

ORDINANCE 2020-05-07-0314

(I) DETERMINING THE PUBLIC NECESSITY FOR PUBLIC USE AND AUTHORIZING THE ACQUISITION OF CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS BEING A PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT THE (“EASEMENTS”), THROUGH THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM (“THE SYSTEM”) OVER, UNDER, ACROSS AND UPON PRIVATELY OWNED REAL PROPERTY (THE “PROPERTY”) FOR A SEWER PROJECT LOCATED NEAR THE INTERSECTION OF STATE HIGHWAY 16 AND BRIDGE POINT PLACE IN THE NORTHWEST QUADRANT OF BEXAR COUNTY, TEXAS AND BEING ALONG A GENERAL ROUTE AND GENERAL LOCATION DESCRIBED AND DEPICTED IN EXHIBITS A-1 AND A-2 ATTACHED HERETO AND INCORPORATED HEREIN, WHICH EASEMENTS SHALL BE ACQUIRED BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR THE PUBLIC USE OF THE EXPANSION AND OPERATION OF THE SYSTEM THROUGH THE CONSTRUCTION OF THE RIEBE TRACT SEWER EXTENSION PROJECT (THE “PROJECT”); (II) AUTHORIZING THE PRESIDENT/CEO OF THE SYSTEM, OR THE CITY MANAGER OF THE CITY OF SAN ANTONIO, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL APPROPRIATE ACTION TO ACQUIRE THE EASEMENTS BY NEGOTIATION AND/OR CONDEMNATION; AND (III) RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SYSTEM TO ACQUIRE SUCH EASEMENTS.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees (“SAWS”) has determined that the acquisition of the Easements located in Bexar County, Texas are necessary and desirable for the expansion and operation of the System in connection with the construction, operation and maintenance of the Project, which includes the construction of sewer main pipelines located in Bexar County, in the general location marked **EXHIBIT A-1** attached hereto and made a part hereof; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through the System, are in the process of investigating, surveying, defining and negotiating for the acquisition of such Easements (which shall include, for all purposes herein, any related rights of ingress and egress as may be needed) on behalf of the City of San Antonio; and

WHEREAS, in connection with the acquisition of such Easements, it may be necessary for the System to enter upon properties to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement or conveyance

document, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights; **NOW 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 Easements (the "Property Interests"), over, under, across, and upon certain privately owned real 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 Interests 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 Interests.

SECTION 3. The Property Interests which are the subject of Section 2 for which the Property Interests are required for the Project consist of permanent sanitary sewer easements and temporary construction easements, located generally along the route described in **EXHIBIT A-2** and in the New City Blocks listed 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 Interests 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 any such Property Interests 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.

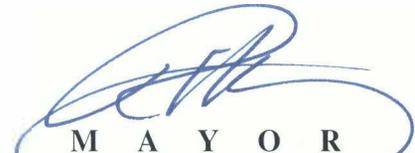
SECTION 5. All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the acquisition of such Property Interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

EF:lj
05/07/2020
Item No. 12B

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: 12B

File Number: 20-3102

Enactment Number:

2020-05-07-0314

Ordinance approving the acquisition through negotiation or condemnation, of interests in land sufficient for project purposes, of privately owned real property and declaring the project to be for public use and a public necessity for the acquisitions related to the Riebe Tract Sewer Main Extension Project, located near Bridgepoint Place, State Highway 16, and Newcroft Place in the Extraterritorial Jurisdiction of the City of Helotes.

Councilmember Manny Pelaez made a motion to approve. Councilmember Roberto C. Treviño 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. 12B

EXHIBIT "A-1"



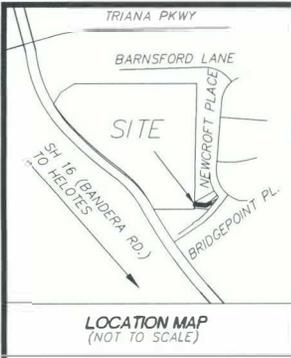
RIEBE TRACT SEWER EXTENSION
PROJECT



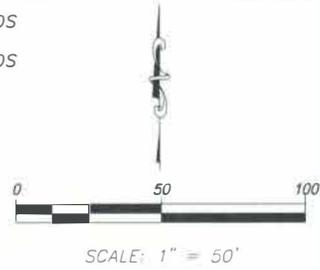
AERIAL DEPICTION
ATTACHMENT I

EF/lj
05/07/2020
Item No. 12B

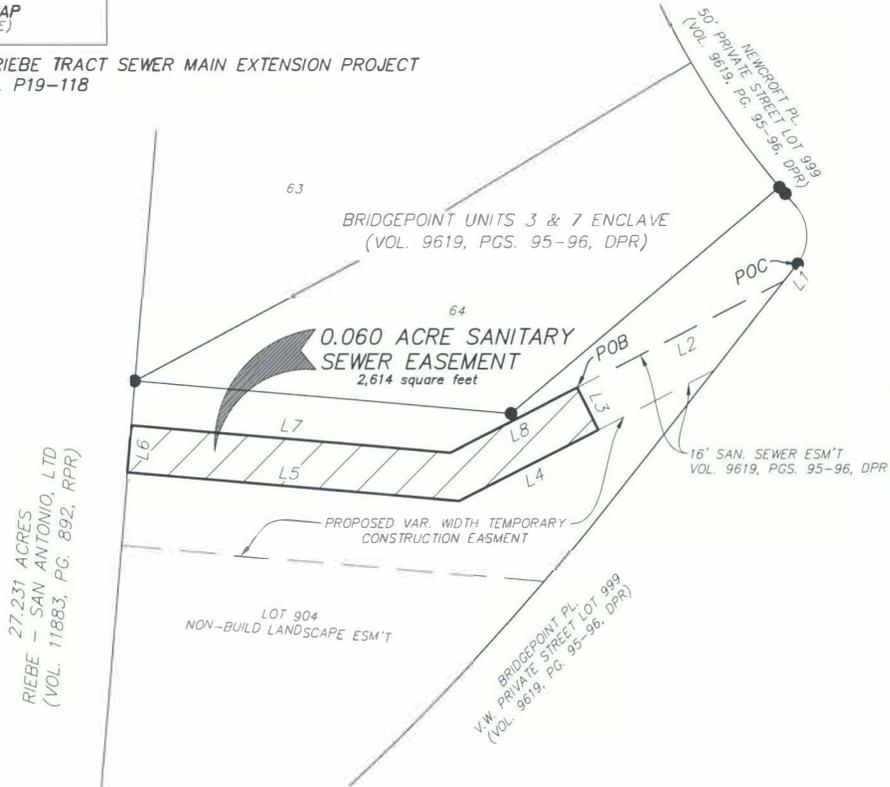
EXHIBIT "A-2"



DPR BEXAR COUNTY DEED AND PLAT RECORDS
 RPR BEXAR COUNTY REAL PROPERTY RECORDS
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 ● FND. 1/2" IRON ROD



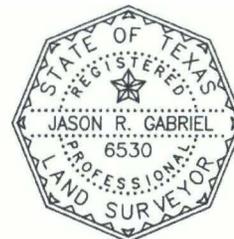
PROJECT NAME: RIEBE TRACT SEWER MAIN EXTENSION PROJECT
 SAWS PARCEL NO. P19-118



Line Table		
Line #	Length	Direction
L1	7.40	S38°46'19"W
L2	79.67	S63°20'16"W
L3	16.00	S26°39'44"E
L4	53.38	S63°20'16"W
L5	114.53	N85°04'42"W
L6	16.00	N4°55'14"E
L7	110.01	S85°04'42"E
L8	48.85	N63°20'16"E

GENERAL NOTES :

- THIS EXHIBIT IS BASED UPON FIELD WORK COMPLETED AUGUST 21, 2018 AND IS MADE IN CONJUNCTION WITH FIELD NOTE DESCRIPTIONS OF SAME PARCEL NO. P19-118 AND DATE, JANUARY 24, 2020
- BEARINGS BASIS=TEXAS STATE PLANE COORDINATE SYSTEM FOR THE SOUTH CENTRAL ZONE, 4204 (NADB3 (2011AD))



Jason R. Gabriel

Westwood

Phone (210) 285-8300 1718 Dry Creek Way, Suite 110
 Toll Free (888) 937-5150 San Antonio, TX 78259
 westwoodpts.com

Westwood Professional Services, Inc.
 © COPYRIGHT WESTWOOD PROFESSIONAL SERVICES, INC., 2020
 TBPLS FIRM NO. 10194064

EXHIBIT OF:
 A 0.060 ACRE TRACT OUT OF
 LOT 904, BLOCK 1,
 BRIDGEPOINT UNITS 3 AND 7 ENCLAVE
 BEXAR COUNTY, TEXAS
 (VOL. 9619, PGS. 95-96, DPR)

JOB NO. 15484.00
 DATE 1/24/2020
 DRAWN JRG
 REVISIONS:

Westwood

FIELD NOTES

For a 0.060 Acre (2,614 square foot)
(16-foot Sanitary Sewer Easement)

Project Name: Riebe Tract Sewer Main Extension

Project

SAWS PARCEL NO.: P19118

Jan. 24, 2020

FIELD NOTE DESCRIPTION of a 0.060 acre tract of land out of Lot 904, Block 1 as shown by plat of Bridgepoint Units 3 & 7 Enclave recorded in Volume 9619, Pages 95-96, Bexar County Deed and Plat Records; in all, said 0.060 acre tract being more particularly described as follows:

COMMENCING at a ½" iron rod found at the intersection of the southwest line of Newcroft Pl. (Lot 999, a 50' private street) as shown by said plat of Bridgepoint Units 3 & 7 and the northwest line of Bridgepoint Pl. (Lot 999, a variable width private street) as shown by said plat of Bridgepoint Units 3 & 7 coincident with an east corner of said Lot 904;

THENCE, along the northwest line of said Bridgepoint Pl., the southeast line of said Lot 904, South 38° 46' 19" West, 7.40 feet to the northeast corner of an existing 16' Sanitary Sewer Easement as shown by said plat of Bridgepoint Units 3 & 7

THENCE, across said Lot 904, and long the north line of said 16' Sanitary Sewer Easement, South 63° 20' 16" West, 79.67 feet to the **POINT OF BEGINNING** and the northeast corner of the herein described tract of land;

THENCE, continuing across said Lot 904, South 26° 39' 44" East, 16.00 feet to the south corner of said 16' Sanitary Sewer Easement and the east corner of the herein described tract of land;

THENCE, continuing across said Lot 904, South 63° 20' 16" West, 53.38 feet and North 85° 04' 42" West, 114.53 feet to the common west line of said Lot 904 and the east line of a 27.231 acre tract conveyed unto Riebe – San Antonio, Ltd. by warranty deed recorded in Volume 11883, Page 892, Bexar County Real Property Records for the southwest corner of the herein described tract of land;

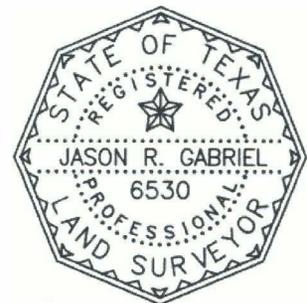
THENCE, along said west line of Lot 904, North 4° 55' 14" East, 16.00 feet to the northwest corner of the herein described tract of land;

THENCE, across said Lot 904, South 85° 04' 42" East, 110.01 feet and North 63° 20' 16" East, 48.85 feet to the **POINT OF BEGINNING**.

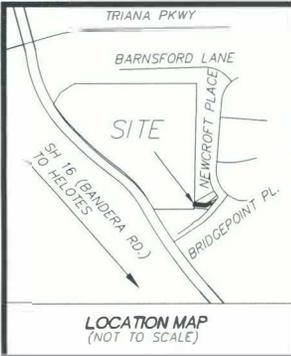
Containing, in all, 2,614 square feet or 0.060 acres of land, more or less.

Bearings based on Texas State Plane Coordinate System for the South Central Zone, 4204 (NAD83, 2011 adjustment).

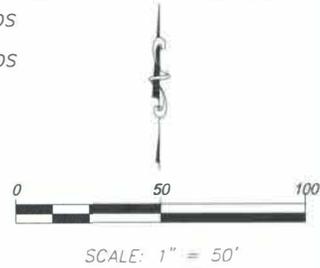
This field note description is based upon field work completed August 21, 2017 by Westwood Professional Services personnel under my supervision and is made in conjunction with an exhibit of same Parcel No. P19-118 and date, January 24, 2020.



Jason R. Gabriel, RPLS
Texas No. 6530

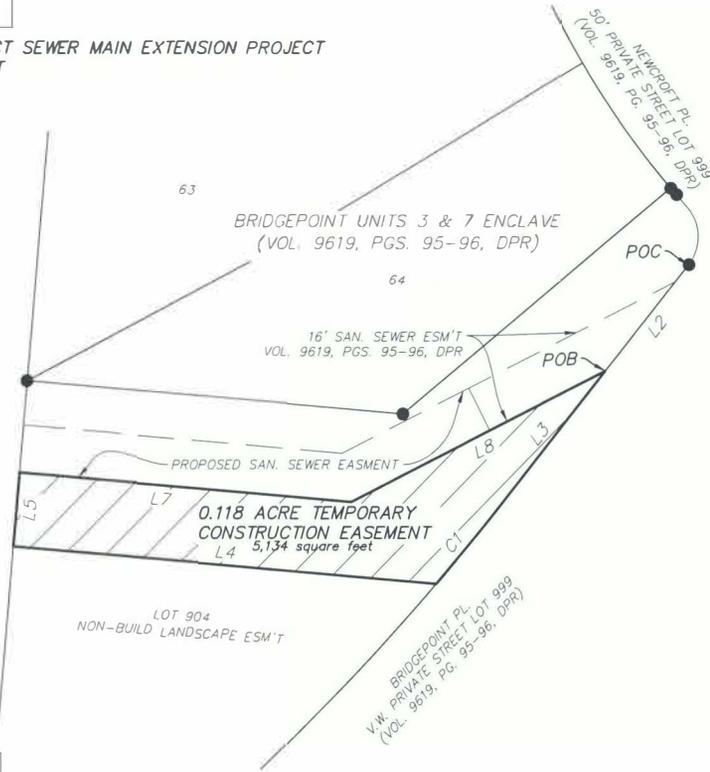


DPR BEXAR COUNTY DEED AND PLAT RECORDS
 RPR BEXAR COUNTY REAL PROPERTY RECORDS
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 ● FND. 1/2" IRON ROD



PROJECT NAME: RIEBE TRACT SEWER MAIN EXTENSION PROJECT
 SAWS PARCEL NO. P19-118T

27.231 ACRES
 RIEBE - SAN ANTONIO, LTD
 (VOL. 11883, PG. 892, RPR)

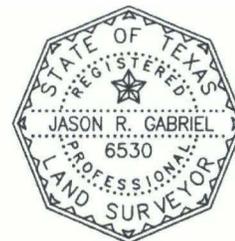


Line Table		
Line #	Length	Direction
L2	45.89	S38°46'19"W
L3	61.45	S38°46'19"W
L4	146.03	N85°04'42"W
L5	25.00	N4°55'14"E
L7	114.53	S85°04'42"E
L8	98.05	N63°20'16"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Dist
C1	30.95	857.00	2°04'10"	S 40°01'28" W	30.95

GENERAL NOTES :

- THIS EXHIBIT IS BASED UPON FIELD WORK COMPLETED AUGUST 21, 2018 AND IS MADE IN CONJUNCTION WITH FIELD NOTE DESCRIPTIONS OF SAME PARCEL NO. P19-118T AND DATE, JANUARY 24, 2020
- BEARINGS BASIS=TEXAS STATE PLANE COORDINATE SYSTEM FOR THE SOUTH CENTRAL ZONE, 4204 [NAD83 (2011ADJ)]



Jason R. Gabriel

Westwood

Phone (210) 285-8300 1718 Dry Creek Way, Suite 110
 Toll Free (888) 937-5150 San Antonio, TX 78259
 westwoodpt.com

Westwood Professional Services, Inc.
 © COPYRIGHT WESTWOOD PROFESSIONAL SERVICES, INC. 2020
 TBPLS FIRM NO 10194064

EXHIBIT OF:
 A 0.118 ACRE TRACT OUT OF
 LOT 904, BLOCK 1,
 BRIDGEPOINT UNITS 3 AND 7 ENCLAVE
 BEXAR COUNTY, TEXAS
 (VOL. 9619, PGS. 95-96, DPR)

JOB NO.: 15484.00
 DATE: 1/24/2020
 DRAWN: JRG
 REVISIONS:

Westwood

FIELD NOTES

For a 0.118 Acre (5,134 square foot)
(Variable Width Temporary Construction Easement)

Project Name: Riebe Tract Sewer Main Extension
Project
SAWS PARCEL NO.: P19-118T
Jan. 24, 2020

FIELD NOTE DESCRIPTION of a 0.118 acre tract of land out of Lot 904, Block 1 as shown by plat of Bridgepoint Units 3 & 7 Enclave recorded in Volume 9619, Pages 95-96, Bexar County Deed and Plat Records; in all, said 0.118 acre tract being more particularly described as follows:

COMMENCING at a ½" iron rod found at the intersection of the southwest line of Newcroft Pl. (Lot 999, a 50' private street) as shown by said plat of Bridgepoint Units 3 & 7 and the northwest line of Bridgepoint Pl. (Lot 999, a variable width private street) as shown by said plat of Bridgepoint Units 3 & 7 coincident with an east corner of said Lot 904;

THENCE, along the northwest line of said Bridgepoint Pl., the southeast line of said Lot 904, South 38° 46' 19" West, 45.89 feet to the east corner of an existing 16' Sanitary Sewer Easement as shown by said plat of Bridgepoint Units 3 & 7 and the **POINT OF BEGINNING** and the northeast corner of the herein described tract of land;

THENCE, continuing along the northeast line of said Bridgepoint Pl. and the southeast line of said Lot 904, South 38° 46' 19" West, 61.45 feet to the beginning of a curve to the right;

THENCE, along the arc of said curve with a length of 30.95 feet, a radius of 857.00 feet, a delta of 2° 04' 10" and a chord bearing and distance of South 40° 01' 28" West, 30.95 feet to the southeast corner of the herein described tract of land;

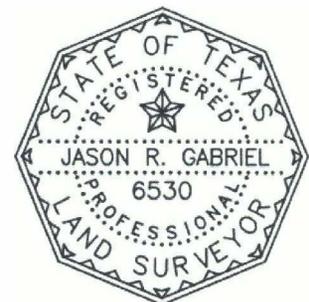
THENCE, across said Lot 904, North 85° 04' 42" West to the common west line of said Lot 904 and east line of a 27.231 acre tract conveyed unto Riebe – San Antonio, Ltd. by warranty deed recorded in Volume 11883, Page 892, Bexar County Real Property Records for the southwest corner of the herein described tract of land;

THENCE, along said west line of Lot 904, North 4° 55' 14" East, 25.00 feet to the northwest corner of the herein described tract of land;

THENCE, across said Lot 904, South 85° 04' 42" East, 114.53 feet and North 63° 20' 16" East, 98.05 feet to the **POINT OF BEGINNING**.

Containing, in all, 5,134 square feet or 0.118 acres of land, more or less.
Bearings based on Texas State Plane Coordinate System for the South Central Zone, 4204 (NAD83, 2011 adjustment).

This field note description is based upon field work completed August 21, 2017 by Westwood Professional Services personnel under my supervision and is made in conjunction with an exhibit of same Parcel No. P19-118T and date, January 24, 2020.



Jason R. Gabriel, RPLS
Texas No. 6530