

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING THE RELEASE OF TWO CITY OWNED DRAINAGE
EASEMENTS ADJACENT TO TEZEL ROAD BETWEEN MAINLAND
DRIVE AND OLD TEZEL ROAD AS REQUESTED BY BGE, INC. IN
COUNCIL DISTRICT 7.**

* * * * *

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

SECTION 1. The City Manager and her designee, jointly or severally, are authorized and directed to release the easements described in **Attachment I**, which is incorporated herein for all purposes as if fully stated. It is a condition of the release, which the applicant has agreed to, that the release shall not take effect until such time as the drainage easement areas have been replatted in accordance with Chapter 35 of the City Code of the City of San Antonio and such replat in recorded in the Bexar County property records. The City Manager and her designee, jointly and severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transaction, including executing and delivering all instruments and agreements conducive to effectuating the transaction. Such instruments may include the Release of Easements in substantially the same form as in **Attachment II** or a certificate of release upon meeting conditions of this ordinance.

SECTION 2. Per the originating department's information, there is no fiscal language associated with this ordinance.

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

SECTION 4. 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 **th** day of _____, 2017.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

AZJ
09/____/17
Item No. _____

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

DRAFT

AZJ
09/____/17
Item No. _____

Attachment I

STATE OF TEXAS
COUNTY OF BEXAR

EXHIBIT "A"

FIELD NOTES
FOR PARCEL 16606E
0.051 HECTARE (0.126 ACRE)
DRAINAGE EASEMENT

A FIELD NOTE description of a 0.051 hectare (0.126 of an acre) N.C.B. 18309 city of San Antonio, Bexar county, Texas. drainage easement out of a 6.24 acre tract of land recorded in Special Warranty Deed with Vendor's Lien, Volume 5233, Page 1796, Real Property Records, Bexar County, Texas. Said 0.051 hectare (0.126 of an acre) drainage easement being more particularly described as follows;

BEGINNING at a point for the northwest corner of said 6.24 acre tract and being in the east right-of-way line of Tezel Road for the northwest corner of herein described easement;

THENCE South 83° 40' 51" East, a distance of 26.318 meters (86.34 feet) to a point for the northeast corner of herein described easement;

THENCE South 06° 19' 18" West, a distance of 20.082 meters (65.89 feet) to a point for the southeast corner of herein described easement;

THENCE North 83° 40' 50" West, a distance of 24.027 meters (78.83 feet) to a point in the east right-of-way line of Tezel Road for the southwest corner of herein described easement;

THENCE along the east right-of-way line of Tezel Road, North 00° 10' 40" West, a distance of 20.212 meters (66.31 feet) to the POINT OF BEGINNING and containing 0.051 hectare (0.126 of an acre) more or less. A plat was prepared this date to accompany this field note description.



JAMES A. STANTON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4959

DATE: 3/4/03



FILED 0332080578

AZJ
09/____/17
Item No. _____

STATE OF TEXAS
COUNTY OF BEXAR

EXHIBIT "A"

FIELD NOTES
FOR PARCEL 16607E
0.052 HECTARE (0.128 ACRE)
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BEGINNING at a point in the west line of said 6.24 acre tract and in the east right-of-way line of Tezel Road for the southwest corner of herein described easement. Said point being North 00° 10' 40" West, a distance of 48.380 meters (158.73 feet) from the southwest corner of fore mentioned 6.24 acre tract;

THENCE North 00° 10' 40" West, a distance of 22.549 meters (73.98 feet) along the east right-of-way line of Tezel Road to a point for the northwest corner of herein described easement;

THENCE North 62° 19' 01" East, a distance of 20.830 meters (68.34 feet) to a point for the northeast corner of herein described easement;

THENCE South 27° 41' 06" East, a distance of 20.000 meters (65.62 feet) to a point for the southeast corner of herein described easement;

THENCE South 62° 18' 58" West, a distance of 31.245 meters (102.51 feet) to the POINT OF BEGINNING and containing 0.052 hectare (0.128 of an acre) more or less. A plat was prepared this date to accompany this field note description.

James A. Stanton
JAMES A. STANTON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4959

DATE: 3/4/03



10332750514

AZJ
09/____/17
Item No. _____

Attachment II

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 }
 }
County of Bexar }

Release of Easements

WHEREAS, the City of San Antonio ("City"), a Texas municipal corporation, purchased two drainage easements from Minh C. Dinh and Kieu Trinh Dinh; and

WHEREAS, property is being replatted to include drainage easements that make the previously purchased easements unnecessary; and

WHEREAS, the release of these easements will relieve the City of San Antonio from unnecessary maintenance costs and obligations;

NOW THEREFORE, the easements shown and described in **Exhibit A**, as conveyed to the City of San Antonio by instrument recorded in Volume 10332, Pages 572-579 of the Official Deed and Plat Records of Bexar County, Texas, have been and herein are released. However it is a condition of this release that the property shown in **Exhibit B** be platted in accordance with the Unified Development Code (Chapter 35) of the City of San Antonio, and such plat be recorded, within 6 months of the date of signature below. If such plat is not recorded the easements shall remain in existence and this release shall be null and void and of no further effect.

In Witness Whereof, Grantee has caused its representative to set its hand:

City of San Antonio, a Texas municipal corporation

By: _____

Printed Name: _____

Title: _____

Date: _____

Approved As To Form:

By: _____

City Attorney

AZJ
09/____/17
Item No. _____

The State of Texas }
County of Bexar }

This instrument was this date acknowledged by _____, in the capacity
stated above, on behalf of the City of San Antonio.

Date: _____

Notary Public, State of Texas

My Commission Expires: _____

After Recording, Return To:

CalAtlantic Homes of Texas, Inc.
607 E. Sontera Blvd Ste. 108
San Antonio, TX 78258-4283

AZJ
09/____/17
Item No. _____

EXHIBIT A

RECORD AND RETURN TO:
REAL ESTATE SECTION
CITY OF SAN ANTONIO
P. O. BOX 839966
SAN ANTONIO, TEXAS 78283-3966

LTSA-DT-JH
365529-C

JTS/4/3/03
ORD. #97914/8/7/03

Parcel No.: 16607(E)
Project: Tezel-Timber Path
to Old Tezel Road

**EASEMENT
(Permanent)**

Doc# 20030251115

STATE OF TEXAS }
 }
COUNTY OF BEXAR }

KNOW ALL MEN BY THESE PRESENTS:

LTSA-DT

THAT, MINH C. DINH and wife, KIEU TRINH DINH, hereinafter referred to as "GRANTORS", for and in consideration of the sum of THIRTEEN THOUSAND TWO HUNDRED FORTY TWO AND 00/100 (\$13,242.00) DOLLARS to it in hand paid by the CITY OF SAN ANTONIO, a municipal corporation, Bexar County, Texas, whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, hereinafter referred to as "GRANTEE", the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the CITY OF SAN ANTONIO, Bexar County, Texas, an easement for drainage purposes including all necessary appurtenances thereto, over, across, under and upon the following described lands located in City of San Antonio, Bexar County, Texas, to-wit:

Being a 0.052 hectare (0.128 of an acre) tract of land being a drainage easement out of a 6.24 acre tract of land as recorded in Special Warranty Deed in Volume 5233, Page 1796, of the Official Public Records of Bexar County, Texas, in New City Block (NCB) 18309, of the City of San Antonio, Bexar County Texas; said 0.052 hectare (0.128 of an acre) drainage easement being more particularly described by attached Exhibit "A" hereto and made a part hereof.

REC 10332PG0512

together with the right of ingress and egress over said right-of-way for the purpose of constructing, reconstructing, relocating, improving, expanding, inspecting, patrolling, maintaining and removing said drainage improvements and appurtenances; the right to relocate the improvements within the easement; the right to remove from the property all trees and parts thereof, or other obstructions, which may interfere with the exercise of the rights granted hereunder; the right to excavate, deposit or to fill material thereon; leveling and/or grading as necessary, and the right of exercising all other rights hereby granted, and GRANTORS expressly covenant and agree for themselves, their heirs, executors and administrators, that no building of any kind will be placed on said easement and right-of-way herein granted.

TO HAVE AND TO HOLD the above described easement and rights unto the said GRANTEE, its successors and assigns, until the use of said right-of-way shall be abandoned.

AZJ
09/____/17
Item No. _____

EASEMENT (Permanent) - PARCEL NO. 16607(E) Page 2

And GRANTORS do hereby bind themselves, their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the above described easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 1st day of May, A.D., 2003.



MINH C. DINH



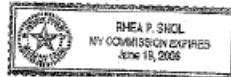
KIEU TRINH DINH

STATE OF TEXAS }
 }
COUNTY OF Brazoria }

This instrument was acknowledged before me on this the 1st day of May, A.D., 2003 by MINH C. DINH and wife, KIEU TRINH DINH.



NOTARY PUBLIC SIGNATURE



10332780573

AZJ
09/____/17
Item No. _____

STATE OF TEXAS
COUNTY OF BEXAR

EXHIBIT "A"

FIELD NOTES
FOR PARCEL 16607E
0.052 HECTARE (0.128 ACRE)
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BEGINNING at a point in the west line of said 6.24 acre tract and in the east right-of-way line of Tezel Road for the southwest corner of herein described easement. Said point being North $00^{\circ} 10' 40''$ West, a distance of 48.380 meters (158.73 feet) from the southwest corner of fore mentioned 6.24 acre tract.;

THENCE North $00^{\circ} 10' 40''$ West, a distance of 22.549 meters (73.98 feet) along the east right-of-way line of Tezel Road to a point for the northwest corner of herein described easement;

THENCE North $62^{\circ} 19' 01''$ East, a distance of 20.830 meters (68.34 feet) to a point for the northeast corner of herein described easement;

THENCE South $27^{\circ} 41' 06''$ East, a distance of 20.000 meters (65.62 feet) to a point for the southeast corner of herein described easement;

THENCE South $62^{\circ} 18' 58''$ West, a distance of 31.245 meters (102.51 feet) to the POINT OF BEGINNING and containing 0.052 hectare (0.128 of an acre) more or less. A plat was prepared this date to accompany this field note description.

James A. Stanton
JAMES A. STANTON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4959

DATE: 3/4/03



10332760514

AZI

09/____/17

Item No. _____

Any provision (agreed which) restricts the right, or one of the described real property because of race is hereby declared void and unenforceable under the laws of the STATE OF TEXAS, COUNTY OF BEXAR. I hereby certify that this instrument was FILED in the Public Records on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 30 2003



Levy R. Ruff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20030251113
4 Pages
09/30/2003 04:12:17 PM
Filed & Recorded in
Official Records of
BEXAR COUNTY
BEXAR COUNTY
COUNTY CLERK
Fees \$28.00

11110332000575

AZJ
09/____/17
Item No. _____

RECORD AND RETURN TO: *LISA-DT-JH*
REAL ESTATE SECTION *#365585-N*
CITY OF SAN ANTONIO
P. O. BOX 839866

Jls/4/3/03
ORD. #97914/8/7/03
SAN ANTONIO, TEXAS 78283-3966

Parcel No.: 16606(E)
Project: Tezel-Timber Path
to Old Tezel Road

EASEMENT
(Permanent)

Doc# 20030251116

STATE OF TEXAS }
 }
COUNTY OF BEXAR }

KNOW ALL MEN BY THESE PRESENTS:

LISA-DT

THAT, MINH C. DINH and wife, KIEU TRINH DINH, hereinafter referred to as "GRANTORS", for and in consideration of the sum of THIRTEEN THOUSAND THIRTY FIVE AND 00/100 (\$13,035.00) DOLLARS to it in hand paid by the CITY OF SAN ANTONIO, a municipal corporation, Bexar County, Texas, whose mailing address is P.O. Box 839866, San Antonio, Texas 78283-3966, hereinafter referred to as "GRANTEE", the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the CITY OF SAN ANTONIO, Bexar County, Texas, an easement for drainage purposes including all necessary appurtenances thereto, over, across, under and upon the following described lands located in City of San Antonio, Bexar County, Texas, to-wit:

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together with the right of ingress and egress over said right-of-way for the purpose of constructing, reconstructing, relocating, improving, expanding, inspecting, patrolling, maintaining and removing said drainage improvements and appurtenances; the right to relocate the improvements within the easement; the right to remove from the property all trees and parts thereof, or other obstructions, which may interfere with the exercise of the rights granted hereunder; the right to excavate, deposit or to fill material thereon; leveling and/or grading as necessary, and the right of exercising all other rights hereby granted, and GRANTORS expressly covenant and agree for themselves, their heirs, executors and administrators, that no building of any kind will be placed on said easement and right-of-way herein granted.

TO HAVE AND TO HOLD the above described easement and rights unto the said GRANTEE, its successors and assigns, until the use of said right-of-way shall be abandoned.

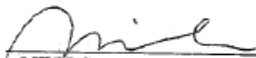
WM 10332 PG 05 16

AZJ
09/____/17
Item No. _____

EASEMENT (Permanent) - PARCEL NO. 16606(E) Page 2

And GRANTORS do hereby bind themselves, their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the above described easement and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 1st day of May, A.D., 2003.



MINH C. DINH



KIEU TRINH DINH

STATE OF TEXAS }
COUNTY OF Brazoria }

This instrument was acknowledged before me on this the 1st day of May, A.D., 2003 by MINH C. DINH and wife, KIEU TRINH DINH.



NOTARY PUBLIC SIGNATURE



1010332PG0517

AZJ
09/____/17
Item No. _____

STATE OF TEXAS

EXHIBIT "A"

COUNTY OF BEXAR

FIELD NOTES
FOR PARCEL 16606E
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DRAINAGE EASEMENT

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JAMES A. STANTON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4959

DATE: 3/4/03



1110332 PG 0578

AZJ
09/____/17
Item No. _____

Any provision herein which purports to waive or limit the effect of the described real property interest of title to invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on
the date and at the time stamped hereon by me and was duly RECORDED
in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 30 2003



Henry Blalock
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20030251116
Pages 4
09/30/2003 04:21:17 PM
Filed & Recorded in
Official Records of
BEXAR COUNTY
HENRY BLALOCK
COUNTY CLERK
Fees: \$28.00

W110332FB0579

