

AN ORDINANCE 2016-11-10-0892

**AUTHORIZING THE CONVEYANCE OF A .33 ACRE
CONSERVATION EASEMENT TO MITIGATION FUTURES
CONSERVANCY RELATED TO THE WETLAND
MITIGATION AREA ASSOCIATED WITH THE BEXAR
COUNTY FLOOD CONTROL PERRIN BEITEL CHANNEL
IMPROVEMENT PROJECT LOCATED IN COUNCIL
DISTRICT 2.**

* * * * *

WHEREAS, the City and Bexar County entered into the Third Amended Interlocal Agreement (ILA) for watershed projects in June of 2016; and

WHEREAS, the Perrin Beitel Channel Improvement Project was developed under the ILA, with the goal of the project to provide flood relief to the Village North Subdivision and Perrin Beitel Road; and

WHEREAS, as part of the design process the County worked with the U.S. Army Corps of Engineers (USACE) to ensure compliance with the Clean Water Act (CWA), and the project will result in impacts to Beitel Creek and a .06 acre wetland; and

WHEREAS, the USACE determined a CWA permit would be necessary, and, as part of the permit mitigation plan, the creation of an on-site permittee responsible wetland mitigation area is required; and

WHEREAS, in cooperation with the USACE, the County proposed the use of a third party, Mitigation Futures Conservancy, to fulfill the roll of maintaining the on-site permittee responsible wetland mitigation area through a conservation easement; and

WHEREAS, under the terms of the ILA, the City will assume the responsibility for the project upon substantial completion and will grant the .33 acre wetland conservation easement in perpetuity to Mitigation Futures Conservancy with the one-time fee paid by the County; and

WHEREAS, the easement property is described in detail on **Attachment I**; **NOW THEREFORE:**

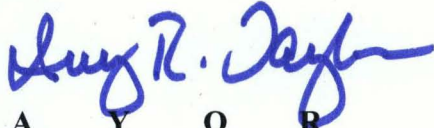
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City is authorized to negotiate, execute, and deliver a conservation easement with Mitigation Futures Conservancy relating to the Perrin-Beitel Channel Improvement Project and compliance with the Clean Water Act permit wetland mitigation plan. The City Attorney must approve the form of the conservation easement and related documents, if any, and the City Manager must determine that the substance of all documents are in the City's best interests.

SECTION 2. The City Manager and her designee, severally, are authorized and directed to execute and deliver all documents reasonably pertinent to the above-described conservation-easement transaction and otherwise to do all things necessary or convenient to effectuate the described transaction.

SECTION 3. 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 10th day of November, 2016.


M A Y O R
Ivy R. Taylor

Attest:



Leticia M. Vacek, City Clerk

Approved As To Form:



11-012 City Attorney

Agenda Item:	12 (in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20)						
Date:	11/10/2016						
Time:	10:13:09 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the conveyance of a 0.330 acre perpetual conservation easement from the City of San Antonio to Mitigation Futures Conservancy related to the wetland mitigation area associated with the Bexar County Flood Control Perrin Beitel Channel Improvement Project in Council District 2. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



engineers | architects | surveyors

Bexar County Flood Control Perrin-Beitel Bridge Expansion (SC-9)

SOLUTIONS TODAY WITH
A VISION FOR TOMORROW

METES AND BOUNDS

For a 0.330 of an Acre (14,393 square foot)

(Variable Width Conservation Easement)

Being a 0.330 of an acre, or 14,393 square feet tract of land being out of a 4.92 acre tract described in a General Warranty Deed dated June 22, 2001 to the City of San Antonio, recorded in Volume 9016, Pages 1743-1751, Official Public Records of Bexar County, Texas, situated in the Gonifacio Rodriguez Survey Number 131, Abstract Number 621, now in N.C.B. (New City Block) 12161 of the City of San Antonio, Bexar County, Texas. Said 0.330 of an acre tract being more particularly described as follows with bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum of 1983 (CORS 1996):

COMMENCING for reference: At a 1/2 inch iron rod found, on the south line of Briarglen Drive, a 50-foot right-of-way, at the northeast corner of Lot 2 and the northwest corner of Lot 3 of the Village North Subdivision, Unit-1, recorded in Volume 5140, Pages 190-191 of the Deed and Plat Records of Bexar County, Texas, said iron rod having state plane coordinates of X= 2,155,334.58, Y= 13,733,853.49, from which a 1/2 inch iron rod found bears S 70°27'17" E, a distance of 75.35 feet for the northeast corner of said Lot 3 and the northwest corner of Lot 4 of said Village North Subdivision, Unit-1;

THENCE: S 17°48'16" W, leaving the south line of said Briarglen Drive, across said Village North Subdivision, Unit-1 and said 4.92 acre tract, a distance of 174.93 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE: Across said 4.92 acre tract, the following ten (10) courses:

S 10°03'56" E, a distance of 27.23 feet to a point of the herein described tract;
S 56°23'28" W, a distance of 48.67 feet to a point of the herein described tract;
S 78°32'00" W, a distance of 146.69 feet to a point of the herein described tract;
N 58°44'16" W, a distance of 66.01 feet to a point of the herein described tract;
N 62°38'35" W, a distance of 29.30 feet to a point of the herein described tract;
N 70°27'25" W, a distance of 29.30 feet to a point of the herein described tract;
N 89°48'30" E, a distance of 52.01 feet to a point of the herein described tract;
N 82°00'05" E, a distance of 52.01 feet to a point of the herein described tract;
N 78°06'01" E, a distance of 140.79 feet to a point of the herein described tract;



engineers | architects | surveyors

Bexar County Flood Control Perrin-Beitel Bridge Expansion (SC-9)

**SOLUTIONS TODAY WITH
A VISION FOR TOMORROW**

S 77°06'43" E, a distance of 49.56 feet to the **POINT OF BEGINNING** and containing 0.330 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.

Prepared by: LNV Inc.
Job No.: 120512
File: S:\Projects\SAWS\120512 Perrin-Beitel Bridge Expn. Wtr Swr\000\Survey\MB120512_CONSV
ESMT.docx
Date: May 31, 2016
TBPLS Firm No.: 10126502



NOTE:

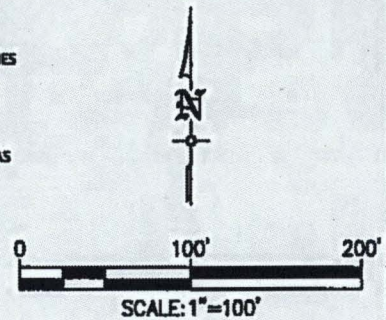
1. BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), THE NORTH AMERICAN DATUM OF 1983 (CORS 1996)
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT

REFERENCE:

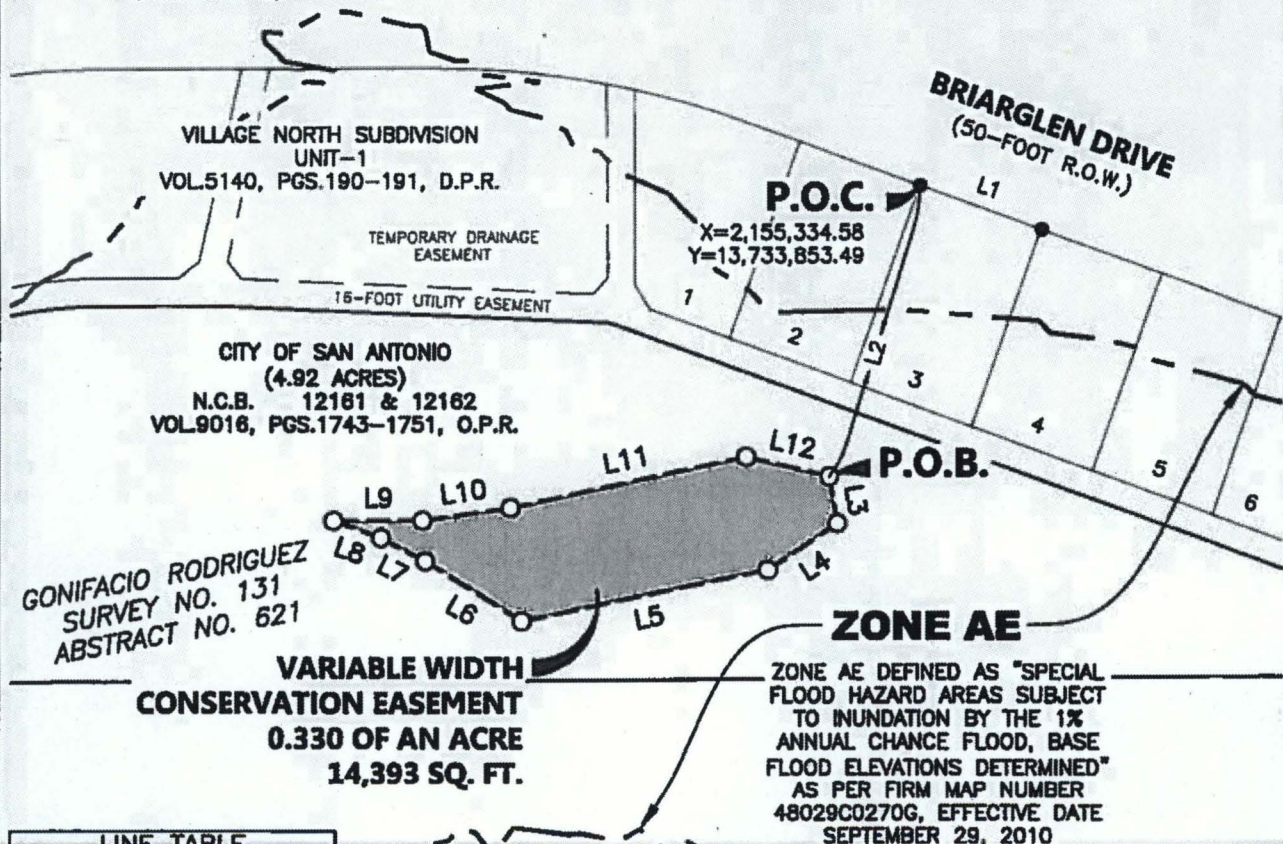
D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
 O.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 P.O.C. POINT OF COMMENCING
 P.O.B. POINT OF BEGINNING

LEGEND:

- 1/2 INCH IRON ROD FOUND
 MANHOLE WASTEWATER
 WIRE FENCE
 — X —



LOCATION MAP
 (NOT TO SCALE)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 70°27'17" E	75.35'
L2	S 17°48'16" W	174.93'
L3	S 10°03'56" E	27.23'
L4	S 56°23'28" W	48.67'
L5	S 78°32'00" W	148.69'
L6	N 58°44'16" W	66.01'
L7	N 62°38'35" W	29.30'
L8	N 70°27'25" W	29.30'
L9	N 89°48'30" E	52.01'
L10	N 82°00'05" E	52.01'
L11	N 78°06'01" E	140.79'
L12	S 77°06'43" E	49.56'

I hereby certify that:

This exhibit was prepared based on a survey made on the ground under my direct supervision.

This 31st day of May, 2016 A.D.



Sergio Z. Canales
 Registered Professional Land Surveyor No. 6040

LNIV

engineers | architects | surveyors
 8018 TESCO DR., SUITE 401
 SAN ANTONIO, TX 78217

WWW.LNIVINC.COM

TYPE FORM NO. F-305
 TRIPLE FORM NO. 10/2002

PH. (210) 523-2232
 FAX (210) 523-4232

EXHIBIT
 For a 0.330 of an acre (14,393 square foot)
 (Variable Width Conservation Easement)

A 0.330 of an acre, or 14,393 square foot tract of land being out of a 4.92 acre tract described in a General Warranty Deed dated June 22, 2001 to the City of San Antonio, recorded in Volume 9016, Pages 1743-1751, Official Public Records of Bexar County, Texas, situated in the Gonifacio Rodriguez Survey Number 131, Abstract Number 621, now in N.C.B. (New City Block) 12161 of the City of San Antonio, Bexar County, Texas.

DRAWN BY: JMW
 SCALE: 1"=100'
 DATE: 05-31-16
 SHEET

3 OF 3