

AN ORDINANCE 2018-02-08-0081

**GRANTING TWO TEMPORARY CONSTRUCTION EASEMENTS ON CITY OWNED PROPERTY NEXT TO SAN PEDRO CREEK BETWEEN NUEVA STREET AND DOLOROSA STREET TO THE SAN ANTONIO RIVER AUTHORITY FOR THE CONTINUED CONSTRUCTION OF THE SAN PEDRO CREEK IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 1; AND WAIVING ASSOCIATED FEES.**

\* \* \* \* \*

**WHEREAS**, a cooperative agreement between Bexar County, Texas, and the San Antonio River Authority to complete the design for the San Pedro Creek Improvements Project (the "Project") was approved by San Antonio River Authority on January 15, 2014 and Bexar County on February 18, 2014; and

**WHEREAS**, in order to complete the Project the San Antonio River Authority is required to acquire various property interests adjacent or near San Pedro Creek, some of which are currently owned by the City of San Antonio; and

**WHEREAS**, approval of this request will result in the development of improvements along and near the San Pedro Creek that will create a world class experience for residents and visitors of San Antonio; and

**WHEREAS**, upon completion, the San Pedro Creek Improvements Project is expected to enhance containment of the 100-year floodplain, restore and improve water quality, reconnect people to a storied and historic natural resource, catalyze economic growth, and drive revitalization efforts that progress the social and economic well-being of the San Antonio community; **NOW THEREFORE**,

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

**SECTION 1.** The City Council finds that the San Pedro Creek Improvements Project serves a public purpose and will provide public use and benefit for the citizens of San Antonio upon completion. Therefore, the City Manager and her designee, severally, are authorized and directed to convey to the San Antonio River Authority the two temporary construction easements described and as shown in **Attachment I**. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the city temporary construction easements substantially in the form shown in **Attachment II**. The City Manager and her designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transactions, including executing and delivering all instruments and agreements conducive to effectuating the transactions.

**SECTION 2.** The department will record an in-kind transaction for the services authorized by this Ordinance.


**SECTION 3.** The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations 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 5.** 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 6.** 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 8th day of February, 2018.**

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney



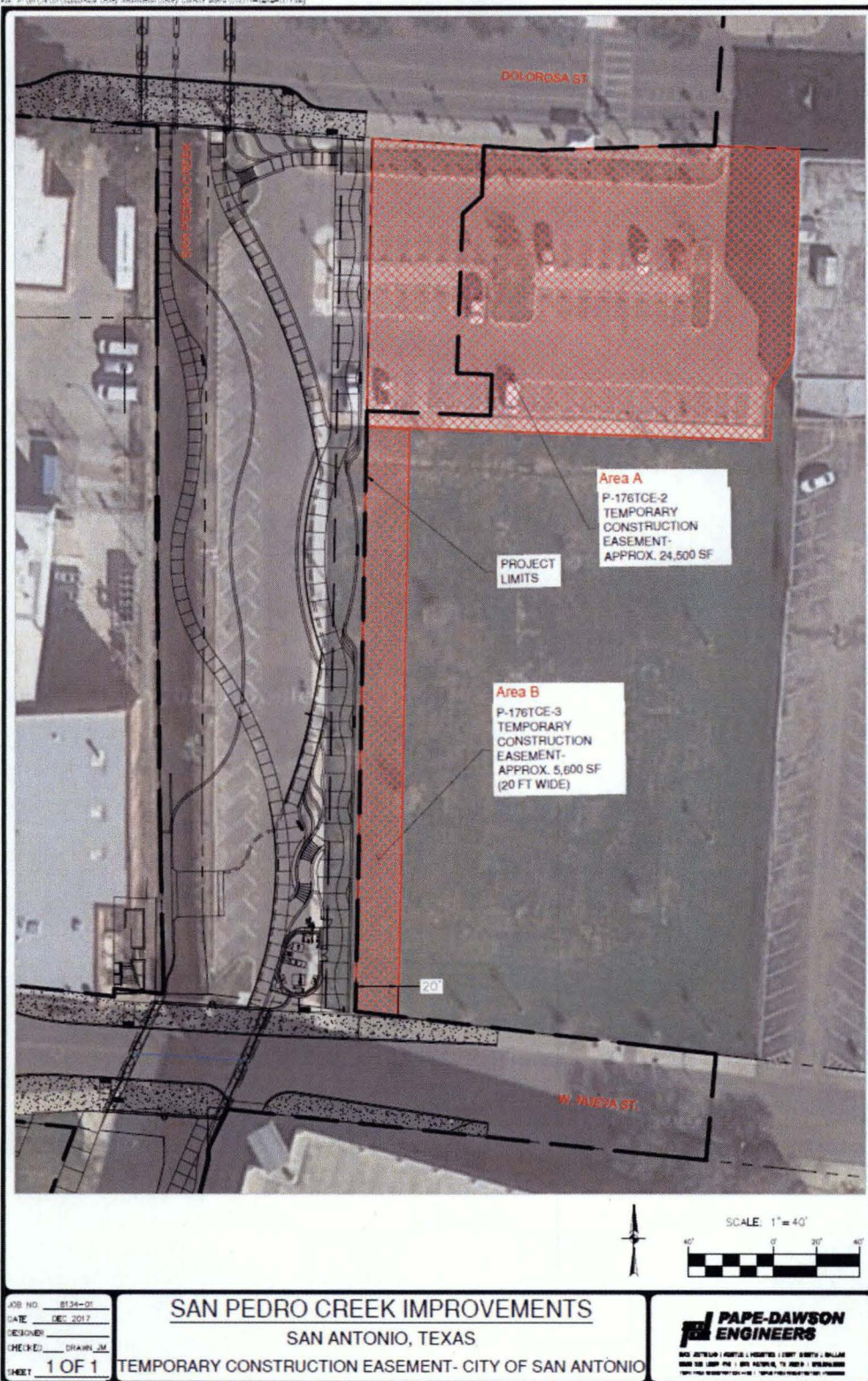
<b>Agenda Item:</b>	14 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19A, 19B, 20A, 20B, 20C, 20E, 20H, 20I, 20L, 20M, 20P )						
<b>Date:</b>	02/08/2018						
<b>Time:</b>	09:51:22 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance granting two temporary construction easements on City owned property next to San Pedro Creek between Nueva Street and Dolorosa Street to the San Antonio River Authority for the continued construction of the San Pedro Creek Improvements Project in Council District 1; and waiving associated fees. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]						
<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
William Cruz Shaw	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				

AZJ  
02/08/18  
Item No. 14

# ATTACHMENT I



# Attachment I: Property Descriptions





## AREA A

**Parcel No. P-176TCE-2**  
**Project Name: San Pedro Creek**  
Page 1 of 3

**Metes and Bounds Description**  
**for a**  
**0.618 Ac. Tract**  
(26,928 Sq. Ft.)

Being 0.618 acre of land (26,928 Sq. Ft.) out of a tract of land comprised of all of Lot 22 and the remaining portions of Lots 20, 21, and 23, New City Block 111, San Antonio, Bexar County, Texas (parent tract), recorded in Volume 4127, Page 379, Deed Records of Bexar County, Texas; said 0.618 acre tract (26,928 Sq. Ft.) being more particularly described as follows:

**Beginning** at a building corner located on the south right-of-way line of Dolorosa St., being the common northerly corner of the said parent tract and of a tract of land recorded in Volume 2594, Page 1290, Official Public Records of Real Property of Bexar County, Texas; said building corner being the northeast corner of the tract herein described;

1. Thence S 02°19'28" W, 103.19 feet departing the said south right-of-way line, along the face of building, and along the common line between the said parent tract and the said tract of land recorded in Volume 2594, Page 1290 to a point;
2. Thence N 87°40'32" W, 4.07 feet departing the said building face and said common line to a point at the beginning of a tangent curve to the left;
3. Thence 15.71 feet along the said tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, and whose chord bearing and distance is S 47°19'28" W, 14.14 feet to a point for the end of this curve;
4. Thence S 02°19'28" W, 22.89 feet to a point for the most southeasterly corner of the tract herein described;
5. Thence N 87°45'54" W, 189.17 feet crossing the said remaining portion of Lots 20 and 21 and also partially crossing Lot 22 to a point located on the east line of a variable width easement recorded in Volume 17714, Page 1454, Official Public Records of Real Property of Bexar County, Texas; said point being the southwest corner of the tract herein described;
6. Thence N 01°04'26" E, 133.82 feet along the said east easement line to a point located on the south right-of-way line of Dolorosa St. and being the northwest corner of the tract herein described;

**Parcel No. P-176TCE-2**  
**Project Name: San Pedro Creek**  
Page 2 of 3

7. Thence Departing the said east easement line and along the said south right-of-way line, the following calls:

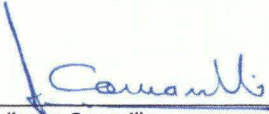
S 85°39'01" E, 79.06 feet to an angle point;

N 88°08'59" E, 71.42 feet to an angle point;

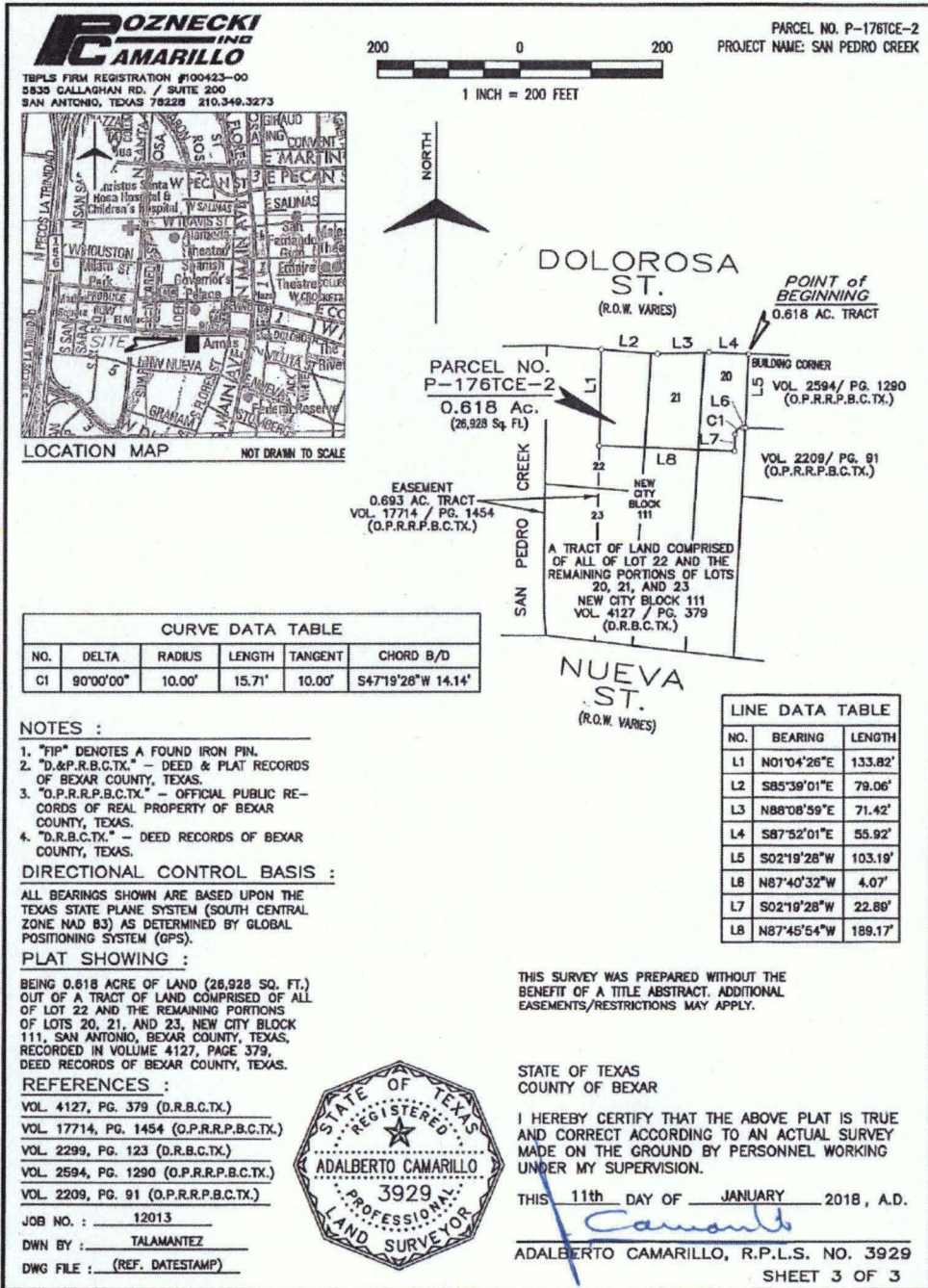
S 87°52'01" E, 55.92 feet to the **Point of Beginning** and containing 0.618 acre of land (26,928 Sq. Ft.), more or less.

A plat of even date accompanies this metes and bounds description.



  
Adalberto Camarillo  
Registered Professional Land Surveyor  
No. 3929  
January 11, 2018





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## AREA B

**Parcel No. P-176TCE-3**  
**Project Name: San Pedro Creek**  
Page 1 of 2

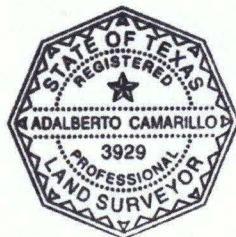
**Metes and Bounds Description**  
**for a**  
**0.125 Ac. Tract**  
(5,479 Sq. Ft.)

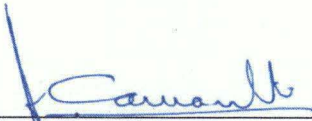
Being 0.125 acre of land (5,479 Sq. Ft.) out of a tract of land comprised of all of Lot 22 and the remaining portions of Lots 20, 21, and 23, New City Block 111, San Antonio, Bexar County, Texas (parent tract), recorded in Volume 4127, Page 379, Deed Records of Bexar County, Texas; said 0.125 acre tract (5,479 Sq. Ft.) being more particularly described as follows:

**Beginning** at a found iron pin located on the north right-of-way line of Nueva St., being the southeast corner of a variable width easement recorded in Volume 17714, Page 1454 of the Official Public Records of Real Property of Bexar County, Texas; said iron pin being S 89°18'09" E, 2.12 feet and S 83°09'48" E, 67.60 feet along the said north right-of-way line from the common southerly corner of the said parent tract and of the San Pedro Creek; said iron pin also being the southwest corner of the tract herein described;

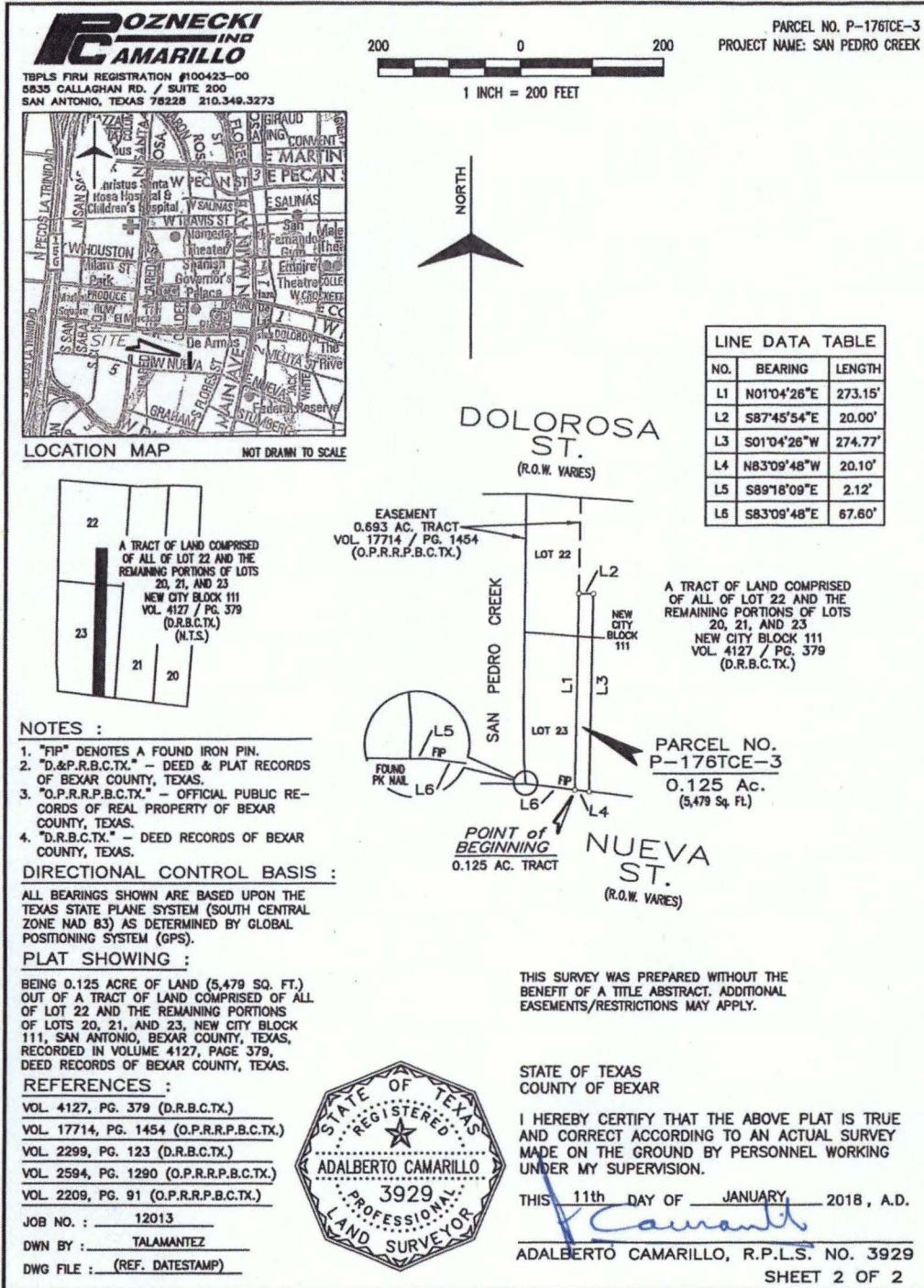
1. Thence N 01°04'26" E, 273.15 feet departing the said north right-of-way line, along the east line of the said 0.693 acre tract, and crossing the said remaining portion of Lot 23 and Lot 22 to a point located for the northwest corner of the tract herein described;
2. Thence S 87°45'54" E, 20.00 feet departing the said east line and crossing the said Lot 22 to a point for the northeast corner of the tract herein described;
3. Thence S 01°04'26" W, 274.77 feet crossing the said Lot 22 and remaining portion of Lot 23 to a point located on the north right-of-way line of Nueva St. for the southeast corner of the tract herein described;
4. Thence N 83°09'48" W, 20.10 feet along the said north right-of-way line to the **Point of Beginning** and containing 0.125 acre of land (5,479 Sq. Ft.), more or less.

A plat of even date accompanies this metes and bounds description.



  
Adalberto Camarillo  
Registered Professional Land Surveyor  
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January 11, 2018





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## **ATTACHMENT II**

## Attachment II: Form of Deed and Contracts

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### AREA A

**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.**

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

### Temporary Construction Easement

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**Authorizing Ordinance:**

**Grantor:** City of San Antonio, a Texas Municipal Corporation

**Grantor's Address:** City Hall, P.O. Box 839966, San Antonio, Texas 3966  
(Attention: Director, Transportation and Capital  
Improvements Department)

**Grantee** San Antonio River Authority, a political subdivision of  
the  
State of Texas

**Grantee's Address:** 100 E. Guenther Street, San Antonio, Texas 78204

**Purpose of Easement:** Temporary easement for the construction of the San Pedro Creek Improvements Project as demonstrated by the Cooperative Agreement between Bexar County, Texas, and the San Antonio River Authority to complete the design for the San Pedro Creek Improvements Project approved by San Antonio River Authority on January 15, 2014 and Bexar County on February 18, 2014 (the "Project"), including changes to the grade of the Easement Property, and associated ingress and egress.

**Description of Easement Property:** **AREA A** - A 0.125 acre tract of land out of a tract of land comprised of all of Lot 22 and the remaining portions of Lots 20, 21 and 23, New City Block 111, San Antonio, Bexar County, Texas (parent tract), recorded in Volume 4127, Page 379, Deed Records of Bexar County, Texas, said land being more particularly described on **Exhibit A**, which is incorporated herein by reference for all purposes as if it were fully set forth.

**Term:** This easement begins February 12, 2018 and expires March 13, 2018.

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantor's property and the public in general a temporary construction easement over, across, under and upon the Easement Property. The easement may be used only for the Purpose of Easement stated above and does not grant authority to use any area beyond the Premises. This easement is non-exclusive and limited to the stated Term. Grantor reserves the right to develop the Easement Property in any manner that Grantor may deem prudent or expedient which does not interfere with the easement purpose.

This easement is granted upon the following conditions:

- (a.) The Easement Property must be repaved as a parking lot with a design (number of spaces) acceptable to Grantee upon expiration of the term.
- (b.) Grantee, to the extent authorized by law, releases Grantor from any and all liabilities which may be incurred in connection with this request and agrees to hold Grantor harmless from and against any and all liens and any other loss, damage or liability which Grantor may incur in the granting this easement.
- (c.) Grantee shall add City, its elected officials, officers, employees, agents, and other representatives, collectively, as an additional insured and indemnitee under any insurance or indemnity provisions provided by third parties covering Grantee related to work on the San Pedro Creek Improvements Project in amounts equal to, or to the same extent as, those covering Grantee.

This easement shall bind and inure to the benefit of the parties hereto and their respective heirs, executors, personal representatives, mortgagees, successors and assigns. Additionally, this easement shall be interpreted and construed in accordance with the laws of the State of Texas.

**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 \_\_\_\_\_, 2018.

**Grantor:**  
**City of San Antonio,**  
a Texas municipal corporation

**Grantee:**  
**San Antonio River Authority,**  
a political subdivision of the State of Texas

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

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

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

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

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

**Attest:**

**Approved As To Form:**

\_\_\_\_\_  
City Clerk

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

State of Texas        §  
County of Bexar     §

This instrument was acknowledged before me this date by \_\_\_\_\_, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

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

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission expires: \_\_\_\_\_

State of Texas        §  
County of Bexar     §

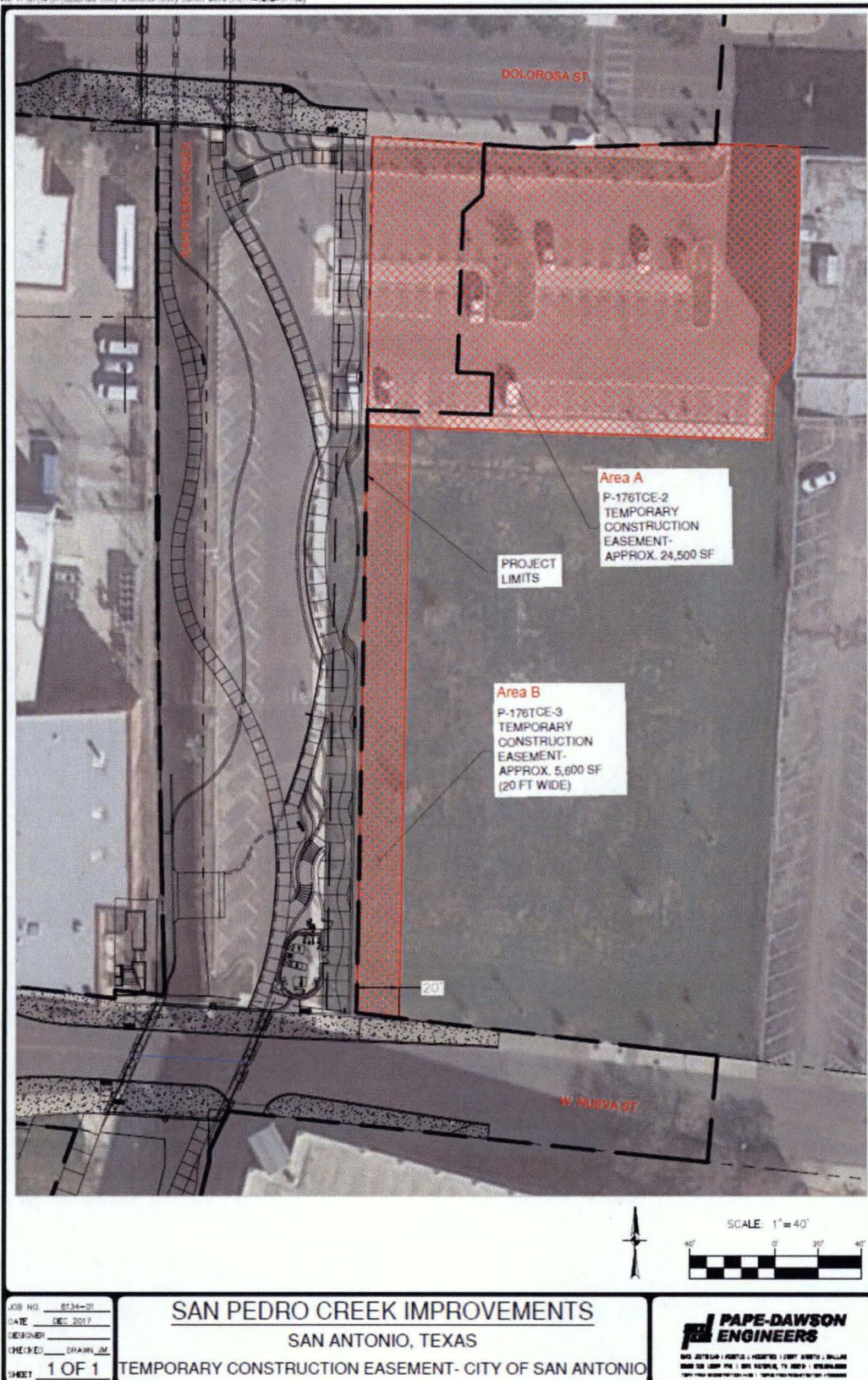
This instrument was acknowledged before me this date by \_\_\_\_\_, of the San Antonio River Authority, a political subdivision of the State of Texas, in the capacity therein stated and on behalf of that entity.

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

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission expires: \_\_\_\_\_



**EXHIBIT A**





## AREA A

**Parcel No. P-176TCE-2**  
**Project Name: San Pedro Creek**  
Page 1 of 3

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2. Thence N 87°40'32" W, 4.07 feet departing the said building face and said common line to a point at the beginning of a tangent curve to the left;
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**Parcel No. P-176TCE-2**  
**Project Name: San Pedro Creek**  
Page 2 of 3

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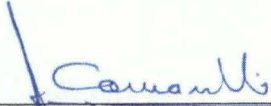
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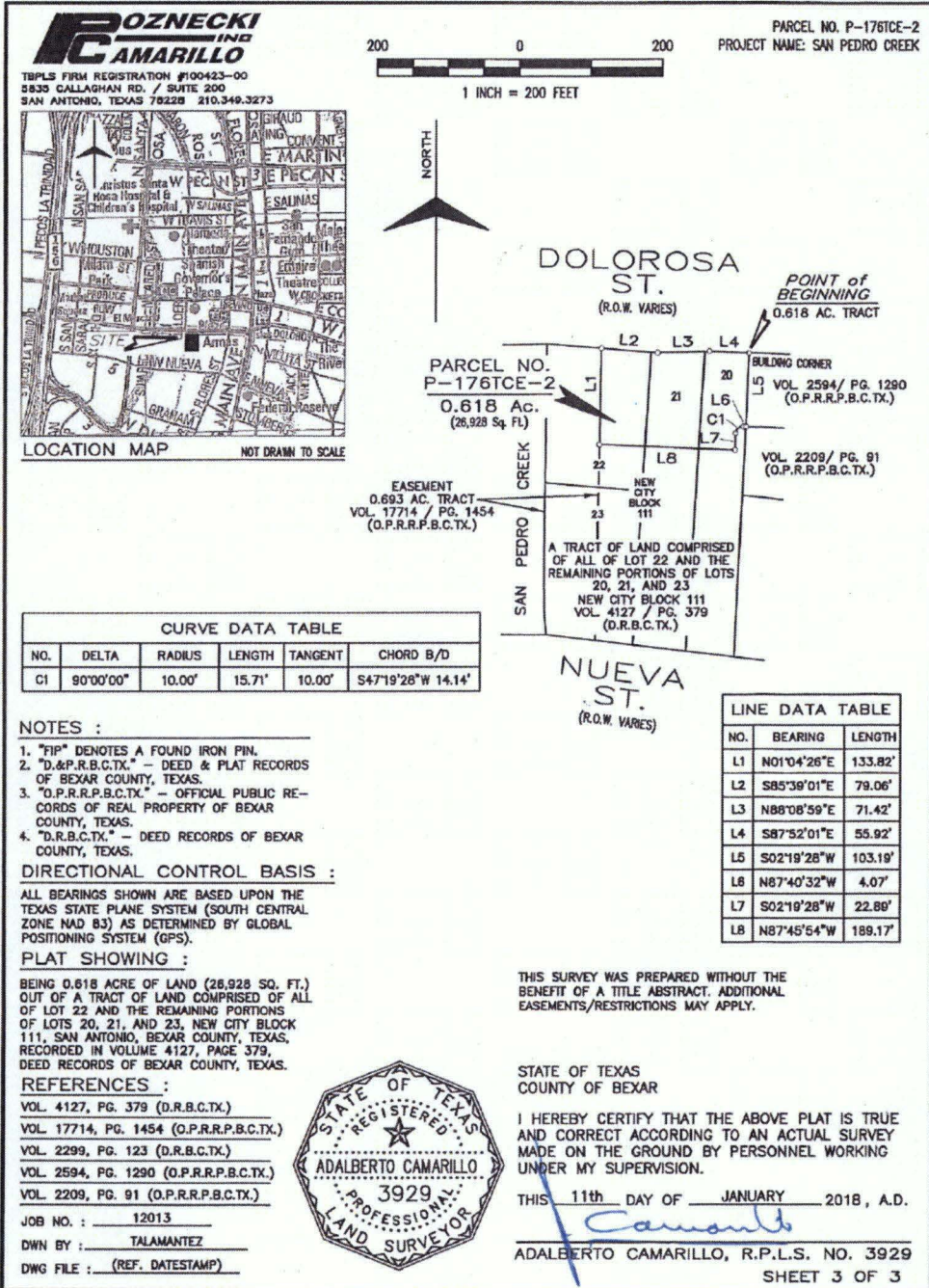
N 88°08'59" E, 71.42 feet to an angle point;

S 87°52'01" E, 55.92 feet to the **Point of Beginning** and containing 0.618 acre of land (26,928 Sq. Ft.), more or less.

A plat of even date accompanies this metes and bounds description.



  
\_\_\_\_\_  
Adalberto Camarillo  
Registered Professional Land Surveyor  
No. 3929  
January 11, 2018



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**AREA B**

**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.**

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

**Temporary Construction Easement**

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**Authorizing Ordinance:**

**Grantor:** City of San Antonio, a Texas Municipal Corporation

**Grantor's Address:** City Hall, P.O. Box 839966, San Antonio, Texas 3966  
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**Grantee** San Antonio River Authority, a political subdivision of  
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**Grantee's Address:** 100 E. Guenther Street, San Antonio, Texas 78204

**Purpose of Easement:** Temporary easement for the construction of the San Pedro Creek Improvements Project as demonstrated by the Cooperative Agreement between Bexar County, Texas, and the San Antonio River Authority to complete the design for the San Pedro Creek Improvements Project approved by San Antonio River Authority on January 15, 2014 and Bexar County on February 18, 2014 (the "Project"), including changes to the grade of the Easement Property, and associated ingress and egress.

**Description of Easement Property:** **AREA B** - A 0.618 acre tract of land out of a tract of land comprised of all of Lot 22 and the remaining

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**Term:** This easement begins February 12, 2018 and expires February 11, 2020.

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 Easement Property. The easement may be used only for the Purpose of Easement stated above and does not grant authority to use any area beyond the Premises. This easement is non-exclusive and limited to the stated Term. Grantor reserves the right to develop the Easement Property in any manner that Grantor may deem prudent or expedient which does not interfere with the easement purpose.

This easement is granted upon the following conditions:

- (a.) The Easement Property must be restored to its original condition, or better, upon any work by Grantee being completed.
- (b.) Grantee will modify the existing parking lot for Grantor's use on Area A shown in Exhibit A by March 13, 2018 for Grantor's use. Should such parking lot not be modified by that time, or any extended time period as agreed to in writing by Grantor and Grantee, then Grantor may terminate this easement.
- (c.) Grantee, to the extent authorized by law, releases Grantor from any and all liabilities which may be incurred in connection with this request and agrees to hold Grantor harmless from and against any and all liens and any other loss, damage or liability which Grantor may incur in the granting this easement.
- (d.) Grantee shall add City, its elected officials, officers, employees, agents, and other representatives, collectively, as an additional insured and indemnitee under any insurance or indemnity provisions provided by third parties covering Grantee related to work on the San Pedro Creek Improvements Project in amounts equal to, or to the same extent as, those covering Grantee.

This easement shall bind and inure to the benefit of the parties hereto and their respective heirs, executors, personal representatives, mortgagees, successors and assigns. Additionally, this easement shall be interpreted and construed in accordance with the laws of the State of Texas.

**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 \_\_\_\_\_, 2018.

**Grantor:**  
**City of San Antonio,**  
a Texas municipal corporation

**Grantee:**  
**San Antonio River Authority**  
a political subdivision of the State of Texas

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

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

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

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

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

**Attest:**

**Approved As To Form:**

\_\_\_\_\_  
City Clerk

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

State of Texas        §  
County of Bexar     §

This instrument was acknowledged before me this date by \_\_\_\_\_, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

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

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission expires: \_\_\_\_\_

State of Texas        §  
County of Bexar     §

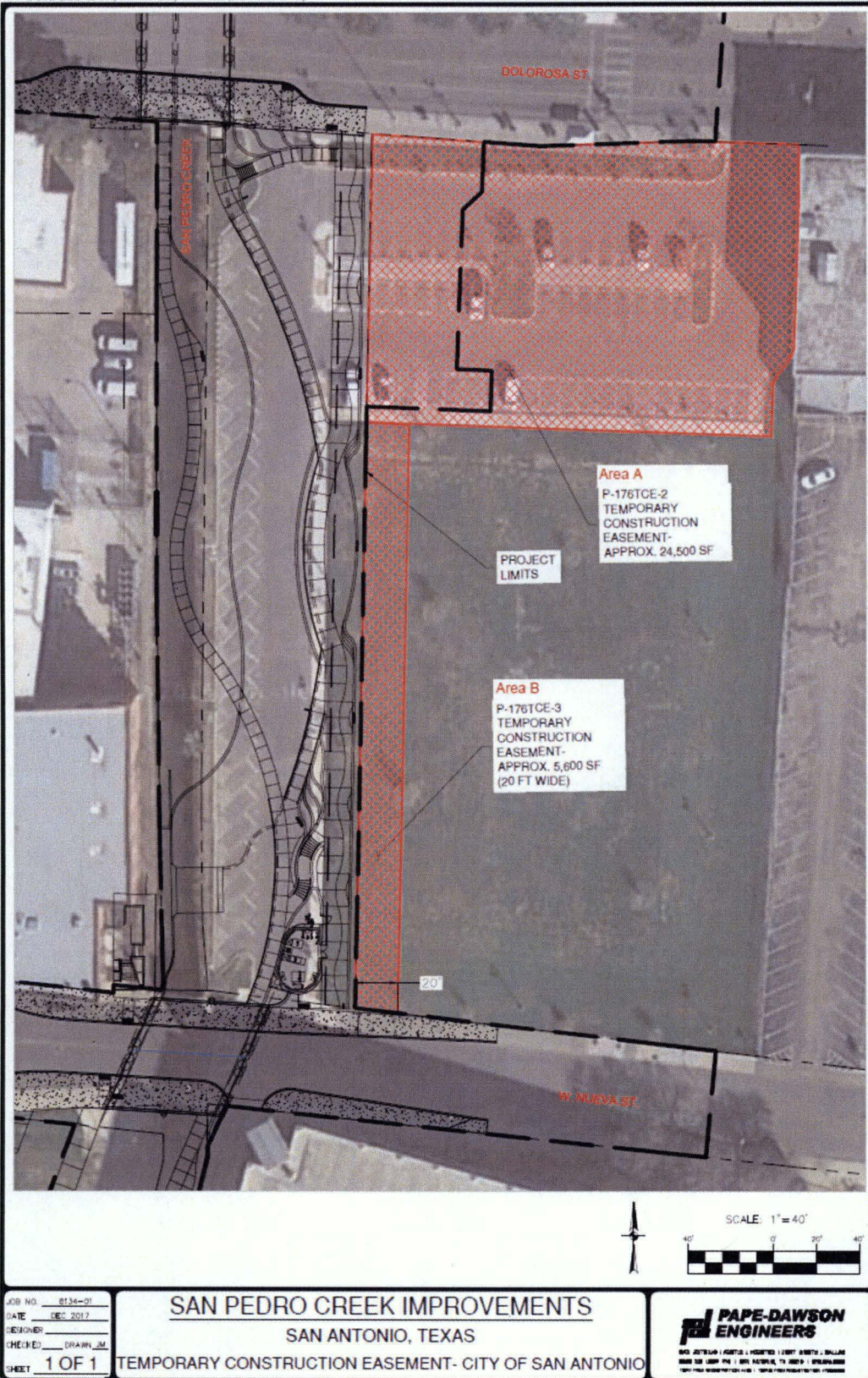
This instrument was acknowledged before me this date by \_\_\_\_\_, of the San Antonio River Authority, a political subdivision of the State of Texas, in the capacity therein stated and on behalf of that entity.

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

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission expires: \_\_\_\_\_



**EXHIBIT A**





## AREA B

**Parcel No. P-176TCE-3**  
**Project Name: San Pedro Creek**  
Page 1 of 2

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(5,479 Sq. Ft.)

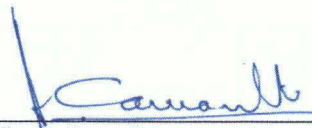
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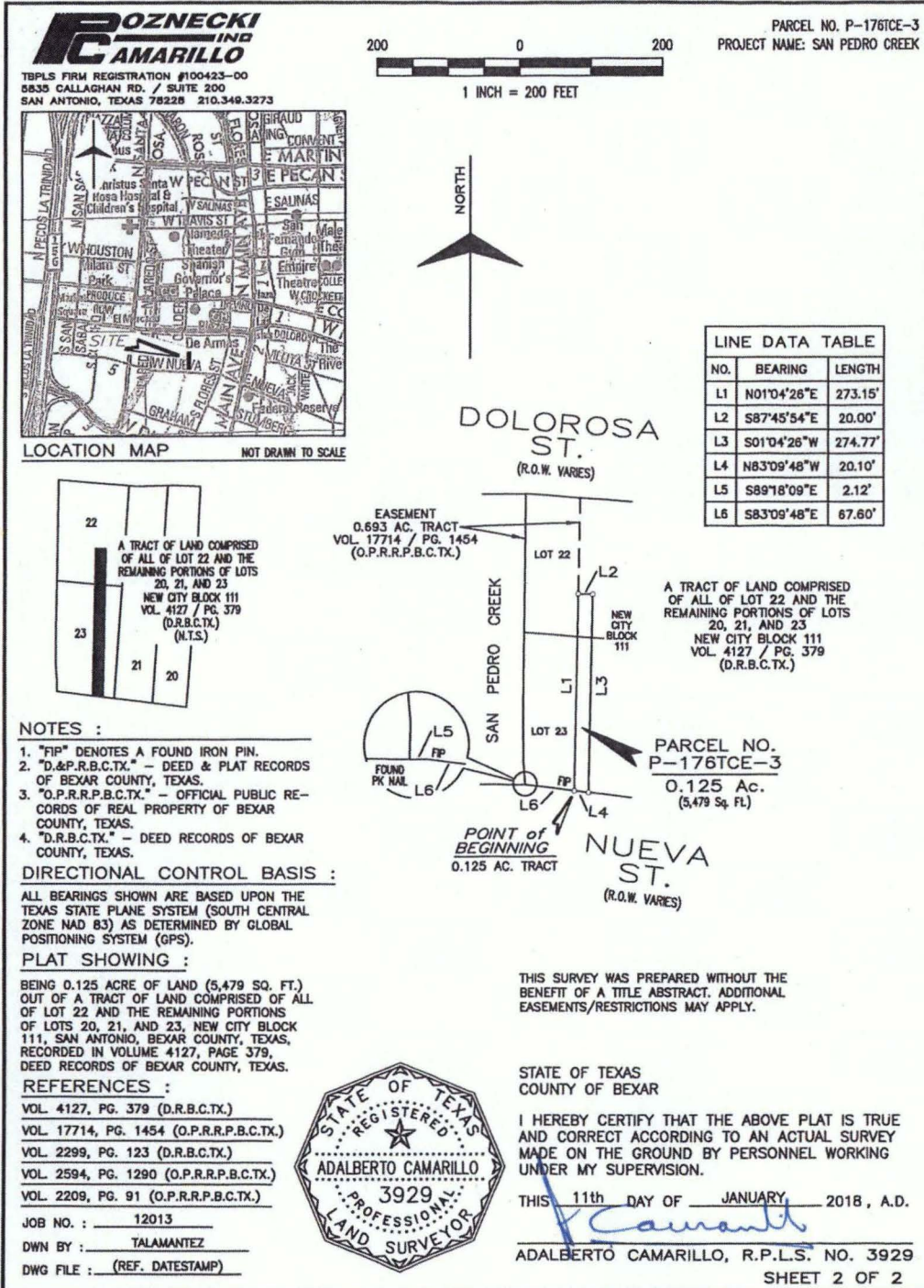
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1. Thence N 01°04'26" E, 273.15 feet departing the said north right-of-way line, along the east line of the said 0.693 acre tract, and crossing the said remaining portion of Lot 23 and Lot 22 to a point located for the northwest corner of the tract herein described;
2. Thence S 87°45'54" E, 20.00 feet departing the said east line and crossing the said Lot 22 to a point for the northeast corner of the tract herein described;
3. Thence S 01°04'26" W, 274.77 feet crossing the said Lot 22 and remaining portion of Lot 23 to a point located on the north right-of-way line of Nueva St. for the southeast corner of the tract herein described;
4. Thence N 83°09'48" W, 20.10 feet along the said north right-of-way line to the **Point of Beginning** and containing 0.125 acre of land (5,479 Sq. Ft.), more or less.

A plat of even date accompanies this metes and bounds description.



  
Adalberto Camarillo  
Registered Professional Land Surveyor  
No. 3929  
January 11, 2018



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