

**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: Permanent Drainage Easement Dedication – Wabash at S.W. Military
DATE: March 30, 2006

SUMMARY AND RECOMMENDATIONS

An ordinance accepting a permanent drainage easement dedication from MG Building Materials, Ltd., consisting of a 0.0927 acre tract of land out of Lot 8, Block 12, located in New City Block 12501, within the Senisa Terrace Subdivision, located in Council District 4.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

MG Building Materials, Ltd., a Texas limited partnership, desires to dedicate to the City of San Antonio, a permanent drainage easement at the corner of Wabash and S.W. Military Drive. This easement will serve their new building site as well as capture run-off from the adjacent lot at the northwest corner of the property. The runoff will make its way into the earthen channel that runs parallel with the railroad tracks.

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

Pursuant to the City's Unified Development Code, the City has the right to require dedication as part of the building permitting process.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to implement regulations and adhere to requirements in the Unified Development Code.

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

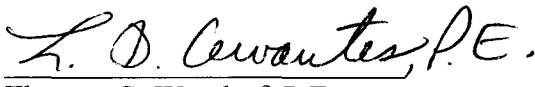
This ordinance was coordinated with the City Attorney's Office and the Storm Water Engineering Division of Public Works.

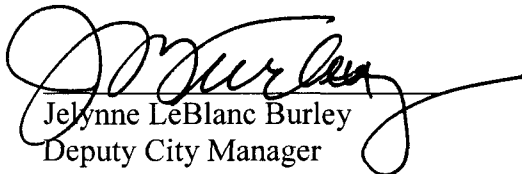
SUPPLEMENTARY COMMENTS

This ordinance does not require a Discretionary Contracts Disclosure Form.

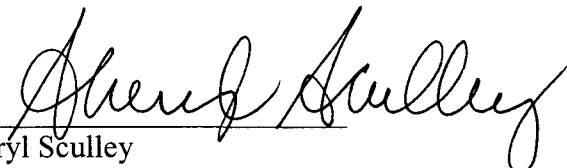
ATTACHMENTS

1. Project Map

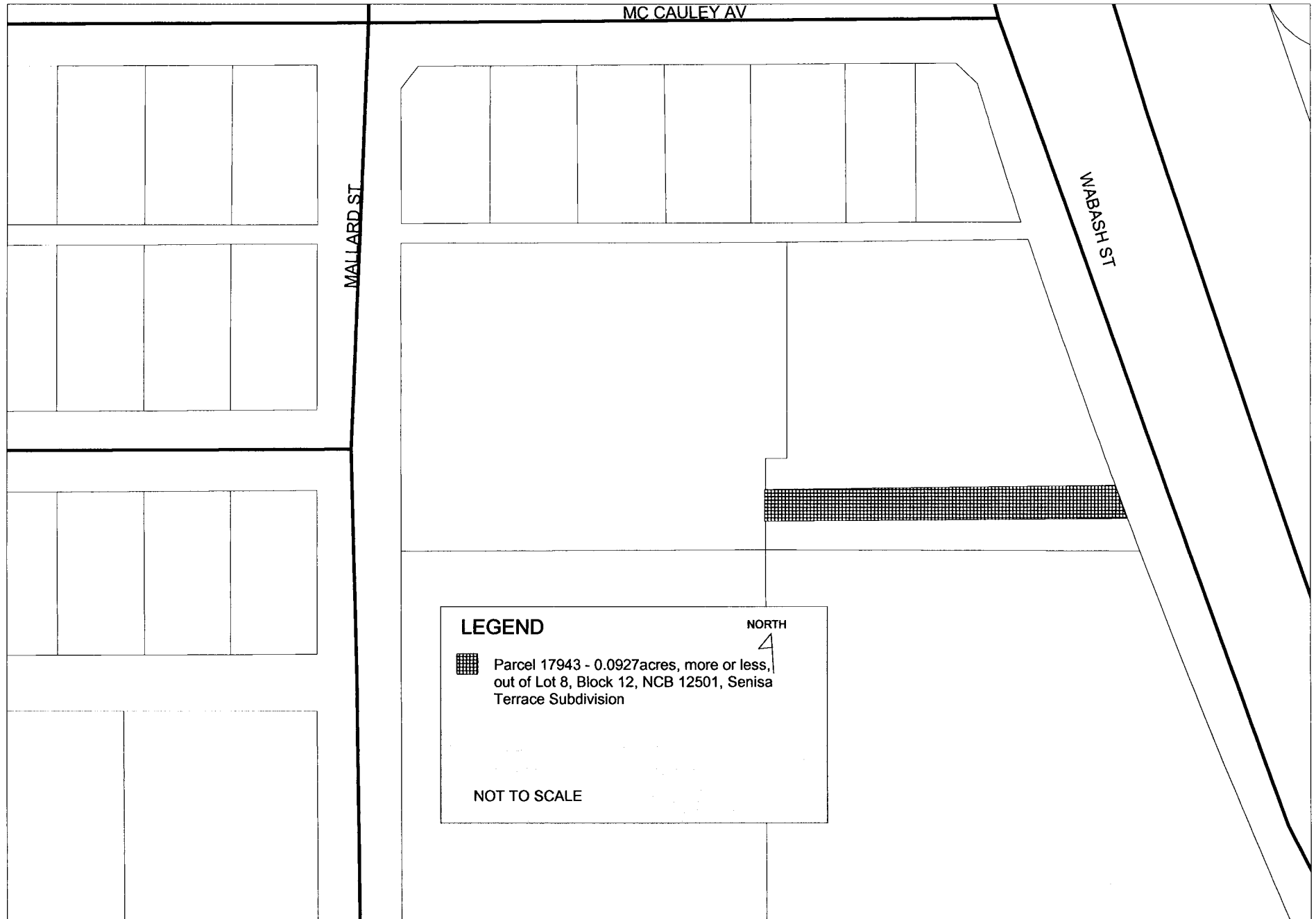

Thomas G. Wendorf, P.E.
Director of Public Works


Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:


Sheryl Sculley
City Manager

WABASH at S.W. MILITARY - EASEMENT DEDICATION





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 §
 § **Know All By These Presents:**
County of Bexar §

Public Easement Dedication

Grantor: MG Building Materials, Ltd., a Texas limited partnership

Grantor's Address: 227 New Laredo Highway, San Antonio, Texas 78211
(Bexar County)

Purpose of Easement: Constructing, reconstructing, inspecting, patrolling, maintaining, and repairing storm drainage facilities; relocating such facilities within the Subject Property; removing from the Subject Property all trees and parts thereof, and other obstructions that may interfere with the exercise of the rights granted hereunder; together with the right of ingress and egress over the Subject Property for the purpose of exercising all other rights hereby granted

Subject Property: 0.0927 acres, more or less, out of Lot 8, Block 12, NCB 12501, Senisa Terrace Subdivision, City of San Antonio, Bexar County, Texas according to plat thereof filed of record in Volume 9562, Page 8, Deed and Plat Records of Bexar County, Texas, the Subject Property being more particularly described on **Exhibits A and B**, which are incorporated herein by reference for all purposes as if they were fully set forth.

Grantor grants, dedicates, and conveys to the public, for and in consideration of the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement in gross over, across, under, and upon the Subject Property. Grantor covenants for itself, its heirs, executors, successors, and assigns that no permanent building or obstruction of any kind will be placed on the Subject Property.

To Have and To Hold the above described easement and rights unto the public until its use is abandoned.

Grantors bind themselves, their heirs, executors, successors, and assigns, to warrant and forever defend all and singular the above described easement and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand, this 9th day of January, 2006

MG Building Materials, Ltd., by and
through its sole general partner

MGAFG, LLC, a Texas limited
liability company.

By: Alan F. Grothues
Alan F. Grothues, President

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by Alan F. Grothues, President of MGAFG, LLC, a Texas limited liability company, in the capacity therein stated and on behalf of that entity in that entity's capacity as sole general partner of MG Building Materials, Inc.

Date: January 9, 2006



Julie Geer
Notary Public, State of Texas
My Commission expires: 11-12-06

Accepted under Ordinance: _____ (No. & Date)

Approved As To Form:

City Attorney

Exhibit A



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232 -
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

METES AND BOUNDS DESCRIPTION OF

A 0.0927 OF AN ACRE (4,038 SQUARE FEET) TRACT OF LAND OUT OF LOT 8, BLOCK 12, NEW CITY BLOCK 12501, SENISA TERRACE SUBDIVISION AS RECORDED IN VOLUME 9562, PAGE 8, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

BEGINNING: At a found $\frac{1}{4}$ " iron rod and cap "MBC" at the northeast corner of said Lot 8, said iron rod also marks a non-tangent point in a curve to the left and a point in the southwest right-of-way line of Wabash Street (a 60 foot public right-of-way, Plat Volume 3700, Page 43);

THENCE: 196.23 feet, along and with the southwest right-of-way line of said Wabash Street and said curve, having a central angle of $01^{\circ}55'46''$, a radius of 5,827.35, a chord bearing of $S 18^{\circ}14'17'' E$ and a chord distance of 196.22 feet to a point;

THENCE: $N 90^{\circ}00'00'' W$, 6.92 feet to a point in the southwesterly line of a variable width drainage easement (Plat Reference: Volume 9562, Page 8);

THENCE: $S 17^{\circ}12'06'' E$, 2.90 feet, along and with said drainage easement line, to a point;

THENCE: $S 00^{\circ}00'00'' E$, 7.50 feet, continuing along and with said drainage easement line, to a point;

THENCE: $S 20^{\circ}40'42'' E$, 6.41 feet, continuing along and with said drainage easement line, to a point, the southeast corner of this parcel;

THENCE: $N 90^{\circ}00'00'' W$, 254.48 feet to a point in the east line of a varying width drainage easement (Deed Reference: Volume 5880, Page 2023), said point being the southwest corner of this parcel;


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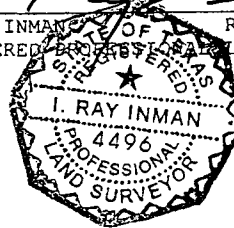
ROBERT A. COPELAND, P.E. • ROBERT A. LIESMAN, P.E. • SAMUEL B. BLEDSOE, III, P.E.
DAVID L. ALLEN, P.E. • ROBERT A. COPELAND, JR., P.E.

THENCE: N 00°10'40" W, 16.27 feet, along and with the
east line of said drainage easement, to a point,
the northwest corner of this parcel;

THENCE: S 90°00'00" E, 248.08 feet, to the POINT OF
BEGINNING of the herein described parcel.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby
affirm that this description is based on the results of a survey
made on the ground by the firm of Macina, Bose, Copeland and
Associates, Inc., of which a survey map has been prepared.


I. RAY INMAN, OF REG. NO. 4496
REGISTERED PROFESSIONAL LAND SURVEYOR



#28405-1167
June 6, 2005
IRI/lk

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Exhibit B

