

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
SAN ANTONIO WATER SYSTEM**

CONSENT AGENDA

ITEM NO. 7

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 Interests in Certain Privately Owned Real Properties by Negotiation and/or Condemnation if Necessary, for the San Antonio Ranch Water Recycling Center Elimination Project

DATE: March 18, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance declares a public necessity for the acquisition of parcels as described herein for a permanent easement interests in certain privately owned real properties by negotiation and/or condemnation if necessary, for a San Antonio Water System (SAWS) project. This project will meet the SAWS commitment for sewer service for the continued growth in the North West area of San Antonio.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

The San Antonio Water System Board of Trustees requires the acquisition of parcels as described herein for permanent easement interests in certain privately owned real properties by negotiation and/or condemnation if necessary, for the San Antonio Ranch Water Recycling Center Elimination 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 (SAWS) to construct, operate, and maintain the San Antonio Ranch Water Recycling Center Elimination Project upon the privately owned property described in Attachment I to the resolution for this item.
- The project will construct a lift station and sewer mains that will eliminate the San Antonio Ranch Water Recycling Center and transfer the wastewater flows to SAWS' regional collection system.

- Acquisition of easements is required for the proposed alignment. The permanent easements are described herein will require acquisition by eminent domain.
- The City of San Antonio, acting by and through representatives of SAWS, has been unable to acquire title to the parcels, which are fully described herein.

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 SAWS. 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

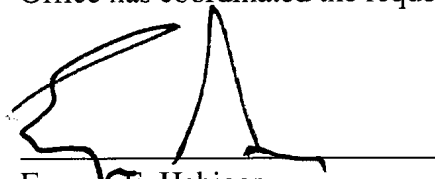
The passage of this ordinance will not have a financial impact on the City of San Antonio. Any condemnation costs including awards will be paid by the San Antonio Water System.

ETHICS DISCLOSURE:

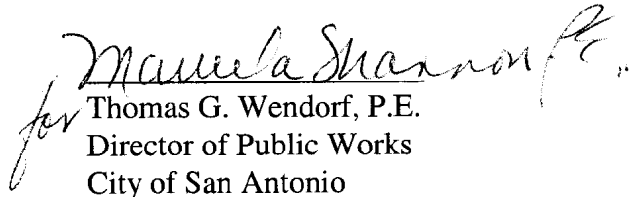
This ordinance does not require an Ethics Disclosure Form.

COORDINATION

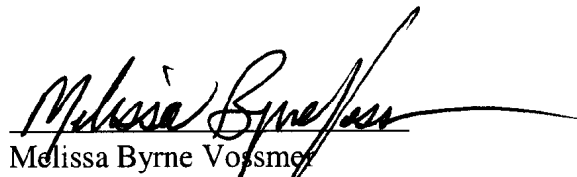
San Antonio Water System with the City's Public Works Department and the City Attorney's Office has coordinated the request for ordinance.



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




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



Melissa Byrne Voismier
Assistant City Manager
City of San Antonio

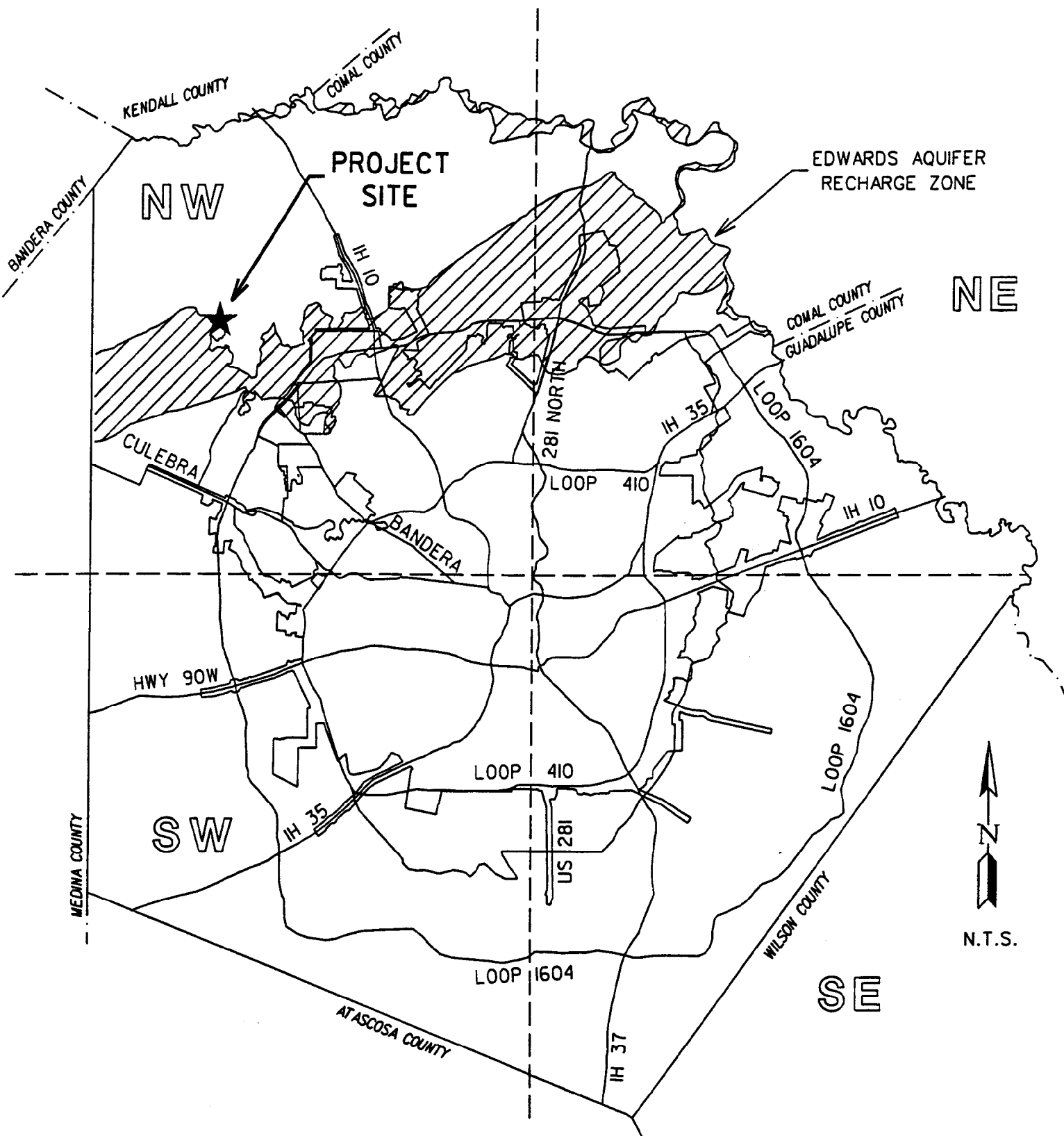
Approved:



Terry M. Brechtel
City Manager

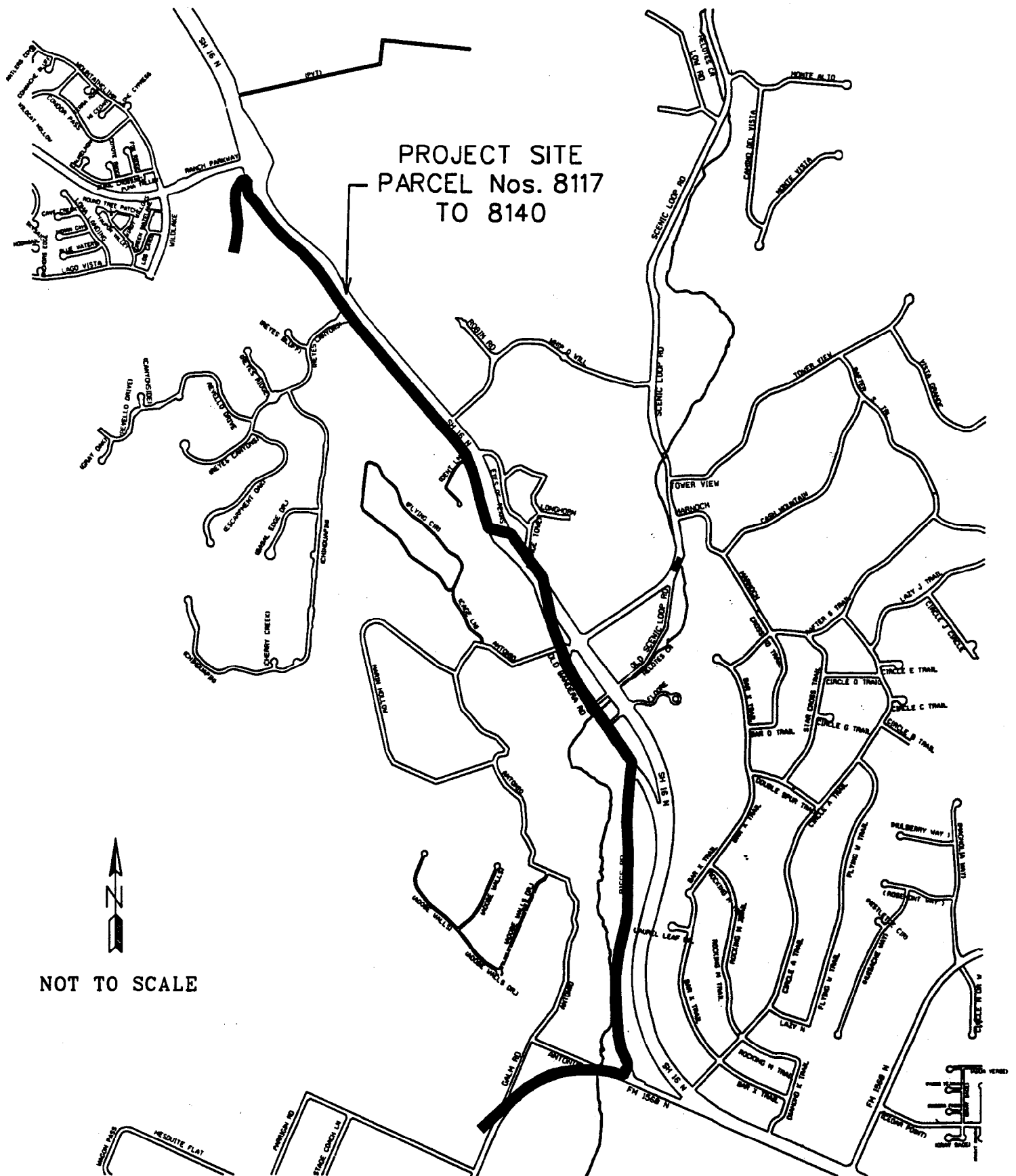
ATTACHMENT I

PROJECT SITE MAP



SAN ANTONIO RANCH WRC ELIMINATION PROJECT

SAN ANTONIO WATER SYSTEM



SAN ANTONIO RANCH WRC ELIMINATION PROJECT



FIELD NOTES
FOR
A PERMANENT SANITARY SEWER EASEMENT

A 0.0261 acre, or 1,138 square foot more or less, permanent sanitary sewer easement out of Parcel P-1C a 1.073 acre tract and being out of the remaining portion of a 169.89 acre tract as conveyed to Los Reyes Incorporated in General Warranty Deed with Vendor's Lien as recorded in Volume 6686, Pages 666-669 of the Official Public Records of Real Property of Bexar County, Texas, out of the A. Guerrero Survey Number 224 ½, Abstract 892, County Block 4522, of Bexar County, Texas, and being more particularly described as follows;

COMMENCING: At a found Texas Department of Transportation Concrete Monument with Brass Plate, on the southwest right-of-way line of Bandera Road (State Highway 16) a 220-foot right-of-way, also being on the northeast line of Lot 6, Block 1, Reyes Canyons, a variable width private street dedicated in Los Reyes Canyons Unit-1 Subdivision recorded in Volume 9535, Pages 75, of the Deed and Plat Records of Bexar County, Texas;

THENCE: S 39°47'11"E, along and with the southwest right-of-way line of said Bandera Road (State Highway 16), also being the northeast line of said Lot 6 a distance of 107.59 feet to the POINT OF BEGINNING, also being the northeast corner of Lot 1, Block 1 of said Los Reyes Canyons Unit-1 Subdivision;

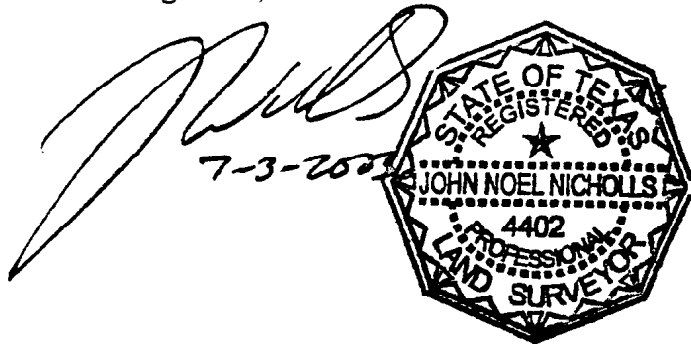
THENCE: S 39°47'11"E, continuing along and with the southwest right-of-way line of said Bandera Road (State Highway 16), also being the north line of a 14-foot electric, telephone, cable t.v. and gas easement dedicated in said Los Reyes Canyons Unit-1 Subdivision a distance of 71.14 feet to a point, also being the northwest corner of a 5.484 acre tract recorded in Volume 2103, Page 533-537 of the Official Public Records of Real Property of Bexar County, Texas, and also being the northeast corner of a 28-foot electric, telephone, cable t.v. and gas easement dedicated in said Los Reyes Canyons Unit-1 Subdivision

THENCE: S 04°52'14"W, along and with the west line of said 5.484 acre tract, the east line of said 28-foot electric, telephone, cable t.v. and gas easement a distance of 22.76 feet to a point;

THENCE: N 39°47'11"W, a distance of 71.14 feet to a point, also being on the east line of said Lot 1;

PAPE-DAWSON ENGINEERS, INC.

THENCE: N 04°52'14"E, along and with the east line of said Lot 1 a distance of 22.76 feet to the POINT OF BEGINNING, and containing 0.0261 acre in the City of San Antonio, Bexar County, Texas. Said easement being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.



PREPARED BY: PAPE DAWSON ENGINEERS INC..
DATE: June 4, 2003, Revised June 10, 2003
JOB No.: 5521-03
FILE: P:\55\21\03\DESIGN\SURVEY\EASEMENTS\PARCEL8126.DOC



FIELD NOTES
FOR
A PERMANENT SANITARY SEWER EASEMENT

A 0.0030 acre, or 130 square feet more or less, permanent sanitary sewer easement being out of that 0.73 acre tract recorded in Volume 6686, Pages 666-670 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 1, Block 1 of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, out of the A. Guerrero Survey No. 224½, Abstract 892, County Block 4522 of Bexar County Texas. Said 0.0030 acre tract being more fully described as follows:

COMMENCING: At a found Texas Department of Transportation monument with a brass plate at a angle point of the southwest right-of-way of Bandera Road, a 220-foot right-of-way, and the northeast right-of-way of a private street named Reyes Canyons, also known as Lot 6, Block 1 of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas;

THENCE: S 39°47'11"E, along and with the southwest right-of-way of Bandera Road and the northeast line of said Lot 6 Block 1, a distance of 107.59 feet, to a point at the most easterly corner of said Lot 1, Block 1, the northwest corner of a 1.87 acre tract recorded in Volume 6686, Pages 666-670 of the Official Public Records of Real Property of Bexar County, Texas, said point being the POINT OF BEGINNING and the most easterly corner of this easement;

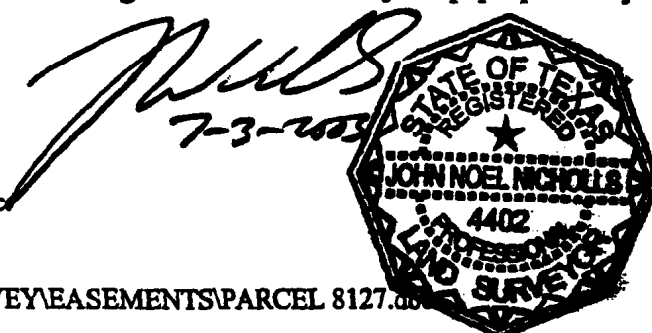
THENCE: S 04°52'14"W, departing the southwest right-of-way of Bandera Road, along and with the common line of said Lot 1 and said 1.87 acre tract, a distance of 22.76 feet to a point also being the most southerly corner of this easement;

THENCE: N 39°47'11"W, departing said common line, a distance of 16.19 feet to a point on the southeast line of Lot 6, Block 1, a private street, also known a Reyes Canyons of the Los Reyes Canyons Unit 1 subdivision, and also being the northwest corner of this easement;

THENCE: N 50°12'49"E, along and with the common line of said Lot 1, Block 1 and Lot 6, Block 1, a distance of 16.00 feet to the POINT OF BEGINNING and containing 0.0030 of an acre of land in Bexar County, Texas. Said easement being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 4, 2003
JOB No.: 5521-03
DOC.ID.: P:\5521\03\DESIGN\SURVEY\EASEMENTS\PARCEL 8127.dwg

PAPE-DAWSON ENGINEERS, INC.





FIELD NOTES

FOR

A PERMANENT SANITARY SEWER EASEMENT

A 0.1364 acre, or 5,941 square feet more or less, tract of land being out of that 0.87 acre tract recorded in Volume 8753, Pages 99-103 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 6, Block 1, a private street named Rayes Canyons with a variable width right-of-way, of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, out of the A. Guerrero Survey No. 224½, Abstract 892, County Block 4522 of Bexar County Texas. Said 0.1364 acre tract being more fully described as follows:

BEGINNING : At the southeast corner of said Lot 6, Block 1, also being the northeast corner of Lot 1, Block 1, of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, said point lying on the southwest right-of-way line of Bandera Road, a 220-foot right-of-way, and being the southeast corner of this easement;

THENCE: S 50°12'49"W, departing the southwest right-of-way of Bandera Road, along and with the common line of said Lots 1 and 6, a distance of 16.00 feet to a point at the southwest corner of said easement;

THENCE: N 39°47'12"W, departing said common line, a distance of 108.15 feet to an angle point;

THENCE: N 35°46'16"W, a distance of 209.28 feet to a point at an angle point;

THENCE: N 33°45'48"W, a distance of 54.71 feet to a point on a southeast line of Lot 5, Block 1 of said Los Reyes Canyons Unit 1, also being the northwest corner of this easement;

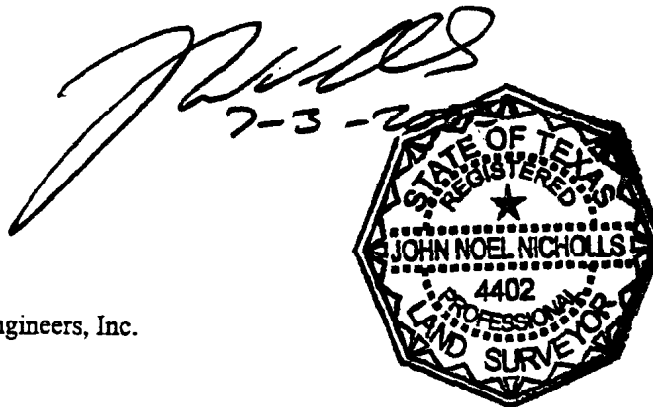
THENCE: N 56°14'12"E, along and with the common line of said Lots 5, Block 1 and Lot 6, Block 1, a distance of 16.00 feet to a point on the southwest right-of-way of Bandera Road, also being the northeast corner of said easement;

THENCE: Along and with the southwest right-of-way of Bandera Road the following calls and distances;

S 33°45'48"E, a distance of 54.43 feet to an angle point;

S 35°46'16"E, a distance of 208.44 feet to a found Texas Department of Transportation monument with a brass plate at an angle point;

S 39°47'11"E, a distance of 107.59 feet to the POINT OF BEGINNING and containing 0.1364 of an acre of land in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..



PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 4, 2003
JOB No.: 5521-03
DOC.ID.: P:\55\21\03\DESIGN\SURVEY\EASEMENTS\PARCEL8128.doc

PAPE-DAWSON ENGINEERS, INC.



FIELD NOTES
FOR
A PERMANENT SANITARY SEWER EASEMENT

A 0.0291 acre, or 1,269 square feet more or less, tract of land being out of that 1.01 acre tract recorded in Volume 6686, Pages 666-670 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 5, Block 1 of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, out of the A. Guerrero Survey No. 224½, Abstract 892, County Block 4522 of Bexar County Texas. Said 0.0291 acre tract being more fully described as follows:

COMMENCING: At a found Texas Department of Transportation monument with a brass plate at a angle point in the southwest right-of-way of Bandera Road, a 220-foot right-of-way, and the northeast right-of-way of a Reyes Canyons (a private street), also known as Lot 6, Block 1, of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas;

THENCE: Along and with the southwest right-of-way of said Bandera Road and the northeast line of said Lot 6 Block 1 the following calls and distances:

N 35°46'16"W, a distance of 208.44 feet;

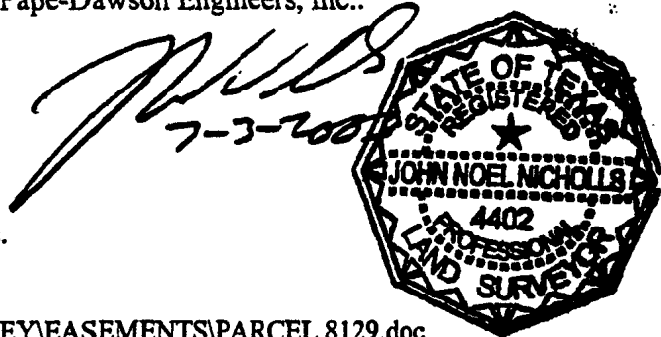
N 33°45'48"W, a distance of 54.43 feet and to a point at the southeast corner of said Lot 5, Block 1, and the northeast corner of said Lot 6, Block 1, said point being the POINT OF BEGINNING and southeast corner of said easement;

THENCE: S 56°14'12"W, departing the southwest right-of-way of Bandera Road, along and with the common line of said Lots 5 and 6, a distance of 16.00 feet to a point, also being the southwest corner of said easement;

THENCE: N 33°45'48"W, departing said common line, a distance of 74.97 feet to a point on the southeast line of Lot 4, Block 1 of said Los Reyes Canyons Unit 1, also being the northwest corner of said easement;

THENCE: N 27°33'15"E, along and with the common line of said Lots 4, Block 1 and said Lot 5, Block 1, a distance of 18.24 feet to a point on the southwest right-of-way of said Bandera Road, also being the northeast corner of said easement;

THENCE: S 33°45'48"E, along and with the southwest right-of-way of said Bandera Road, a distance of 83.72 feet to the POINT OF BEGINNING and containing 0.0291 of an acre of land in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..



PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 4, 2003
JOB No.: 5521-03
DOC.ID.: P:\55\21\03\DESIGN\SURVEY\EASEMENTS\PARCEL 8129.doc

PAPE-DAWSON ENGINEERS, INC.



FIELD NOTES
FOR
A PERMANENT SANITARY SEWER EASEMENT

A 0.0383 acre, or 1,670 square feet more or less, tract of land being out of that 1.95 acre tract recorded in Volume 6686, Pages 666-670 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 4, Block 1 of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, out of the A. Guerrero Survey No. 224½, Abstract 892, County Block 4522 of Bexar County Texas. Said 0.0383 acre tract being more fully described as follows:

BEGINNING: At the southeast corner of said Lot 4, Block 1, also being the northeast corner of Lot 5, Block 1, of the Los Reyes Canyons Unit 1 subdivision recorded in Volume 9535, Page 74 of the Deed and Plat Records of Bexar County Texas, said point also lying on the southwest right-of-way line of Bandera Road, a 220-foot right-of-way, and being the southeast corner of this easement;

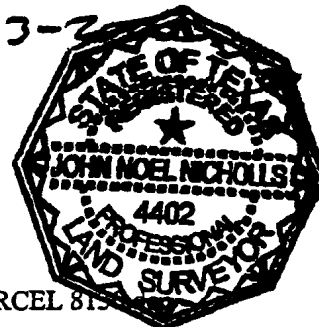
THENCE: S 27°33'15"W, departing the southwest right-of-way of Bandera Road, along and with the common line of said Lots 4 and 5, a distance of 18.24 feet to a point, also being the southwest corner of said easement;

THENCE: N 33°45'48"W, departing said common line, a distance of 108.75 feet to a point on the southeast line of said Lot 1, Block 2 of the Los Reyes Canyons Unit 2A subdivision recorded in Volume 9535, Page 76 of the Deed and Plat Records of Bexar County Texas, also being the northwest corner of said easement;

THENCE: N 56°14'12"E, along and with the common line of said Lot 4, Block 1 and Lot 1, Block 2, a distance of 16.00 feet to a point on the southwest right-of-way of Bandera Road, also being the northeast corner of said easement;

THENCE: S 33°45'48"E, along and with the southwest right-of-way of said Bandera Road, a distance of 100.00 feet to the POINT OF BEGINNING and containing 0.0383 of an acre of land in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

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7-3-2



PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 4, 2003
JOB No.: 5521-03
DOC.ID.: P:\55\21\03\DESIGN\SURVEY\EASEMENTS\PARCEL 8130

PAPE-DAWSON ENGINEERS, INC.



FIELD NOTES
FOR
A PERMANENT SANITARY SEWER EASEMENT

A 0.0316 acre, or 1,376 square foot more or less easement being out of that Los Reyes Inc. tract per Bexar Appraisal, not part of a 169.89 acre tract recorded in Volume 6686, Pages 666-670 of the Official Public Records of Real Property of Bexar County, Texas out of the A. Sales Survey No. 230, Abstract 1274, County Block 5736 of Bexar County, Texas. Said 0.0316 acre easement being more fully described as follows:

COMMENCING: At a found TxDot monument with a brass plate, on the southwest right-of-way line of Bandera Road (Highway 16), a 220-foot wide public right-of-way, also being an angle point of Lot 6, Block 1 of the Los Reyes Canyons Unit 1 Subdivision;

THENCE: Along and with the southwest right-of-way line of said Bandera Road (Highway 16) the following calls and distances:

N 35°46'16"W, a distance of 208.44 feet to a point;

N 33°45'48"W, a distance of 437.62 feet to the POINT OF BEGINNING of the herein described easement, also being a northerly corner of a 4.50 acre tract recorded in Volume 7181, Pages 453-459 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 56°14'12"W, departing the southwest right-of-way line of said Bandera Road (Highway 16) along and with the northwest line of said 4.50 acre tract a distance of 16.00 feet to a point;

THENCE: N 33°45'48"W, departing the northwest line of said 4.50 acre tract a distance of 92.43 feet to a point on south line of a 3.742 acre tract recorded in Volume 4488, Pages 741-744 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 85°00'11"E, along and with the south line of said 3.742 acre tract a distance of 20.52 feet to a point, on the southwest right-of-way line of the said Bandera Road (Highway 16);

THENCE: S 33°45'48"E, along and with the southwest right-of-way line of said Bandera Road (Highway 16) a distance of 79.59 feet to the POINT OF BEGINNING and containing 0.0316 of an acre in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

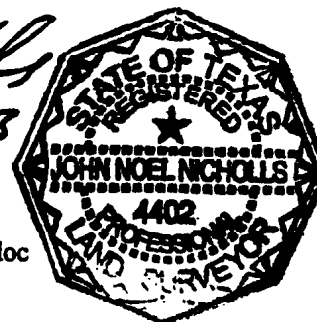
PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: June 4, 2003

JOB No.: 5521-03

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John Noel Nicholls
7-3-2003



PAPE-DAWSON ENGINEERS, INC.