

AN ORDINANCE 2006-06-29-0780

AUTHORIZING THE CITY TO GRANT TO KB HOME SAN ANTONIO TWO 16-FOOT WIDE SANITARY SEWER EASEMENTS AND TWO 25-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENTS OVER CITY-OWNED PARK PROPERTY IN THE STONE OAK AREA (NCB 19219) IN EXCHANGE FOR \$1,887.00.

* * * * *

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

SECTION 1. The City Manager or her designee is hereby authorized: (A) to grant sanitary sewer and temporary construction easements to KB Homes San Antonio and (B) in connection therewith, to execute and deliver (1) easements substantially in the form attached hereto as **Attachments I, II, and III**, and (2) all other documents necessary or convenient to effectuate the transactions contemplated in the above agreement, and (C) otherwise to do all things necessary or convenient to effectuate the transaction. The attachments are incorporated into this ordinance for all purposes as if they were fully set forth. Attachment III is the temporary construction easement and covers both areas over which such an easement is needed.

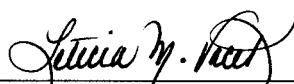
SECTION 2. Funds generated by this ordinance are to be deposited into Fund 11001000, General Fund, Internal Order 224000000002, LICENSE AGREEMENTS IN ROW General Ledger 4202410 License Agreements - Use of ROW when received from petitioner, KB Homes.

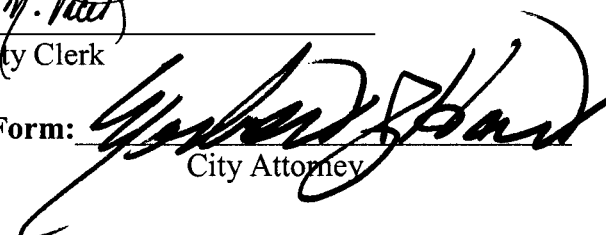
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance becomes effective July 9, 2006.

PASSED AND APPROVED this 29th day of June 2006.


M A Y O R
PHIL HARBERGER

Attest: 
City Clerk

Approved As To Form: 
City Attorney

Attachment I

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All of the Following Information from this Instrument Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
 § **Know All By These Presents:**
County of Bexar §

Sanitary Sewer Easement

Grantor: City of San Antonio

Grantor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Grantee KB Home Lone Star, L.P.

Grantee's Address: 4800 Fredericksburg Rd., San Antonio, Texas 78229

Purpose of Easement: Constructing, reconstructing, inspecting, patrolling, maintaining, and repairing sanitary sewer facilities; relocating such facilities within the servient estate; removing from the servient estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights granted hereunder; together with the right of ingress and egress over the servient estate for the purpose of exercising all other rights hereby granted

Description of Servient Estate: 0.0048 acre, more or less, out of a 168.87 acre tract in the L.C. Grothaus Survey No. 12, Abstract 930, County Block 4936, NCB 19219, San Antonio, Bexar County, Texas, as more particularly described on **Exhibit A**, incorporated herein for all purposes as if it were fully set forth.

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above. Grantor covenants and for itself, its heirs, executors, successors, and assigns, that no building or obstruction of any kind will be placed on the Servient Estate.

To Have and To Hold the above described easement and rights unto Grantee, its successors and assigns, until its use is abandoned.

Witness my hand, this _____ day of _____, 2006.

City of San Antonio,
a Texas municipal corporation

(Signature)

(Printed Name)

(Representative Capacity)

Attest:

City Clerk

Approved As To Form:

City Attorney

State of Texas §

County of Bexar §

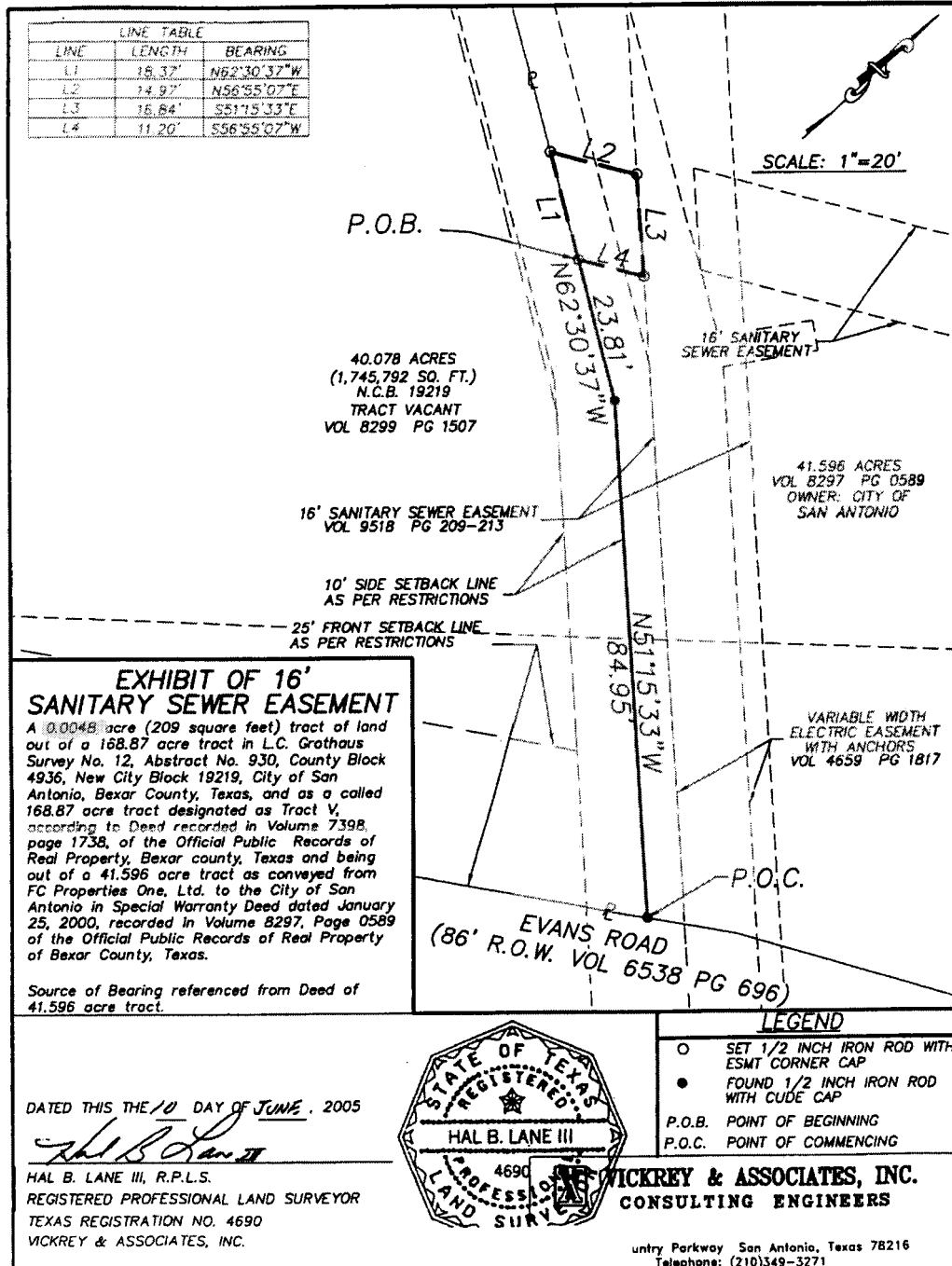
This instrument was acknowledged before me this date by _____, of
the City of San Antonio, a Texas municipal corporation, in the capacity therein stated
and on behalf of that entity.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Exhibit A



VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

METES AND BOUNDS DESCRIPTION
FOR A 0.0048 ACRE TRACT OF LAND
OUT OF A PORTION OF THE L.C. GROTHAUS SURVEY NO. 12, ABSTRACT 930
BEXAR COUNTY, TEXAS
16' WIDE SANITARY SEWER EASEMENT

A 0.0048 acre (209 square feet) tract of land out of a 168.87 acre tract in L.C. Grothaus Survey No. 12, Abstract No. 930, County Block 4936, New City Block 19219, City of San Antonio, Bexar County, Texas, and as a called 168.87 acre tract designated as Tract V, according to Deed recorded in Volume 7398, Page 1738, of the Official Public Records of Real Property, Bexar County, Texas, and being out of a 41.596 acre tract as conveyed from FC Properties One, Ltd. to the City of San Antonio in Special Warranty Deed dated January 25, 2000, recorded in Volume 8297, Page 0589 of the Official Public Records of Real Property of Bexar County, Texas, said 0.0048 acre tract being more particularly described as follows, with all bearings being referenced to the southerly line of said 41.596 acre tract, bearing N 51° 15' 33" W;

COMMENCING: at a found ½" iron rod with Cude cap in the north right-of-way line of Evans Road at the southwesterly corner of said 41.596 acre tract;

- Thence: N 51° 15' 33" W, 84.95 feet along the southerly line of said 41.596 acre tract and also being the northerly line of a 40.078 acre tract of land recorded in Volume 8299, Page 1507 of the Official Public Records of Real Property of Bexar County, Texas, to a found ½ inch iron rod with Cude cap for an angle point;
- Thence: N 62° 30' 37" W, 23.81 feet continuing along the southerly line of said 41.596 acre tract and northerly line of said 40.078 acre tract to a set ½ inch iron rod with "ESMT. CORNER" cap for the POINT OF BEGINNING and the most southerly corner of the herein described tract;
- Thence: N 62° 30' 37" W, 18.37 feet to a set ½ inch iron rod with "ESMT. CORNER" cap for the most westerly corner of the herein described tract;
- Thence: N 56° 55' 07" E, 14.97 feet to a set ½ inch iron rod with "ESMT. CORNER" cap set in a southerly line of an existing 16 foot Sanitary Sewer Easement described by Plat of Stone Oak Subdivision Unit 14, recorded in Volume 9518, Pages 209-213 of the Deed and Plat Records of Bexar County, Texas for the most northerly corner of the herein described tract;
- Thence: S 51° 15' 33" E, 16.84 feet along and with said southerly line of existing 16 foot Sanitary Sewer Easement to a set ½ inch iron rod with "ESMT. CORNER" cap for the most easterly corner of the herein described tract;

Metes and Bounds
for 0.0048 acre
Page 2

Thence: S 56° 55' 07" W, 11.20 feet to the POINT OF BEGINNING, containing
0.0048 acres (209 square feet) of land, more or less;

Job No. 2014-001-104
JC/ksh/m&b0.0048ac060905
June 10, 2005

Hal B. Lane III 6/10/05

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.



Attachment II

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All of the Following Information from this Instrument Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's License Number.

State of Texas §
 § **Know All By These Presents:**
County of Bexar §

Sanitary Sewer Easement

Grantor: City of San Antonio

Grantor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Grantee KB Home Lone Star, L.P.

Grantee's Address: 4800 Fredericksburg Rd., San Antonio, Texas 78229

Purpose of Easement: Constructing, reconstructing, inspecting, patrolling, maintaining, and repairing sanitary sewer facilities; relocating such facilities within the servient estate; removing from the servient estate all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights granted hereunder; together with the right of ingress and egress over the servient estate for the purpose of exercising all other rights hereby granted

Description of Servient Estate: 0.0821 acre, more or less, out of a 168.87 acre tract in the L.C. Grothaus Survey No. 12, Abstract 930, County Block 4936, NCB 19219, San Antonio, Bexar County, Texas, as more particularly described on **Exhibit A**, incorporated herein for all purposes as if it were fully set forth.

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above. Grantor covenants and for itself, its heirs, executors, successors, and assigns, that no building or obstruction of any kind will be placed on the Servient Estate.

To Have and To Hold the above described easement and rights unto Grantee, its successors and assigns, until its use is abandoned.

Witness my hand, this _____ day of _____, 2006.

City of San Antonio,
a Texas municipal corporation

(Signature)

(Printed Name)

(Representative Capacity)

Attest:

City Clerk

Approved As To Form:

City Attorney

State of Texas §

County of Bexar §

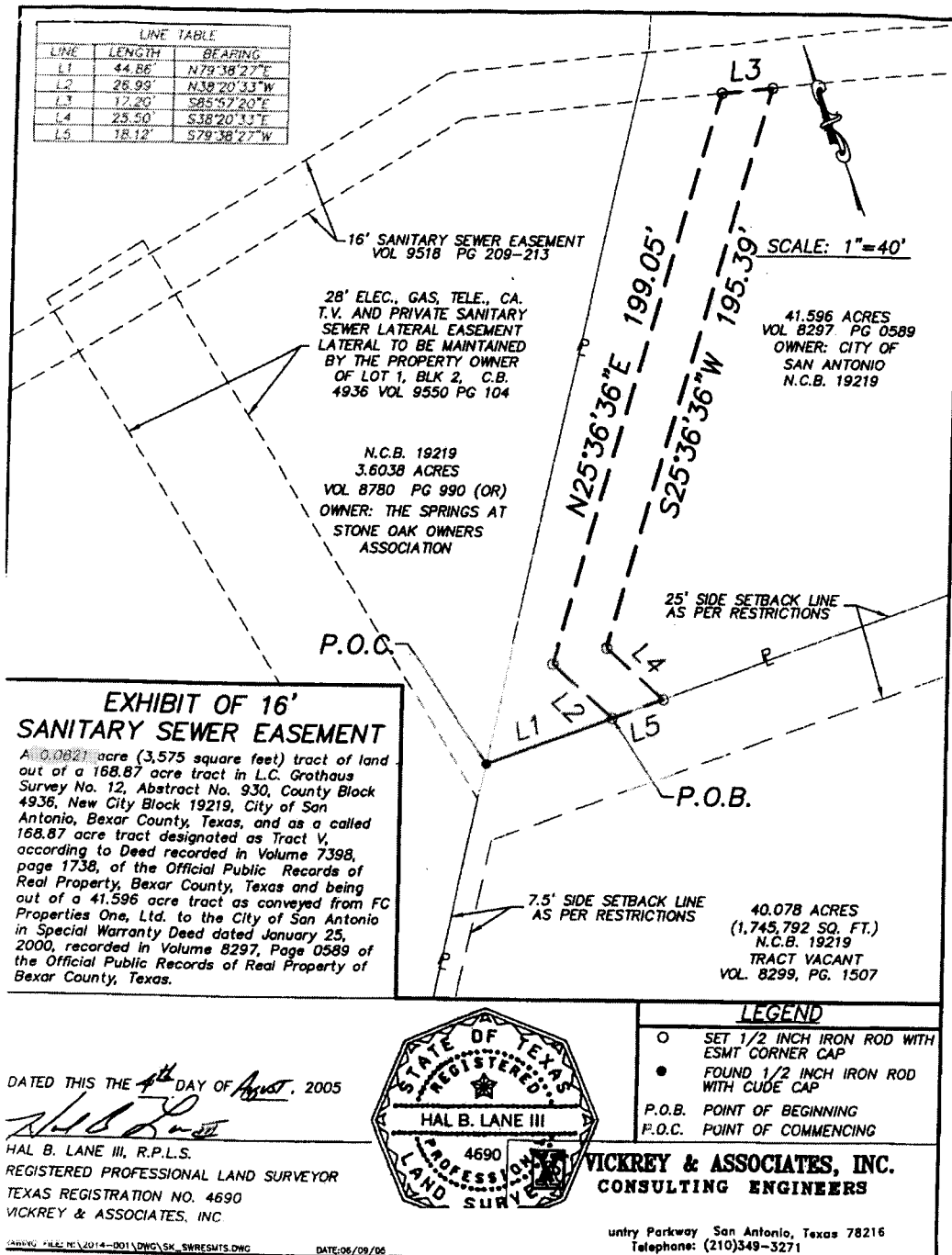
This instrument was acknowledged before me this date by _____, of
the City of San Antonio, a Texas municipal corporation, in the capacity therein stated
and on behalf of that entity.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Exhibit A



VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS

**METES AND BOUNDS DESCRIPTION
FOR A 0.0821 ACRE TRACT OF LAND
OUT OF THE L.C. GROTHAUS SURVEY NO. 12, ABSTRACT 990
BEXAR COUNTY, TEXAS**

A 0.0821 acre (3,575 square feet) tract of land out of a 168.87 acre tract in L.C. Grothaus Survey No. 12, Abstract No. 930, County Block 4936, New City Block 19219, City of San Antonio, Bexar County, Texas, and as a called 168.87 acre tract designated as Tract V, according to Deed recorded in Volume 7398, Page 1738, of the Official Public Records of Real Property, Bexar County, Texas, and being out of a 41.596 acre tract as conveyed from FC Properties One, Ltd. to the City of San Antonio in Special Warranty Deed dated January 25, 2000, recorded in Volume 8297, Page 0589 of the Official Public Records of Real Property of Bexar County, Texas, said 0.0821 acre tract being more particularly described as follows, with all bearings being referenced to the southerly line of said 41.596 acre tract, bearing S 79° 38' 27" W;

COMMENCING: at a found ½" inch rod with a Cude cap at the Southwest corner of said 41.596 acre tract;

Thence: N 79° 38' 27" E, 44.86 feet, along the southerly line of said 41.596 acre tract and also being the northerly line of a 40.078 acre tract of land recorded in Volume 8299, Page 1507 of the Official Public Records of Real Property of Bexar County, Texas, to a set ½ inch iron rod with "ESMT. CORNER" cap for the POINT OF BEGINNING and southwest corner of the herein described tract;

Thence: N 38° 20' 33" W, 26.99 feet, to a set ½ inch iron rod with "ESMT. CORNER" cap for a corner;

Thence: N 25° 36' 36" E, 199.05 feet, to a set ½ inch iron rod with "ESMT. CORNER" cap set in a southerly line of an existing 16-foot sanitary sewer easement described by Plat of Stone Oak Subdivision Unit 14, recorded in Volume 9518, Pages 209-213 of the Deed and Plat Records of Bexar County, Texas for the northwest corner of the herein described tract;

Thence: S 85° 57' 20" E, 17.20 feet, along and with said southerly line of existing 16 foot sanitary sewer easement to a set ½ inch iron rod with "ESMT. CORNER" cap for the northeast corner of the herein described tract;

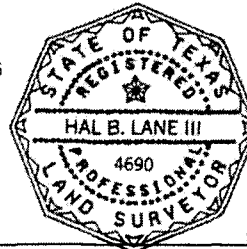
Thence: S 25° 36' 36" W, 195.39 feet to a set ½ inch iron rod with "ESMT. CORNER" cap for a corner;

Thence: S 38° 20' 33" E, 25.50 feet, to a set ½ inch iron rod with "ESMT. CORNER" cap in the southerly line of said 41.596 acre tract and in the northerly line of said 40.078 acre tract for the southeast corner of the herein described tract;

Thence: S 79° 38' 27" W, 18.12 feet to the POINT OF BEGINNING, containing 0.0821 acres (3,575 square feet) of land, more or less.

Job No. 2014-001-104
JC/ksh/m&b0.0821ac072805
July 28, 2005


Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.



Attachment III

Temporary Construction Easement Agreement

Grantor: City of San Antonio

Grantor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Grantee KB Home Lone Star, L.P.

Grantee's Address: 4800 Fredericksburg Rd., San Antonio, Texas 78229

Purpose of Easement: Easement for the construction of the following improvements, and associated ingress and egress:

Description of Servient Estate: Tract A, described in detail on **Exhibit A** to this agreement and Tract B, described in detail on **Exhibit B** to this agreement, both Tracts A & B being located in the Saddle Mountain at Stone Oak Subdivision, San Antonio, Bexar County, Texas.

1. Grantor grants, dedicates, and conveys to Grantee, for and in consideration of the benefits accruing to Grantors a temporary construction easement over, across, under and upon the Servient Estate. The easement may be used only for the Purpose of Easement stated above. Grantor and its successor and assigns may have and hold the easement until it expires.
2. This easement does not affect or impair other easements burdening the Servient Estate.
3. Grantee must adhere in all respects to the Unified Building Code of the City of San Antonio in the course of exercising its rights under this agreement. It specifically must perform and conform to the results of a scour analysis in determining the proper depth of the sewer line.
4. Grantee must not excavate within five feet of buried lines or poles or towers of CPS Energy. Grantee must shore and brace the walls of holes near enough to CPS Energy poles or towers to create potential lateral support problems. It must promptly recover any uncovered buried lines.
5. Grantee must give Grantor's Parks and Recreation Department at least five working days notice of any work to be done under this agreement and must permit personnel of that department to be present during all such work. Grantee should coordinate on this matter through Scott Stover or Rodney Dzluk at 210-207-2879.
6. Grantee must not remove any trees from the Servient Estate without the written permission of the Director of Grantor's Parks and Recreation Department. Grantee must revegetate all excavated areas and all other areas disturbed in the work. The replacement vegetation must be approved in writing by the Director of the City of San Antonio Parks and Recreation Department. Grantee must not store materials or equipment in or around the Servient Estate at any time.

7. Before exercising any rights under this easement, Grantee must obtain at its expense a Cultural Resource Investigation. Grantee must obtain written approval of the consultant used for the investigation from the Director of Grantor's Parks and Recreation Department. In the course of exercising its rights, it must adhere to the recommendations of that investigation.

8. Grantor is simultaneously granting Grantee a permanent easement for the sewer line over a portion of the Servient Estate. Although the rights granted in the permanent easement are broader than those of this agreement, this agreement controls during the construction phase.

9. This easement expires December 31, 2006.

In Witness Whereof, the parties have caused their representatives to set their hands.

Grantor:

City of San Antonio,
a Texas municipal corporation

(Signature)

(Printed Name)

(Representative Capacity)

(Date)

Grantee:

KB Home Lone Star, L.P., a Texas
limited partnership, by and through its
sole general partner

KBSA, Inc., a Texas business
corporation

(Signature)

(Printed Name)

(Representative Capacity)

(Date)

Attest:

City Clerk

Approved As To Form:

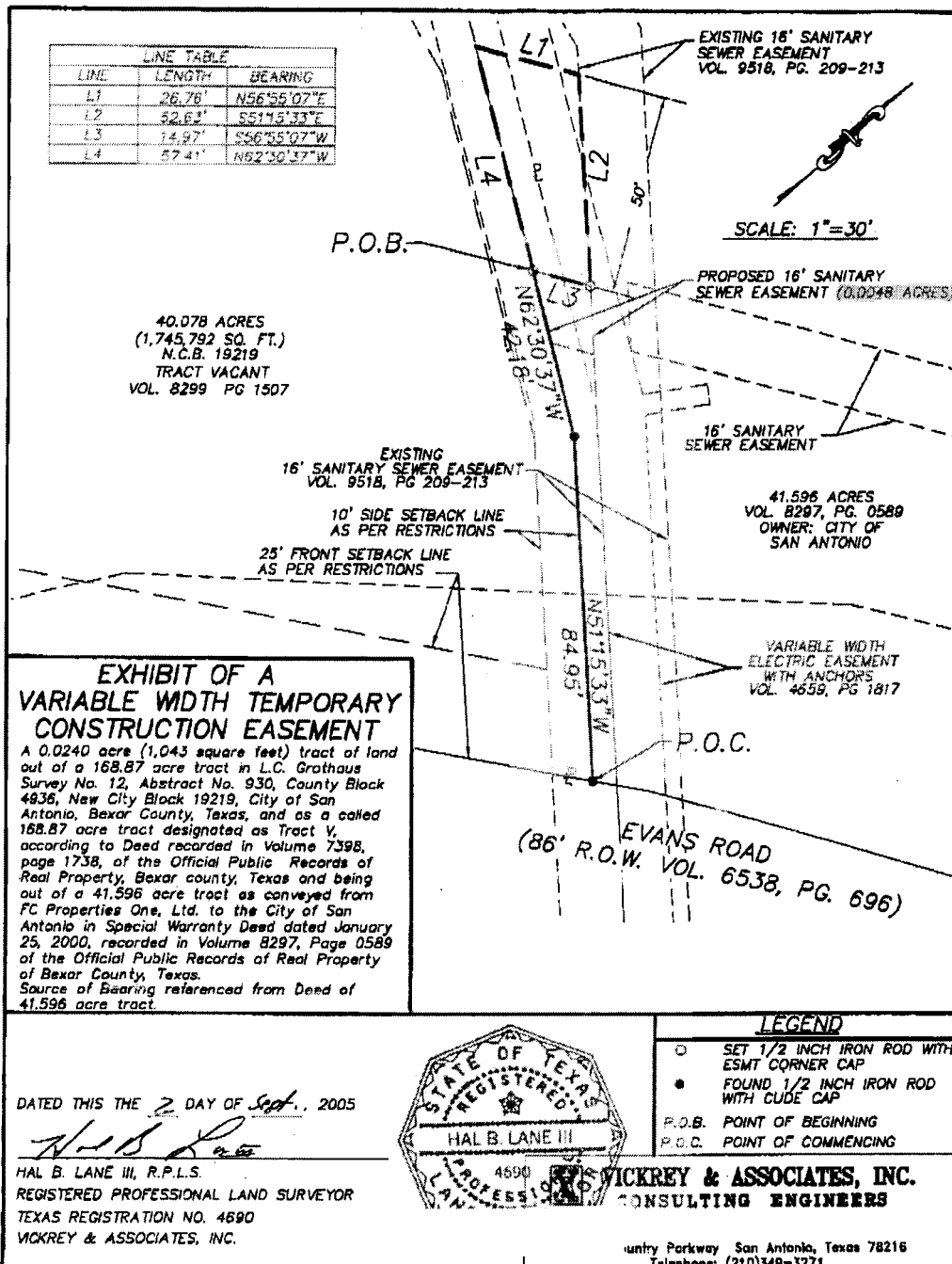
City Attorney

Exhibit A

SEP-07-2005 WED 07:32 AM land dept

FILE NO. 366 2378

P. 11



VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

METES AND BOUNDS DESCRIPTION
FOR A 0.0240 ACRE TRACT OF LAND
OUT OF A PORTION OF THE L.C. GROTHAUS SURVEY NO. 12, ABSTRACT 930
BEXAR COUNTY, TEXAS
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT

A 0.0240 acre (1,043 square feet) tract of land out of a 168.87 acre tract in L.C. Grothaus Survey No. 12, Abstract No. 930, County Block 4936, New City Block 19219, City of San Antonio, Bexar County, Texas, and as called 168.87 acre tract designated as Tract V, according to Deed recorded in Volume 7398, Page 1738, of the Official Public Records of Real Property, Bexar County, Texas, and being out of a 41.596 acre tract as conveyed from FC Properties One, Ltd. to the City of San Antonio in Special Warranty Deed dated January 25, 2000, recorded in Volume 8297, Page 0589 of the Official Public Records of Real Property of Bexar County, Texas, said 0.0240 acre tract being more particularly described as follows, with all bearings being referenced to the southerly line of said 41.596 acre tract, bearing N 51° 15' 33" W:

COMMENCING: at a found ½" iron rod with Cude cap in the north right-of-way line of Evans Road at the southwesterly corner of said 41.596 acre tract;

Thence: N 51° 15' 33" W, 84.95 feet along the southerly line of said 41.596 acre tract and also being the northerly line of a 40.078 acre tract of land recorded in Volume 8299, Page 1507 of the Official Public Records of Real Property of Bexar County, Texas, to a found 1/2 inch iron rod with Cude cap for an angle point;

Thence: N 62° 30' 37" W, 42.18 feet continuing along the southerly line of said 41.596 acre tract and northerly line of said 40.078 acre tract to a set ½ inch iron rod with "ESMT. CORNER" cap for the POINT OF BEGINNING and the most southerly corner of the herein described tract, also being the most westerly corner of a proposed 16 foot Sanitary Sewer Easement;

Thence: N 62° 30' 37" W, 57.41 feet continuing along the southerly line of said 41.596 acre tract and northerly line of said 40.078 acre tract to an angle point for the most westerly corner of the herein described tract;

Thence: N 56° 55' 07" E, 26.76 feet to an angle point in a southerly line of an existing 16 foot Sanitary Sewer Easement described by Plat of Stone Oak Subdivision Unit 14, recorded in Volume 9518, Pages 209-213 of the Deed and Plat Records of Bexar County, Texas for the most northerly corner of the herein described tract;

Thence: S 51° 15' 33" E, 52.63 feet along and with said southerly line of existing 16 foot Sanitary Sewer Easement to a set ½ inch iron rod with "ESMT. CORNER" cap for the most easterly corner of the herein described tract and being the most northerly corner of a proposed 16 foot Sanitary Sewer Easement;

**Metes and Bounds
for 0.0240 acre
Page 2**

Thence: S 56° 55' 07" W, 14.97 feet along the northwest line of a proposed 16' sanitary sewer easement to the POINT OF BEGINNING, containing 0.0240 acres (1,043 square feet) of land, more or less;

Job No. 2014-001-104
JC/lp/m&b0.0240ac082305
September 1, 2005

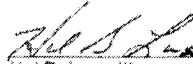
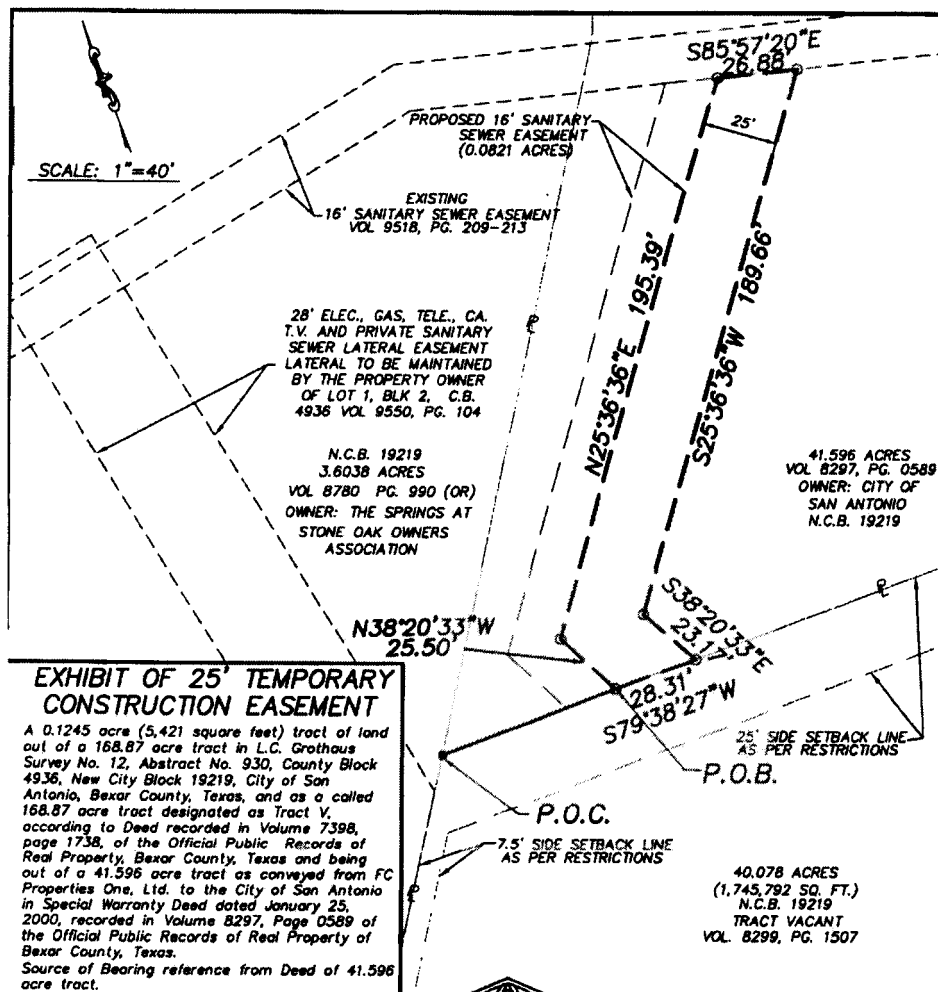
 9/2/05
Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.

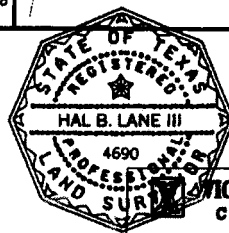


Exhibit B



DATED THIS THE 19 DAY OF May, 2005

HAL B. LANE III, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4690
VICKREY & ASSOCIATES, INC.



LEGEND	
○	SET 1/2 INCH IRON ROD WITH ESMT CORNER CAP
●	FOUND 1/2 INCH IRON ROD WITH CUDE CAP
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS

Country Parkway San Antonio, Texas 78216
Telephone: (210)348-3271

**METES AND BOUNDS DESCRIPTION
FOR A 0.1245 ACRE TRACT OF LAND
OUT OF THE L.C. GROTHAUS SURVEY NO. 12, ABSTRACT 990
BEXAR COUNTY, TEXAS
25' WIDE TEMPORARY CONSTRUCTION EASEMENT**

A 0.1245 acre (5,421 square feet) tract of land out of a 168.87 acre tract in L.C. Grothaus Survey No. 12, Abstract No. 930, County Block 4936, New City Block 19219, City of San Antonio, Bexar County, Texas, and as a called 168.87 acre tract designated as Tract V, according to Deed recorded in Volume 7398, Page 1738, of the Official Public Records of Real Property, Bexar County, Texas, and being out of a 41.596 acre tract as conveyed from FC Properties One, Ltd. to the City of San Antonio in Special Warranty Deed dated January 25, 2000, recorded in Volume 8297, Page 0589 of the Official Public Records of Real Property of Bexar County, Texas, said 0.1245 acre tract being more particularly described as follows, with all bearings being referenced to the southerly line of said 41.596 acre tract, bearing S 79° 38' 27" W;

COMMENCING: at a found ½" inch rod with a Cude cap at the Southwest corner of said 41.596 acre tract;

Thence: N 79° 38' 27" E, 62.98 feet, along the southerly line of said 41.596 acre tract and also being the northerly line of a 40.078 acre tract of land recorded in Volume 8299, Page 1507 of the Official Public Records of Real Property of Bexar County, Texas, to a set ½ inch iron rod with "ESMT. CORNER" cap for the POINT OF BEGINNING and southwest corner of the herein described tract, also being the southeast corner of a proposed 16 foot Sanitary Sewer Easement;

Thence: N 38° 20' 33" W, 25.50 feet along the east line of a proposed 16 foot sanitary sewer easement to a set ½ inch iron rod with "ESMT. CORNER" cap for a corner;

Thence: N 25° 36' 36" E, 195.39 feet along the east line of a 16 foot proposed sanitary sewer easement, to a set ½ inch iron rod with "ESMT. CORNER" cap set in a southerly line of an existing 16 foot Sanitary Sewer Easement described by Plat of Stone Oak Subdivision Unit 14, recorded in Volume 9518, Pages 209-213 of the Deed and Plat Records of Bexar County, Texas for the northwest corner of the herein described tracts and also being the northeast corner of a proposed 16 foot Sanitary Sewer Easement;

Thence: S 85° 57' 20" E, 26.88 feet, along and with said southerly line of existing 16 foot sanitary sewer easement to an angle point for the northeast corner of the herein described tract;

Thence: S 25° 36' 36" W, 189.65 feet along and with a line 25 feet parallel to a proposed 16 foot Sanitary Sewer Easement to an angle point;



Metes and Bounds
for 0.1245 acre
Page 2

Thence: S 38° 20' 33" E, 23.18 feet continuing 25 feet from and parallel to said proposed 16 foot Sanitary Sewer Easement to an angle point in the southerly line of said 41.596 acre tract and in the northerly line of said 40.078 acre tract for the southeast corner of the herein described tract;

Thence: S 79° 38' 27" W, 28.31 feet to the POINT OF BEGINNING, containing 0.1245 acres (5,421 square feet) of land, more or less.


Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.



Job No. 2014-001-104
KJH/ksh/m&b0.1245ac082305
November 8, 2005

