

ORDINANCE

2020-08-13-0519

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, EMINENT DOMINION OR OTHER LEGAL ACTION OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES FOR 0.029 OF AN ACRE (1,250 SQUARE FEET) OF AN DRAINAGE EASEMENT RIGHT-OF-WAY OF PRIVATELY-OWNED REAL PROPERTY LOCATED AT 2257 AUSTIN HIGHWAY WITHIN NCB 12162 LOT 16 IN COUNCIL DISTRICT 2 FOR THE FIRE STATION #24 REPLACEMENT PROJECT, A 2017 BOND PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION. THE FAIR MARKET VALUE FOR THE PARCEL IS \$8,100 AS DETERMINED BY AN INDEPENDENT APPRAISAL.

* * * * *

WHEREAS, the public health, safety and best interest of the City of San Antonio and its citizens require the acquisition of 0.029 acres of privately-owned real property, for Fire Station No. 24 as part of the Fire Station No. 24 Project; and

WHEREAS, on May 6, 2017, voters approved the 2017-2022 Bond Program authorizing \$10,000,000.00 for the construction for Fire Station #24 Replacement Project. This project will construct a new fire station to replace the existing Fire Station #24 built in 1956; and

WHEREAS, this acquisition will allow the San Antonio Fire Department to build a new fire station; and

WHEREAS, this Ordinance authorizes the acquisition of one parcel consisting of approximately 0.029 of an acre (1,250 square feet of a 25-foot drainage easement right-of-way) of privately-owned real property located at 2257 Austin Highway within NCB 12162 LOT 16 in Council District 2; and

WHEREAS, this is a one-time capital improvement expenditure in an amount of \$8,100 as determined by an independent appraisal; and

WHEREAS, funds are available from the 2017 General Obligation Bond Program and are included in the FY 2020 - 2025 Capital Improvement Program Budget; **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 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

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or public uses that may be encountered in the location, the Property 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.

SECTION 3. The Property noted in Section 2 is described in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

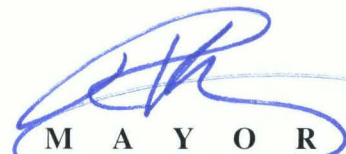
SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property described in Sections 2 and 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 the Property 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 the Property 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.

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 13th day of August, 2020.


M A Y O R
Ron Nirenberg

ATTEST:


Tina Flores, Acting City Clerk

APPROVED AS TO FORM:


for Andrew Segovia, City Attorney



City of San Antonio

City Council
August 13, 2020

Item: 15

Enactment Number:
2020-08-13-0519

NAME	MOTION	SECOND	ABSTAIN	AYE	NAY	ABSENT
Ron Nirenberg Mayor				√		
Roberto Treviño Council District 1				√		
Jada Andrews-Sullivan Council District 2	√			√		
Rebecca Viagran Council District 3				√		
Adriana Rocha Garcia Council District 4				√		
Shirley Gonzales Council District 5				√		
Melissa Cabello Havrda Council District 6				√		
Ana Sandoval Council District 7				√		
Manny Pelaez Council District 8				√		
John Courage Council District 9				√		
Clayton Perry Council District 10		√		√		

Comments:

Office of the City Clerk

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Exhibit A-1



**0.029 OF AN ACRE
1,250 SQUARE FEET**

EXHIBIT "A"

BEING a 0.029 of an acre (1,250 square feet) tract of land lying in the G. Rodriguez Survey, Section 131, Abstract 621, Bexar County, Texas, and being out of Lot 16 of the Tolar Subdivision, recorded in Volume 9507, Page 110, of the Deed and Plat Records of Bexar County, Texas, further described as a 0.798 of an acre tract of land described as "TRACT II" in an instrument to Roger L. Tolar Sr., recorded in Volume 3181, Page 683, of the Official Public Records of Real Property of Bexar County, Texas, same being described by a drawing (118037_COSA_25'ESMT.DWG, dated July 29, 2020) attached to and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found with a red plastic cap stamped "CUDE", lying in the existing North right-of-way line of Austin Highway (120 foot right-of-way), for the Southeast corner of the aforementioned Lot 16, and the Southwest corner of Lot 18 of Clean Werks Asutin Highway, recorded in Volume 9555, Page 16, of the Deed and Plat Records of Bexar County, Texas, further described as a tract of land in an instrument to the City of San Antonio, recorded in Volume 19026, Page 428, of the Official Public Records of Bexar County, Texas;

THENCE North 40°45'16" West, a distance of 356.42 feet, leaving the existing North right-of-way line of the aforementioned Austin Highway, along the North line of the aforementioned Lot 16 and the South line of the aforementioned Lot 18, to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX.", for the **PLACE OF BEGINNING** and the Southeast corner of the herein described 0.029 of an acre tract of land;

THENCE South 49°14'44" West, a distance of 50.00 feet, leaving the North line of the aforementioned Lot 16, and the South line of the aforementioned Lot 18, over and across said Lot 16, to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX.", lying in the South line of said Lot 16, and the North line of a 41.785 acre tract of land described as "TRACT 1" in an instrument to the City of San Antonio, recorded in Volume 9016, Page 1743, of the Official Records of Bexar County, Texas, for the Southwest corner of the herein described 0.029 of an acre tract of land;

THENCE North 40°45'16" West, a distance of 25.00 feet, along the South line of the aforementioned Lot 16 and the North line of the aforementioned "TRACT 1", to a 1/2" iron rod set with plastic cap stamped "CDS/MUERY S.A. TX.", for the Northwest corner of the herein described 0.029 of an acre tract of land;

THENCE North 49°14'44" East, a distance of 50.00 feet, leaving the South line of the aforementioned Lot 16 and the North line of the aforementioned "TRACT 1", over and across said Lot 16, to a 1/2" iron rod with plastic cap stamped "CDS/MUERY S.A. TX.", lying in the North line of said Lot 16 and the South line of the aforementioned Lot 18, for the Northeast corner of the herein described 0.029 of an acre tract of land

**0.029 OF AN ACRE
1,250 SQUARE FEET**

THENCE South 40°45'16" East, a distance of 25.00 feet, along the North line of the aforementioned Lot 16 and the South line of the aforementioned Lot 18, to the **PLACE OF BEGINNING** and containing 0.029 of an acre (1,250 square feet) tract of land.

The bearing basis for this survey is Grid North, Texas State Plane Coordinate System, NAD83(2011); EPOCH 2010, Texas South Central Zone (4204).

THE STATE OF TEXAS X
 X **KNOWN TO ALL MEN BY THESE PRESENTS:**
COUNTY OF BEXAR X

I, Darryl L. Zercher, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my direction and supervision in July 2020.

Date 28 day of July 2020 A.D.



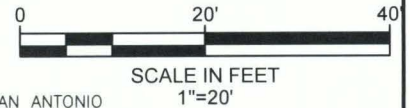
Darryl L. Zercher
Registered Professional Land Surveyor
No. 5609 - State of Texas



"TRACT I"
0.459 OF AN ACRE
ROGER L. TOLAR SR.
VOL. 3181, PG. 683
O.P.R.B.C.T.

**G. RODRIGUEZ SURVEY
SECTION 131, ABSTRACT 621**

28' ELECTRIC & TELEPHONE EASEMENT
VOL. 9507, PG. 110
D.P.R.B.C.T.



CITY OF SAN ANTONIO
VOL. 19026, PG. 428
O.P.R.B.C.T.

LOT 18
N.C.B. 12162
CLEAN WERKS AUSTIN HIGHWAY
VOL. 9555, PG. 16
D.P.R.B.C.T.

18' ELECTRIC & TELEPHONE EASEMENT
VOL. 9507, PG. 110
D.P.R.

POB

N: 13,734,846.18
E: 2,155,355.86

PROPOSED 25' EASEMENT
0.029 OF AN ACRE
(1,250 SQUARE FEET)

"TRACT II"
0.798 OF AN ACRE
ROGER L. TOLAR, SR.
VOL. 3181, PG. 683
O.P.R.R.P.B.C.T.

LOT 16
N.C.B. 12162
TOLAR SUBDIVISION
VOL. 9507, PG. 110
D.P.R.B.C.T.

"TRACT 1"
41.785 ACRES
CITY OF SAN ANTONIO
VOL. 9016, PG. 1743
O.R.B.C.T.

"TRACT 2"
50' ACCESS EASEMENT
CITY OF SAN ANTONIO
VOL. 9016, PG. 1743
O.R.B.C.T.

POC

FOUND 1/2" IRON ROD
W/RED PLASTIC CAP
STAMPED "CUDE"

EXISTING R.O.W.
AUSTIN HWY
(120' R.O.W.)

LEGEND

- — 1/2" IRON ROD SET WITH PLASTIC CAP
STAMPED "CDS/MUERY S.A. TX."
- — FOUND MONUMENTATION
- — UNMONUMENTED POINT
- POB — PLACE OF BEGINNING
- POC — PLACE OF COMMENCEMENT
- — PROPERTY LINES
- R.O.W. — RIGHT-OF-WAY
- O.P.R.B.C.T. — OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- D.P.R.B.C.T. — DEED AND PLAT RECORDS OF BEXAR COUNTY TEXAS
- O.R.B.C.T. — OFFICIAL RECORDS OF BEXAR COUNTY, TEXAS
- O.P.R.R.P.B.C.T. — OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS



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CDS muery
ENGINEERS | SURVEYORS

100 NE Loop 410, Ste. 300 | San Antonio, Texas 78216
(210) 581-1111 | TBPE No. F-1733 | TBPLS No. 100495-00

DRAWN BY:

CDSm

DATE:

07/29/2020

DRAWING NAME:

118037_COSA_25' ESMT.DWG

**PROPOSED 25'
EASEMENT**

CDS/MUERY SERVICES
MAPCHECK ROUTINE

LINE NO.	TANGENT DATA			RADIUS (RT. + / LT. -)	CHORD BEARING		CHORD LENGTH	DELTA	ARC LENGTH	TANGENT	STARTING COORDINATES		AREA		
	BEARING		DISTANCE		QUAD	ANGLE					NORTHINGS	EASTINGS	SQUARE FEET	ACRES	
	QUAD	ANGLE													
1	3	49.1444	50.00'								5000.0000	5000.0000			
											-32.6409	-37.8757			
											4967.3591	4962.1243			
2	4	40.4516	25.00'								18.9379	-16.3205			
											4986.2969	4945.8038			
3	1	49.1444	50.00'								32.6409	37.8757			
											5018.9379	4983.6795			
4	2	40.4516	25.00'								-18.9379	16.3205			
											5000.0000	5000.0000			
	10														
										ERROR	0.0000	0.0000			
		PREC. 1: #DIV/0!			CLOSING	BEARING		N	00.00.00	E	0.000'			1,250.00	0.028696

SAFD 24 Drainage Easement
Council District 2/2017-2022 Bond Project

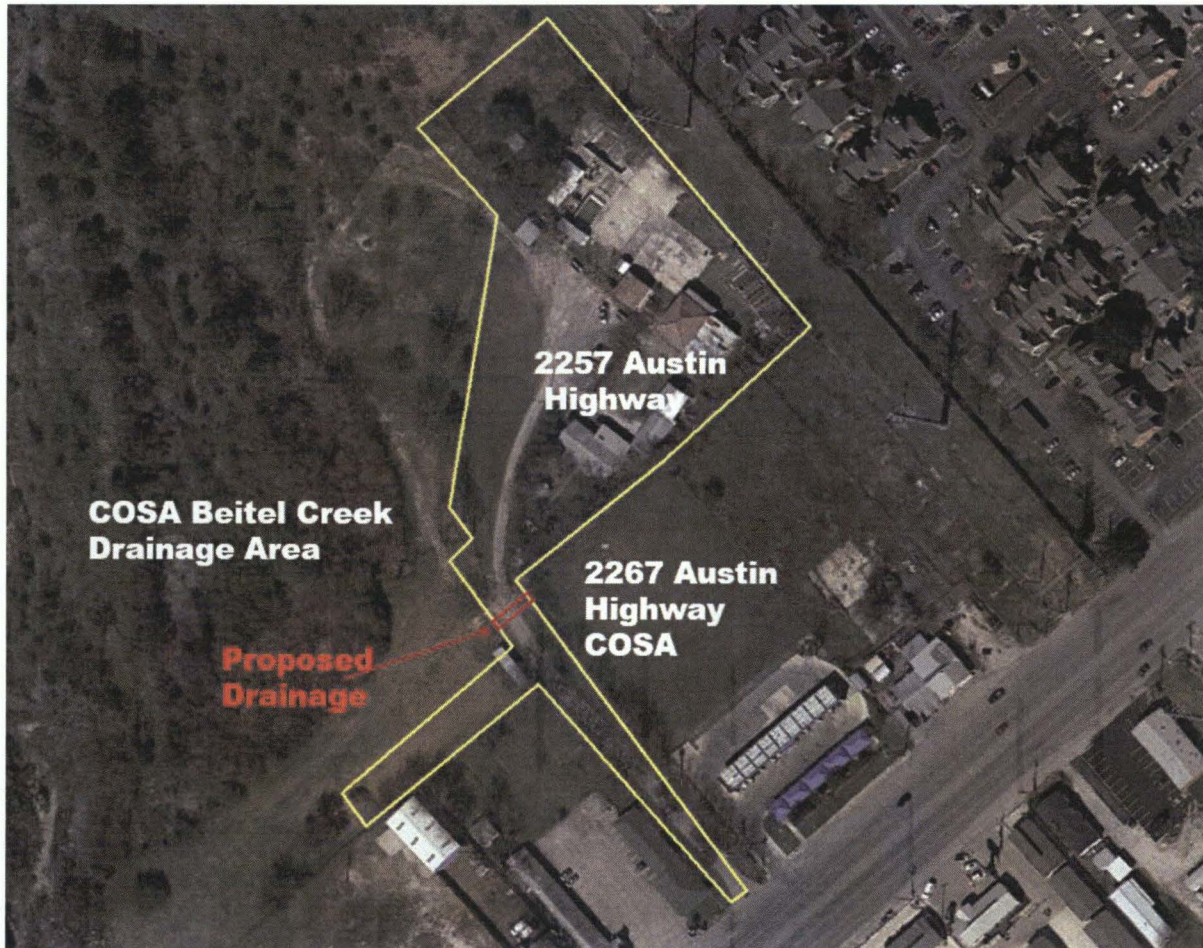


Exhibit "A-2"

Prepared by Public Works Department