

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

TO: Sheryl Sculley, City Manager

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

SUBJECT: Military Ditch #65 Project - Temporary Easement Dedication

DATE: April 6, 2006

SUMMARY AND RECOMMENDATIONS

An ordinance accepting a dedication from Military Drive, L.L.C., a Delaware limited liability company, for a temporary ingress/egress easement consisting of the southernmost 90 feet of Lot 16 located in New City Block 9503, within the 9503 Subdivision, in connection with the Military Ditch #65 Project, an authorized 2003 Storm Water Revenue Bond project located in Council District 4.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

The Military Drive, L.L.C, a Delaware limited liability corporation, desires to dedicate to the City of San Antonio, a temporary ingress/egress easement to allow access through the back lot of the retail center in order for construction vehicles to enter and exit the ditch during construction, and during installation of box culverts. This temporary ingress/egress easement consists of the southernmost 90-feet of Lot 16, in New City Block 9503, and will expire at the end of twenty-four (24) months from the date of execution or upon the completion of the project.

The Military Ditch #65 project provides for the drainage improvements to the Six Mile Creek main channel from the north side of Zarzamora, located at the end of the Upper Six Mile Creek project to Wagner. Advertisement is scheduled for May 2006, with construction anticipated to begin in August 2006 and completion projected in January 2008.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved Capital Improvement Projects.

FISCAL IMPACT

No funds are to be expended under this ordinance.

COORDINATION

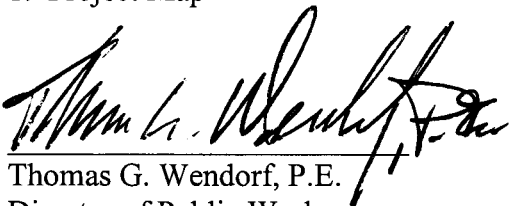
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

SUPPLEMENTARY COMMENTS

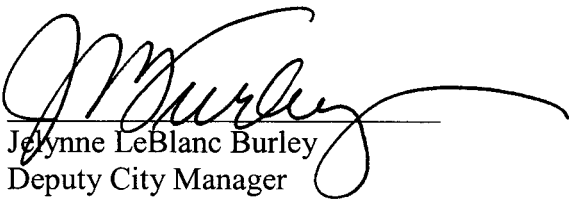
This ordinance does not require a Discretionary Contracts Disclosure Form.

ATTACHMENTS

1. Project Map

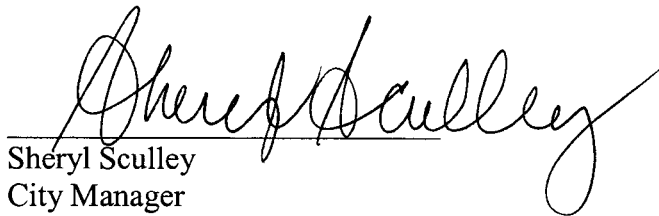


Thomas G. Wendorf, P.E.
Director of Public Works



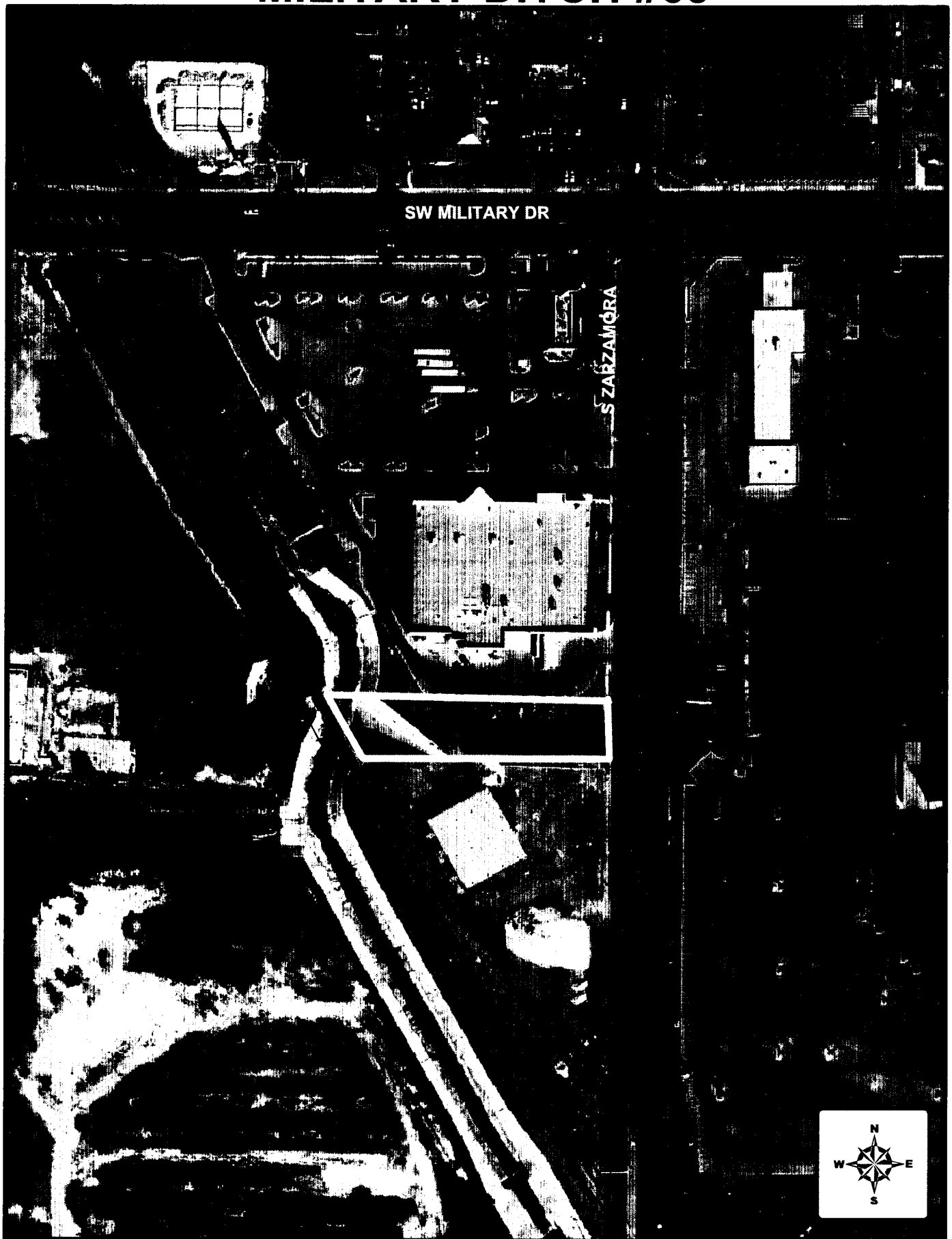
Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

MILITARY DITCH #65



**EASEMENT
(Temporary)**

STATE OF TEXAS }

COUNTY OF BEXAR }

KNOW ALL MEN BY THESE PRESENTS:

THAT, **MILITARY DRIVE, LLC.**, a Delaware limited liability company, hereinafter referred to as "**GRANTOR**", dedicate to the **CITY OF SAN ANTONIO**, a municipal corporation, of Bexar County, Texas, hereinafter referred to as "**GRANTEE**" whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, a temporary easement upon the following described land, to-wit:

Being the southernmost 90' of Lot 16 as recorded in Volume 8100 Page 135 in the Plat Records of Bexar County, Texas said plat being a correction plat of NCB 9503 Subdivision. Said property is held by Military Drive LLC in Special Warranty Deed as recorded in Volume 11156 Page 1400 of the Official Public Records of Bexar County, Texas, being more particularly described in Exhibit "A" attached hereto and made apart hereof.

for the purpose of using said land for any and all things necessary for the construction of the City of San Antonio's proposed drainage improvements located adjacent to and/or in the immediate vicinity of this temporary easement, along with the right ingress/egress, as necessary.

SPECIAL CONDITIONS: Access shall be maintained through the temporary easement for all authorized business traffic to and from the owner's building. All debris, dirt, mud and other material deposited by construction equipment shall be removed in a timely manner.

In consideration of this grant, the **GRANTEE** expressly agrees that it will remove from said land all surplus material and will cause said land to be left as nearly as possible in its previous condition except for allowed permanent changes.

TERM: This temporary easement shall expire at the end of twenty-four (24) months from the date hereof or upon the completion of the Military Ditch #65 Project, whichever occurs first, without further action.

TO HAVE AND TO HOLD the above described temporary easement and rights unto the said **CITY OF SAN ANTONIO**, its successors and assigns, during the term of this temporary easement. And **GRANTOR** does hereby bind herself, her heirs, executors and administrators to **WARRANT AND FOREVER DEFEND** all and singular the above described temporary easement and rights unto the said **CITY OF SAN ANTONIO**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the ____ day of _____, 2006.

MILITARY DRIVE, LLC.

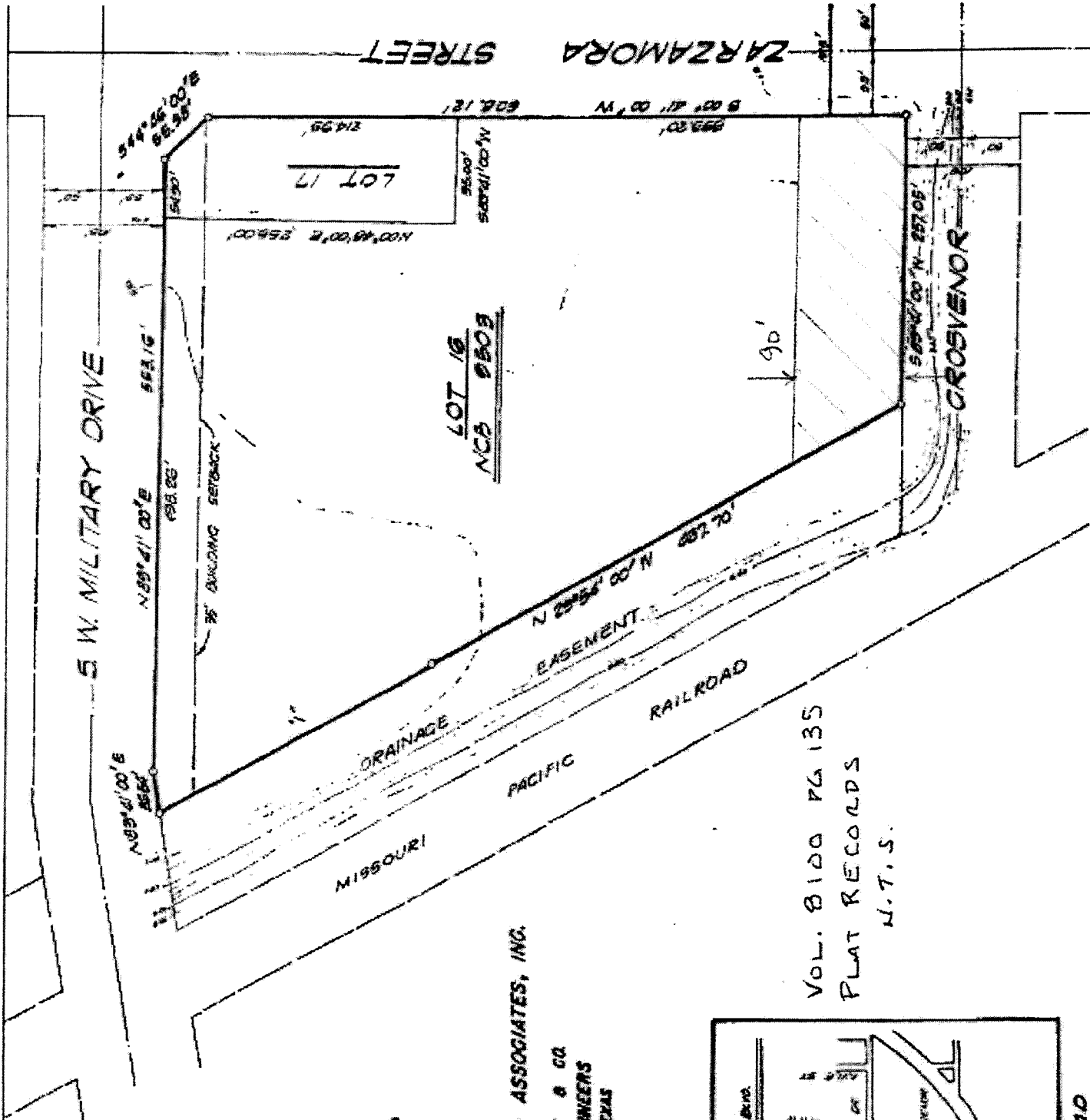
By: _____

PRINT NAME_____
TITLE

STATE OF TEXAS }
 {
COUNTY OF BEXAR }

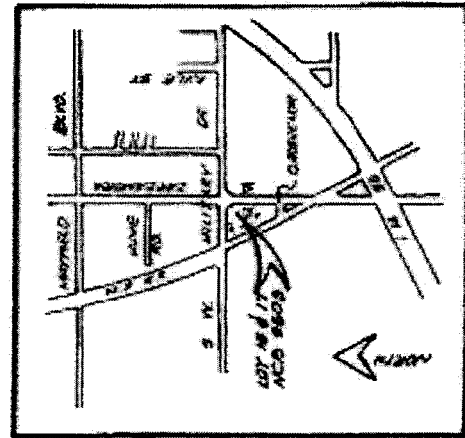
This instrument was acknowledged before me on this the ____ day of _____, 2005, by _____
_____, _____, on behalf said
company.

Notary Public Signature



MACINA, BOSE, COPELAND & ASSOCIATES, INC.
 FORMERLY
 R. MARVIN SHIPMAN & CO
 CONSULTING ENGINEERS
 SAN ANTONIO, TEXAS

VOL. 8100 PG 135
 PLAT RECORDS
 N.T.S.



LOCATION MAP