

CONSENT AGENDA  
ITEM NO. 32

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF ASSET MANAGEMENT**  
**CITY COUNCIL AGENDA MEMORANDUM**

---

**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, November 3, 2005

**SUBJECT:** S.P. No. 1219—Request to declare surplus to the needs of the City of San Antonio a 1,005 square foot portion of land out of Lot 7 Block 2 NCB 2040

**PETITIONER:** Texas Department of Transportation  
Attn: Boone Waters  
P. O. Box 29928  
San Antonio, TX 78229-0928

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will declare surplus to the needs of the City of San Antonio and authorize the sale of a 1,005 square foot portion of land out of Lot 7 Block 2 NCB 2040 located on Culebra Road in Council District 1, as requested by Texas Department of Transportation, which in part is for the expansion of Spur 421 (Culebra and Bandera Roads), for the total consideration of \$5,427.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting to declare surplus to the needs of the City of San Antonio a 1,005 square foot portion of property out of Lot 7 Block 2 NCB 2040 as shown on attached Exhibit "A." TxDOT is in the process of acquiring properties along with this property in order to expand Spur 421 (Culebra and Bandera Roads).

**POLICY ANALYSIS**

This action is consistent with the City Code and Ordinances, which require City Council approval for the disposition of any surplus City-owned real property.

**FISCAL IMPACT**

The City will collect \$5,427.00 for the sale of this property.

**COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist is attached for review.

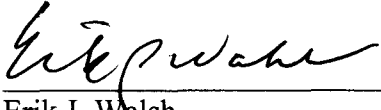
**SUPPLEMENTARY COMMENTS**

The City of San Antonio's Planning Commission will consider this request at its regular meeting of 10/26/2005 and its finding will be presented to City Council on 11/3/2005.

The petitioner is exempt from filing a Discretionary Contracts Disclosure Statement.



Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager

# Canvassing Checklist

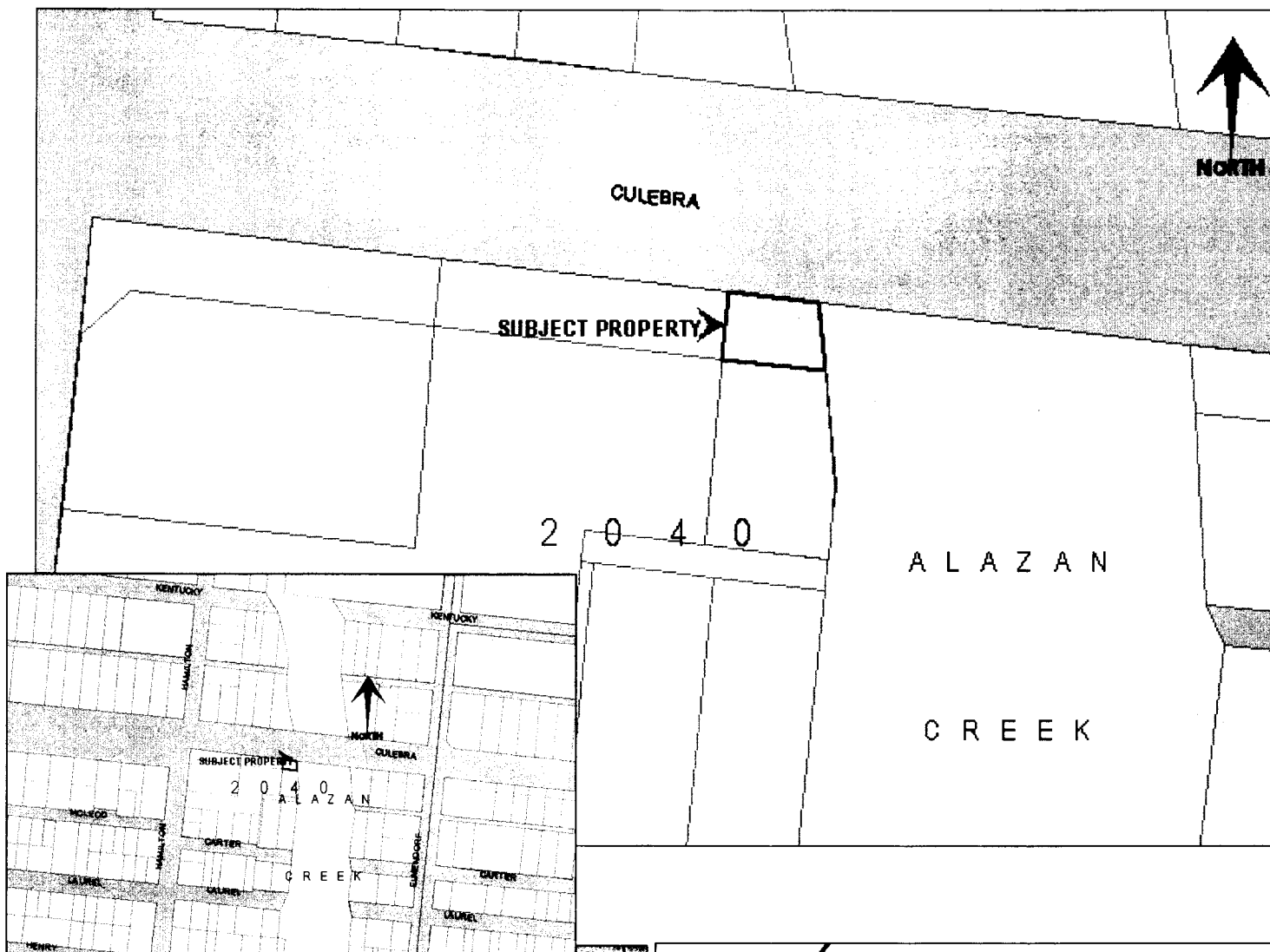
SPNo **1219**

Request: Petitioner is requesting to declare surplus to the needs of the City of San Antonio a 1,005 square foot portion of property out of Lot 7 Block 2 NCB 2040 as shown on attached Exhibit "A." TxDOT is in the process of acquiring properties along with this property in order to expand Spur 421 (Culebra and Bandera Roads).

|                             | Included in Canvassing              | Out Date  | In Date   | Uncond. Approval                    | Conditional Approval                | Denial                   |
|-----------------------------|-------------------------------------|-----------|-----------|-------------------------------------|-------------------------------------|--------------------------|
| Planning Department         | <input checked="" type="checkbox"/> | 6/30/2005 | 8/23/2005 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| PublicWorks                 | <input checked="" type="checkbox"/> | 6/30/2005 | 8/24/2005 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Development Services        | <input checked="" type="checkbox"/> | 6/30/2005 | 8/30/2005 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Police Department           | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Fire Department             | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Parks and Recreation        | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Neighborhood Action (NAD)   | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| City Public Service         | <input checked="" type="checkbox"/> | 6/30/2005 | 7/12/2005 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| S.A. Water System (SAWS)    | <input checked="" type="checkbox"/> | 6/30/2005 | 7/8/2005  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| TxDOT                       | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| S.A. River Authority (SARA) | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| VIA Metropolitan            | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Environmental Services      | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Other Agency                | <input type="checkbox"/>            |           |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |
| Neighborhood Association    | <input checked="" type="checkbox"/> | 6/30/2005 |           | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

## Canvassing Comments

PROSPECT HILL NA, ATTN: JASON MATA, 2925 W. COMMERCE ST., 78207, AND WOODLAWN LAKE COMMUNITY ASSN., ATTN: ALEJANDRO SOTO, 2122 W. MISTLETOE AVE., 78201 -- NO RESPONSES REC'D.



Easterly view of subject property.



Southerly view of property from Culebra Rd.

## Exhibit "A"

**Notice Of Confidentiality Rights: If You Are A Natural Person, You May Remove Or Strike Any or All Of The Following Information From This Instrument Before It Is Filed For Record In The Public Records: Your Social Security Number Or Your Driver's License Number.**

---

State of Texas        }  
                             }  
County of Bexar     }

---

## **Deed Without Warranty**

---

**Effective Date:** This instrument is effective on the effective date of the Authorizing Ordinance..

**Authorizing  
Ordinance (No. & Date):**

**TxDOT ID:** ROW CSJ 0291-10-084, Parcel 17

**Grantor:** City of San Antonio, a Texas Municipal Corporation

**Grantor's Mailing  
Address:** City Of San Antonio, P.O. Box 839966, San Antonio, Bexar  
County, Texas 78283-3966

**Grantor's Street  
Address:** City Hall, 2<sup>nd</sup> Floor, 100 Military Plaza, San Antonio, Texas  
78205, Attn: City Clerk

**Grantee:** State of Texas

**Grantee's Mailing  
Address:** % Texas Department of Transportation, Right-of-Way Section  
P.O. Box 29928, San Antonio, Texas 78299-0928

**Consideration:** \$5,427.00, the receipt and adequacy of which are hereby  
acknowledged.

**Property:** 1,005 square feet of land, more or less, out of Lot 7, Block 2, NCB  
2040, Dauchy and Carter Addition of the City of San Antonio, as  
recorded in Volume 105, page 11, Deed and Plat Records of Bexar  
County, Texas, as more particularly described by metes and  
bounds and shown by survey on **Exhibit "A"** attached hereto  
and incorporated herein verbatim for all purposes.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and

assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto.

This conveyance is explicitly subject to the following:

- A. Easements:** Any and all recorded and unrecorded easements, whether or not open and obvious on the Property.
- B. Restrictions:** Any and all covenants and restrictions affecting the Property.
- C. Exceptions:** All valid and effective instruments affecting the Property.
- D. Conditions:** All conditions affecting the Property.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, if applicable, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due. Neither this clause nor anything else in this instrument subjects Grantee to any restrictions to which it is not otherwise subject.

**Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise**

**In purchasing the Property, Grantee is not relying upon any representation, statement, or other assertion from or chargeable to Grantor. Grantee, on behalf of itself and anyone claiming by, through, or under Grantee, by acceptance of this deed, releases Grantor from any and all claims that Grantee or anyone claiming by, through, or under Grantee, may now have or hereafter acquires against Grantor arising out of or related to this acquisition. This release applies according to its express terms and provisions, including, but not limited to unknown and unsuspected claims, damages, and causes of action.**

**Setting Out The Specific Exceptions And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.**

**Grantor:**

**City of San Antonio**, a Texas municipal corporation

By: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Attest:**

By: \_\_\_\_\_  
City Clerk

**Approved As To Form:**

By: \_\_\_\_\_  
City Attorney

The State of Texas     }

County of Bexar        }

Before me, the undersigned authority, this instrument was this day acknowledged by \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ of \_\_\_\_\_ and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

**After Recording, Return To:**

Texas Department of Transportation  
Right-of-Way Section  
P.O. Box 29928  
San Antonio, Texas 78299-0928



## Exhibit A

---

CSJ No.: 0291-11  
County: Bexar  
Highway: Spur 421 - Part II  
Project Limits: From: Zarzamora Road  
To: Cincinnati Avenue

### Field Notes for Parcel 17

**EXHIBIT A**  
**Page 1 of 3**

93.344 square meters (1005 square feet) of land, more or less, being out of Lot 7, Block 2, NCB 2040, Dauchy and Carter Addition, City of San Antonio, as recorded in Volume 105, Page 11, Deed and Plat Records of Bexar County, Texas and being the same land conveyed to The City of San Antonio by deed recorded on March 17, 1950 as recorded in Volume 2827, Page 185, Deed Records of Bexar County, Texas, which 93.344 square meters (1005 square feet) of land is more particularly described by metes and bounds as follows:

**BEGINNING** at a found 12.7 mm. (1/2") iron rod in the existing south right-of-way line of Spur 421, also known as Culebra Road, for the northeast corner of Lot 17, Block 2, NCB 2040, Ray Ellison Subdivision as recorded in Volume 6600, Page 98 of the Deed and Plat Records of Bexar County, Texas and for the northwest corner of the remainder of said Lot 7 and of this parcel;

- (1) **THENCE SOUTH 83° 56' 12" East**, a distance of 10.475 meters (34.37 feet) along the existing south right-of-way line of Spur 421 to a set 12.7 mm. (1/2") iron rod on the west line of what is designated as the Alazan Creek Drainage Area and being the same land conveyed to the San Antonio River Authority in Volume 5189, Page 834, Volume 5219, Page 433, and Volume 5239, Page 976 all in the Deed Records of Bexar County, Texas for the northeast corner of the remnants of Lot 7 and of this parcel;
- (2) **THENCE SOUTH 00° 52' 41" East** a distance of 8.552 meters (28.06 feet) along the said west line of said Alazan Creek Drainage Area to a set 12.7 mm. (1/2") iron rod being located 15.893 meters (52.14 feet) left and at a right angle to baseline Station 1+772.031 for the southeast corner of this parcel;
- (3) **THENCE NORTH 84° 00' 40" West**, a distance of 11.496 meters (37.72 feet) across said Lot 7 to a set 12.7 mm. (1/2") iron rod located on the common line of Lots 7 and 17 and being located 15.893 meters (52.14 feet) left and at a right angle to baseline Station 1+783.527 for the southwest corner of this parcel from which the southerly common corner of Lots 7 and 17 bears South 05° 58' 48" West, a distance of 23.683 meters (77.70 feet):

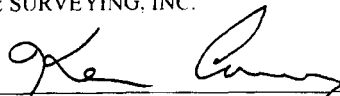
- (4) **THENCE NORTH 05° 58' 48" East, a distance of 8.504 meters (27.90 feet) to the POINT OF BEGINNING and containing 93.344 square meters (1005 square feet) of land, more or less, in the City of San Antonio, Bexar County, Texas.**

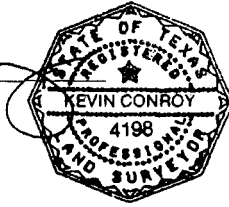
A plat of each described parcel accompanies this legal description.

**EXHIBIT A**  
**Page 2 of 3**

**Note: English units are provided for information only.**

ALAMO CONSULTING ENGINEERING  
& SURVEYING, INC.

  
Kevin Conroy, R.P.L.S. #4198  
December 26, 1996



Job No. 11069  
File No. fn11069\pc117.la



17

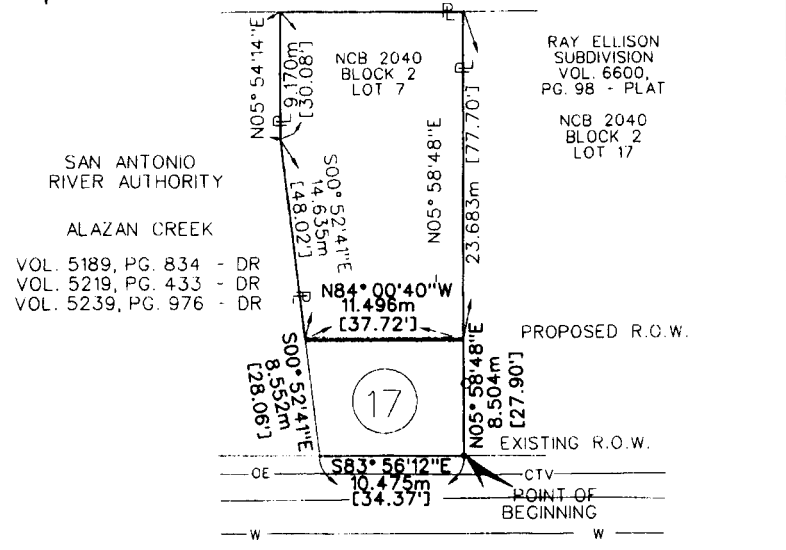
SCALE: 1"=300'

PG 1 OF 1

OWNER: CITY OF SAN ANTONIO

EXHIBIT A

Page 3 of 3



SPUR 421 (CULEBRA ROAD)

- LEGEND**
- 12.7mm (1/2") IRF
  - 12.7mm (1/2") RS
  - HWY. MON.
  - ▲ RR SPIKE
  - WV
  - S
  - MH
  - LP
  - PP
  - P
  - RPR
  - DR
- FOUND 12.7mm (1/2") IRON ROD  
SET 12.7mm (1/2") IRON ROD  
FOUND R.O.W. MONUMENT  
SET R.O.W. MONUMENT  
RAILROAD SPIKE  
WATER VALVE  
SIGN  
MAN-HOLE  
LIGHT POLE  
POWER POLE  
POST  
REAL PROPERTY RECORDS  
DEED RECORDS
- NOTE:**
- 12.7MM (1/2") IRON RODS ARE SET AT ALL PARCEL CORNERS UNLESS OTHERWISE NOTED



STATE OF TEXAS  
COUNTY OF BEXAR

**ACES** ALAMO CONSULTING ENGINEERING & SURVEYING, INC.

I HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS AN ACTUAL SURVEY MADE ON THE GROUND BY PEOPLE WORKING UNDER MY DIRECT SUPERVISION AND THIS DRAWING CONFORMS TO THE MINIMUM STANDARDS OF SURVEY PRACTICES AS SET OUT BY THE TEXAS BOARD OF LAND SURVEYING AS OF THIS DATE.

THIS 26TH DAY OF DECEMBER, 1998, A.D.

KEVIN CONROY R.P.L.S. NO. 4198

JOB NO. 11069-5  
FILE NO. PCL17DCN

NOTE: ENGLISH UNITS ARE PROVIDED FOR INFORMATION ONLY.

REFERENCE: VOL. 2827, PG. 185 - DR  
VOL. 105, PG. 11 - PLAT

| PARCEL 17                                     |  |                 |
|---|--|-----------------|
| DIST. NAME<br>SAN ANTONIO                     | PLAT OF A SURVEY<br>OF PROPERTY<br>CITY OF SAN ANTONIO | COUNTY<br>BEXAR |
| ACCOUNT NO.                                   | CSJ NO. 0281-11<br>SPUR 421                            |                 |
| R.O.W. TAKING: 93.344 SQ. M. (1,005 SQ. FT.)  |  |                 |
| REMAINDER: 301.115 SQ. M. (3,241 SQ. FT.) +/- |  |                 |