

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA

ITEM NO. 16

TO: Mayor and City Council

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

SUBJECT: Ordinance Declaring Public Necessity for the Acquisition of Permanent and Temporary Easement Interests in Certain Privately Owned Real Properties by Negotiation and/or Condemnation if Necessary, for the 24" Transmission Main From Loop 410 At F.M. 1937 to Pleasanton Road Project

DATE: June 2, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance declares a public necessity for the acquisition of parcels as described herein for a permanent and temporary 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 a water line service for the continued growth in the Southern 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 and temporary easement interests in certain privately owned real properties by negotiation and/or condemnation if necessary, for the 24" Transmission Main From Loop 410 At F.M. 1937 to Pleasanton Road 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 24" Transmission Main From Loop 410 At F.M. 1937 to Pleasanton Road Project upon the privately owned property described in Attachment I to the resolution for this item.

Acquisition of four permanent and four temporary easement interest and any other parcel, or temporary or permanent easement interest required for public necessity that may develop along the proposed alignment of the project between Pleasanton Road and FM 1937 south of Mitchell Lake.

authority on behalf of its departments and agencies when property cannot be acquired for fair market value, or property owners cannot be located.

POLICY ANALYSIS


The SAWS Board of Trustees approved Board Resolution No. 05-181 on May 3, 2005, requesting that the San Antonio City Council declare the project to be a necessary public project. 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.

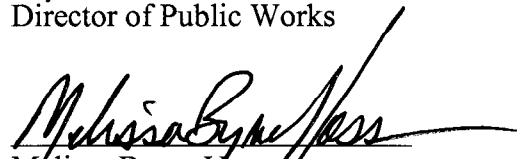
FISCAL IMPACT


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.

COORDINATION

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


Thomas G. Wendorf, P.E.
Director of Public Works


Melissa Byrne Yossner
Assistant City Manager
City of San Antonio


J. Rolando Bono
Interim City Manager

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

TO: Melissa Byrne Vossmer, Assistant City Manager

FROM: Kelley S. Neumann, P.E., Vice-President, Facilities Engineering and Construction, San Antonio Water System

THROUGH: David E. Chardavoyne, President/Chief Executive Officer, San Antonio Water System

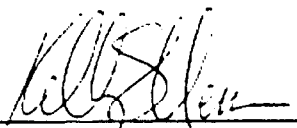
Ordinance Declaring a Public Necessity for the Acquisition of Permanent and Temporary Easement Interests in Certain Privately Owned Real Properties by Negotiation and/or Condemnation If Necessary, for the 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project.

DATE: June 2, 2005

The San Antonio Water System respectfully requests that the above-mentioned item be placed in "A" Session on the June 2, 2005, City Council Meeting Agenda.


The San Antonio Water System Board of Trustees approved Resolution No. 05-182 on May 3, 2005, requesting that the City Council declare the project to be a necessary public project for the acquisition of certain privately owned properties.

For further information, please contact Gerald Borchers, Manager, Right-of-Way/Real Estate, at 704- 7172.



Kelley S. Neumann, P.E.
Vice-President
Facilities Engineering and Construction
San Antonio Water System

APPROVED:



David E. Chardavoyne
President/Chief Executive Officer
San Antonio Water System

AN ORDINANCE

DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S 24" TRANSMISSION MAIN FROM LOOP 410 AT F.M. 1937 TO PLEASANTON ROAD PROJECT (THE "PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED BELOW FOR USE AS PART OF THE 24" TRANSMISSION MAIN FROM LOOP 410 AT F.M. 1937 TO PLEASANTON ROAD PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM, ITS EMPLOYEES, AGENTS, AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATORS TO NEGOTIATE AND EXECUTE ALL SALES AND OTHER AGREEMENTS, EASEMENTS AND OTHER NECESSARY DOCUMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED BELOW AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT AND TEMPORARY EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED BELOW; FURTHER AUTHORIZING THE GENERAL COUNSEL OF THE SAN ANTONIO WATER SYSTEM TO FILE CONDEMNATION PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH CONCLUSION (INCLUDING FINAL JUDGMENT AND ALL NECESSARY APPEALS) FOR THE CONDEMNATION OF THE TEMPORARY AND PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED BELOW;

PARCEL	ACRE/SQ.FT. EASEMENTS PERMANENT (P)	ACRES/SQ.FT. EASEMENTS TEMPORARY (T)	LEGAL DESCRIPTION	COUNTY BLOCK
SAWS-6730	0.029/1,241		Lot-37, Blk-1	5699
SAWS-6730-T		0.024/1,061	Lot-38, Blk-1	
SAWS-6732	0.147/6,407		Abstract No.3	5935
SAWS-6732T		0.184/8,010	Abstract No.3	
SAWS-6733	0.711/30,959		Abstract No.3	4006
SAWS-6733-T		0.888/38,692	Abstract No.3	
SAWS-6736	3.127/136,203		Abstract No.3	4006
SAWS-6736-T		3.918/170,672	Abstract No.3	

AND ANY OTHER PARCEL OR TEMPORARY OR PERMANENT EASEMENT INTEREST REQUIRED FOR PUBLIC NECESSITY THAT MAY DEVELOP ALONG THE PROPOSED ALIGNMENT OF THE 24" TRANSMISSION MAIN FROM LOOP 410 AT F.M. 1937 TO PLEASANTON ROAD PROJECT BETWEEN PARCEL NO. SAWS-6730 AND PARCEL NO. SAWS-6736 INCLUSIVELY; APPROVING, RATIFYING AND DECLARING VALID ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF AND/OR ACTING FOR THE SAN ANTONIO WATER SYSTEM TO ACQUIRE SUCH PERMANENT AND TEMPORARY EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED HEREIN; DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT AND TEMPORARY EASEMENTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED HEREIN SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF THE SAN ANTONIO WATER SYSTEM; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the public health, safety and best interest of the City of San Antonio and its citizens require the continued construction, operation and maintenance of potable water, recycled water and sewer facilities for the community; and

WHEREAS, it is necessary to construct, operate, and maintain such facility(s) known as 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project (the "Project"); and

WHEREAS, the 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project is on property that is privately owned; and

WHEREAS, the City of San Antonio acting by and through representatives of the San Antonio Water System ("SAWS") have been unable to acquire the permanent and temporary easement interest on the tracts; and

WHEREAS, the San Antonio Water System Board of Trustees ("Board") found, pursuant to Board Resolution No. 05-181 that the acquisition of such easement interests is necessary for the public health, safety, and best interests of the citizens of the City of San Antonio and the surrounding region; and

WHEREAS, the Board requested, pursuant to Board Resolution No.05-181, that the City of San Antonio City Council adopt an ordinance declaring a public necessity for the acquisition of such easements through the filing of lawsuits when deemed necessary to gain access for the purpose of surveying, appraising, testing and acquisition through the exercise of its eminent domain authority; and

WHEREAS, the Board further requested, pursuant to Board Resolution No. 05-181, that the San Antonio City Council authorize SAWS to undertake such proceedings; now therefore:

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

1. It is hereby declared that the San Antonio Water System's 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project (the "Project") is a necessary public project.
2. It is further declared that a public necessity exists for the acquisition of permanent and temporary easement interests across, over, upon and under certain privately owned real properties described herein, by negotiation and/or condemnation if necessary for public improvements for use as part of the 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project; such property being more particularly described in Attachment I, which is attached hereto and incorporated herein, and any other parcel or temporary or permanent easement interests required for public necessity that may develop along the alignment of the 24" Transmission Main from Loop 410 at F.M. 1937 to Pleasanton Road Project between parcel No. SAWS-6730 and Parcel No. SAWS-6736 inclusively (the "Property").
3. The San Antonio Water System, its employees, agents, and/or their authorized independent negotiators are hereby authorized to negotiate and execute all sales, any other agreements, easements and other necessary documents with the owners of certain privately owned properties and to take all other lawful actions necessary or incidental to survey, specify, clarify, define and acquire the permanent easement interest across, over, upon and under such Property.
4. That San Antonio Water System's General Counsel is hereby authorized to file condemnation proceedings, if necessary, and prosecute all such condemnation proceedings through conclusion (including final judgment and all necessary appeals) for the condemnation of the permanent easement interests across, over, upon and under such Property.
5. All prior acts and proceedings done or initiated by attorneys, agent and employees of and/or acting for the San Antonio Water System to acquire such permanent easement interests across, over, upon and under such Property are hereby approved, ratified and declared valid.
6. The conveyance of all such permanent easement interests in the Property shall be to the City of San Antonio for the use and benefit of the San Antonio Water System.

7. It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.
8. If any part, section, paragraph, sentence, phrase or word of this ordinance is, for any reason, held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.
9. An emergency hereby exists and upon the affirmative vote of at least eight members of the City Council, this Ordinance shall become effective immediately upon passage; otherwise to become effective upon the expiration of ten days from the date of passage.

PASSED AND APPROVED this the June 2, day of 2005.

M A Y O R

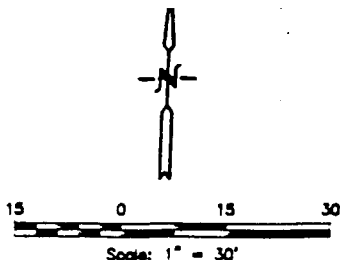
ATTEST:

City Clerk

Approved as to form:

City Attorney

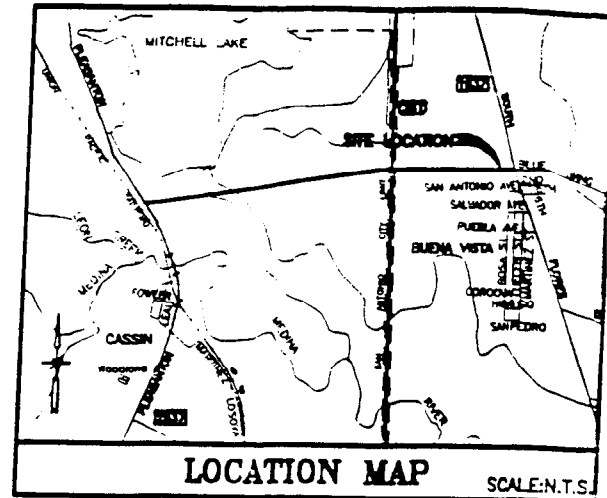
27' TRANSMISSION RIGHT OF WAY FROM
 LOOP 410 • FM 1937 TO
 PLEASANTON ROAD
 PARCEL NO. SAWS-W-RW-673



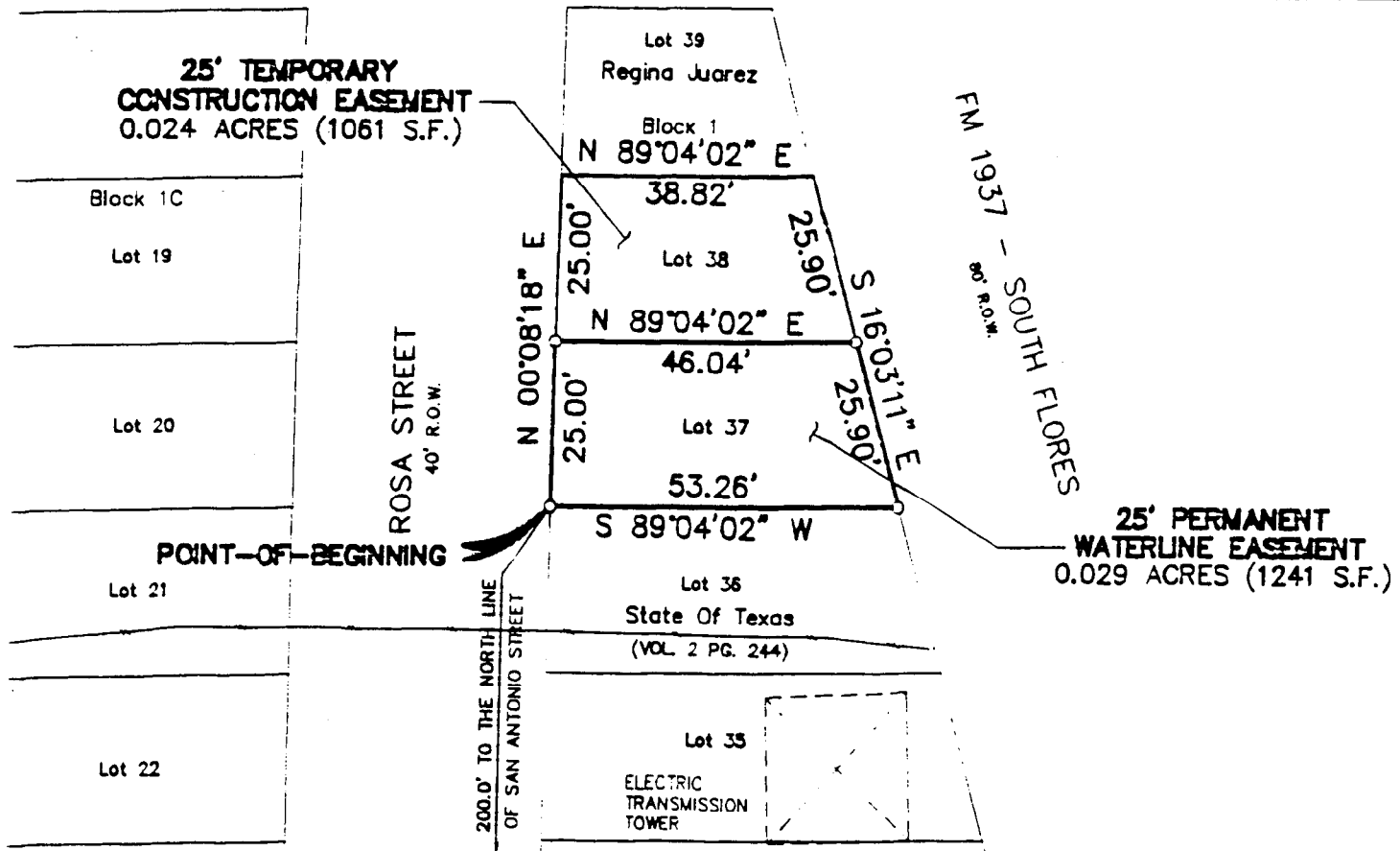
BEARING SOURCE:
 TEXAS STATE PLANE COORDINATES NAD 83
 SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

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



Buena Vista Addition Subdivision
 (Vol. 980 Pg. 14-15)



SURVEY PLAT SHOWING:

25' PERMANENT WATERLINE EASEMENT, BEING 0.029 ACRES (1241 S.F.) BEING ALL OF LOT 37, BLOCK 1, COUNTY BLOCK 5699, AND A 25' TEMPORARY CONSTRUCTION EASEMENT, BEING 0.024 ACRES (1061 S.F.) BEING ALL OF LOT 38, BLOCK 1, COUNTY BLOCK 5699, BOTH LOTS BEING OUT OF THE BUENA VISTA ADDITION SUBDIVISION, RECORDED IN VOLUME 980 PAGE 14-15, OF THE PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING THE SAME LOTS CONVEYED TO ALBERT & PETRA LOPEZ BY DEED RECORDED IN VOLUME 1809, PAGE 45 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.

[Handwritten Signature]

REGISTERED PROFESSIONAL LAND SURVEYOR



BAIN MEDINA BAIN, INC.
 ENGINEERS & SURVEYORS
 1026 Central Parkway South
 San Antonio, Texas 78222

24" Transmission Main
From Jop 410 @ F.M. 1937 to Pleasanton Road
PARCEL NO. SAWS-W-RW-6730

Metes and bounds description for a 25-foot permanent waterline easement being 0.029 acres (1,241sq. ft.) of land being all of Lot 37, Block 1, County Block 5699, Buena Vista Addition Subdivision, recorded in Volume 980, Pages 14-15 of the Plat Records of Bexar County, Texas and being that same Lot conveyed to Albert and Petra C. Lopez by deed recorded in Volume 1809, Page 45 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the east line of Rosa Street at the southwest corner of said Lot 37, Block 1, said point being N 00°18'18" E, 200.00 feet from the north line of San Antonio Street;

THENCE: N 00°08'18" E, 25.00 feet along the east line of Rosa Street and west line of said Lot 37 to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the northwest corner of this easement;

THENCE: N 89°04'02" E, 46.04 feet along the north line of said Lot 37 to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the west line of F.M. 1937 for the northeast corner of this easement;

THENCE: S 16°03'11" E, 25.90 feet along the west line of F.M. 1937 and east line of Lot 37 to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the southeast corner of this easement;

THENCE: S 89°04'02" W, 53.26 feet along the south line of said Lot 37 to the POINT OF BEGINNING and containing 0.029 acres (1,214 sq. ft.) of land.

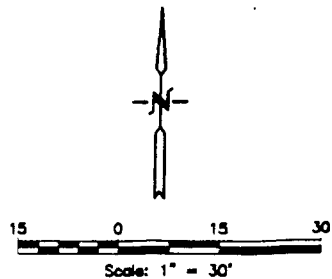
A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by:	Bain Medina Bain, Inc.
Date:	Engineers and Surveyors
Revised:	July 2, 1999
BMB Job No.:	September 7, 1999
	C-0823 K



A large, stylized handwritten signature in black ink, appearing to read "Reymundo J. Medina".

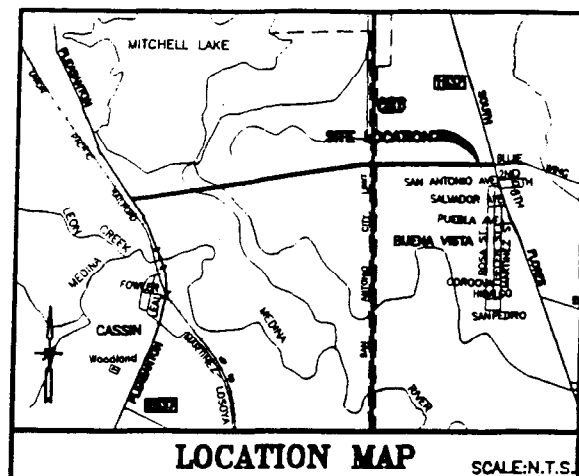
24" TRANSMISSION MAIN FROM
LC 410 • FM 1937 TO
PLEASANTON ROAD
PARCEL NO. SAWS-W-RW-6731



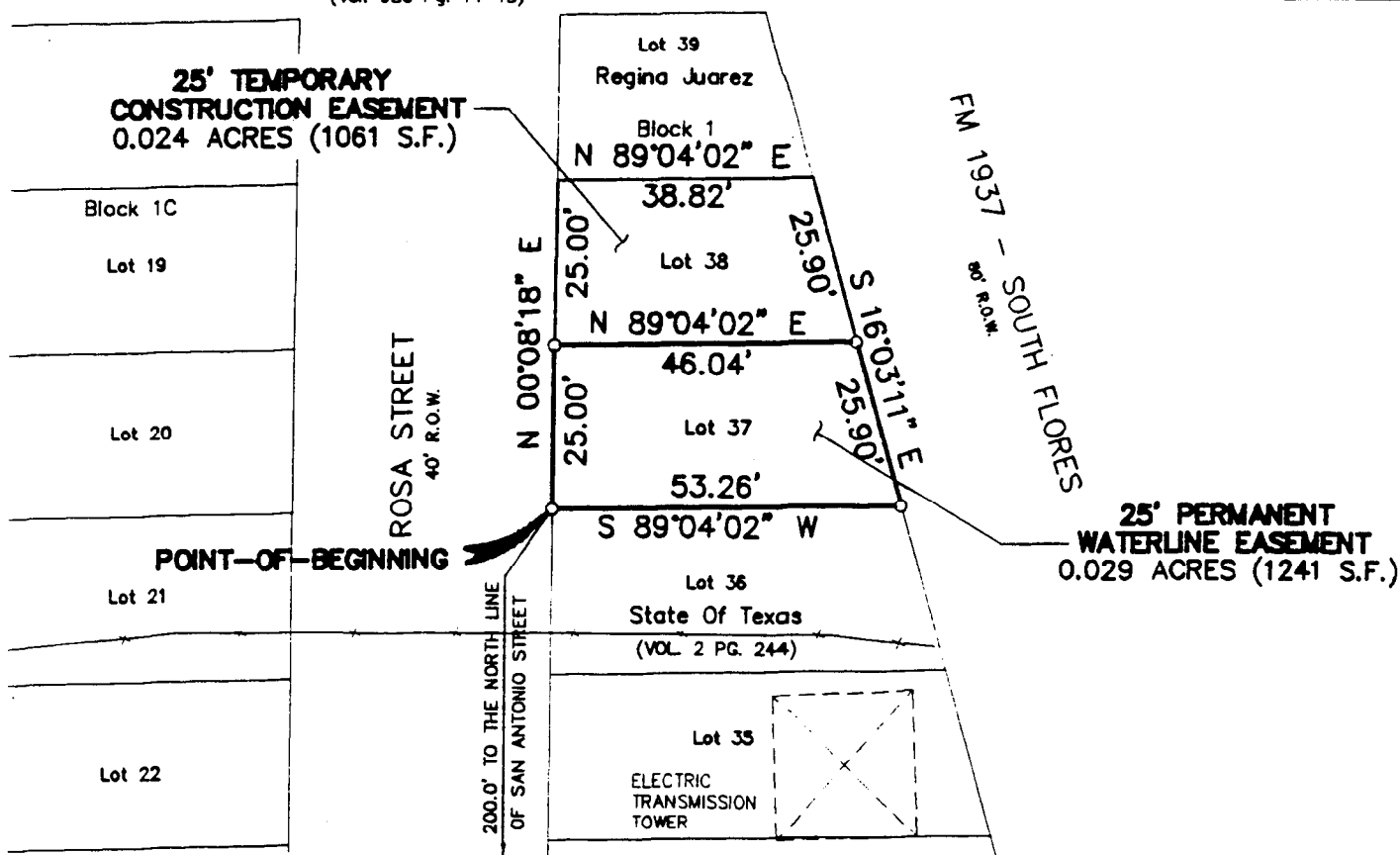
BEARING SOURCE:
TEXAS STATE PLANE COORDINATES NAD 83
SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

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



Buena Vista Addition Subdivision
(Vol. 980 Pg. 14-15)



SURVEY PLAT SHOWING:

25' PERMANENT WATERLINE EASEMENT, BEING 0.029 ACRES (1241 S.F.)
BEING ALL OF LOT 37, BLOCK 1, COUNTY BLOCK 5699, AND A 25'
TEMPORARY CONSTRUCTION EASEMENT, BEING 0.024 ACRES (1061 S.F.)
BEING ALL OF LOT 38, BLOCK 1, COUNTY BLOCK 5699, BOTH LOTS
BEING OUT OF THE BUENA VISTA ADDITION SUBDIVISION, RECORDED IN
VOLUME 980 PAGE 14-15, OF THE PLAT RECORDS OF BEXAR COUNTY,
TEXAS, AND BEING THE SAME LOTS CONVEYED TO ALBERT & PETRA
LOPEZ BY DEED RECORDED IN VOLUME 1809, PAGE 45, OF THE
DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.

[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR

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



24" Transmission Main
From Loop 410 @ F.M. 1937 to Pleasanton Road
Temporary Easement (No. 6730)

Metes and bounds description for a 25-foot temporary construction easement being 0.024 acres (1,061sq. ft.) of land being all of Lot 38, Block 1, County Block 5699, Buena Vista Addition Subdivision, recorded in Volume 980, Pages 14-15 of the Plat Records of Bexar County, Texas and being that same Lot conveyed to Albert and Petra C. Lopez by deed recorded in Volume 1809, Page 45 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a point on the east line of Rosa Street at the southwest corner of Lot 38, said point being N 00°18'18" E, 225.00 feet from the north line of San Antonio Street;

THENCE: N 00°08'18" E, 25.00 feet along the east line of Rosa Street and west line of said Lot 38 to a point for a corner of this easement;

THENCE: N 89°04'02" E, 38.82 feet along the north line of said Lot 38 to a point on the west line of F.M. 1937 for a corner of this easement;

THENCE: S 16°03'11" E, 25.90 feet along the west line of F.M. 1937 and east line of Lot 38 to a point for a corner of this easement;

THENCE: S 89°04'02" W, 46.04 feet along the south line of said Lot 38 to the POINT OF BEGINNING and containing 0.024 acres (1,061 sq. ft.) of land.

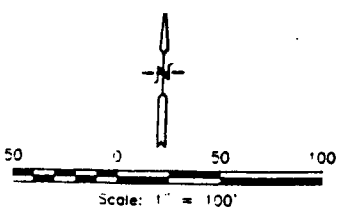
A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by: Bain Medina Bain, Inc.
Engineers and Surveyors
Date: July 2, 1999
Revised: September 7, 1999
BMB Job No.: C-0823 L



A large, stylized handwritten signature in black ink, which appears to read "R. J. Medina".

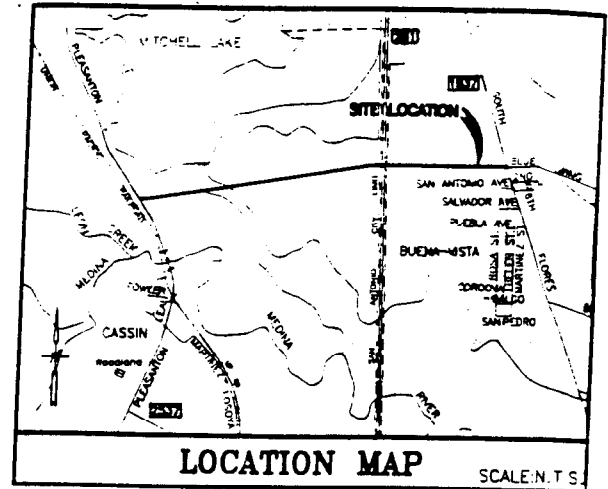
24' TRANSMISSION MAIN FROM
LOOP 410 @ FM 1937 TO
LEASANTON ROAD
PARCEL NO. SAWS-W-RW-6732



BEARING SOURCE:
TEXAS STATE PLANE COORDINATES NAD 83
SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

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



6.7514 Acres
Melida L. Guerra
Vol. 3813 Pg. 1315

72.125 Acres
Kathleen Patricia
Blankenship Nicholas
Vol. 3816 Pg. 1437

**25' TEMPORARY
CONSTRUCTION EASEMENT**
0.184 ACRES (8010 S.F.)

25.03'
N00°12'39"W

20.02'
N00°12'39"W

N87°13'21"E 320.46'

N87°13'21"E 320.37'

S87°13'21"W 320.30'

25.03'
S00°00'16"E

20.02'
S00°00'16"E

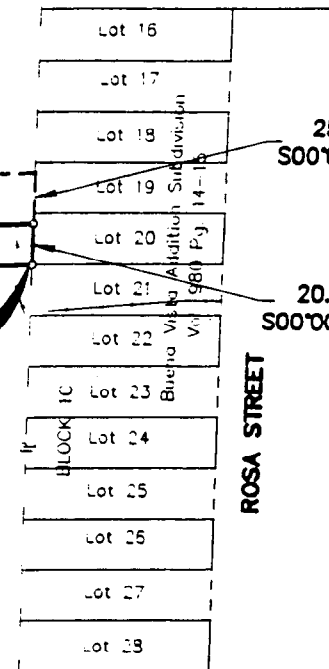
**20' PERMANENT
WATERLINE EASEMENT**
0.147 ACRES (6407 S.F.)

**POINT OF
BEGINNING**

ELECTRIC
TRANSMISSION
TOWER

6.075 Acres
City of San Antonio
100' Electric Easement
Vol. 5229 Pg. 278

1.486 Acres
City of San Antonio
100' Electric Easement
Vol. 10 Pg. 316
Condemnation Suit No. C-60)



SAN ANTONIO STREET

6.7514 Acres
Melida L. Guerra
Vol. 3813 Pg. 1315

SURVEY PLAT SHOWING:

20' PERMANENT WATERLINE EASEMENT,
BEING 0.147 ACRES(6407 S.F.) AND 25' TEMPORARY
CONSTRUCTION EASEMENT, BEING 0.184 ACRES(8010 S.F.)
SITUATED IN THE JOSE A. DE LA GARZA GRANT,
ABSTRACT No. 3, COUNTY BLOCK 5935, BEXAR COUNTY, TEXAS
AND BEING PORTION OF THAT 6.7514 ACRES CONVEYED
TO MELIDA L. GUERRA BY DEED RECORDED IN VOLUME 3813,
PAGE 1315 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.



[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR

24" Transmission Main
From op 410 @ F.M. 1937 to Pleasanton. ad
PARCEL NO. SAWS-W-RW-6732

Metes and bounds description for a 20-foot permanent waterline easement being 0.147 acres (6,407 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 5935, Bexar County, Texas, said easement being a portion of that 6.7514 acres conveyed to Melida L. Guerra by deed recorded in Volume 3813, Page 1315 of the Deed Records of Bexar County, Texas, and being more particularly described as follows:

- BEGINNING:** At a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for the southeast corner of this easement, said point being the northeast corner of a 200-foot electric easement awarded to the City of San Antonio by judgement recorded in Volume 10, Page 316 of the Deed Records of Bexar County, Texas, said point also being the southwest corner of Lot 20, Block 1C, Buena Vista Addition Subdivision recorded in Volume 980, Pages 14-15 of the Plat Records of Bexar County, Texas;
- THENCE:** S 87°13'21" W, 320.30 feet along the north line of said 200-foot electric R.O.W. to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the west line of said 6.7514 acre tract for a corner of this easement;
- THENCE:** N 00°12'39" W, 20.02 feet along the west line of said 6.7514 acre tract to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;
- THENCE:** N 87°13'21" E, 320.37 feet being 20 feet north and parallel to the north line of said 200-foot electric easement to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the east line of said 6.7514 acre tract and west line of said Lot 20, Block 1C, for a corner of this easement;
- THENCE:** S 00°00'16" E, 20.02 feet along the east line of said 6.7514 acre tract and west line of said Lot 20 to the POINT OF BEGINNING and containing 0.147 acres (6,407 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by: Bain Medina Bain, Inc.
Engineers and Surveyors
Date: July 2, 1999
BMB Job No.: C-0823 I



A handwritten signature in black ink, appearing to read "R. Medina", written over a horizontal line.

24" Transmission Main
From Loop 410 @ F.M. 1937 to Pleasanton Road
Temporary Easement (No. 6732)

Metes and bounds description for a 25-foot temporary construction easement being 0.184 acres (8,010 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 5935, Bexar County, Texas, said easement being a portion of that 6.7514 acres conveyed to Melida L. Guerra by deed recorded in Volume 3813, Page 1315 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a point on the east line of said 6.7514 acre tract and west line of Buena Vista Addition Subdivision recorded in Volume 980, Pages 14-15 of the Plat Records of Bexar County, Texas, said point being N 00°00'16" W, 20.02 feet from the southwest corner of Lot 20, Block 1C for a corner of this easement;

THENCE: S 87°13'21" W, 320.37 feet along the south line of this easement being 20 feet north and parallel to the north line of a 200-foot electric easement awarded to the City of San Antonio by judgement recorded in Volume 10, Page 316 of the Deed Records of Bexar County, Texas to a point on the west line of said 6.7514 acre tract for a corner of this easement;

THENCE: N 00°12'39" W, 25.03 feet along the west line of said 6.7514 acre tract to a point for a corner of this easement;

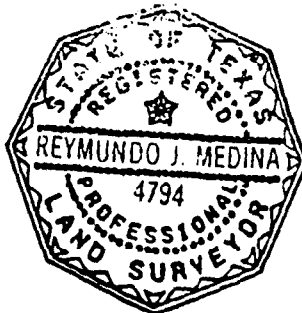
THENCE: N 87°13'21" E, 320.46 feet along the north line of this easement being 45 feet north and parallel to the north line of said 200-foot electric easement to a point on the east line of said 6.7514 acre tract and west line of said Buena Vista Addition Subdivision for a corner of this easement;

THENCE: S 00°00'16" E, 25.03 feet along the east line of said 6.7514 acre tract and west line of said Buena Vista Addition Subdivision to the POINT OF BEGINNING and containing 0.184 acres (8,010 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

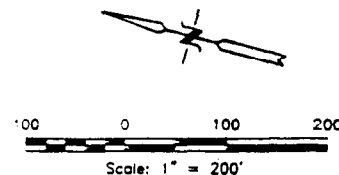
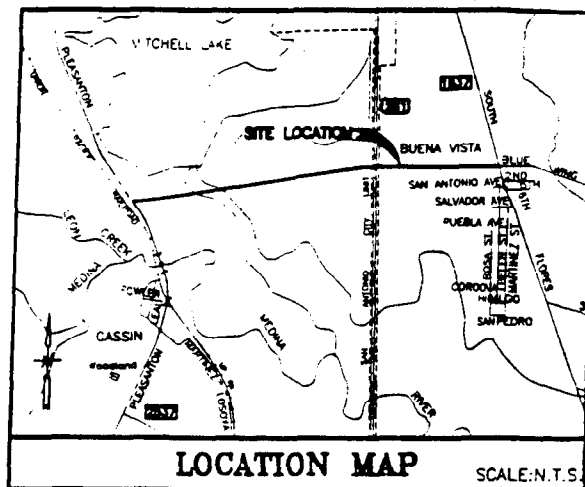
Compiled by:
Date:
BMB Job No.:

Bain Medina Bain, Inc.
Engineers and Surveyors
July 2, 1999
C-0823 J



A large, stylized handwritten signature in black ink, appearing to read "R. Medina".

24" TRANSMISSION MAIN FROM
LOOP 410 @ FM 1937 TO
PLEASANTON ROAD
PARCEL NO. SAWS-W-RW-673



BEARING SOURCE:
TEXAS STATE PLANE COORDINATES NAD 83
SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

- SET 1/2" IRON PIN WITH ORANGE CAP STAMPED "BAIN MEDINA BAIN INC." AT ALL PROPERTY CORNERS OR AS SHOWN.
- EXISTING FENCE
- ⊠ ELECTRIC TRANSMISSION TOWER
- P PROPERTY LINE

SURVEY PLAT SHOWING:

20' PERMANENT WATERLINE EASEMENT, BEING 0.711 ACRES (30959 S.F.) AND 25' TEMPORARY CONSTRUCTION EASEMENT, BEING 0.888 ACRES (38692 S.F.) SITUATED IN THE JOSE A. DELA GARZA GRANT, ABSTRACT No. 3, COUNTY BLOCK 4006, BEXAR COUNTY, TEXAS, AND BEING PORTION OF THAT 172.25 ACRES CONVEYED TO KATHLEEN PATRICIA BLANKENSHIP NICHOLAS BY DEED RECORDED IN VOLUME 3816, PAGE 1437 OF DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.



REGISTERED PROFESSIONAL LAND SURVEYOR

MELIDA GUERRA
6.7514 ACRES
(Vol. 3813, Pg. 1315)

City of San Antonio
200' ELECTRIC EASEMENT
(Vol. 10 pg)

MELIDA GUERRA
6.7514 ACRES
(Vol. 3813, Pg. 1315)

20.02'
S 00°12'39" E

25.03'
S 00°12'39" E

42.95'
N 87°13'21" E

39.16'
N 87°13'21" E

25' TEMPORARY
CONSTRUCTION EASEMENT
0.888 ACRES (38692 S.F.)

20' PERMANENT
WATERLINE EASEMENT
0.711 ACRES (30959 S.F.)

172.25 ACRES
KATHLEEN PATRICIA BLANKENSHIP NICHOLAS
(Vol. 3816, Pg. 1437 RP)

N 75°02'30" E 1504.55'
N 75°02'30" E 1508.66'

S 75°02'30" W 1511.94'

City of San Antonio
200' ELECTRIC EASEMENT
6.075 ACRES
(Vol. 5229 Pg. 778)

CENTERLINE CREEK

POINT-OF-BEGINNING

25.90'
N 00°11'54" E

20.72'
N 00°11'54" E

SID ECHOLS
12.0 ACRES
(Vol. 5150, Pg. 1358)

CITY OF SAN ANTONIO
200' ELECTRIC R.O.W.
(Vol. 5229, Pg. 778)

24" Transmission Main
From op 410 @ F.M. 1937 to Pleasanton Road
PARCEL NO. SAWS-W-RW-6733

Metes and bounds description for a 20-foot permanent waterline easement being 0.711 acres (30,959 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 4006, Bexar County, Texas, and being a portion of that 172.25 acre tract conveyed to Kathleen Patricia Blankenship Nichols by deed recorded in Volume 3816, Page 1437 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set at the intersection of the west line of said 172.25 acre tract and the north line of a 200-foot electric easement conveyed to the City of San Antonio by deed recorded in Volume 5189, Page 377 of the Deed Records of Bexar County, Texas, said point being S 75°02'30" W, 1074.72 feet to the intersection of the west line of U.S. Highway 281 and the north line of a 200-foot electric easement conveyed to the City of San Antonio by deed recorded in Volume 5229, Page 778 of the Deed Records of Bexar County, Texas;

THENCE: N 00°11'54" E, 20.72 feet along the west line of said 172.25 acre tract to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;

THENCE: Along the north line of this easement being 20 feet north and parallel to the north line of said 200-foot electric easement the following:

N 75°02'30" E, 1508.66 feet to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;

N 87°13'21" E, 39.16 feet to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the east line of said 172.25 acre tract for a corner of this easement;

THENCE: S 00°12'39" E, 20.02 feet along the east line of said 172.25 acre tract to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the north line of said 200-foot electric easement for a corner of this easement;

THENCE: In a southwesterly direction along the north line of said 200-foot electric easement and south line of this easement the following:

S 87°13'21" W, 36.13 feet

S 75°02'30" W, 1511.94 feet to the POINT OF BEGINNING and containing 0.711 acres (30,959 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by:

Bain Medina Bain, Inc.
Engineers and Surveyors
July 2, 1999
C-0823 E

Date:

BMB Job No.:



A large, stylized handwritten signature in black ink, appearing to read "Reymundo J. Medina".

24" Transmission Main
From: op 410 @ F.M. 1937 to Pleasanton, Lad
Temporary Easement (No. 6733)

Metes and bounds description for a 25-foot temporary construction easement being 0.888 acres (38,692 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 4006, Bexar County, Texas, and being a portion of that 172.25 acre tract conveyed to Kathleen Patricia Blankenship Nichols by deed recorded in Volume 3816, Page 1437 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a point on the west line of said 172.25 acre tract said point being N 00°11'54" E, 20.72 feet from the northeast corner of a 200-foot electric easement conveyed to the City of San Antonio by deed recorded in Volume 5189, Page 377 of the Deed Records of Bexar County, Texas;

THENCE: N 00°11'54" E, 25.90 feet along the west line of said 172.25 acre tract to a point for a corner of this easement;

THENCE: In a northeasterly direction being 45 feet north and parallel to the north line of said 200-foot electric easement the following:

N 75°02'30" E, 1504.55 feet to a point for a corner of this easement;

N 87°13'21" E, 42.95 feet to a point for a corner of this easement;

THENCE: S 00°12'39" E, 25.03 feet to a point for a corner of this easement;

THENCE: In a southwesterly direction being 25 feet south and parallel to the north line of this easement the following:

S 87°13'21" W, 39.16 feet to a point for a corner of this easement;

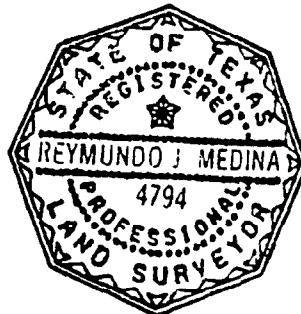
S 75°02'30" W, 1508.66 feet to the POINT OF BEGINNING and containing 0.888 acres (38,692 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by:

Date:
BMB Job No.:

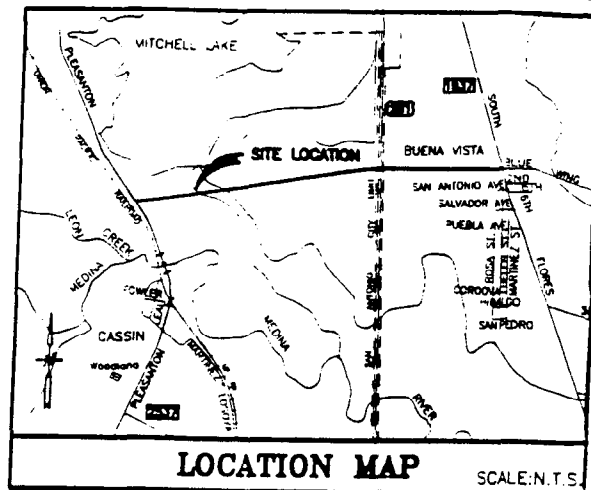
Bain Medina Bain, Inc.
Engineers and Surveyors
July 2, 1999
C-0823 F



A handwritten signature in black ink, appearing to read "R. Medina", written over the bottom of the seal.

MATCH LINE A-A

24 TRANSMISSION MAIN FROM
LOOP 410 @ FM 1937 TO
PLEASANTON ROAD
PARCEL NO. SAWS-W-RW-673



25' TEMPORARY
CONSTRUCTION EASEMENT
3.918 ACRES (170,672 S.F.)

20' PERMANENT
WATERLINE EASEMENT
3.127 ACRES (136,203 S.F.)

CAROLYN VANCE COOK TRUST
681.569 ACRES
Vol. 5397 Pg. 50

S 89°11'02" E 6767.83'
S 89°11'02" E 6752.24'
N 89°11'02" W 6739.76'

City of San Antonio
200' ELECTRIC EASEMENT
31,000 ACRES
(Vol. 5143 Pg. 739)

CAROLYN VANCE COOK TRUST
681.569 ACRES
Vol. 5397 Pg. 50

BEARING SOURCE:
TEXAS STATE PLANE COORDINATES NAD 83
SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

- SET 1/2" IRON PIN WITH ORANGE CAP STAMPED "BAIN MEDINA BAIN INC." AT ALL PROPERTY CORNERS OR AS SHOWN.
- EXISTING FENCE
- ⋈ ELECTRIC TRANSMISSION TOWER
- P PROPERTY LINE

SHEET 1 OF 4
SURVEY PLAT SHOWING:

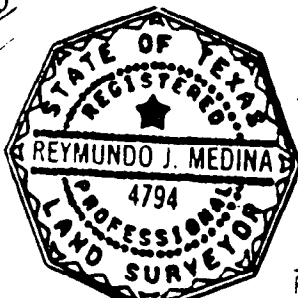
20' PERMANENT WATERLINE EASEMENT, BEING 3.127 ACRES (136,203 S.F.) AND 25' TEMPORARY CONSTRUCTION EASEMENT, BEING 3.918 ACRES (170,672 S.F.) SITUATED IN THE JOSE A. DELA GARZA GRANT, ABSTRACT No. 3, COUNTY BLOCK 4006, BEXAR COUNTY, TEXAS AND BEING PORTION OF THAT 1045 ACRES CONVEYED TO VANNIE E. COOK JR. BY DEED RECORDED IN VOLUME 5397 PAGE 50, OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.



REGISTERED PROFESSIONAL LAND SURVEYOR

BAIN MEDINA BAIN, INC.
ENGINEERS & SURVEYORS
1026 Central Parkway South
San Antonio, Texas 78232
210/484-7999

24" Transmission Main
From Lc 410 @ F.M. 1937 to Pleasanton Rd
PARCEL NO. SAWS-W-RW-6736

Metes and bounds description for a 20-foot permanent waterline easement being 3.127 acres (136,203 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 4006, Bexar County, Texas, said easement being part of that 1045 acre tract conveyed to Vannie E. Cook, Jr. by deed recorded in Volume 5397, Page 50 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a ½ inch diameter iron pin found on the east line of Pleasanton Road being the northwest corner of a 200-foot electric easement conveyed to the City of San Antonio by deed recorded in Volume 5143, Page 739 of the Deed Records of Bexar County, Texas, said point being the southwest corner and POINT OF BEGINNING of this easement;

THENCE: N 36°31'15" W, 25.15 feet along the east line of Pleasanton Road to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;

THENCE: Along the north line of this easement, being 20 feet north and parallel to the north line of said 200-foot electric easement the following:

S 89°11'02" E, 6752.24 feet to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;

N 74°59'28" E, 65.34 feet to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set on the west line of U.S. Highway 281 for a corner of this easement;

THENCE: S 00°34'10" E, 20.65 feet along the west line of U.S. Highway 281 to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set at the intersection with the north line of said 200-foot electric easement for a corner of this easement;

THENCE: Along the south line of this easement and north line of said 200-foot electric easement the following:

S 74°59'28" W, 62.97 feet to a ½ inch diameter iron pin with orange cap stamped "Bain Medina Bain, Inc." set for a corner of this easement;

N 89°11'02" W, 6739.76 feet to the POINT OF BEGINNING and containing 3.127 acres (136,203 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by: Bain Medina Bain, Inc.
Engineers and Surveyors
Date: July 2, 1999
BMB Job No.: C-0823 M



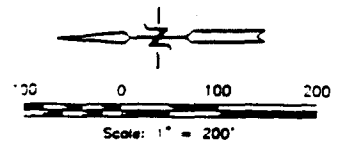
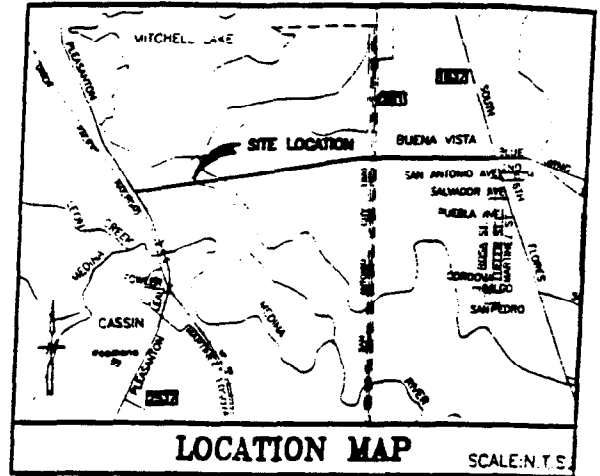
MATCH LINE A-A

LOOP 410 @ FM 1937 TO
PLEASANTON ROAD
PARCEL NO. SAWS-W-RW-6736

CENTERLINE CREEK

25' TEMPORARY
CONSTRUCTION EASEMENT
3.918 ACRES (170,672 S.F.)

20' PERMANENT
WATERLINE EASEMENT
3.127 ACRES (136,203 S.F.)



BEARING SOURCE:
TEXAS STATE PLANE COORDINATES NAD 83
SOUTH CENTRAL ZONE, ROSILLO STATION.

LEGEND:

- SET 1/2" IRON PIN WITH ORANGE CAP STAMPED
"BAIN MEDINA BAIN INC." AT ALL PROPERTY
CORNERS OR AS SHOWN
- EXISTING FENCE
- ⊞ ELECTRIC TRANSMISSION TOWER
- ⊞ PROPERTY LINE

CAROLYN VANCE COOK TRUST

681 569 ACRES
Vol 5397 Pg 50

S 89°11'02" E 6767.83'
S 89°11'02" E 6752.24'

N 89°11'02" W 6739.76'

City of San Antonio
200' ELECTRIC EASEMENT
31 000 ACRES
(Vol 5143 Pg 739)

CAROLYN VANCE COOK TRUST

681 569 ACRES
Vol 5397 Pg 50

SHEET 1 OF 4
SURVEY PLAT SHOWING:

20' PERMANENT WATERLINE EASEMENT, BEING 3.127 ACRES (136,203 S.F.) AND 25' TEMPORARY CONSTRUCTION EASEMENT, BEING 3.918 ACRES (170,672 S.F.) SITUATED IN THE JOSE A. DELA GARZA GRANT, ABSTRACT No. 3, COUNTY BLOCK 4006, BEXAR COUNTY, TEXAS AND BEING PORTION OF THAT 1045 ACRES CONVEYED TO VANNIE E. COOK JR. BY DEED RECORDED IN VOLUME 5397 PAGE 50, OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

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

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 2nd DAY OF JULY, 19 99 A.D.

REGISTERED PROFESSIONAL LAND SURVEYOR

POINT OF
BEGINNING

25.15'
N 36°31'15" W
31.44'
S 36°31'15" W



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

24" Transmission Main
From Loop 410 @ F.M. 1937 to Pleasanton Road
Temporary Easement (No. 6736)

Metes and bounds description for a 25-foot temporary construction easement being 3.918 acres (170,672 sq. ft.) of land situated in the José A. De la Garza Grant, Abstract No. 3, County Block 4006, Bexar County, Texas, said easement being a portion of that 1045 acre tract conveyed to Vannie E. Cook, Jr. by deed recorded in Volume 5397, Page 50 of the Deed Records of Bexar County, Texas, said easement being more particularly described as follows:

BEGINNING: At a point in the east line of Pleasanton Road at the southwest corner of this easement, said point being N 36°31'15" W, 25.15 feet from a ½ inch diameter iron pin found at the northwest corner of a 200-foot electric easement conveyed to the City of San Antonio by deed recorded in Volume 5143, Page 379 of the Deed Records of Bexar County, Texas;

THENCE: N 36°31'15" W, 31.44 feet along the east line of Pleasanton Road to a point for a corner of this easement;

THENCE: Along the north line of this easement, being 45 feet north and parallel to the north line of said 200-foot electric easement the following:

S 89°11'02" E, 6767.83 feet to a point for an angle of this easement;

N 74°59'28" E, 68.31 feet to point in the west line of U.S. Highway 281 for a corner of this easement;

THENCE: S 00°34'10" E, 25.82 feet along the west line of U.S. Highway 281 to a point for a corner of this easement;

THENCE: Along the south line of this easement being 20 feet north and parallel to the north line of said 200-foot electric easement the following:

S 74°59'28" W, 65.34 feet to a point for an angle of this easement;

N 89°11'02" W, 6752.24 feet to the POINT OF BEGINNING and containing 3.918 acres (170,672 sq. ft.) of land.

A survey plat of even date herewith accompanies this metes and bounds description.

Compiled by:
Date:
Revised:
BMB Job No.:

Bain Medina Bain, Inc.
Engineers and Surveyors
July 2, 1999
September 7, 1999
C-0823 N



A large, stylized handwritten signature in black ink, likely belonging to Reymundo J. Medina, positioned below the professional seal.