

CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
SAN ANTONIO WATER SYSTEM

CITY AGENDA

ITEM NO. 10

TO: Mayor and City Council

FROM: Eugene E. Habiger, General, USAF (Ret.), President Chief Executive Officer, San Antonio Water System and Thomas G. Wendorf, P.E., Director of Public Works, City of San Antonio

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Assistant City Manager, File

SUBJECT: Ordinance Declaring a Public Necessity for the Acquisition of Permanent Easement Interest in Certain Privately Owned Real Properties by Negotiation and/or Condemnation If Necessary, For the Loop 410 and McCullough Avenue Sanitary Sewer Main Replacement Project.

DATE: February 20, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance declares a public necessity for the acquisition of parcels as described in Attachment I for a permanent and a temporary easement interest in certain privately owned real properties by negotiation and/or condemnation if necessary, for a San Antonio Water System project.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

The San Antonio Water System Board of Trustees requires the acquisition of parcels as described in Attachment I for permanent easement interest in certain privately owned real properties by negotiation and/or condemnation if necessary, for the Loop 410 and McCullough Avenue Sanitary Sewer Main Replacement project.

- It is in the best interest of the City of San Antonio and necessary for the efficient operation of the San Antonio Water System ("System") to construct, operate, and maintain the Loop 410 and McCullough Avenue Sanitary Sewer Main Replacement project upon the privately owned property described in Attachment I to the resolution for this item.
- Acquisition of two easements on one tract is required. The first is a permanent easement of a 0.028-acre with an adjacent temporary easement of a 0.087-acre for construction.
- The tract of land is owned by North Star Mall Joint Venture.

- The City of San Antonio, acting by and through representatives of the System, have been unable to acquire title to the parcel, which are fully described in Attachment I.

In order to exercise its power of eminent domain, the City of San Antonio must declare a public necessity for the acquisition of property to be utilized by the System. The City exercises this authority on behalf of its departments and agencies when property cannot be acquired for fair market value, or property owners cannot be located.

FISCAL IMPACT

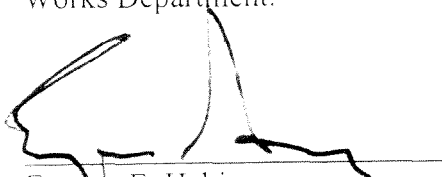
The passage of this ordinance will not have a financial impact on the City of San Antonio. Any condemnation costs including awards will be paid by the San Antonio Water System.

ETHICS DISCLOSURE:

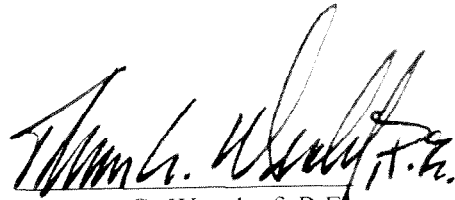
This ordinance does not require an Ethics Disclosure Form.

COORDINATION

The request for ordinance has been coordinated San Antonio Water Systems and the Public Works Department.

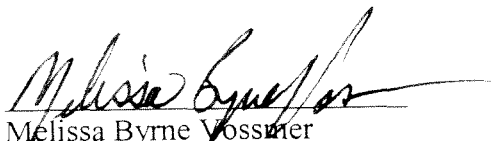


Eugene E. Habiger
General, USAF, (Ret.)
President/Chief Executive Officer
San Antonio Water System



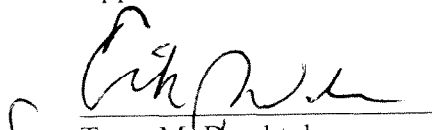
Thomas G. Wendorf, P.E.
Director of Public Works
City of San Antonio

2/7/03



Melissa Byrne Vossmer
Assistant City Manager
City of San Antonio

Approved:



Terry M. Brechtel
City Manager

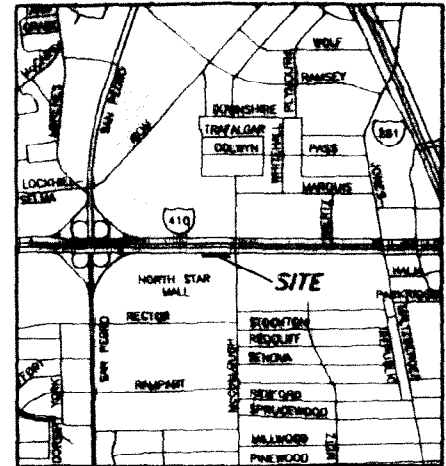
ATTACHMENT I

OWNER: THE NORTH STAR
MALL JOINT VENTURE

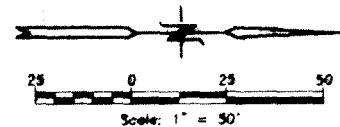
LOOP 410 & McCULLOUGH AVE.
SANITARY SEWER MAIN REPLACEMENT
PARCEL NO. SAWS-E-RW-7305

LINE TABLE

LINE	BEARING	DISTANCE
T-1	S 13°53'03" E	2.74'
T-2	N 84°54'31" E	44.38'



LOCATION MAP
N.T.S.



BEARING SOURCE:

INTERSTATE HIGHWAY LOOP 410, RIGHT OF WAY
MAP APPROVED ON MAY 18, 1998.

A METES AND BOUNDS DESCRIPTION OF EVEN
DATE HEREWITH ACCOMPANIES THIS SURVEY PLAT.

- SET 1/2" IRON PIN WITH ORANGE CAP STAMPED
"BAIN MEDINA BAIN INC." AT ALL CORNERS
OR AS SHOWN.

LEGEND:

- BUILDING SETBACK LINE
- RIGHT OF WAY LINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- O/E.C.T. --- OVERHEAD ELECTRIC, CABLE, TELEPHONE
- ⊙ ELECTRIC MANHOLE
- ⊙ TELEPHONE MANHOLE
- ⊙ POWER POLE
- ⊙ SIGN
- ⊙ GUY WIRE
- ⊙ SHRUB
- ⊙ TREE

SURVEY PLAT SHOWING:

A VARIABLE WIDTH SANITARY SEWER EASEMENT BEING 0.028
ACRES (1,237 SQ. FT.) OF LAND OUT OF LOT 111, NEW CITY
BLOCK 12025, NORTH STAR SHOPPING CENTER SUBDIVISION
RECORDED IN VOLUME 9514 PAGES 52-54, PLAT RECORDS OF
BEXAR COUNTY, TEXAS THE SAME BEING PORTION OF THAT
CERTAIN 48.250 "FIRST TRACT" DESCRIBED IN VOLUME 7983
PAGE 36 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEXAR

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL
SURVEY MADE ON THE GROUND UNDER MY SUPERVISION,
AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE
PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY
THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS 26th DAY OF JANUARY, 20 01 A.D.

REGISTERED PROFESSIONAL LAND SURVEYOR

JOB NO.: C-0862

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

PROPOSED 10' TEMPORARY
CONSTRUCTION EASEMENT

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

PROPOSED RIGHT OF WAY

EXISTING RIGHT OF WAY

14' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

LOT 105
NCB 12025
NORTH STAR SHOPPING
CENTER SUBDIVISION
(VOL 9514 PG. 52-54)

15' BUILDING SETBACK LINE
(VOLUME 9514 PAGE 54)

LOT 111
NCB 12025
NORTH STAR SHOPPING
CENTER SUBDIVISION
(VOLUME 9514 PAGES 52-54)

I.H. (LOOP) 410
EAST BOUND ACCESS ROAD
300' R.O.W.

SANITARY SEWER EASEMENT
PARCEL No. SAWS-E-RW-7305
(0.028 AC. ~ 1,237 SQ. FT.)

POINT OF
BEGINNING

S 00°37'09" W 14.00'

N 89°22'51" W 20.14'

POINT OF
COMMENCING

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

15' BUILDING SETBACK LINE

14' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

McCULLOUGH AVE.
50.5' R.O.W.



BAIN MEDINA BAIN, INC.
ENGINEERS & SURVEYORS
1026 Central Parkway South
San Antonio, Texas 78232
210/494-7223



REVISED 3-4-01

LOOP 410 & McCULLOUGH AVE.
SANITARY SEWER MAIN REPLACEMENT
PARCEL NO. SAWS-E-RW-7305

RECEIVED

MAR 15 2001

SAN ANTONIO WATER SYSTEM
REAL ESTATE ASSET MGMT. DIVISION

Metes and bounds description for 0.028 acres (1,237 S.F.) of land, more or less, out of Lot 111, NCB 12025, North Star Shopping Center Subdivision according to plat thereof recorded in Volume 9514, Pages 52-54 of the Plat Records of Bexar County, Texas and more particularly described by metes and bounds as follows:

- COMMENCING: At a point in the existing south right-of-way line of Loop 410 at the northwest end of a cut-back line at the southwest corner of Loop 410 and McCullough;
- THENCE: N89°22'51"W, 20.14 feet along the existing south right-of-way line of Loop 410 to a point;
- THENCE: S00°37'09"W, 14.00 feet to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set in the west line of an existing 10-foot utility easement as shown on said North Star Shopping Center Subdivision plat for the northeast corner and POINT OF BEGINNING of the herein described parcel;
- THENCE: S13°53'03"E, 2.74 feet along the west line of said 10-foot utility easement to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the southeast corner of the herein described parcel;
- THENCE: N89°38'55"W, 377.98 feet along the south line of the herein described parcel to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the westernmost corner of same;
- THENCE: N84°54'31"E, 44.38 feet along the north line of the herein described parcel to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set to an angle point of same;
- THENCE: S89°22'51"E, 333.14 feet along the north line of the herein described parcel to the POINT OF BEGINNING, containing 0.028 acres (1,237 S.F.) of land, more or less.

A Survey Plat of even date herewith accompanies this Metes and Bounds.

Prepared By: Bain Medina Bain, Inc.
Engineers and Surveyors
Date: January 26, 2001
BMB Job #: C-0862 A

REVISED: 3-14-01

G:\work\c-0862 (IH 410 @ McCULLOUGH)\m&b\c-0862 A.wpd

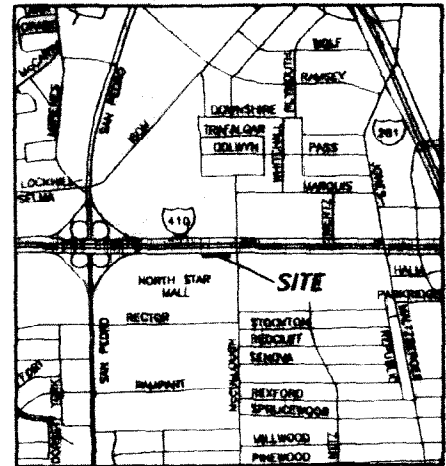


OWNER: THE NORTH STAR
MALL JOINT VENTURE

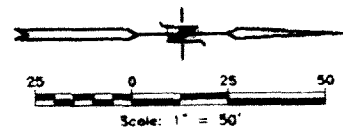
LOOP 410 & McCULLOUGH AVE.
TEMPORARY CONSTRUCTION EASEMENT
PARCEL NO. SAWS-E-RW-7305

LINE TABLE

LINE	BEARING	DISTANCE
T-1	S 13°53'03" E	10.32'
T-2	N 00°21'05" E	10.00'



LOCATION MAP
N.T.S.



BEARING SOURCE:
INTERSTATE HIGHWAY LOOP 410 RIGHT OF WAY
MAP APPROVED ON MAY 18, 1998.

A METES AND BOUNDS DESCRIPTION OF EVEN
DATE HEREWITH ACCOMPANIES THIS SURVEY PLAT.

○ SET 1/2" IRON PIN WITH ORANGE CAP STAMPED
"BAIN MEDINA BAIN INC." AT ALL CORNERS
OR AS SHOWN.

LEGEND:

- BUILDING SETBACK LINE
- RIGHT OF WAY LINE
- PROPOSED EASEMENT LINE
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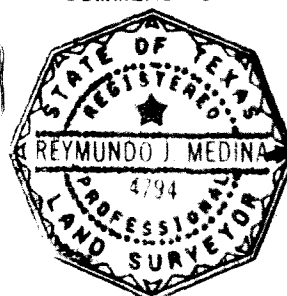
SURVEY PLAT SHOWING:

A TEMPORARY CONSTRUCTION EASEMENT BEING 0.087
ACRES (3,793 SQ. FT.) OF LAND OUT OF LOT 111, NEW CITY
BLOCK 12025, NORTH STAR SHOPPING CENTER SUBDIVISION
RECORDED IN VOLUME 9514 PAGES 52-54, PLAT RECORDS OF
BEXAR COUNTY, TEXAS THE SAME BEING PORTION OF THAT
CERTAIN 48.250 "FIRST TRACT" DESCRIBED IN VOLUME 7503
PAGE 38 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEXAR

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL
SURVEY MADE ON THE GROUND UNDER MY SUPERVISION,
AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE
PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY
THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS 28th DAY OF JANUARY, 20 01 A.D.



[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR

JOB NO.: C-0862

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

PROPOSED 10' TEMPORARY
CONSTRUCTION EASEMENT

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

PROPOSED RIGHT OF WAY

EXISTING RIGHT OF WAY

14' UTILITY EASEMENT
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LOT 105
NCB 12025
NORTH STAR SHOPPING
CENTER SUBDIVISION
(VOL 9514 PG 52-54)

15' BUILDING SETBACK LINE
(VOLUME 9514 PAGE 54)

LOT 111
NCB 12025
NORTH STAR SHOPPING
CENTER SUBDIVISION
(VOLUME 9514 PAGES 52-54)

S 00°37'09" W 16.85'

SET NAIL
AND CAP

10' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

15' BUILDING SETBACK LINE
14' UTILITY EASEMENT
(VOLUME 9514 PAGE 54)

McCULLOUGH AVE.
50.5' R.O.W.



BAIN MEDINA BAIN, INC.
ENGINEERS & SURVEYORS
1028 Central Parkway South
San Antonio, Texas 78232
210/494-7823

RECEIVED 3-1-01

LOOP 410 & McCULLOUGH AVE.
TEMPORARY CONSTRUCTION EASEMENT
PARCEL NO. SAWS-E-RW-7305

Metes and bounds description for 0.087 acres (3,793 S.F.) of land, more or less, out of Lot 111, NCB 12025, North Star Shopping Center Subdivision according to plat thereof recorded in Volume 9514, Pages 52-54 of the Plat Records of Bexar County, Texas and more particularly described by metes and bounds as follows:

- COMMENCING: At a point in the existing south right-of-way line of Loop 410 at the northwest end of a cut-back line at the southwest corner of Loop 410 and McCullough;
- THENCE: N89°22'51"W, 19.46 feet along the existing south right-of-way line of Loop 410 to a point;
- THENCE: S00°37'09"W, 16.65 feet to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set in the west line of an existing 10-foot utility easement as shown on said North Star Shopping Center Subdivision plat for the northeast corner and POINT OF BEGINNING of the herein described parcel;
- THENCE: S13°53'03"E, 10.32 feet along the west line of said 10-foot utility easement to a nail and cap set for the southeast corner of the herein described parcel;
- THENCE: N89°38'55"W, 380.52 feet along the south line of the herein described parcel to a nail and cap set for the southwest corner of same;
- THENCE: N00°21'05"E, 10.00 feet along the west line of the herein described parcel to a ½-inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the northwest corner of same;
- THENCE: S89°38'55"E, 377.98 feet along the north line of the herein described parcel to the POINT OF BEGINNING, containing 0.087 acres (3,793 S.F.) of land, more or less.

A Survey Plat of even date herewith accompanies this Metes and Bounds.

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REVISED: 3-14-01

G:\work\c-0862 (IH 410 @ McCULLOUGH)\m&b\c-0862 B.wpd

