

AN ORDINANCE **98583**

GRANTING A PERPETUAL NON-EXCLUSIVE USE ROAD EASEMENT TO THE UNITED STATES OF AMERICA OVER AN IMPROVED 0.128 OF AN ACRE (5,578 SQUARE FEET, MORE OR LESS) PORTION OF OLD AUSTIN ROAD LOCATED BETWEEN FORT SAM HOUSTON ARMY BASE AND LOTS 18, 19 AND 20, BLOCK 3, NCB 6526, IN EXCHANGE FOR THE FUTURE CONVEYANCE OF A PORTION OF FEDERAL PROPERTY THAT CONTAINS A PORTION OF PUBLIC RIGHT OF WAY, SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE ARMY, AS REQUESTED BY THE UNITED STATES OF AMERICA, ACTING THROUGH THE DEPARTMENT OF THE ARMY; AND AUTHORIZING THE EXECUTION OF SAID EASEMENT AND AN AGREEMENT IN CONNECTION WITH SUCH TRANSACTION.

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WHEREAS, the United States of America, acting through the Department of the Army ("Petitioner") has requested that the City grant it a perpetual Non-Exclusive Use Road Easement over an improved portion of Old Austin Road located between the Fort Sam Houston Army Base and Lots 18, 19 and 29, Block 3, New City Block 6526, in connection with improving and maintaining security for the Base, and in exchange for the future conveyance to the City of a portion of federal property that contains a portion of public right of way, subject to approval of the Secretary of the Army; **NOW THEREFORE,**

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

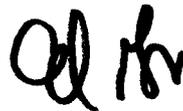
SECTION 1. A perpetual Non-Exclusive Use Road Easement over an improved portion of Old Austin Road located between Fort Sam Houston Army Base and Lots 18, 19 and 29, Block 3, New City Block 6526 is hereby granted to the United States of America, acting through the Department of the Army, in exchange for the future conveyance to the City of a portion of federal property that contains a portion of public right of way in order to cure an encroachment of Austin Road that exists on federal property, subject to approval of the Secretary of the Army.

SECTION 2. The City Manager or her designee is authorized to execute (1) a perpetual Non-Exclusive Use Road Easement, and (2) an Agreement with City of San Antonio, Texas for Perpetual, Non-Exclusive Road Use Easement, with a copy of each document, affixed hereto as **Attachments I and II**, respectively, as well as, any other instruments, as first reviewed and approved by the City Attorney in connection with the Fort Sam Houston, Texas Project.

SECTION 3. There are no funds encumbered by this ordinance.

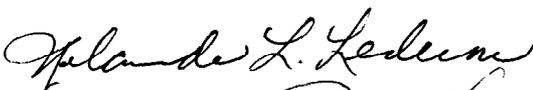
SECTION 4. This ordinance shall take effect on the 28th day of December, 2003.

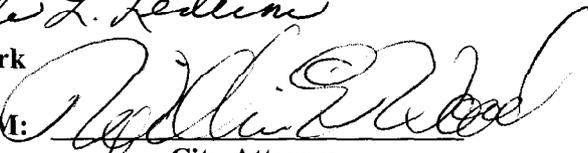
PASSED AND APPROVED this 18th day of December, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney