

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

AN ORDINANCE

**AUTHORIZING THE GRANTING OF AN AERIAL EASEMENT TO
AMERICAN PAYROLL INSTITUTE PROPERTIES INC. OVER CITY
PROPERTY UP TO 0.0045 OF AN ACRE LOCATED IN NCB 789 ON SAN
PEDRO AVENUE IN COUNCIL DISTRICT 1.**

* * * * *

WHEREAS, The 2012 - 2017 General Obligation Bond provides \$40 million for the Downtown Streets Reconstruction Project; and

WHEREAS, The full reconstruction of the intersection at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, is one of the five areas included in Downtown Streets Reconstruction project; and

WHEREAS, In order to accomplish this design, the City needs to acquire property from three parcels along the west side of San Pedro; and

WHEREAS, Staff is currently negotiating with the property owners for the necessary right of way and is recommending granting an aerial easement for an area which is not needed by the City; and

WHEREAS, The transfer of this property will allow the owners to maintain lots large enough for development and is expected to decrease project land acquisition costs; **NOW THEREFORE**,

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

SECTION 1. The City Manager and her designee, severally, are authorized to grant an aerial easement to American Payroll Institute Properties Inc. consisting of approximately 196 square feet over the property described as a 0.0045 acre tract out of NCB 789, called Parcel II, as described in the attached **Exhibit A**, if needed in order to complete the Downtown Streets Reconstruction Project. The form of any easement must be approved by the City Attorney's Office prior to execution. The City Manager and her designee, severally, are further authorized and directed to execute and deliver all other documents and instruments necessary or convenient to effectuate the transactions contemplated by this ordinance and otherwise to do all things necessary or convenient to effectuate the transaction. The form of any documents or instruments necessary or convenient to effectuate the transaction must be approved by the City Attorney's Office prior to execution.

SECTION 2. The aerial easement associated with the property described as a 0.0045 acre tract out of NCB 789, called Parcel II, which may be conveyed to American Payroll Institute

Properties Inc., must be coordinated through the city's Finance Department to assure the removal of this asset from the City's financial records and to record the proper accounting transactions.

SECTION 3. 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 4. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

EXHIBIT A

The vertical elevation of the aerial easement shall begin at elevation 665.3 and continue above provided that any use under the easement shall in no way interfere or conflict with Federal Aviation Regulations, 14 CFR Part 77 (The Safe, Efficient Use, and Preservation of the Navigable Air Space) or any successor statute.

The horizontal area for the easement shall be as indicted below:

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

Sheet 1 of 3

METES AND BOUNDS DESCRIPTION
0.0045-ACRE AERIAL EASEMENT OUT OF THE EXISTING SAN PEDRO AVE. RIGHT-OF-WAY
CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

Being a 0.0045-acre (196 square feet) aerial easement out of the existing San Pedro Ave. right-of-way, said 0.0045-acre easement being more particularly described as follows, with all bearings being referenced to North American Datum of 1983, Texas Coordinate System, South Central Zone (4204):

COMMENCING at a found chiseled "X" on concrete on the existing southwest right-of-way (R.O.W.) line of San Pedro Ave. (variable width R.O.W), same point also being the most northerly corner of Lot 3, New City Block 789, as shown on the E.G. Trueheart Engineer's Office Block Map, Book "X", Page 49, dated May of 1901;

THENCE S34°06'31"E, along the common line of said existing southwest right-of-way line of San Pedro Ave. and Lot 3, a distance of 50.24 feet to the **POINT OF BEGINNING** and most westerly corner of the herein described easement;

THENCE departing said common line, into and across said existing San Pedro Ave. right-of-way, the following three (3) calls:

- 1.) N57°54'58"E, a distance of 4.27 feet to a point, for the most northerly corner of the herein described easement,
- 2.) S32°00'06"E, a distance of 60.93 feet to a point, for the most easterly-northeast corner of the herein described easement, and
- 3.) S03°00'56"E, a distance of 4.90 feet to a point on the proposed south right-of-way line of San Pedro Ave., same point also being a non-tangent point of curvature to the left, for the most easterly-southeast corner of the herein described easement;

THENCE along said proposed south right-of-way line of San Pedro Ave., an arc length of 1.94 feet, with a radius of 184.00 feet, a central angle of 00°36'19", and a chord bearing and distance of N32°36'32"W, 1.94 feet to the point of intersection of said proposed south right-of-way line of San Pedro Ave. with the existing west right-of-way line of San Pedro Ave., same point also being on the east line of said Lot 3, for a corner of the herein described easement;

THENCE N01°13'01"W, departing said proposed south right-of-way line of San Pedro Ave., along the common line of said San Pedro Ave. and Lot 3, a distance of 0.84 feet to a found chiseled "X" on concrete at an east corner of said Lot 3, for a reentrant corner of the herein described easement;

THENCE N34°06'31"W, along the common line of said existing San Pedro Ave. right-of-way and Lot 3, a distance of 62.59 feet returning to the **POINT OF BEGINNING** and containing 0.0045 of an acre (196 square feet) of easement.



Sheet 2 of 3

A separate survey plat accompanies this description.

Certified on this 29th day of March, 2016



Robert M. Anguiano, R.P.L.S.
Registered Professional Land Surveyor
Texas Certified Registration #6347
Vickrey & Associates, Inc.



Job No. 2520-001-105
March 29, 2016



