

ORDINANCE

2020-05-07-0312

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES OF TWO PARCELS TOTALING 0.506-ACRE (22,042 SQUARE FEET) OF PRIVATELY-OWNED REAL PROPERTY, LOCATED ON BULVERDE ROAD FROM JUNG ROAD TO NORTH OF GREEN SPRING DRIVE WITHIN NCB 17365 P-1 IN COUNCIL DISTRICT 10, FOR THE BULVERDE ROAD PHASE 1 (BUTTERLEIGH DRIVE TO NORTH OF QUIET MEADOW), A 2017-2022 GENERAL OBLIGATION BOND PROJECT; DECLARING IT TO BE A PUBLIC USE PROJECT AND A PUBLIC NECESSITY.

* * * * *

WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program and allocated \$17,000,000 for the Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow) project; and

WHEREAS, this project includes the reconstruction and widening of Bulverde Road, construction of curbs, sidewalks, driveway approaches, traffic signal and drainage improvements. The project is a continuation of Bexar County's Street and Drainage Improvements Project to realign Jung Road to Quiet Meadow; and

WHEREAS, acquisition of property along Bulverde Road is required in order to acquire enough land to complete the Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow) project improvements; **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 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 location and along the route shown by the Overall Project Drawing market **EXHIBIT A-1** 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 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.

SECTION 3. The Property noted in Section 2 is described in **EXHIBIT A-2** attached to and made

a part of this Ordinance for all purposes.

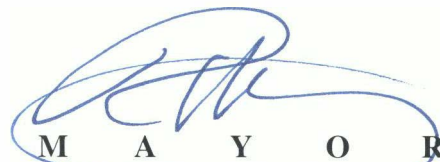
SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property described in Sections 2 and 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 the Property 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 the Property 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.

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 7th day of May, 2020.



M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

May 07, 2020

Item: 11

Enactment Number:

File Number: 20-2718

2020-05-07-0312

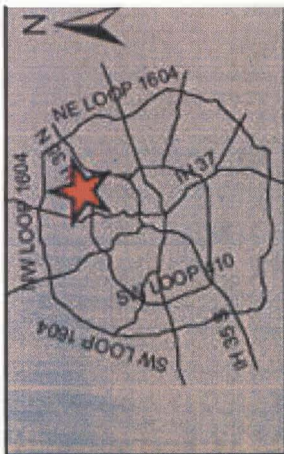
Ordinance authorizing the acquisition, through negotiation or condemnation, of interests in land sufficient for project purposes of two parcels totaling 0.506-acre (22,042 square feet) of privately-owned real property, located on Bulverde Road from Jung Road to north of Green Spring Drive within NCB 17365 P-1 in Council District 10, for the Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow), a 2017 Bond Project; declaring it to be a public project and a public necessity. The fair market value for the two parcels is \$98,250.00 as determined by an independent appraisal. Funding is included in the FY 2020 - FY 2025 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager, Razi Hosseini, Director, Public Works.]

Councilmember Clayton H. Perry made a motion to approve. Councilmember Manny Pelaez seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

EF/lj
05/07/2020
Item No. 11

EXHIBIT "A-1"



Bulverde Rd Phase I
(Butterleigh to Quiet Meadow)

Parcel 19760
0.113 acre

Parcel 19759
0.393 acre

Boulder Crk

Green Spring

Boulder Peak

Mineral Spring

Shallow Brook

Rockriver

Miss Ellie

Digger

Colter

Bulverde Rd Project

Subject Property

EF/lj
05/07/2020
Item No. 11

EXHIBIT "A-2"

Parcel: 19759
Project: Bulverde Road Phase I
(Butterleigh to
Quiet Meadow)
Owner: David Pape, Et. Al.

FIELD NOTES DESCRIPTION

Being a 0.393-acre (17,140 Square Feet) tract of land out of a 203.7-acre tract described by deed recorded in Volume 15347, Page 371 of the Official Records of Bexar County, Texas, out of the Jacob Gall Survey #395, and out of the north part of old Louis Kneipp League, N.C.B. 17365 in the City of San Antonio, Bexar County, Texas. Said 0.393-acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

BEGINNING at a ½" iron rod set on the east Right-of-Way line of Bulverde Road, near the intersection of Jung Road, said point being the southwest corner of said 203.7-acre tract and the southwest corner of this herein described tract, said iron rod having state plane coordinate values of, X=2,152,768.45, Y=13,758,635.16.

Thence Along the east Right-of-Way line of Bulverde Road, the following courses and distances:

N 22° 05' 11" W, a distance of 32.41 feet to a point;

N 20° 56' 30" W, a distance of 552.42 feet to a point;

N 21° 22' 23" W, a distance of 160.29 feet to a point;

N 20° 37' 32" W, a distance of 242.80 feet to a point;

N 21° 24' 50" W, a distance of 114.29 feet to a point, for the northeast corner of this herein described tract;

Thence Over and across said 203.7-acre tract the following courses and distances:

S 27° 21' 20" E, a distance of 84.28 feet to a point of curvature of a tangent curve to the right;

Along said curve to the right having a radius of 1,640.00 feet, an arc length of 193.32 feet, a delta angle of 06° 45' 14", a chord bearing of N 23° 58' 43" W and a chord length of 193.21 feet to a point on a tangent line;

S 20° 36' 06" E, a distance of 755.88 feet to a point;

S 20° 51' 06" E, a distance of 69.65 feet to a point on the south line of said 203.7-acre tract, for the southeast corner of this herein described tract;

S 69° 06' 25" W, along south line of said 203.7-acre tract, a distance of 13.60 feet to the **POINT OF BEGINNING** and containing 0.393 acres (17,140 Square Feet) of land, more or less.



Donald L. White

Donald L. White, R.P.L.S. #3635
Fernandez Frazer White, Inc
December 18, 2018
Job No. 3487
FFW TBPLS No 10048900

REFERENCES:

O.P.R.B.C.T. OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING

NOTES

1. BEARINGS, DISTANCES AND AREAS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE, NAD 83.
2. WHERE PRACTICAL, ALL CORNERS ARE SET 1/2" IRON RODS WITH CAP MARKED 'FFW' UNLESS NOTED OTHERWISE.

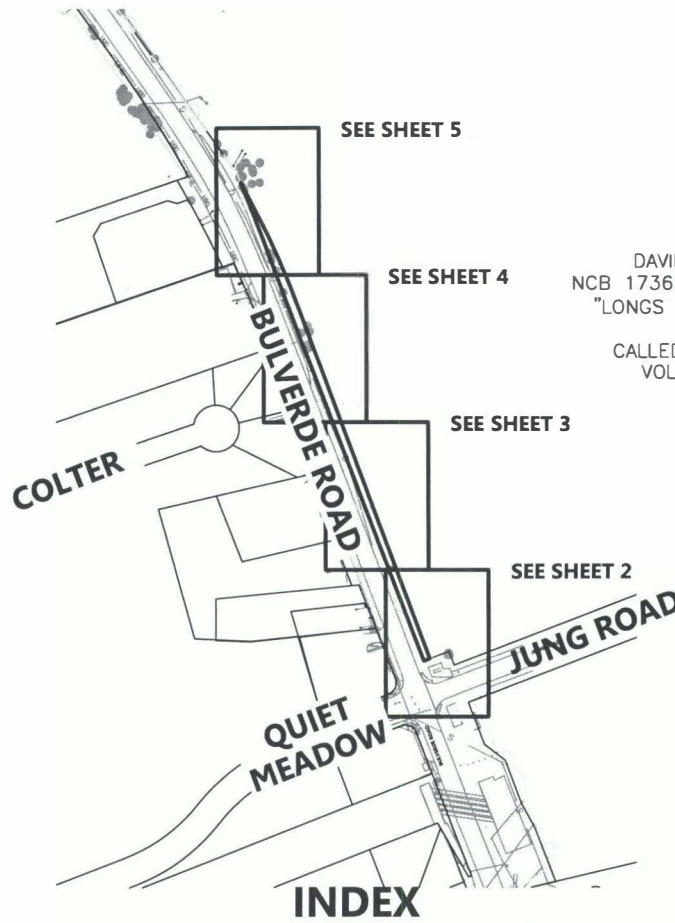
PARCEL NO: 19759

PROJECT: BULVERDE RD PHASE I
 (BUTTERLEIGH TO
 QUIET MEADOW)

OWNER: DAVID PAPE ET. AL.

LEGEND:

- 1/2-INCH IRON ROD FOUND UNLESS NOTED OTHERWISE
- PARCEL CORNER
- () RECORD INFORMATION
- ⊕ EXIST POWER POLE
- ⊙ EXIST SIGN
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DAVID PAPE, ET. AL.
 NCB 17365 P-1, P-3 & P-24
 "LONGS CREEK" ANNEXATION
 CALLED 203.7 ACRES IN
 VOL. 15347, PG. 371
 O.P.R.B.C.T.



LOCATION MAP
 (NOT TO SCALE)

I HEREBY CERTIFY THAT:

THIS EXHIBIT WAS PREPARED BASED ON
 A SURVEY MADE ON THE GROUND
 UNDER MY DIRECT SUPERVISION.

THIS 18th DAY OF DECEMBER, 2018 A.D.



Donald L. White
 DONALD L. WHITE
 REGISTERED PROFESSIONAL LAND
 SURVEYOR NO. 3635

E:\FFW\CADD\3487_CCSA_BULVERDE ROAD_EASEMENTS\PARCELS\SURVE\EX19759.DWG PLOT DATE: 12/18/2018 5:00 PM PLOT BY: JAGZMAN



FERNANDEZ FRAZER, WHITE AND
 ASSOCIATES, INC CONSULTING
 ENGINEERS LAND SURVEYORS
 8918 TESORO DR., SUITE 403 SAN ANTONIO, TEXAS 78217
 210.377.0774 WWW.FFWINC@FFWINC.COM
 TBPLS NO. 10048900 TBPE# F-896

**EXHIBIT OF A
 0.393 ACRE (17,140 SQUARE FEET)
 PARCEL OUT OF A 203.7 ACRE TRACT
 IN BEXAR COUNTY, TEXAS**

DRAWN BY: JAG
 SCALE: NONE
 DATE: 12/18/2018
 SHEET

1 OF 5

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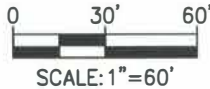
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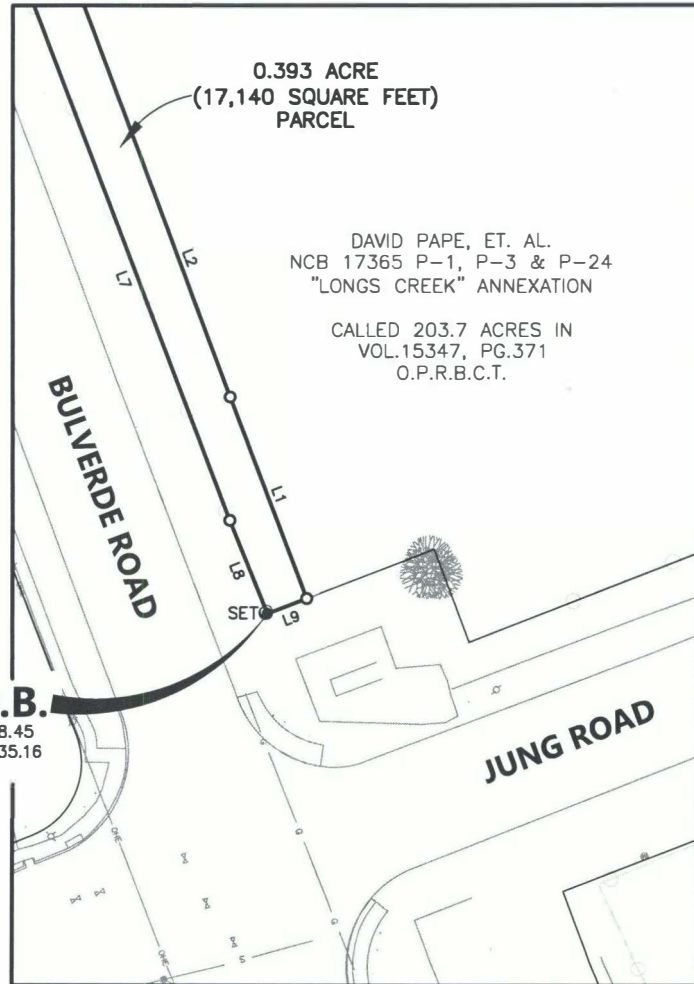
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1640.00'	193.32'	193.21'	N 23°58'43" W	6°45'14"



LINE	BEARING	DISTANCE
L1	S 20°51'06" E	69.65'
L2	S 20°36'06" E	755.88'
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SEE SHEET 3



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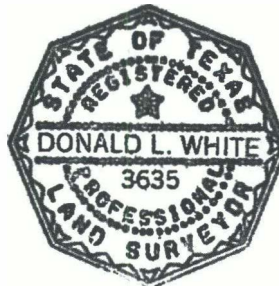


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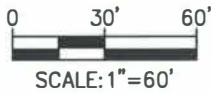
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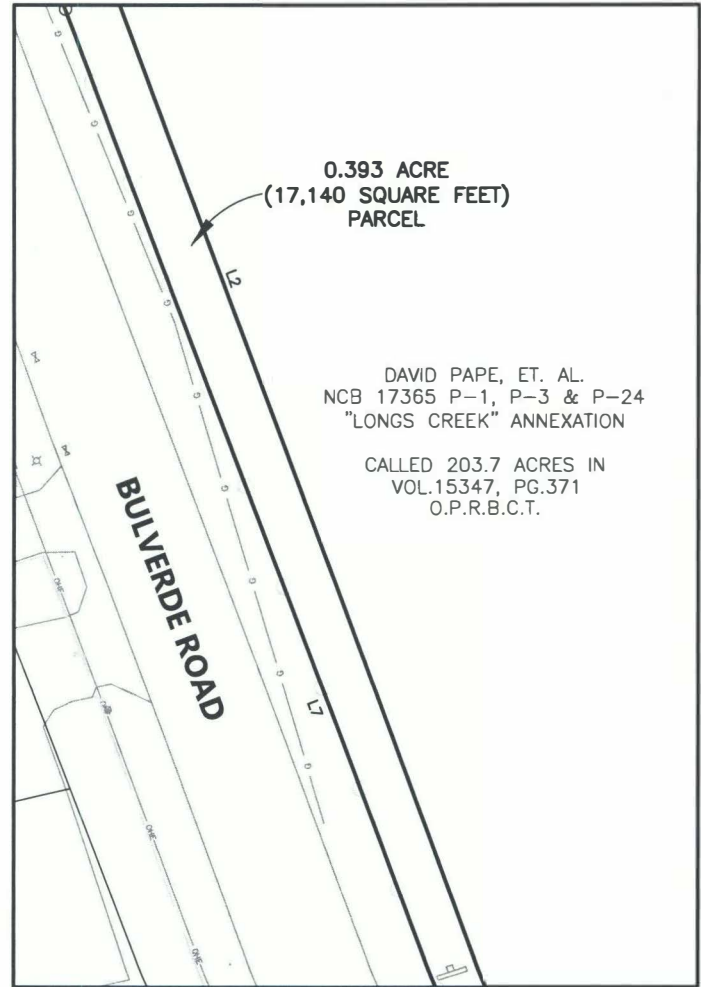
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 "LONGS CREEK" ANNEXATION

CALLED 203.7 ACRES IN
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SEE SHEET 2

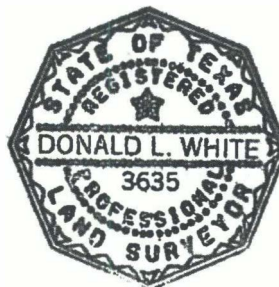


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3 OF 5



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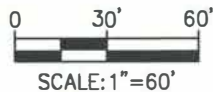
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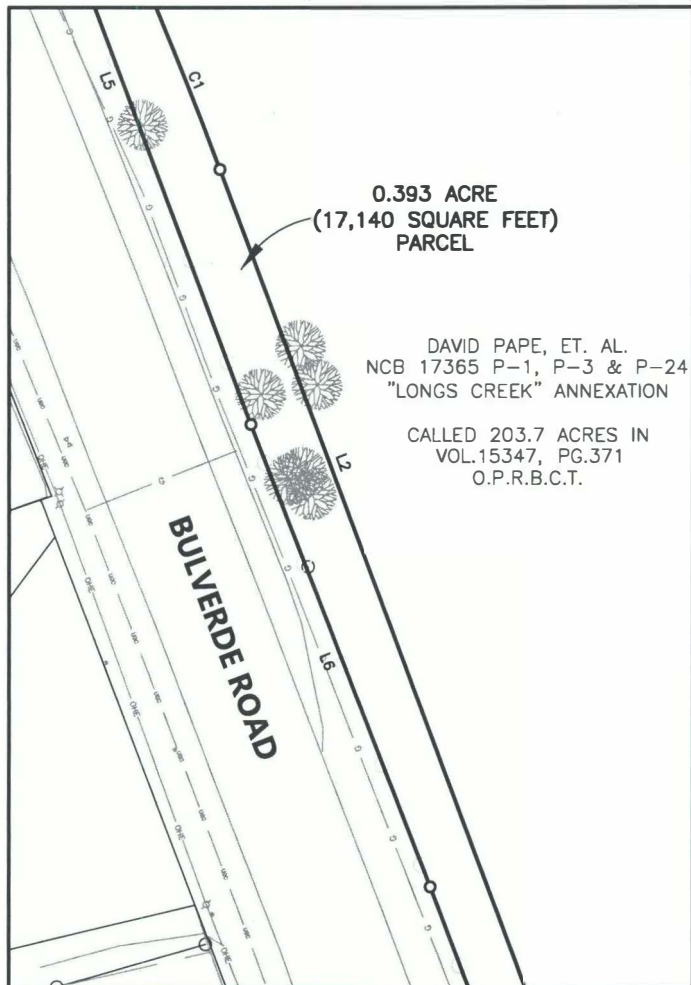
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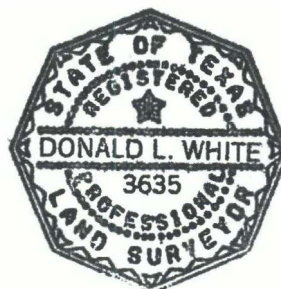


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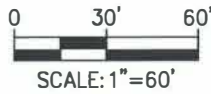
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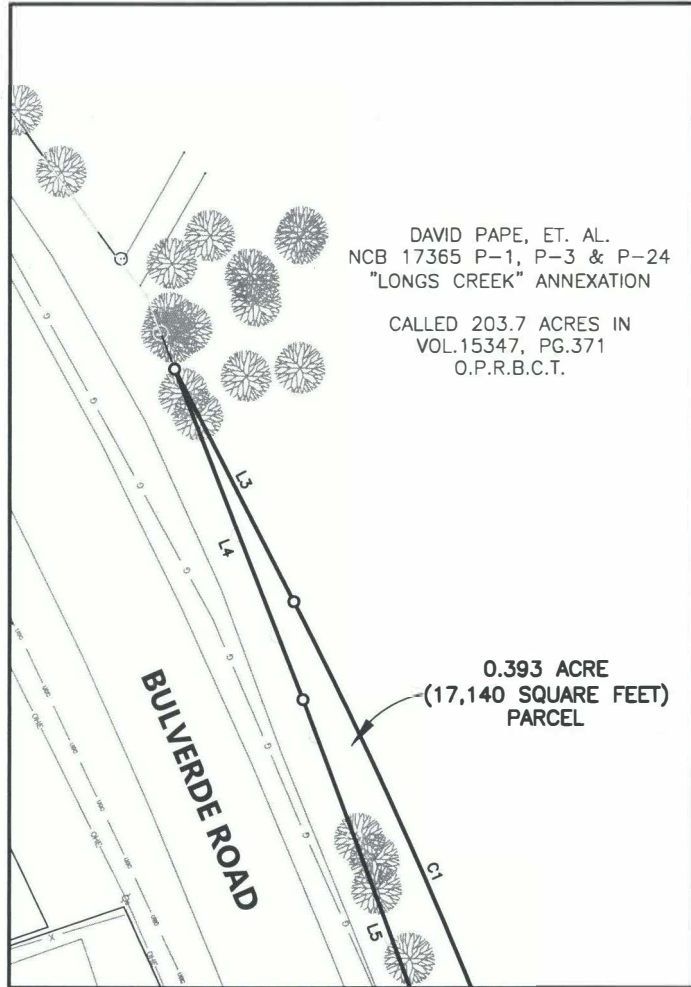
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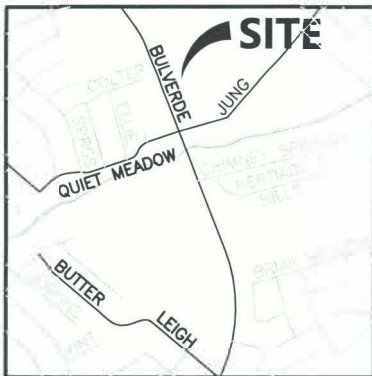
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Owner: David Pape, Et. Al.

FIELD NOTES DESCRIPTION

Being a 0.113-acre (4,902 Square Feet) tract of land out of a 203.7-acre tract described by deed recorded in Volume 15347, Page 371 of the Official Records of Bexar County, Texas, out of the Jacob Gall Survey #395, and out of the north part of old Louis Kneipp League, N.C.B. 17365 in the City of San Antonio, Bexar County, Texas. Said 0.113-acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

COMMENCING at a ½" iron rod set on the east Right-of-Way line of Bulverde Road, near the intersection of Jung Road, said point being the southwest corner of said 203.7-acre tract;

Thence Along the east Right-of-Way line of Bulverde Road, the following courses and distances:

N 22° 05' 11" W, a distance of 32.41 feet to a point;

N 20° 56' 30" W, a distance of 552.42 feet to a point;

N 21° 22' 23" W, a distance of 160.29 feet to a point;

N 20° 37' 32" W, a distance of 242.80 feet to a point;

N 21° 24' 50" W, a distance of 139.95 feet to a point;

N 38° 25' 53" W, a distance of 13.83 feet to the **POINT OF BEGINNING**, being a ½" iron rod set on the east Right-of-Way line of Bulverde Road, said point being the south corner of this herein described tract, and said iron rod having state plane coordinate values of X=2,152,355.18, Y=13,759,698.74.

Thence Along the east Right-of-Way line of Bulverde Road, the following courses and distances:

N 36° 16' 43" W, a distance of 263.09 feet to a point;

N 35° 56' 51" W, a distance of 433.27 feet to a point;

N 26° 43' 58" W, a distance of 63.41 feet to a point;

N 28° 28' 59" W, a distance of 64.52 feet to a point;

N 25° 04' 06" W, a distance of 47.85 feet to a point;

N 16° 31' 31" W, a distance of 48.59 feet to a point, for the northwest corner of this herein described tract;

Thence Over and across said 203.7-acre tract, the following courses and distances:

N 73° 28' 29" E, a distance of 5.42 feet to a point of curvature of a curve to the left;

Along a curve to the left having a radius of 875.84 feet, an arc length of 108.87 feet, a delta angle of 07° 07' 20", a chord bearing of S 23° 16' 26" E, and a chord length of 108.80 feet, to a point on a tangent line;

S 26° 49' 05" E, a distance of 14.90 feet to a point of curvature of a tangent curve to the left;

Along a curve to the left having a radius of 1,160.00 feet, an arc length of 170.06 feet, a delta angle of 08° 23' 59", a chord bearing of S 31° 01' 05" E, and a chord length of 169.91 feet, to a point on a tangent line;

S 35° 13' 05" E, a distance of 521.70 feet to a point;

S 36° 02' 14" E, a distance of 102.14 feet to the **POINT OF BEGINNING** and containing 0.113 acres (4,902 Square Feet) of land, more or less.



Donald L. White

Donald L. White, R.P.L.S. #3635
Fernandez Frazer White, Inc
December 18, 2018
Job No. 3487
FFW TBPLS No 10048900

REFERENCES:

O.P.R.B.C.T. OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING

NOTES

- BEARINGS, DISTANCES AND AREAS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE, NAD 83.
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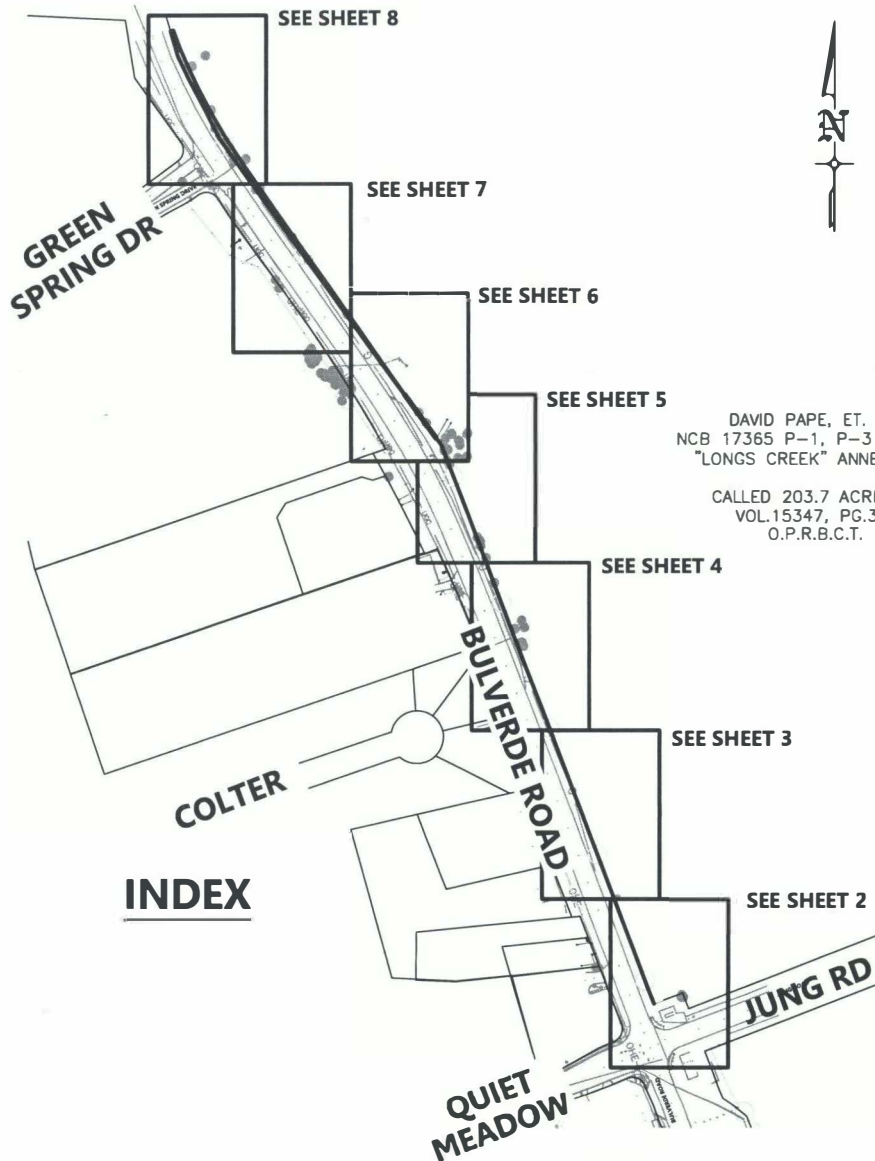
PARCEL NO: 19760

PROJECT: BULVERDE RD PHASE I
 (BUTTERLEIGH TO
 QUIET MEADOW)

OWNER: DAVID PAPE ET. AL.

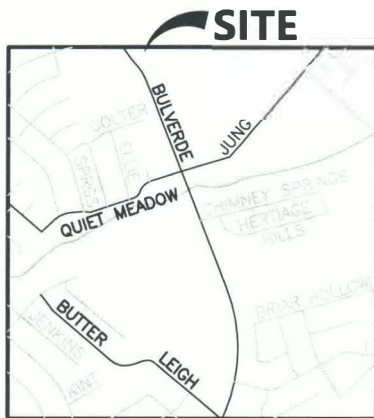
LEGEND:

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- PARCEL CORNER
- () RECORD INFORMATION
- ⊙ EXIST POWER POLE
- ⊞ EXIST SIGN
- ⊗ EXIST WATER VALVE
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DAVID PAPE, ET. AL.
 NCB 17365 P-1, P-3 & P-24
 "LONGS CREEK" ANNEXATION
 CALLED 203.7 ACRES IN
 VOL.15347, PG.371
 O.P.R.B.C.T.

INDEX



LOCATION MAP
 (NOT TO SCALE)

I HEREBY CERTIFY THAT:

THIS EXHIBIT WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

THIS 18th DAY OF DECEMBER, 2018 A.D.



Donald L. White
 DONALD L. WHITE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3635



FERNANDEZ FRAZER, WHITE AND ASSOCIATES, INC CONSULTING ENGINEERS LAND SURVEYORS
 8918 TESORO DR., SUITE 403 SAN ANTONIO, TEXAS 78217
 210.377.0774 WWW.FFWINC@FFWINC.COM
 TBPLS NO. 10048900 TBPE# F-896

**EXHIBIT OF A
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 PARCEL OUT OF A 203.7 ACRE TRACT
 IN BEXAR COUNTY, TEXAS**

DRAWN BY: JAG
 SCALE: NONE
 DATE: 12/18/2018
 SHEET

1 OF 8

REFERENCES:

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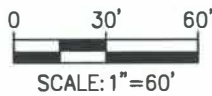
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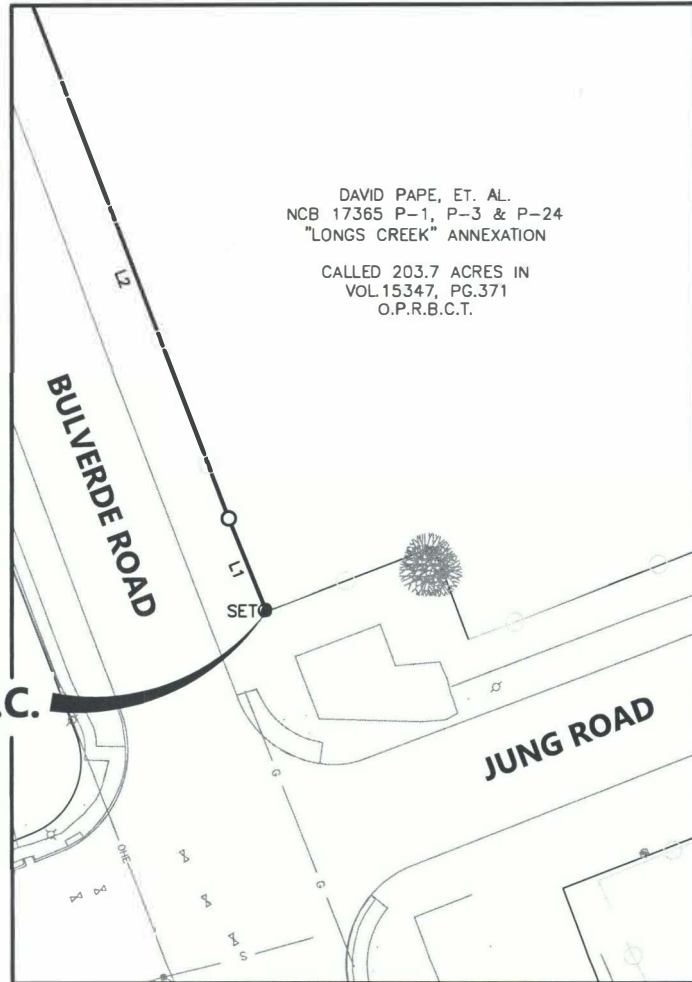
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SEE SHEET 3



P.O.C.



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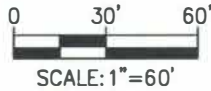
PARCEL NO: 19760

PROJECT: BULVERDE RD PHASE I
 (BUTTERLEIGH TO
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OWNER: DAVID PAPE ET. AL.

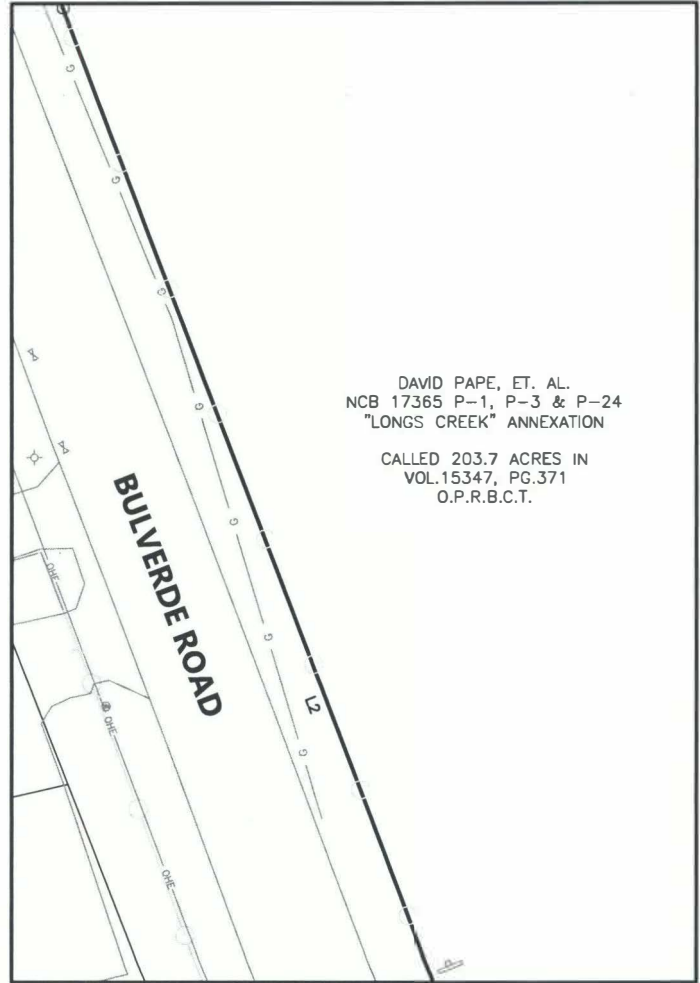
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SEE SHEET 4



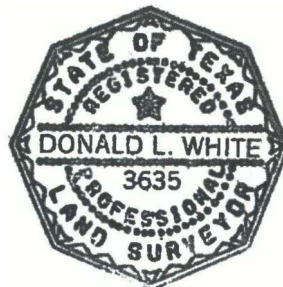
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 "LONGS CREEK" ANNEXATION

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SEE SHEET 2



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 SURVEYOR NO. 3635

C:\CARLSON PROJECTS\11WV_3487 COSA BULVERDE RD EASEMENTS\SURVEY\EASEMENT PARCELS\SURVEY\EX19759.DWG PLOT DATE: 10/31/2018 10:04 AM PLOT BY: JAGUZMAN



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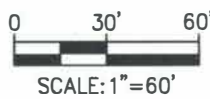
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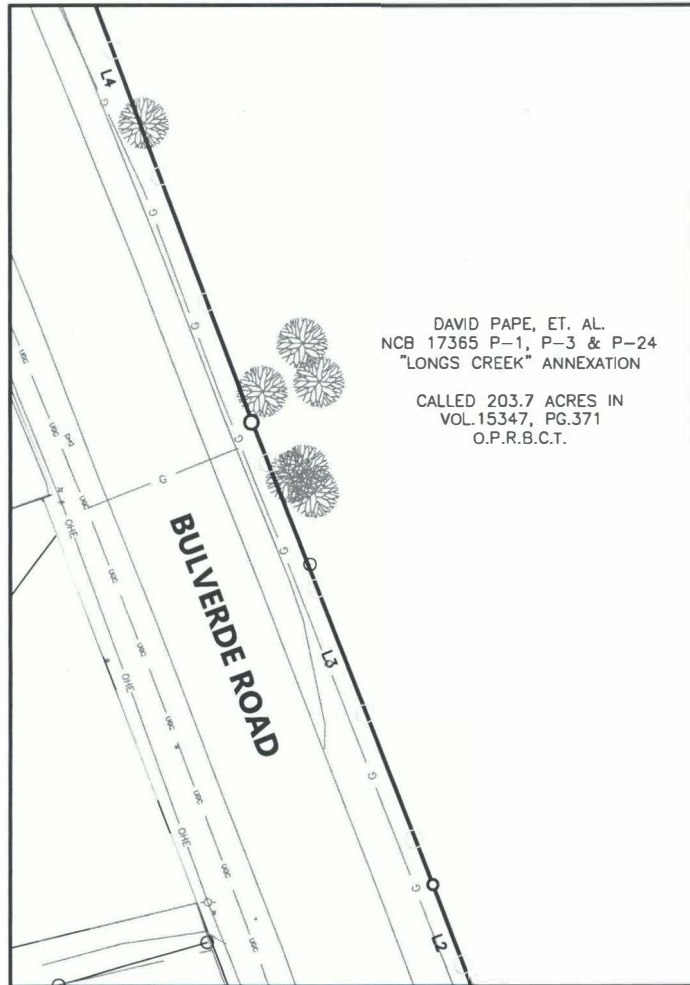
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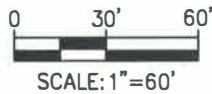
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OWNER: DAVID PAPE ET. AL.

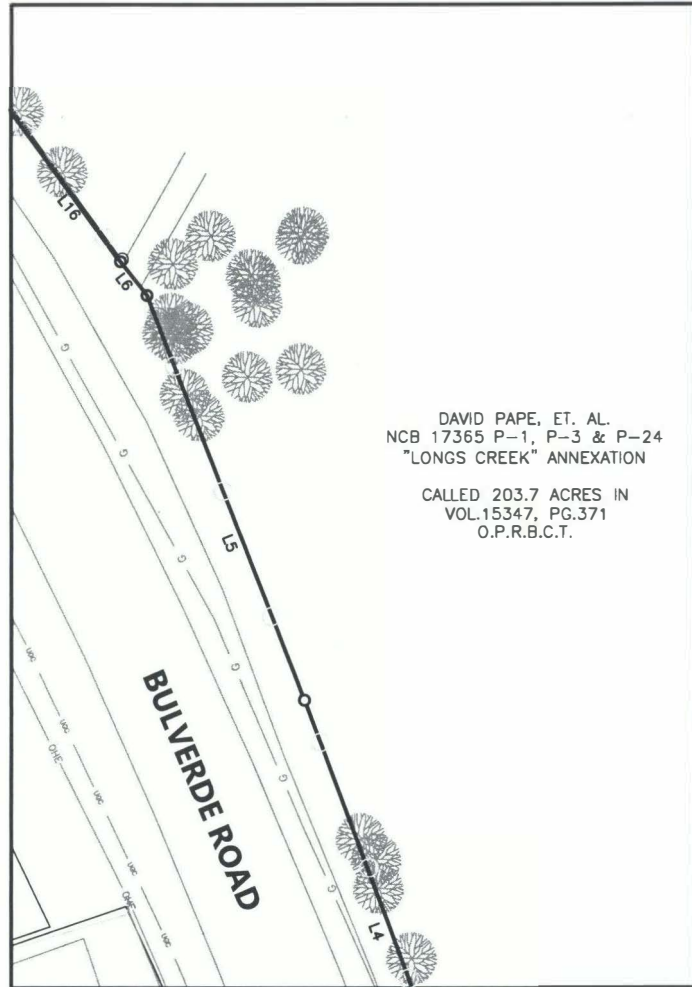
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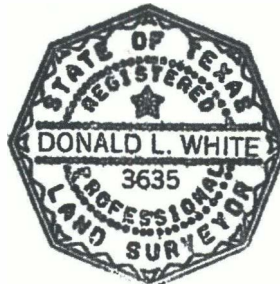


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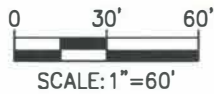
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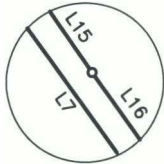
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1160.00'	170.06'	169.91'	N 31°01'05" W	8°23'59"
C2	875.84'	108.87'	108.80'	N 23°16'26" W	7°07'20"



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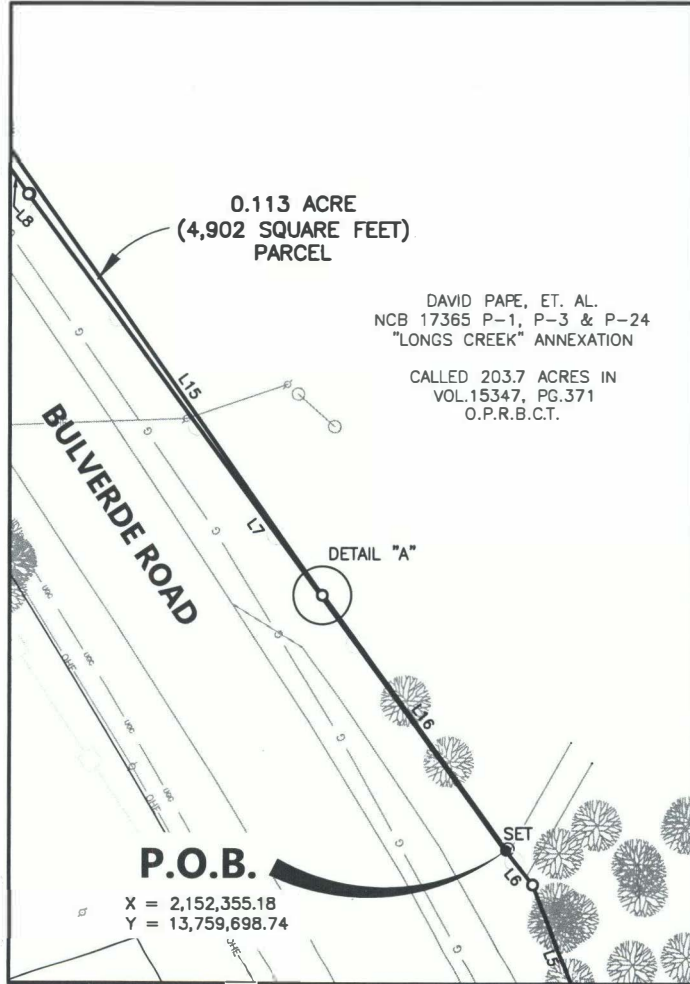
DETAIL "A"

SITE



LOCATION MAP
(NOT TO SCALE)

SEE SHEET 7



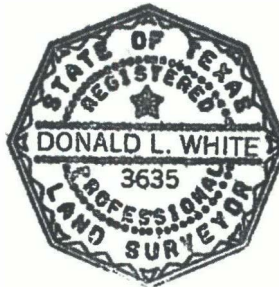
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PARCEL NO: 19760

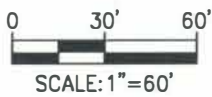
PROJECT: BULVERDE RD PHASE I
 (BUTTERLEIGH TO
 QUIET MEADOW)

OWNER: DAVID PAPE ET. AL.

LEGEND:

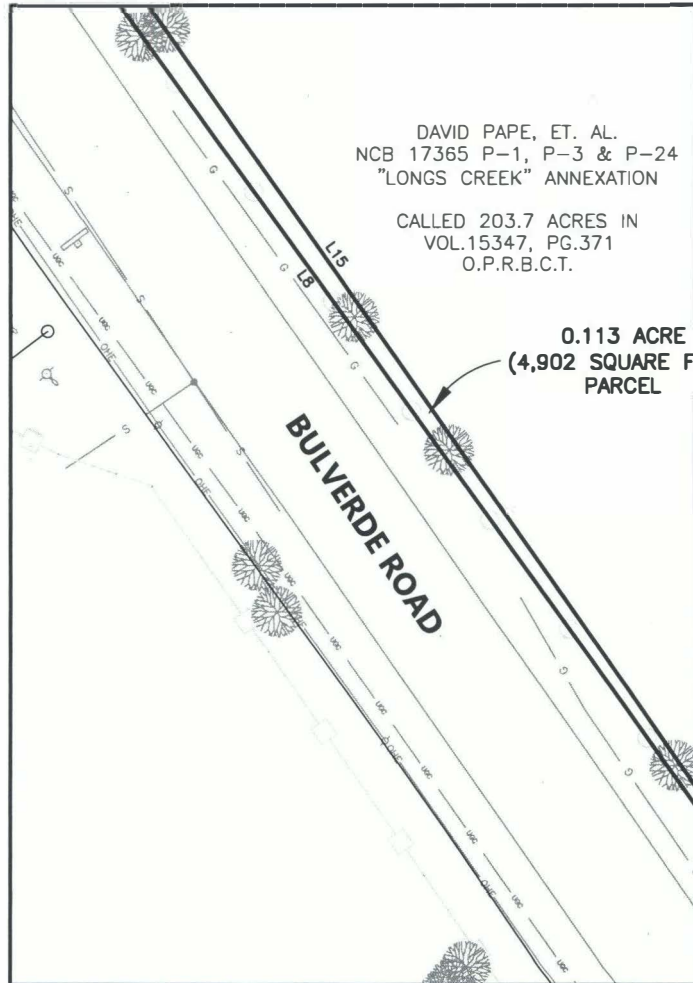
- 1/2-INCH IRON ROD FOUND UNLESS NOTED OTHERWISE
- PARCEL CORNER
- () RECORD INFORMATION
- EXIST POWER POLE
- EXIST SIGN
- ⊗ EXIST WATER VALVE
- ⊗ EXIST TREE
- ⊗ EXIST WROUGHT IRON FENCE
- ⊗ EXIST WIRE FENCE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1160.00'	170.06'	169.91'	N 31°01'05" W	8°23'59"
C2	875.84'	108.87'	108.80'	N 23°16'26" W	7°07'20"

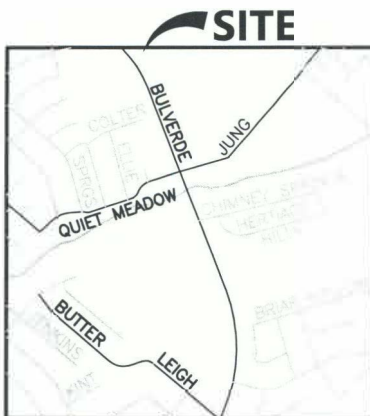


LINE	BEARING	DISTANCE
L1	N 22°05'11" W	32.41'
L2	N 20°56'30" W	552.42'
L3	N 21°22'23" W	160.29'
L4	N 20°37'32" W	242.80'
L5	N 21°24'50" W	139.95'
L6	N 38°25'53" W	13.83'
L7	N 36°16'43" W	263.09'
L8	N 35°56'51" W	433.27'
L9	N 26°43'58" W	63.41'
L10	N 28°28'59" W	64.52'
L11	N 25°04'06" W	47.85'
L12	N 16°31'31" W	48.59'
L13	N 73°28'29" E	5.42'
L14	S 26°49'05" E	14.90'
L15	S 35°13'05" E	521.70'
L16	S 36°02'14" E	102.14'

SEE SHEET 8



SEE SHEET 6

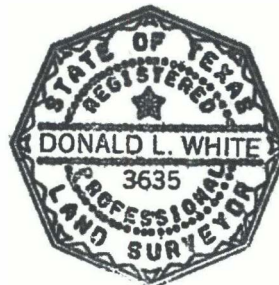


LOCATION MAP
(NOT TO SCALE)

I HEREBY CERTIFY THAT:

THIS EXHIBIT WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

THIS 18th DAY OF DECEMBER, 2018 A.D.



Donald L. White

DONALD L. WHITE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3635



FERNANDEZ FRAZER, WHITE AND ASSOCIATES, INC CONSULTING ENGINEERS LAND SURVEYORS
 8918 TESORO DR., SUITE 403 SAN ANTONIO, TEXAS 78217
 210.377.0774 WWW.FFWINC@FFWINC.COM
 TBPLS No. 10048900 TBPE# F-896

**EXHIBIT OF A
 0.113 ACRE (4,902 SQUARE FEET)
 PARCEL OUT OF A 203.7 ACRE TRACT
 IN BEXAR COUNTY, TEXAS**

DRAWN BY: JAG
 SCALE: 1"=60'
 DATE: 12/18/2018
 SHEET

7 OF 8

REFERENCES:

O.P.R.B.C.T. OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING

NOTES

- BEARINGS, DISTANCES AND AREAS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE, NAD 83.
- WHERE PRACTICAL, ALL CORNERS ARE SET 1/2" IRON RODS WITH CAP MARKED 'FFW' UNLESS NOTED OTHERWISE.

PARCEL NO: 19760

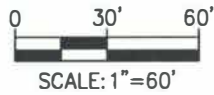
PROJECT: BULVERDE RD PHASE I
 (BUTTERLEIGH TO
 QUIET MEADOW)

OWNER: DAVID PAPE ET. AL.

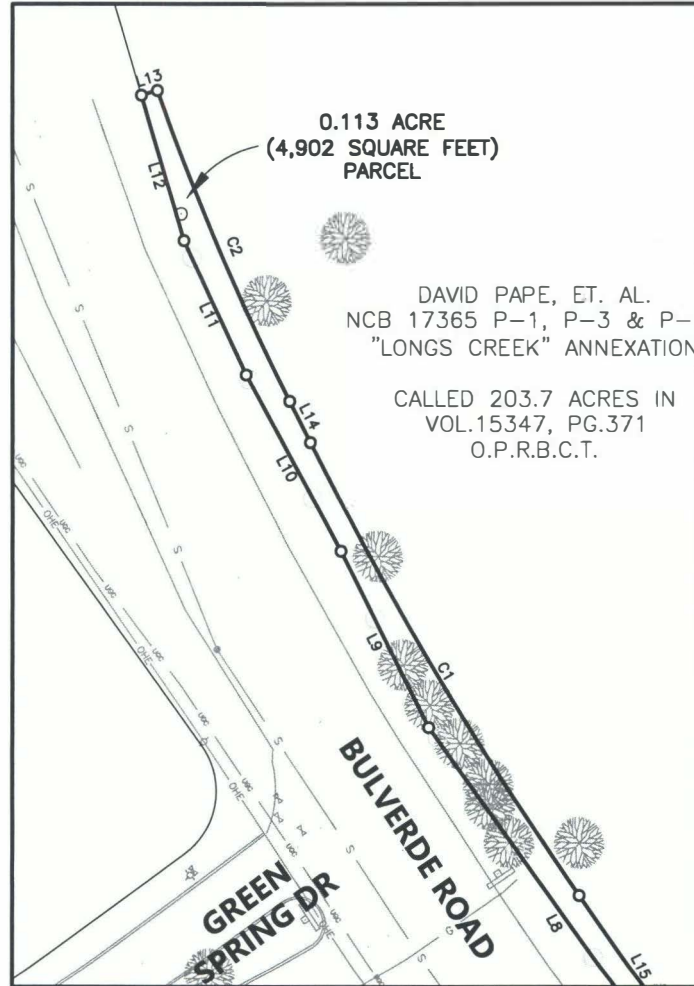
LEGEND:

- 1/2-INCH IRON ROD FOUND UNLESS NOTED OTHERWISE
- PARCEL CORNER
- () RECORD INFORMATION
- ⊗ EXIST POWER POLE
- ⊕ EXIST SIGN
- ⊗ EXIST WATER VALVE
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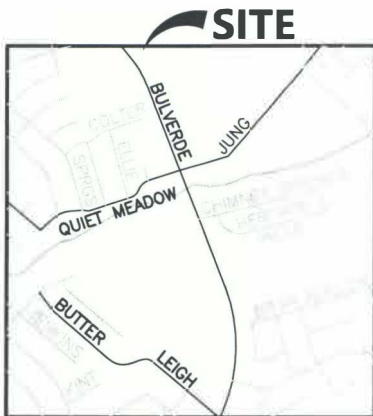


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DAVID PAPE, ET. AL.
 NCB 17365 P-1, P-3 & P-24
 "LONGS CREEK" ANNEXATION

CALLED 203.7 ACRES IN
 VOL.15347, PG.371
 O.P.R.B.C.T.



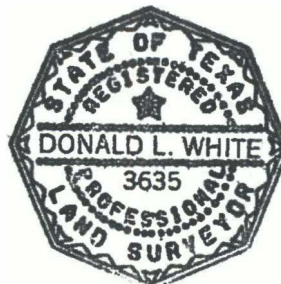
LOCATION MAP
 (NOT TO SCALE)

SEE SHEET 7

I HEREBY CERTIFY THAT:

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THIS 18th DAY OF DECEMBER, 2018 A.D.



Donald L. White

DONALD L. WHITE
 REGISTERED PROFESSIONAL LAND
 SURVEYOR NO. 3635

E:\FFW_CADD_3487_COSA_BULVERDE ROAD EASEMENTS\PARCELS\SURVEY\EX19760.DWG PLOT DATE:12/18/2018 5:05 PM PLOT BY:JAGZMAN



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 ASSOCIATES, INC CONSULTING
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