

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

CONSENT AGENDA
ITEM NO. 18

TO: Mayor and City Council

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

SUBJECT: Spanish Trails Apartments – Permanent Easement Dedication

DATE: June 16, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance accepts a Gift Deed from SA Spanish Trail, Ltd., a Texas limited partnership, for a permanent drainage easement consisting of three tracts of land being a 0.062 acre tract of land, a 0.044 acre tract of land, and a 0.010 acre tract of land out of Lot 86, located in New City Block 11627, within the Tuscan Apartments Subdivision, located in Council District 8.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

The City's revised Tree Preservation Ordinance No. 97332, passed and approved March 13, 2003 defines a Heritage Tree as a tree of twenty-four inches (24") or greater diameter at 4.5 feet above ground level and must be preserved 100%. Two Heritage Trees are located within an existing platted drainage easement on the Spanish Trails Apartments site and SA Spanish Trail, Ltd. desires to dedicate an 18-foot drainage easement to the City of San Antonio in order to accomplish the preservation of these Heritage Trees.

This request has been reviewed by the Storm Water Engineering Division to determine whether the proposed dedication of the permanent drainage easement properties would negatively affect drainage flow in the area. The Division has no objections to the proposed dedication.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to implement regulations and adhere to requirements in the City's Tree Preservation Ordinance.

FISCAL IMPACT

No funds are to be expended under this ordinance. Once property has been conveyed, maintenance of this drainage easement will be provided by the City of San Antonio.

COORDINATION

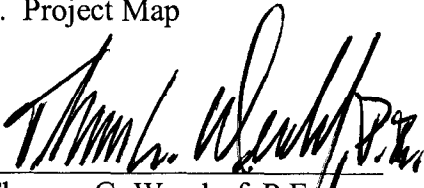
This ordinance was coordinated with the City Attorney's Office and the Storm Water Engineering Division of Public Works.

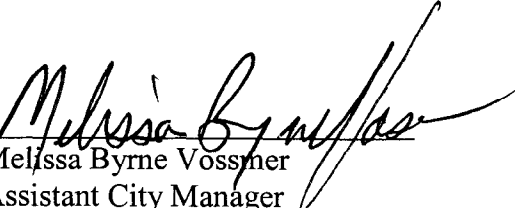
SUPPLEMENTARY COMMENTS

This ordinance does not require a Discretionary Contracts Disclosure Form.

ATTACHMENTS

1. Project Map


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


Melissa Byrne Vossmer
Assistant City Manager


J. Rolando Bono
Interim City Manager

AN ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO'S ACCEPTANCE OF A GIFT DEED FROM THE SA SPANISH TRAIL, LTD., ITS PREDECESSOR IN INTEREST OR ANY OTHER PREDECESSOR IN INTEREST FROM WHICH IT WOULD BE APPROPRIATE TO SECURE A CORRECTION DEED IF REQUIRED, TO EXECUTE THE TRANSFER OF (TRACT I) A 0.062 ACRE TRACT OF LAND, (TRACT II) A 0.044 ACRE TRACT, AND (TRACT III) 0.010 ACRE TRACT OF LAND , ALL TRACTS OUT OF LOT 86, NEW CITY BLOCK 11627, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PERMANENT DRAINAGE EASEMENT DEDICATION WITHIN THE TUSCANY APARTMENTS SUBDIVISION, LOCATED IN COUNCIL DISTRICT 8.

WHEREAS, the Gift Deed from SA Spanish Trail, Ltd., and its appropriate predecessors in interest is necessary to dedicate the permanent drainage easement due to the protection of Heritage Trees as identified in the City of San Antonio's Tree Preservation Ordinance, **NOW, THEREFORE**,

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

SECTION 1. Acceptance of a Gift Deed from SA Spanish Trail, Ltd., a Texas limited partnership, it's predecessor in interest or any other predecessor in interest from which it would be appropriate to secure a correction deed, if required, for a permanent drainage easement dedication consisting of (Tract I) a 0.062 acre tract of land, (Tract II) a 0.044 acre tract of land, and (Tract III) a 0.010 acre tract of land, all out of Lot 86, New City Block 11627, within the Tuscany Apartments Subdivision, located in Council District 8 appended hereto and incorporated herein for all purposes as Attachment I and as further depicted on a map appended hereto as Attachment II, is hereby authorized.

SECTION 2. This ordinance shall take effect on the _____ of June, 2005.

PASSED AND APPROVED this the _____ day of _____, 2005.

M A Y O R

ATTEST:

CITY CLERK

APPROVED AS TO FORM: _____

City Attorney

**DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION OF TRACT 1: 18 FOOT WIDE (0.062 ACRE),
TRACT 2: 18 FOOT WIDE (0.044 ACRE) & TRACT 3: VARIABLE WIDTH (0.010 ACRE) DRAINAGE EASEMENT**

