

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE MEMORANDUM

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Oscar Serrano, Real Estate Manager; File

DATE: Thursday, October 24, 2002

SUBJECT: S.P. No. 1038 - Texas Department of Transportation Release of 100'X100' Channel Drainage Easement and City of San Antonio Concurrent Acceptance of 15'X138' Channel Drainage Easement along and adjacent to Blanco Road

PETITIONERS: State of Texas, through its
Texas Transportation Commission; and;
Blanco Market Limited Partnership,
c/o Cencor Realty Services, Inc. as Agent,
through Gregory B. Mann, Vice-President

SUMMARY AND RECOMMENDATIONS

This Ordinance will declare a 100'X100' (0.230 acre) Texas Department of Transportation (TxDOT) Channel Drainage Easement surplus to the City's drainage needs and, concurrently, will accept a 15'X138' (0.0478 acre) Channel Drainage Easement adjacent to and easterly of Blanco Road, from Blanco Market Limited Partnership.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

The Texas Department of Transportation currently holds a 100'X100' (0.230 acre) channel drainage easement at the general location of Loop 1604 and Blanco Road in the location identified with red diagonal lines on attached Exhibit "A" and more specifically identified in the plat attached as Exhibit "B".

The property owner holding fee simple title to this property is Blanco Market Limited Partnership, which is requesting that the Texas Department of Transportation release this existing channel drainage easement so that it may further develop the adjacent tract. As is customary, prior to releasing any properties, the Texas Department of Transportation policy requires that the City of San Antonio offer input as to any surplus property request.

COORDINATION

This request has been canvassed through the Department of Public Works which is the only City Department affected by this proposal. The Department of Public Works is agreeable to TxDOT's release of the 100'X100' channel drainage easement, but is imposing a specific condition that Blanco Market Limited Partnership grant the City of San Antonio a new 15'X138' (0.0478 acre) channel drainage easement in the location identified in blue cross-hatching on Exhibit "A" more specifically identified in the plat attached as Exhibit "C". Petitioner has agreed to this condition as shown on attached letter from Petitioner, labeled Exhibit "D".

POLICY ANALYSIS

This action is consistent with City Code, which requires City Council approval for the release of any properties used by the City of San Antonio.

FISCAL IMPACT

Due to the fact that neither the land nor the 100'X'100' channel drainage easement belong to the City of San Antonio, there is no direct financial impact in releasing the 100' X 100' channel drainage easement. However, because of the conditions imposed by the Department of Public Works, the City will receive a new 15' X 138' (0.0478 acre) channel drainage easement from Blanco Market Limited Partnership at no cost.


SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission considered this request at its regular meeting of September 25, 2002 and recommended approval by a unanimous vote.

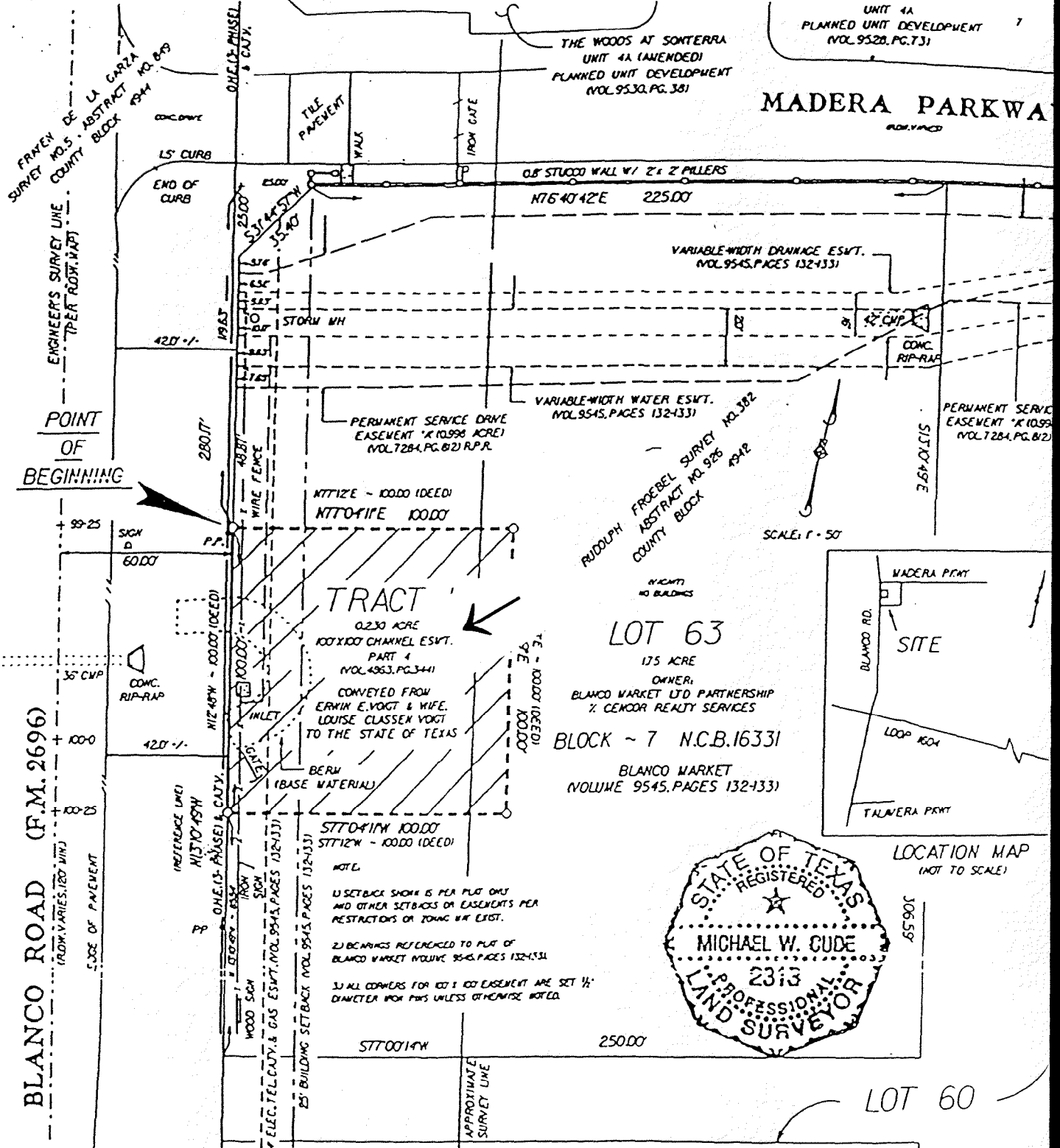
An executed Discretionary Contracts Disclosure Statement from Blanco Market Limited Partnership is attached.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



PLAT OF TRACT 1

0.230 OF AN ACRE OF LAND (10000 SQ.FT.) IN THE CITY OF SAN ANTONIO, N.C.B. 16331 BEING THE SAME 10000 FOOT X 10000 FOOT CHANNEL EASEMENT (PART 4) CONVEYED FROM ERWIN E. VOIGT AND WIFE, LOUISE CLASSEN VOIGT NOVEMBER 2, 1962 TO THE STATE OF TEXAS AS DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 4863, PAGE 344, DEED RECORDS OF BEAR COUNTY, TEXAS ALSO BEING OUT OF LOT 63, BLOCK 7 AS DESCRIBED BY SUBDIVISION PLAT OF BLANCO MARKET RECORDED IN VOLUME 9545, PAGES 132-1331 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY TEXAS AND OUT OF THE FRAYEN DE LA GARZA SURVEY NO. 5, ABSTRACT NO. 849, COUNTY BLOCK 4944 AND THE RUDDOLPH FROEBEL SURVEY NO. 382, ABSTRACT NO. 925, COUNTY BLOCK 4742, BEAR COUNTY, TEXAS.



M.W. CUDE ENGINEERS, L.L.C.

STATE OF TEXAS
COUNTY OF BEAR

I HEREBY CERTIFY THAT THIS SURVEY AND ACCOMPANYING FIELD NOTES REPRESENTS FACTS DISCLOSED BY AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE EASEMENTS OR INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS.

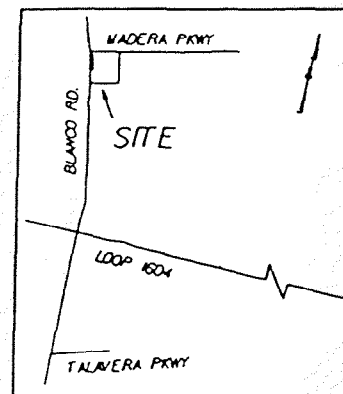
THIS 12TH DAY OF DECEMBER, 2004 AD

Michael W. Cude, R.P.L.S.
MICHAEL W. CUDE, R.P.L.S. NO. 2313

ORIGINAL SURVEY SHOWN IN FIELD

EXHIBIT "B"

MADERA PARKWAY
(R.O.V. 1965)



JOB NO. 1412

Michael Schoenbrun
Senior Vice President

schoenbn@cencorrealty.com

October 9, 2002

Mr. Oscar Serrano
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

RE: Release of TxDOT 100' x 100' Channel Drainage Easement located at the general location of Loop 1604 and Blanco Road

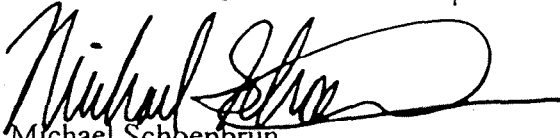
Dear Oscar:

Per your recent conversation with Greg Mann, upon TxDOT's full and final release of the above referenced easement, Blanco Market Limited Partnership agrees to immediately thereafter grant a 15' x 138' drainage easement, to the City of San Antonio, in accordance with the plat and field notes already provided to your office by Mr. Duane Moy, our engineer for this project. In addition, Blanco Market Limited Partnership agrees to execute the City's standard form of drainage easement which we have already reviewed and agree to issue at no cost to the City.

I look forward to resolving this matter as soon as reasonably possible. Should you have any questions, please do not hesitate to call.

Best regards,

Cencor Realty Services, Inc., as agent for
Blanco Market Limited Partnership


Michael Schoenbrun
Senior Vice President

GBM/ja

cc: Mike Cude
Duane Moy
John Roy

EXHIBIT "D"

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any individual who would be a party to the discretionary contract;

NONE

(2) the identity of any business entity¹ that would be a party to the discretionary contract:
and the name of:

(A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

Blanco Market Limited Partnership
By: Blanco Market One, L.C.
Its: General Partner

(B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

NONE

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

NONE

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law

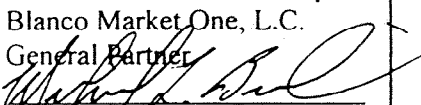
Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
PLEASE SEE ATTACHED LIST		

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature: Blanco Market Limited Partnership By: Blanco Market One, L.C. Its: General Partner  By: Michael L. Birnbaum Its: Manager	Title: Company:	Date: 8/6/02

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

OFFICER OF CULEBRA MARKET, LTD.

[illegible]