

CONSENT AGENDA

ITEM NO. 28

**CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

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; Shawn P. Eddy, Special Projects Manager, Property Disposition

DATE: Thursday, December 18, 2003

SUBJECT: Request to convey a perpetual non-exclusive use road easement of an improved portion of Old Austin Road located between Fort Sam Houston Army Base and Lots 18, 19 & 20 Block 3 NCB 6526

PETITIONER: United States of America; U.S. Army Corps of Engineers
Attn: Stan H. Graham, Realty Specialist
P. O. Box 17300
Fort Worth, TX 76102-0300

SUMMARY AND RECOMMENDATIONS

This Ordinance will convey a perpetual non-exclusive use road easement of an improved portion of Old Austin Road located between Fort Sam Houston Army Base and Lots 18, 19 & 20 Block 3 NCB 6526, in exchange for the future conveyance of a portion of federal property that contains a portion of Public Right of Way, subject to the approval of the Secretary of the Army, as requested by the United States of America, acting through the Department of the Army.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting the conveyance of a perpetual non-exclusive use road easement of an improved portion of Old Austin Road located between Fort Sam Houston Army Base and Lots 18, 19 & 20 Block 3 NCB 6526 as shown on attached Exhibit "A." Due to increased force protection measures, which were implemented subsequent to the events of September 11, 2001, this road has been temporarily closed to non-military traffic. In order to improve and maintain security, the petitioner plans to relocate the existing access control point (entrance gate) which will require the realignment of a portion of Old Austin Road outside the post. In exchange for this easement, the Corp of Engineers has entered into an agreement in which they have pledged to seek the conveyance to the City of nearby federal property that contains a portion of improved Public Right of Way, subject to the approval of the Secretary of the Army.

POLICY ANALYSIS

This action is consistent with City Ordinances regulating Public Right of Way within the Corporate Limits of the City of San Antonio.

FISCAL IMPACT

This action will have no fiscal impact.

COORDINATION

This item was coordinated with the Departments of Economic Development and City Attorney's Office.

SUPPLEMENTARY COMMENTS

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is not required.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

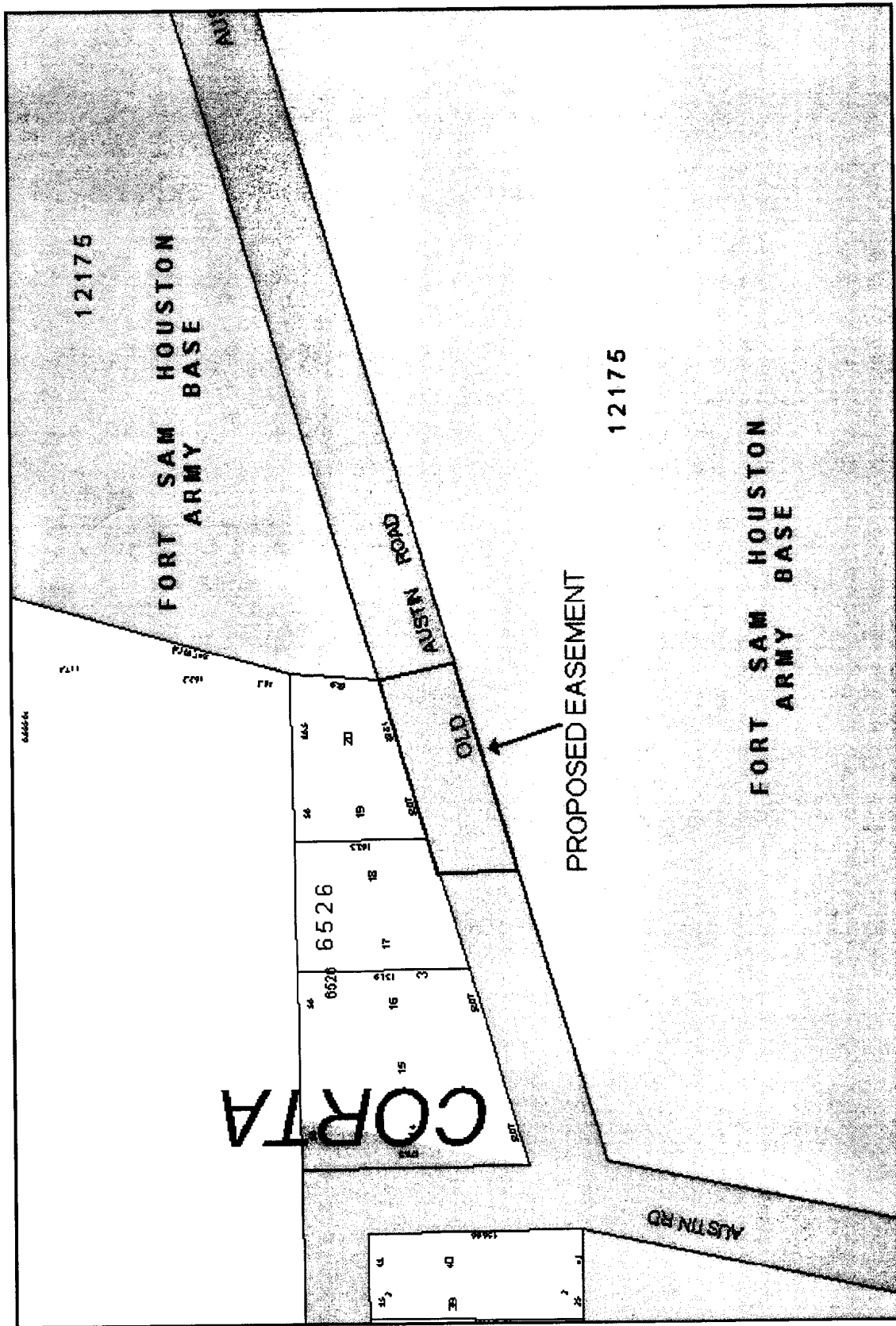


Exhibit "A"

Project: Fort Sam Houston, Texas
Tract No. 121E

NON-EXCLUSIVE USE ROAD EASEMENT DEED

GRANTOR (WHETHER ONE OR MORE): City of San Antonio, Texas

GRANTOR'S MAILING ADDRESS: San Antonio City Manager
100 Military Plaza
San Antonio, Texas 78205

GRANTEE: United States of America

GRANTEE'S MAILING ADDRESS: U.S. Army Corps of Engineers
ATTN: CESWF-RE
P.O. Box 17300
Fort Worth, Texas 76102-0300

CONSIDERATION: Good and Valuable

PROPERTY (including any improvements): A perpetual and
assignable non-exclusive easement and right-of-way in, on, over
and across the land more particularly described as follows:

BEGINNING at boundary monument B89 at the intersection of the northerly right of way line of Old Austin Road and the westerly boundary line of Fort Sam Houston Military Reservation as recorded in Vol. 9541, Pgs. 104 -155, of the Plat Records of Bexar County, Texas, same being the northwest corner of that 0.322 of an acre tract quitclaimed from City of San Antonio to USA in city ordinance No. 9106, dated March 10, 1949, for the northeast corner hereof;

THENCE South 00°06'37" East, leaving the northerly right of way line of Old Austin Road, along the west line of said Fort Sam Houston tract, a distance of 3901 feet to a mag nail with shiner set in asphalt in the southerly right of way line of Old Austin Road for the southeast corner hereof;

THENCE South 73°04'25" West, along the southerly right of way line of Old Austin Road, same being a northerly boundaryline of said Fort Sam Houston tract, a distance of 143.71 feet to a mag nail with shiner set in asphalt for the southwest corner hereof, and from which a ½ inch iron rod found in the southerly right of way line of Old Austin Road for an angle point of said Fort Sam Houston boundary, bears South 73°04'25" West, a distance of 243.27 feet;

THENCE North 16°55'34" West, leaving the southerly right of way line of Old Austin Road, a distance of 37.35 feet to a ½ inch iron rod with yellow cap stamped "CDS/Muery - S.A., TX" set in the northerly right of way line of Old Austin Road, same being the southerly line of Lot 18, NCB 6526 as recorded in Vol. 1625, Pgs. 46-47, for the northwest corner hereof;

THENCE North 73°04'25" East, along the northerly right of way line of Old Austin Road, same being the southerly line of Lots 18, 19 & 20 as recorded in Vol. 1625, Pgs. 46-47, a distance of 155.00 feet to the POINT OF BEGINNING and covering 0.128 of an acre (5,578 square feet) of land, more or less.

The bearing basis and distances for this survey are surface based on North American Datum 1983, State Plane Coordinates, South Central Zone. Surface ÷ 1.00017 = Grid

for the location, construction, operation, maintenance, alteration and replacement of a road and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the owners, their heirs and assigns, the right to use, cross over or under the right-of-way as access to their adjoining land.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property, without express or implied warranty, and

all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

The title hereinabove conveyed is subject to the following:

Existing easements for public roads and highways, public utilities, railroads, and pipelines.

EXECUTED as of the date of the earliest acknowledgment below.

CITY OF SAN ANTONIO

By: _____

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF BEXAR)

This instrument was acknowledged before me on this ____ day of _____, 2003, by _____ in his capacity as _____ of the City of Antonio, a municipal corporation of the State of Texas.

Notary Public, State of Texas

(Seal)

Notary's name printed:

Notary's Commission expires:
