

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

CONSENT AGENDA
ITEM NO. 29

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

DATE: Thursday, January 05, 2006

SUBJECT: S.P. No. 1160 - Request for a permanent water main easement to install a twelve inch (12") water main line within City of San Antonio variable width drainage Public Right of Way.

PETITIONER: Centex Homes
Attn: Cude Eng., L.L.C., Ron Ramirez, P.E.
10325 Bandera Rd.
San Antonio, Texas 78250

SUMMARY AND RECOMMENDATION

This Ordinance will authorize a permanent water main easement to Centex Homes as requested by City of San Antonio Water System for the installation of a twelve inch (12"), 575 linear foot water main line within City of San Antonio variable width drainage Public Right of Way, located behind Fieldstone Subdivision, in Council District No. 8, for the total consideration of \$3,070.00.

Staff recommends approval of this request.

BACKGROUND INFORMATION

The City Council originally approved a temporary easement at this location by Ordinance No. 99808, dated September 30, 2004. The San Antonio Water System is now requiring a permanent easement for the perpetual maintenance of the twelve inch (12") water main line within City of San Antonio drainage Public Right of Way located behind Fieldstone Subdivision in northwest San Antonio, as shown on attached Exhibits "A".

POLICY ANALYSIS

This action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City.

FISCAL IMPACT

This City has collected \$3,070.00 for the use of this Public Right of Way.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission originally recommended approval of this request at its regular meeting of September 22, 2004.

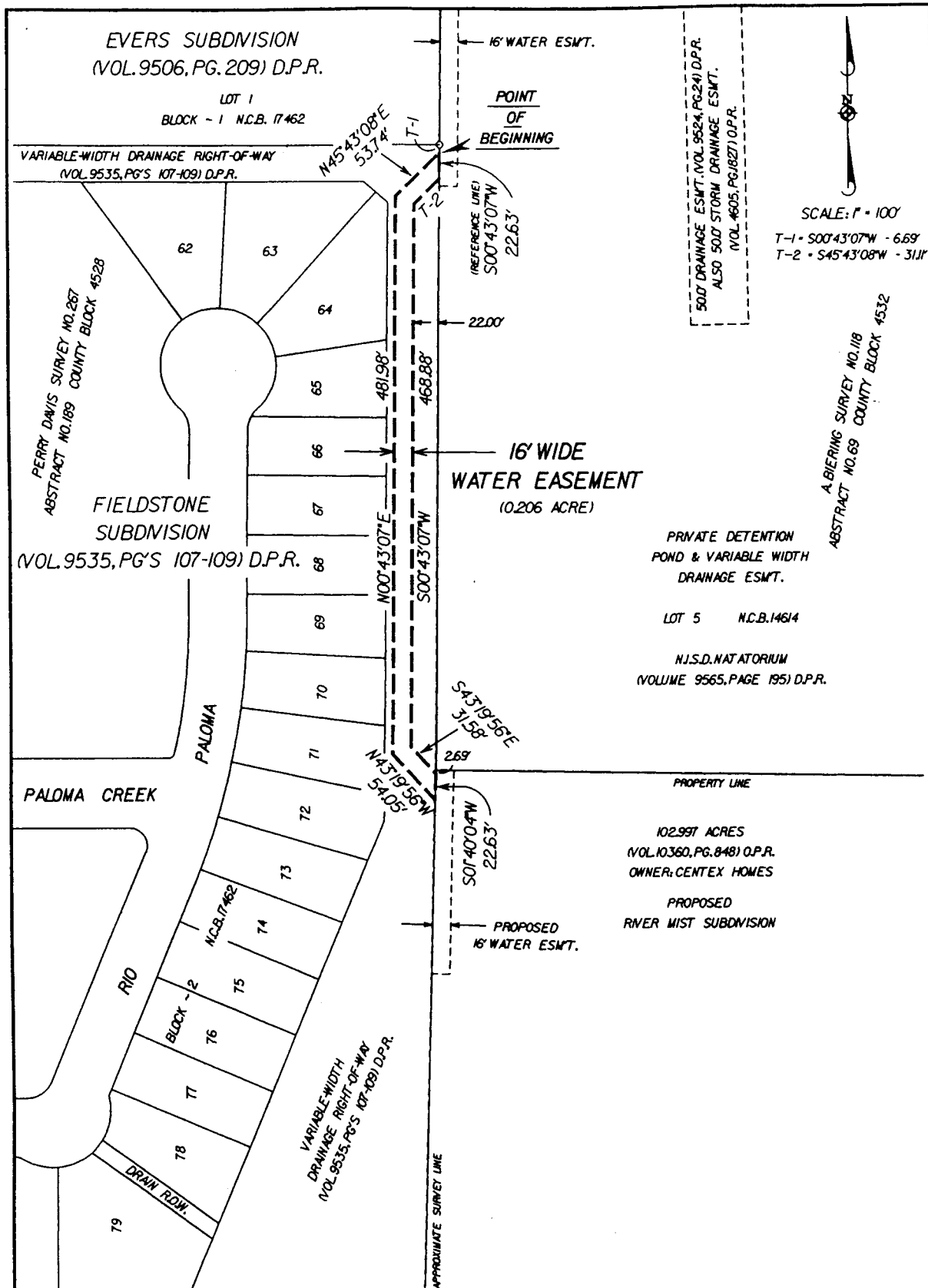
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



NOTE:

1) BEARINGS REFERENCED TO PLAT OF N.J.S.D. NATATORIUM VOLUME 9565, PAGE 195, D.P.R.

2) FIELD NOTES PREPARED.

102.997 ACRES
(VOL. 10360, PG. 848) O.P.R.
OWNER: CENTEX HOMES

EXHIBIT OF

0.206 OF AN ACRE OF LAND BEING A 16.00 FOOT-WIDE WATER EASEMENT IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS OUT OF A VARIABLE-WIDTH DRAINAGE RIGHT-OF-WAY AS DESCRIBED BY PLAT OF FIELDSTONE SUBDIVISION RECORDED IN VOLUME 9535, PAGES 107-109 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND OUT OF THE PERRY DAVIS SURVEY NO. 267, ABSTRACT NO. 189, COUNTY BLOCK 4528, BEXAR COUNTY, TEXAS.



M.W. CUDE ENGINEERS, L.L.C.

(210) 681-2951

10325 BANDERA RD.

SAN ANTONIO

EXHIBIT "A"

DATE: NOVEMBER 11, 2005 JOB NO. 194210

Canvassing Checklist

SPNo 1160

Request: Petitioner is requesting a temporary easement to install a twelve inch water main line within City of San Antonio drainage Public Right of Way located behind Fieldstone Subdivision in northwest San Antonio, as shown on attached Exhibits "A" & "B". In the process of aligning a proposed 16' easement along NEISD's west property line adjacent to the drainage area, it was found that the area was heavily wooded and that this alignment would require the removal of several large oak trees. Therefore, petitioner proposes to install a 575' linear foot portion of the water main line within the existing variable width drainage easement controlled by the City of San Antonio.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	4/6/2004	4/15/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	4/6/2004	7/15/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	4/6/2004	5/28/2004	<input type="checkbox"/>	<input checked="" 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"/>	4/6/2004	4/29/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	4/6/2004	4/19/2004	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Also canvass City Attorney's Office...4/6/04...4/14/04



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

August 9, 2004

Centex Homes
Attn: M.W. Cude Eng., L.L.C., Ron Ramirez, P.E.
10325 Bandera Rd.
San Antonio, Texas 78250

Re: S. P. No. 1160-Request for a temporary easement to install a twelve (12) inch water main line within City of San Antonio drainage Public Right of Way.

Dear Mr. Ramirez:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

SAN ANTONIO WATER SYSTEM:

"Petitioner must agree to reserve a perpetual easement for all existing electrical and/or gas facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the expressed permission and coordination with City Public Services and at the sole expense of the petitioner."

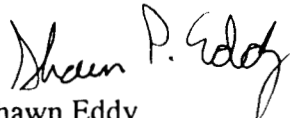
DEVELOPMENT SERVICES DEPARTMENT:

"Approval is recommended provided site excavation is restored to equal or better condition of original design. It is further stipulated that the contractor must ensure that there are no construction related obstructions to surface drainage throughout the area in question." a temporary easement to install a twelve inch water main line within City of San Antonio drainage Public Right of Way located behind Fieldstone Subdivision in northwest San Antonio, as shown on attached Exhibits "A" & "B". In the process of aligning a proposed 16' easement along NEISD's west property line adjacent to the drainage area, it was found that the area was heavily wooded and that this alignment would require the removal of several large oak trees. Therefore, petitioner proposes to install a 575' linear foot portion of the water main line within the existing variable width drainage easement controlled by the City of San Antonio.

Additionally, the fee established for this temporary easement is \$3,070.00 to be paid prior to City Council consideration. If for some reason the license is not approved by City Council, the license fee will be returned to the petitioner. Also, a Certificate of Insurance must be provided and the City of San Antonio must be formally released from any and all liabilities, which may be incurred in connection with this request.

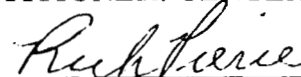
If you concur with the above mentioned conditions please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

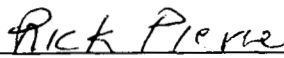
Sincerely,

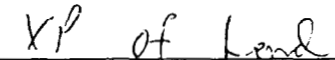

Shawn Eddy
Special Projects Manger

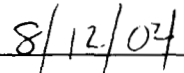
AGREED AS TO TERMS AND CONDITIONS:

PETITIONER: CENTEX HOMES


By


Print Name


Title


Date

City of San Antonio
Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply

*** This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.**

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

only Centex Homes

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

only Centex Homes

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

V.K Knowlton is the subcontractor
for the job

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

N/A

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

- (3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

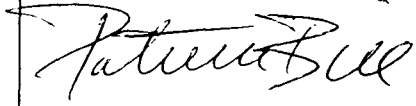
Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member of City Council*, any *candidate for City Council*, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
N/A		

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

N/A		
Signature: 	Title: Controller Company: Center Homes	Date: 8-31-04

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.