

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

AN ORDINANCE

**AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE
TEXAS DEPARTMENT OF TRANSPORTATION TO RETURN
APPROXIMATELY 3.76 ACRES UNDER IH35 FROM CITY TO TEXAS
DEPARTMENT OF TRANSPORTATION CONTROL.**

* * * * *

WHEREAS, on November 2, 1995, the City of San Antonio (“City”) and Texas Department of Transportation (“TXDOT”) entered a Multiple Use Agreement (“MUA”) to permit the City to construct, maintain, and operate public, off-street parking lots under the elevated portions of IH35 at various locations; and

WHEREAS, in support of increasing development downtown, on January 13, 2015, the City advised TXDOT via a letter that the owner of the building at 816 Camaron Street expressed interest in entering an agreement with TXDOT for the property under IH35 between N. Flores Street and Camaron Street if the City would agree to remove the property from its agreement with TXDOT; and

WHEREAS, in May 2016, TXDOT proposed amending its MUA with the City to remove the property between N. Flores Street and Camaron Street as a result of successful lease negotiations with that building owner; **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 and directed to execute and deliver to the Texas Department of Transportation on behalf of the City an amendment in substantially the same form of **Attachment II**, which is incorporated by reference for all purposes as if fully set forth. The area subject to removal is shown in **Attachment I**. The City Manager or her designee, severally, should take all other actions reasonably necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering all ancillary instruments and agreements conducive to effectuating the transaction.

SECTION 2. Per originating department’s Legistar details there is no fiscal impact associated with this item; therefore, no fiscal ordinance language is required.

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 _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

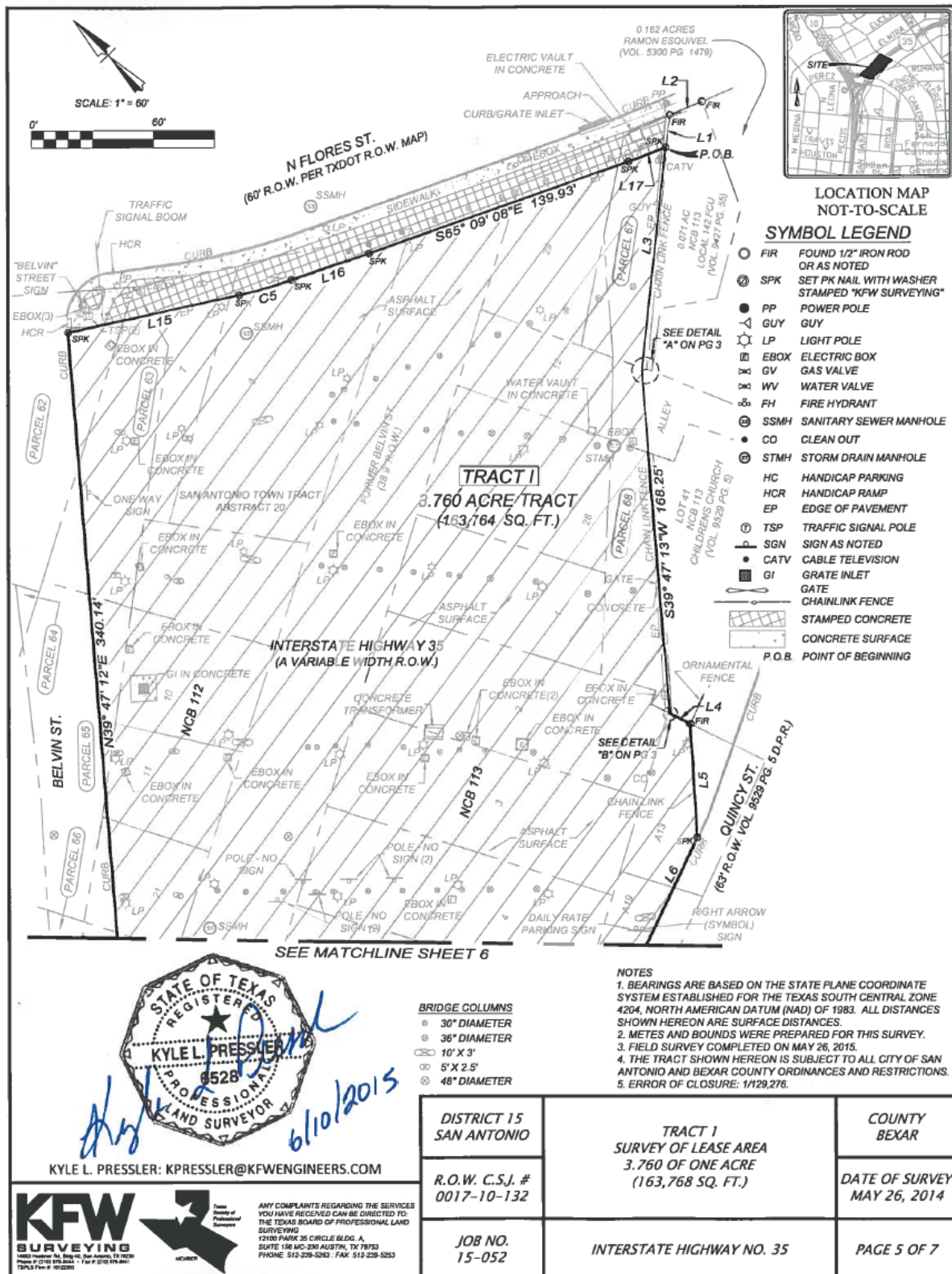
APPROVED AS TO FORM:

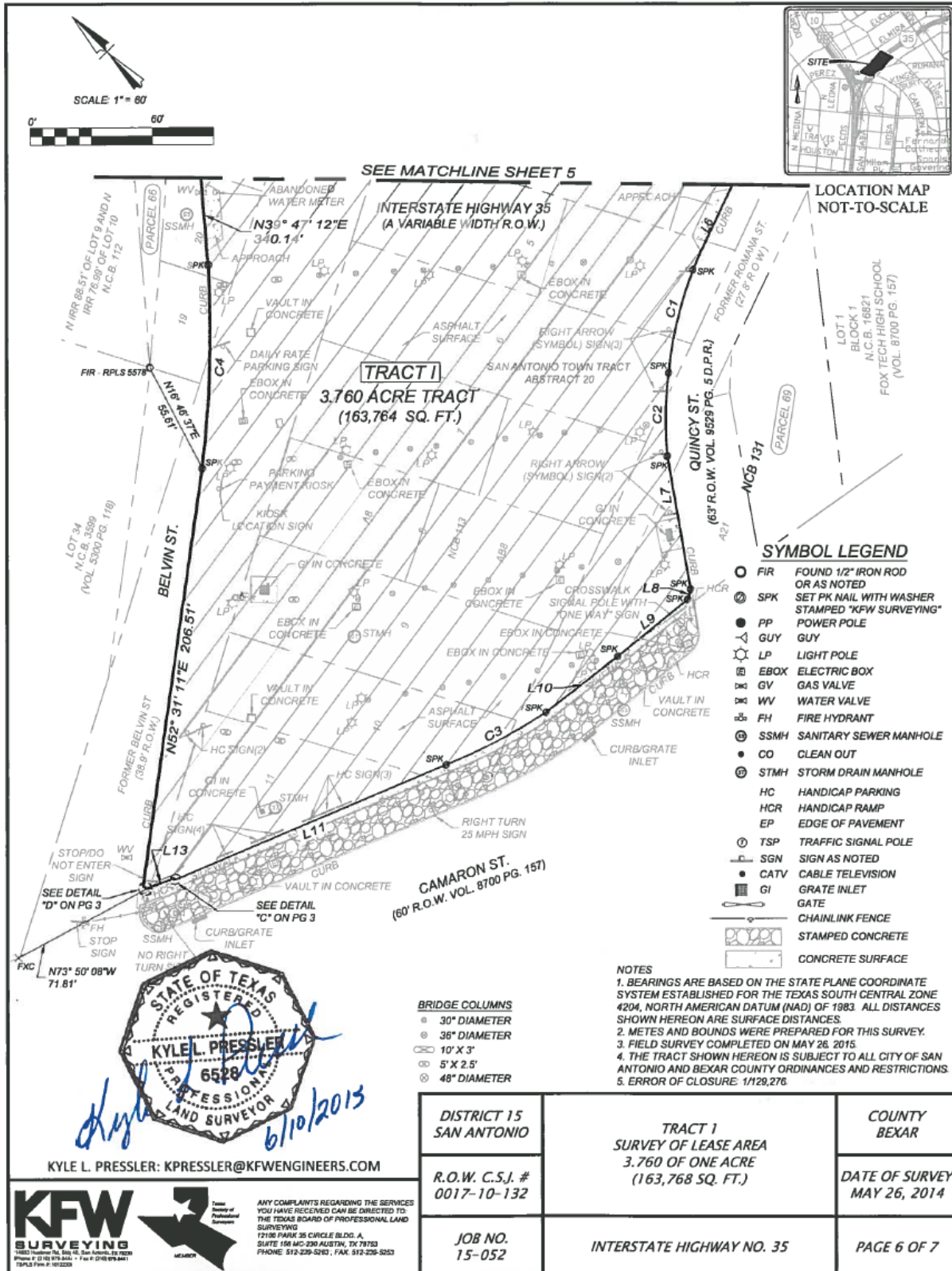
Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

DRAFT

Attachment I – Removal Area





Attachment II – Amendment Form

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

AMENDMENT #2 TO MULTIPLE USE AGREEMENT FOR PUBLIC OFF-STREET PARKING FACILITIES

THIS AMENDMENT IS MADE BY AND BETWEEN the Texas Department of Transportation, hereinafter identified as “TxDOT”, and the City of San Antonio, hereinafter identified as the “City”.

WITNESSETH,

WHEREAS, TxDOT and the City executed a Multiple Use Agreement on November 2, 1995 (attached) for construction, maintenance, and operation of public off-street parking facilities located in Bexar County within IH 35 right of way from the San Antonio River to Camden, from Camden to Quincy, and from N. Flores to Camaron; and,

WHEREAS, City Public Service entered a lease agreement for a private/restricted parking facility between the San Antonio River and Camden for the period of December 30, 2003 to December 31, 2013; and that lease agreement was terminated on December 31, 2013; and

WHEREAS, the City requested that the parking facility between the San Antonio River and Camden would again be approved by TxDOT as public off-street parking under the above mentioned Multiple Use Agreement; and,

WHEREAS, the City and TxDOT executed a first amendment to the Agreement on February 5, 2014 (attached) to again include the area between the San Antonio River and Camden for public parking and install a new driveway and pedestrian gate to the off-street parking area between Camden and Quincy;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, TxDOT and the City do agree as follows:

AGREEMENT

Article 1. Description of Amendment

The City releases back to TxDOT an area of 3.76 acres located between Camaron Street and North Flores Street, detailed in the survey notes shown as **Exhibit A**, which is hereby incorporated for all purposes as if fully set forth.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, TxDOT AND THE CITY have executed duplicate counterparts to effectuate this agreement:

CITY OF SAN ANTONIO, a Texas municipal corporation

By: _____
Printed Name: _____
Title: _____
Date: _____

**TEXAS DEPARTMENT OF
TRANSPORTATION,
State of Texas**

By: _____
Printed
Name: _____
Title: _____
Date: _____

Pursuant to Ordinance No. _____, passed and approved on _____.

Attest:

City Clerk

Approved As To Form:

City Attorney

Exhibit A

County: Bexar
Highway: I.H. 35
ROW C.S.J. No.: 0017-10-132
Date: June 4, 2015

**TRACT NO. 1
PROPERTY DESCRIPTION
FOR
A 3.760 ACRE TRACT
(AREA TO BE LEASED)**

A 3.760 acre tract of land, 163,768 square feet, out of the San Antonio Town Tract, Abstract 20, being a portion of Interstate Highway 35, a variable width public right-of-way, situated in New City Block (N.C.B.) 112, 113 and 131, City of San Antonio, Bexar County, Texas, being a portion of Parcel 62, a 0.2877 of an acre tract as conveyed by deed from Thomas Willard Nash and Christine B. Nash to the State of Texas and executed on September 18, 1984, recorded in Volume 3275 Page 1387 of the Official Public Records of Bexar County, Texas, a portion of Parcel 63, a 0.11 of an acre tract as conveyed by deed from James Price Juvenal, Mary Louise Price Juvenal, and Guy Leary Odom Sr., as Trustee, and Guy Odom Jr., as Successor Trustee to the State of Texas and executed on June 21, 1984, recorded in Volume 3262 Page 1409 of the Official Public Records of Bexar County, Texas, a portion of Parcel 65, a 0.1306 of an acre tract as conveyed by deed from Carolina S. Garza to the State of Texas and executed on May 11, 1984, recorded in Volume 3298 Page 1614 of the Official Public Records of Bexar County, Texas, a portion of Lots 7, 8, 9, 10, 11, 21, 20, and 19 of N.C.B. 112, no transfer of record found, a portion of former Belvin St. right-of-way, no record of transfer found, a portion of W. Quincy right-of-way, formerly known as W. Romana, no record of transfer found, a portion of Parcel 68, a 0.0749 of an acre tract as conveyed by Judgment from Bernard Gilbert, et ux, et al, to the State of Texas and filed on September 7, 1999, recorded in Volume 8124 Page 1109 of the Official Public Records of Bexar County, Texas, a portion of Parcel 67, a 0.0623 of an acre tract as conveyed by deed from Eva Trevino Barber, John G. Barber and Irene McBurnett to the State of Texas and executed on March 28, 1985, recorded in Volume 3389 Page 1702 of the Official Public Records of Bexar County, Texas, a portion of Lots 29, 12, 28, 1, 2, A13, A19, 5, 6, 10 and 11 of N.C.B. 113, no transfer of record found, all of Lots 3, 4, 7, 8 and 9 of N.C.B. 113, no transfer of record found, and being more particularly described by metes and bounds as follows:

BEGINNING at a set PK nail with a washer stamped "KFW SURVEYING" at the intersection of an extension of a concrete line with a chain link fence, near the northeast corner of Parcel 67 and for the most easterly corner of the tract described herein, from which a found 1/2" iron rod in the west right-of-way line of N. Flores Street, for the northeast corner of Parcel 67, and the northwest corner of a 0.071 of an acre tract of land conveyed to Local 142 Federal Credit Union of record in Volume 9427 Page 55 of the Official Public Records of Bexar County, Texas, bears N 52° 24' 52" E, a distance of 15.87 feet, from which a found 1/2" iron rod in the west right-of-way line of N. Flores Street, for the northeast corner of the 0.071 of an acre tract and the northwest corner of a 0.162 of an acre tract of land conveyed to Ramon Esquivel of record in Volume 5300 Page 1479 of the Official Public Records of Bexar County, Texas, bears S 68° 16' 49" E, a distance of 17.19 feet;

THENCE: Over and across the existing right-of-way of Interstate Highway 35 and generally along and with the chain link fence the following two (2) courses:

1. **S 50° 30' 59" W**, a distance of **110.13 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for an angle of the tract described herein, from which a found 1/2" iron rod for the southeast corner of Parcel 67, the most westerly corner of the 0.071 acre tract and in the east line of an alley of N.C.B. 113, bears S 56° 37' 13" E, a distance of 2.66 feet, and

2. **S 39° 47' 13" W**, a distance of **168.25 feet** to set PK nail with a washer stamped "KFW SURVEYING" for an interior corner of the tract described herein;

THENCE: **S 19° 40' 42" E**, continuing over and across the existing right-of-way of Interstate Highway 35 and generally along and with the chain link fence, passing at a distance of 1.27 feet a found ½" iron rod for an angle in the south right-of-way line of Interstate Highway 35, for the south corner of Parcel 68, and the most westerly corner of Lot 41, N.C.B. 113 of the Children's Church Subdivision, a plat of record in Volume 9529 Page 5 of the Deed and Plat Records of Bexar County, Texas and along and with the southwest line of Lot 41 and a southerly right-of-way line of Interstate Highway 35 for a total distance of **11.34 feet** to a found ½" iron rod in the current north right-of-way line of W. Quincy Street, for an angle in the south right-of-way line of Interstate Highway 35, for the south corner of Lot 41 and an exterior corner of the tract described herein;

THENCE: **S 40° 51' 13" W**, generally along and with the chain link fence, a distance of **55.76 feet** to a set PK nail with a washer stamped "KFW SURVEYING" at the intersection with the extension of the chain link fence and the back of curb and for an exterior corner of the tract described herein,

THENCE: Over and across the existing Interstate Highway 35 right-of-way and generally along and with the back of curb the following four (4) courses:

1. **S 69° 55' 06" W**, a distance of **94.95 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for a point of curvature of the tract described herein,
2. With a non-tangent curve to the left having a radius of **187.08 feet**, a delta angle of **18° 49' 37"**, an arc length of **61.47 feet** and a chord bears, **S 59° 16' 42" W**, a distance of **61.20 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for a point of compound curvature of the tract described herein,
3. With a curve to the left having a radius of **169.25 feet**, a delta angle of **13° 48' 59"**, an arc length of **40.81 feet** and a chord bears, **S 45° 21' 25" W**, a distance of **40.71 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for a point of non-tangency of the tract described herein, and
4. **S 34° 28' 39" W**, a distance of **66.00 feet** to a set PK nail with a washer stamped "KFW SURVEYING" at the intersection with the back of curb and an edge of concrete and for an exterior corner of the tract described herein;

THENCE: Continuing over and across the existing Interstate Highway 35 right-of-way and generally along and with the edge of concrete the following eight (8) courses:

1. **S 60° 44' 37" W**, a distance of **5.38 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for the most southerly corner of the tract described herein,
2. **N 84° 43' 05" W**, a distance of **44.09 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for an angle of the tract described herein,
3. **N 83° 29' 02" W**, a distance of **44.50 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for a point of curvature of the tract described herein,
4. With a non-tangent curve to the right having a radius of **269.45 feet**, a delta angle of **11° 51' 19"**, an arc length of **55.75 feet** and a chord bears, **N 73° 20' 21" W**, a distance of **55.65 feet** to a set PK nail with a washer stamped "KFW SURVEYING" for a point of non-tangency of the tract described herein,

5. N 68° 35' 29" W, a distance of 143.78 feet to a set PK nail with a washer stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
6. N 16° 00' 24" E, a distance of 1.04 feet to a set PK nail with a washer stamped "KFW SURVEYING" for an interior corner of the tract described herein,
7. N 67° 49' 05" W, a distance of 13.55 feet to a set PK nail with a washer stamped "KFW SURVEYING" for an exterior corner of the tract described herein, from which a found "x" in concrete in the north right-of-way line of Interstate Highway 35 and for the southwest corner of Lot 34, N.C.B. 3599 of the Resubdivision of N.C.B. 3599, a plat of record in Volume 5300 Page 118 of the Deed and Plat Records of Bexar County, Texas, bears N 73° 50' 08" E, 71.81 feet, and
8. N 19° 44' 54" W, a distance of 2.25 feet to a set PK nail with a washer stamped "KFW SURVEYING" at the intersection with the edge of concrete and the back of curb and for the most westerly corner of the tract described herein;

THENCE: Continuing over and across the existing Interstate Highway 35 right-of-way and generally along and with the back of curb the following three (3) courses:

1. N 52° 31' 11" E, a distance of 206.51 feet to a set PK nail with a washer stamped "KFW SURVEYING" for a point of curvature of the tract described herein, from which a found ½" iron rod with a plastic cap stamped "RPLS 5578" in the northerly right-of-way line of Interstate Highway 35, for the west corner of Parcel 66, a 0.0196 acre tract of land conveyed by deed from Lester Reetz to the State of Texas and executed on January 16, 1985, recorded in Volume 3332 Page 1202 of the Official Public Records of Bexar County, Texas, for the southwest corner of the north irregular 88.51 feet of Lot 9 and north irregular 76.99 feet of Lot 10 of N.C.B. 112 and the east corner of Lot 34, N.C.B. 3599, bears N 16° 46' 37" E, a distance of 55.61 feet,
2. With a non-tangent curve to the left having a radius of 555.11 feet, a delta angle of 10° 17' 52", an arc length of 99.77 feet and a chord bears, N 46° 05' 57" E, a distance of 99.64 feet to a set PK nail with a washer stamped "KFW SURVEYING" for a point of non-tangency of the tract described herein, and
3. N 39° 47' 12" E, a distance of 340.14 feet to a set PK nail with a washer stamped "KFW SURVEYING" at the intersection with the back of curb and an edge of concrete and for the most northerly corner of the tract described herein;

THENCE: Continuing over and across the existing Interstate Highway 35 right-of-way and generally along and with the edge of concrete the following five (5) courses:

1. S 57° 55' 47" E, a distance of 86.16 feet to a set PK nail with a washer stamped "KFW SURVEYING" for a point of curvature of the tract described herein,
2. With a non-tangent curve to the left having a radius of 163.64 feet, a delta angle of 09° 23' 19", an arc length of 26.81 feet and a chord bears, S 61° 46' 44" E, a distance of 26.78 feet to a set PK nail with a washer stamped "KFW SURVEYING" for a point of non-tangency of the tract described herein,
3. S 64° 19' 27" E, a distance of 39.88 feet to a set PK nail with a washer stamped "KFW SURVEYING" for an angle of the tract described herein,
4. S 65° 09' 08" E, a distance of 139.93 feet to a set PK nail with a washer stamped "KFW SURVEYING" for an angle of the tract described herein, and

5. S 67° 04' 50" E, a distance of 14.75 feet to the POINT OF BEGINNING and containing 3.760 acres or 163,764 square feet more or less, in Bexar County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane, South Central Zone, 4204. Distances are in surface. Error of closure 1/129,276.

Job No.: 15-052
Prepared by: KFW Surveying
Date: June 4, 2015
Revised: June 10, 2015
File: S:\Draw 2015\15-052 816 Camaron St TXDOT Lease\DOCS\Field Notes 3.760 ACRES-Rev.doc



