a non-tangent curve to left having a Delta angle of 19°55'02", a Radius of 25.94 feet, an Arc length of 9.02 feet and a Chord bearing of S 20°35'47" E – 8.97 feet to a point on the Southern line of the said Pachangas Subdivision, the Northern line of said Loop 1604, for a corner of this easement;

**THENCE:** S 83°06'11" W – 7.86 feet along the Southern line of the said Pachangas Subdivision, the Northern line of said Loop 1604 to the **POINT OF BEGINNING** and containing 0.1179 acres (5135.7 sq. ft.) of land, *according to a survey made on the ground under my supervision*



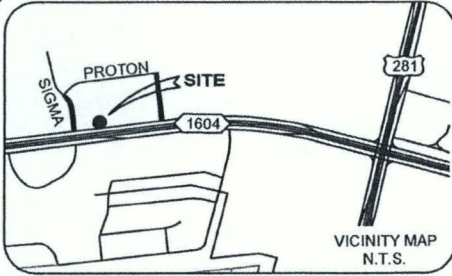
# FORD ENGINEERING, INC

Corresponding plat prepared.  
1800.3939 Temp Access Esmt.docx

***BEARINGS AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE  
PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES  
SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017.***

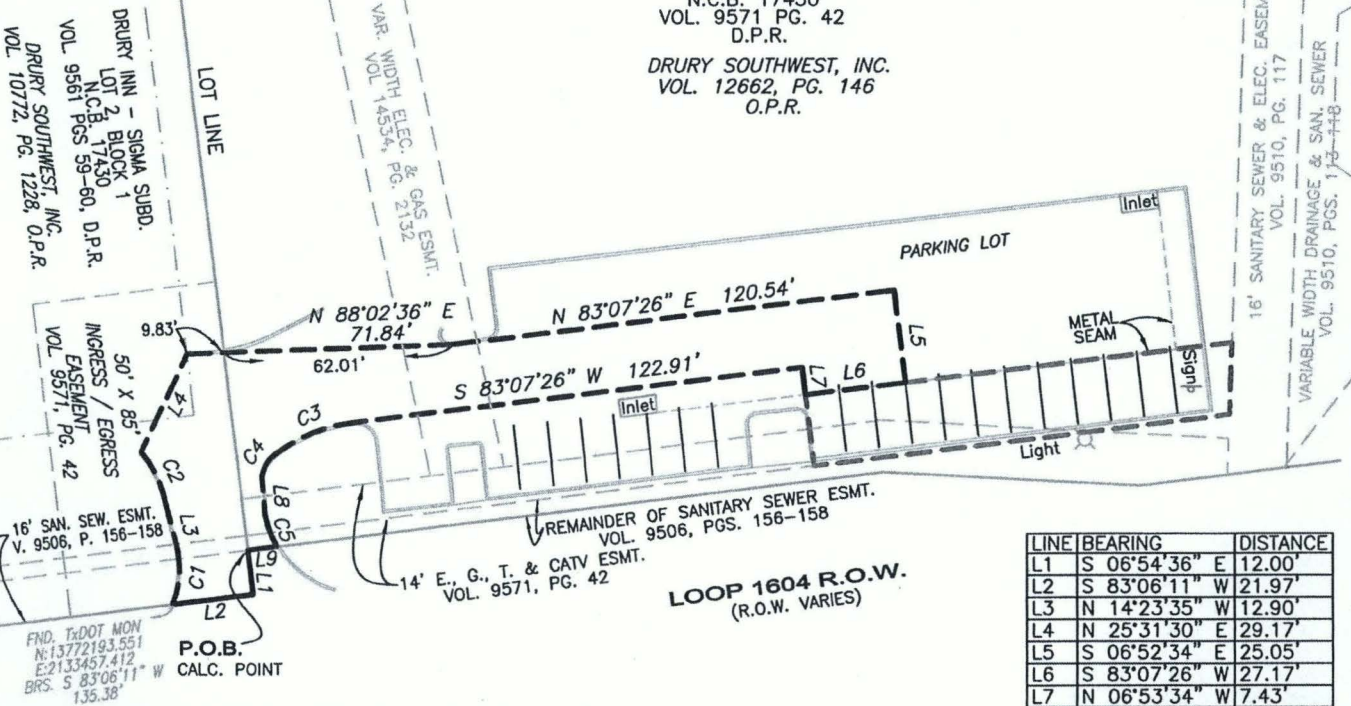


Rex L. Hackett, R.P.L.S., L.S.L.S.  
Registered Professional Land Surveyor  
License Number 5573



PACHANGAS SUBD.  
 LOT 1, BLOCK 1  
 N.C.B. 17430  
 VOL. 9571 PG. 42  
 D.P.R.  
 DRURY SOUTHWEST, INC.  
 VOL. 12662, PG. 146  
 O.P.R.

DRURY INN - SIGMA SUBD.  
 LOT 2, BLOCK 1  
 N.C.B. 17430  
 VOL. 9561 PGS 59-60, D.P.R.  
 DRURY SOUTHWEST, INC.  
 VOL. 10772, PG. 1226, O.P.R.



16' SANITARY SEWER & ELEC. EASEMENT  
 VOL. 9510, PG. 117  
 VARIABLE WIDTH DRAINAGE & SAN. SEWER  
 VOL. 9510, PGS. 113-118

LINE	BEARING	DISTANCE
L1	S 06°54'36" E	12.00'
L2	S 83°06'11" W	21.97'
L3	N 14°23'35" W	12.90'
L4	N 25°31'30" E	29.17'
L5	S 06°52'34" E	25.05'
L6	S 83°07'26" W	27.17'
L7	N 06°53'34" W	7.43'
L8	S 04°28'18" E	10.53'
L9	S 83°06'11" W	7.86'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	14.62'	24.57'	34°04'46"	N 05°51'54" E	14.40'
C2	16.07'	31.54'	29°11'20"	N 25°08'44" W	15.89'
C3	21.71'	42.71'	29°07'25"	S 68°45'33" W	21.48'
C4	8.40'	9.19'	52°19'45"	S 33°12'35" W	8.11'
C5	9.02'	25.94'	19°55'02"	S 20°35'47" E	8.97'

BEARING AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017

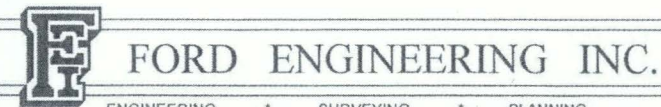
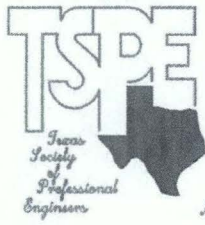
PLAT SHOWING  
 0.1179 ACRES 5135.7 Sq. Ft.  
 TEMPORARY ACCESS ESMT.

SITUATED IN LOT 2, BLOCK 1, N.C.B. 17430 - DRURY INN-SIGMA SUBD. AS SHOWN ON A PLAT RECORDED IN VOLUME 9561, PAGES 59-60 AND IN LOT 1, BLOCK 1, N.C.B. 17430 OF THE PACHANGAS SUBD. AS SHOWN ON A PLAT RECORDED IN VOLUME 9571, PAGE 42 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

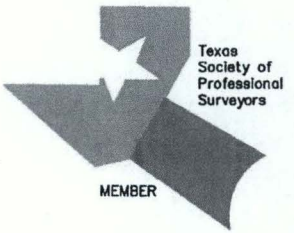


THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 2, CONDITION 2.

*Rex L. Hackett*  
 REX L. HACKETT  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 5573  
 DATE: 09-05-2018  
 PROJECT NO. 1800.3939



10927 WYE DRIVE, STE 104, SAN ANTONIO, TEXAS 78217 \* P.(210) 590-4777 \* F.(210-590-4940)  
 TBPE No. F-1162 \* WWW.FORDENGINEERING.COM \* TBPLS No. 10018400





# FORD ENGINEERING, INC

Date: September 5, 2018  
Project No: 1800.3939

**FIELD NOTES DESCRIPTION**  
**0.0507 ACRES (2208.0 Sq. Ft.)**  
**Temporary Construction Easement**

A 0.0507 acres (2208.0 sq. ft.) temporary construction easement, situated in Lot 1, Block 1, N.C.B. 17430 – Pachangas Subdivision as shown on a plat recorded in Volume 9571, Page 42 of the Deed and Plat Records of Bexar County, Texas; being more particularly described as follows:

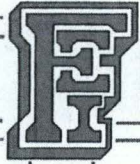
**BEGINNING:** at a calculated point for an interior corner of a 16 foot sanitary sewer easement as shown on the Amended Plat of the Metropolitan Business Park Subdivision, Unit 1 in Volume 9510, Page 117 and also shown to be a corner of a Variable Width Sanitary Sewer easement on said plat of Pachangas Subdivision, for the Southeastern corner of this easement, from which a Texas Department of Transportation right of way monument (N 13,772,253.977, E – 2,133,956.979) found for a corner of Loop 1604 (R.O.W. varies) for a corner of the said Pachangas Subdivision bears S 06°53'49" E – 16.00 feet and N 83°03'11" E – 77.66 feet;

**THENCE:** S 83°06'11" W – 113.08 feet along the Northern line of the said variable width sanitary sewer easement and across the said Pachangas Subdivision to a point for the Southwestern corner of this easement;

**THENCE:** N 06°53'34" W – 19.29 feet continuing across the said Pachangas Subdivision to a point for the Northwestern corner of this easement;

**THENCE:** N 83°07'26" E – 116.14 feet continuing across the said Pachangas Subdivision to a point on the western line of a 16 foot sanitary sewer easement as shown on said Plat of Pachangas Subdivision, being the same 16 foot sanitary sewer easement shown on said plat of the Amended Plat of the Metropolitan Business Park Subdivision, Unit 1, for the Northeastern corner of this easement;

**THENCE:** S 02°09'02" W – 19.49 feet along the Western line of the said 16 foot sanitary sewer easement to the **POINT OF BEGINNING** and containing 0.0507 acres (2208.0 sq. ft.) of land, *according to a survey made on the ground under my supervision*




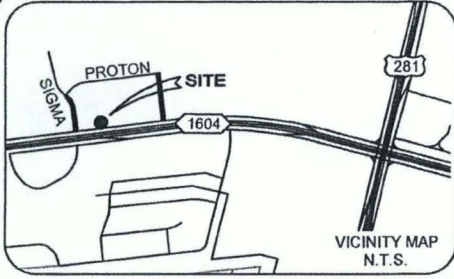
# FORD ENGINEERING, INC

Corresponding plat prepared.  
1800.3939 Temp Const Esmt.docx

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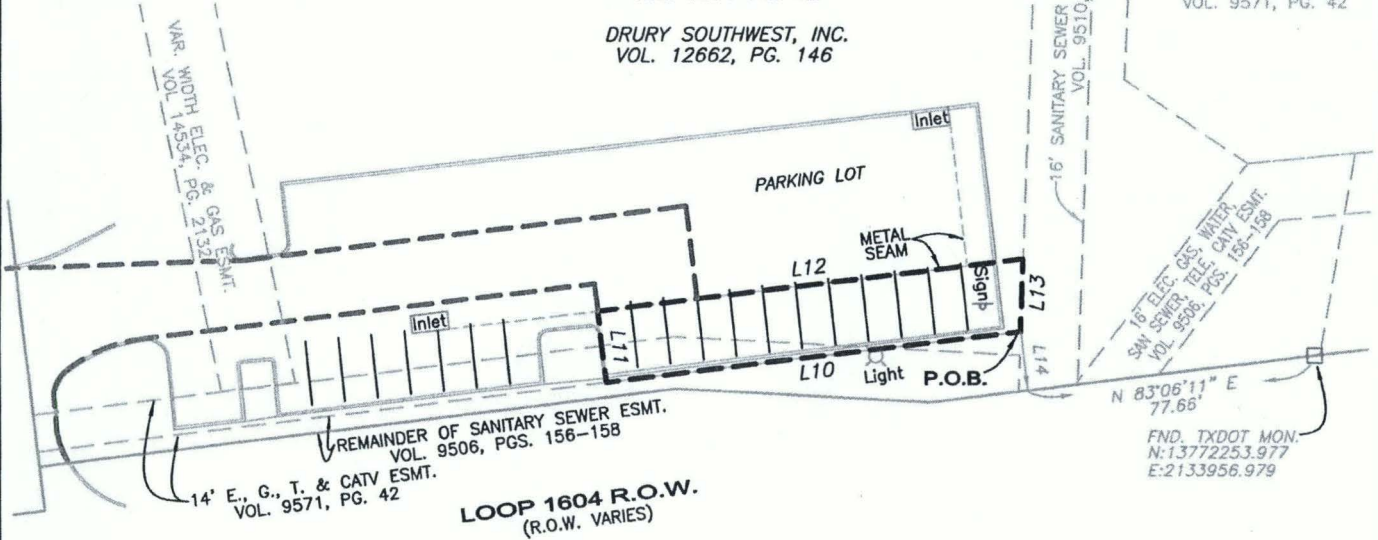


  
Rex L. Hackett, R.P.L.S., L.S.L.S.  
Registered Professional Land Surveyor  
License Number 5573



PACHANGAS SUBD.  
LOT 1, BLOCK 1  
N.C.B. 17430  
VOL. 9571 PG. 42

DRURY SOUTHWEST, INC.  
VOL. 12662, PG. 146



LINE	BEARING	DISTANCE
L10	S 83°06'11" W	113.08'
L11	N 06°53'34" W	19.29'
L12	N 83°07'26" E	116.14'
L13	S 02°09'02" W	19.49'
L14	S 06°53'49" E	16.00'

BEARING AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017



THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 2, CONDITION 2.

*Rex L. Hackett*  
 REX L. HACKETT  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE NO. 5573  
 DATE: 09-05-2018  
 PROJECT NO. 1800.3939

PLAT SHOWING  
 0.0507 ACRES 2208.0 Sq. Ft.  
 TEMPORARY CONSTRUCTION  
 EASEMENT

SITUATED IN LOT 1, BLOCK 1, N.C.B.  
 17430 - PACHANGAS SUBDIVISION  
 AS SHOWN ON A PLAT RECORDED IN  
 VOLUME 9571, PAGES 42 OF THE DEED  
 AND PLAT RECORDS OF BEXAR CO., TX.



MEMBER

**FORD ENGINEERING INC.**  
 ENGINEERING \* SURVEYING \* PLANNING  
 10927 WYE DRIVE, STE 104, SAN ANTONIO, TEXAS 78217 \* P.(210) 590-4777 \* F.(210-590-4940)  
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