

AN ORDINANCE 101032

AUTHORIZING THE ACCEPTANCE OF A PERMANENT EASEMENT DEDICATION FROM THE SA SPANISH TRAIL, LTD., A TEXAS LIMITED PARTNERSHIP, FOR A PERMANENT DRAINAGE EASEMENT CONSISTING OF THREE TRACTS OF LAND BEING A 0.062 ACRE TRACT OF LAND, A 0.044 ACRE TRACT OF LAND, AND A 0.010 ACRE TRACT OF LAND OUT OF LOT 86, LOCATED IN NEW CITY BLOCK 11627, WITHIN THE TUSCANY APARTMENTS SUBDIVISION, LOCATED IN COUNCIL DISTRICT 8.

* * * * *

WHEREAS, a Permanent Easement Dedication from SA Spanish Trail, Ltd., and its appropriate predecessors in interest is necessary to dedicate the permanent drainage easement for the protection of Heritage Trees as identified in the City of San Antonio's Tree Preservation Ordinance, **NOW, THEREFORE**,

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

SECTION 1. The Permanent Easement Dedication from SA Spanish Trail, Ltd., a Texas limited partnership, it's predecessor in interest or any other predecessor in interest from which it would be appropriate to secure a correction deed, if required, for a permanent drainage easement dedication of three tracts consisting of: Tract I - a 0.062 acre tract of land, Tract II - a 0.044 acre tract of land, and Tract III - a 0.010 acre tract of land, all out of Lot 86, New City Block 11627, within the Tuscany Apartments Subdivision, located in Council District 8 are hereby accepted. A copy of the respective deed is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. This ordinance shall take effect on the 26th of June, 2005.

PASSED AND APPROVED this the 16th day of June 2005.



M A Y O R
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
City Attorney

EASEMENT (Permanent)

Parcel No.'s 17915A(E), 17915B(E) & 17915C(E)

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Tract 3: Variable Width 0.010 Acre Drainage Easement/Parcel No. 17915C(E)

Being a 0.010 acre (424 Square Feet) tract of land, being a variable width drainage Easement, situated in N.C.B. 11627; Being a portion of Lot 86, TUSCANY APARTMENTS SUBDIVISION, an addition to the City of San Antonio, Bexar County, Texas, as recorded in Volume 9552, Page 39, Bexar County Deed and Plat Records (B.C.D.P.R.); said 0.010 acre tract also being a portion of the remainder of that certain called 9.635 acre tract of land described in a Special Warranty Deed (With Vendor's Lien) to Callaghan Apartments Limited Partnership, recorded in Volume 5774, Page 548, Real Property Records of Bexar County, Texas; said 0.010 acre variable width drainage easement being more particularly described by attached Exhibit "A" hereto and made a part hereof.

together with the right of ingress and egress over said right-of-ways for the purpose of constructing, reconstructing, relocating, improving, expanding, inspecting, patrolling, maintaining and removing said drainage improvements and appurtenances; the right to relocate the improvements within the easements; the right to remove from the properties other obstructions, which may interfere with the exercise of the rights granted hereunder; the right to excavate, deposit or to fill material thereon; leveling and/or grading as necessary, and the right of exercising all other rights hereby granted, and GRANTOR expressly covenants and agrees for itself, its heirs, executors and administrators, that no building of any kind will be placed on said easements and right-of-ways herein granted.

TO HAVE AND TO HOLD the above described easements and rights unto the said GRANTEE, its successors and assigns, until the use of said right-of-ways shall be abandoned.

And GRANTOR does hereby bind itself, its heirs, executors and administrators to **WARRANT AND FOREVER DEFEND** all and singular the above described easements and rights unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

{signature page to follow}

EASEMENT (Permanent)
Parcel No.'s 17915A(E), 17915B(E) & 17915C(E)
Page 3

EXECUTED this 21 day of APRIL, A.D., 2005.

SA SPANISH TRAIL, LTD.
a Texas limited partnership

By: SA SPANISH TRAIL I, LLC,
a Texas limited liability company,
its sole General Partner

By: David B. Hendricks
David B. Hendricks, Managing Member

STATE OF TEXAS }
 }
COUNTY OF HARRIS }

This instrument was acknowledged before me on this the 21 day of APRIL, A.D., 2005, by David B. Hendricks, Managing Member of SA Spanish Trail I, LLC, a Texas limited liability company, sole General Partner of SA Spanish Trail, Ltd., a Texas limited partnership, on behalf of said partnership.



Linda Brewer
NOTARY PUBLIC SIGNATURE

EXHIBIT "A"

Tract 1
18 Foot Wide Drainage Easement
FIELD NOTE DESCRIPTION
OF A

0.062 ACRE TRACT OF LAND OUT OF THE
CALLAGHAN APARTMENTS LIMITED PARTNERSHIP TRACT,
SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING A 0.062 ACRE (2,701 SQUARE FEET) TRACT OF LAND SITUATED IN N.C.B. 11627; BEING A PORTION OF LOT 86, TUSCANY APARTMENTS SUBDIVISION, AN ADDITION TO THE CITY OF SAN ANTONIO, TEXAS, AS RECORDED IN VOLUME 9552, PAGE 39, BEXAR COUNTY DEED AND PLAT RECORDS (B.C.D.P.R.); SAID 0.062 ACRE TRACT ALSO BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 9.635 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED (WITH VENDOR'S LIEN) TO CALLAGHAN APARTMENTS LIMITED PARTNERSHIP, RECORDED IN VOLUME 5774, PAGE 0548, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS (O.P.R.B.C.T.); SAID 0.062 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "MBC" found marking the intersection of the northeasterly line of said Lot 86 and the northwesterly right-of-way (R.O.W.) line of Callaghan Road (a variable width R.O.W.), same being the easternmost corner of said 9.635 acre remainder tract, and from which a 1/2-inch iron pipe found, marking the northernmost corner of said Lot 86 bears North 47 degrees 38 minutes 19 seconds West, at 488.72 feet and North 47 degrees 53 minutes 49 seconds West, at 74.47 feet;

THENCE, departing the northwesterly R.O.W. line of said Callaghan Road, crossing through the interior of said Lot 86, same being said 9.635 acre remainder tract, the following seven (7) calls:

- 1) South 68 degrees 16 minutes 22 seconds West, a distance of 272.85 feet to a point for the **POINT OF BEGINNING** and easternmost corner of the herein described tract, said point being on the northerly line of an existing 18 foot wide drainage easement per said Tuscan Apartments Subdivision;
- 2) North 87 degrees 26 minutes 34 seconds West, with the northerly line of said drainage easement, a distance of 28.33 feet to a point for corner of the herein described tract;
- 3) North 48 degrees 00 minutes 00 seconds West, departing the northerly line of said drainage easement, a distance of 85.75 feet to a point for corner of the herein described tract;

Exhibit "A" continued**Description of 0.062 acre, 0.044 acre & 0.010 acre tracts**

- 4) North 72 degrees 44 minutes 49 seconds West, a distance of 26.78 feet to a point on the northerly line of said drainage easement for corner of the herein described tract;
- 5) North 51 degrees 04 minutes 43 seconds West, with the northerly line of said drainage easement, a distance of 48.75 feet to a point for the westernmost corner of the herein described tract;
- 6) South 72 degrees 44 minutes 49 seconds East, departing the northerly line of said drainage easement, a distance of 76.04 feet to a point for corner of the herein described tract;
- 7) South 48 degrees 00 minutes 00 seconds East, a distance of 111.57 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 0.062 acre (2,701 square feet) of land, more or less, based on the survey and exhibit drawing made by The Wallace Group, Inc., on December 6, 2004.

**Tract 2
18 Foot Wide Drainage Easement
FIELD NOTE DESCRIPTION
OF A**

**0.044 ACRE TRACT OF LAND OUT OF THE
CALLAGHAN APARTMENTS LIMITED PARTNERSHIP TRACT,
SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS**

BEING A 0.044 ACRE (1,920 SQUARE FEET) TRACT OF LAND SITUATED IN N.C.B. 11627; BEING A PORTION OF LOT 86, TUSCANY APARTMENTS SUBDIVISION, AN ADDITION TO THE CITY OF SAN ANTONIO, TEXAS, AS RECORDED IN VOLUME 9552, PAGE 39, BEXAR COUNTY DEED AND PLAT RECORDS (B.C.D.P.R.); SAID 0.044 ACRE TRACT ALSO BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 9.635 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED (WITH VENDOR'S LIEN) TO CALLAGHAN APARTMENTS LIMITED PARTNERSHIP, RECORDED IN VOLUME 5774, PAGE 0548, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS (O.P.R.B.C.T.); SAID 0.044 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "MBC" found marking the intersection of the northeasterly line of said Lot 86 and the northwesterly right-of-way (R.O.W.) line of Callaghan Road (a variable width R.O.W.), same being the easternmost corner of said 9.635 acre remainder tract, and from which a 1/2-inch iron pipe found marking the northernmost corner of said Lot 86 bears North 47 degrees 38 minutes 19 seconds West, at 488.72 feet and North 47 degrees 53 minutes 49 seconds West, at 74.47 feet;

Exhibit "A" continued**Description of 0.062 acre, 0.044 acre & 0.010 acre tracts**

THENCE, departing the northwesterly R.O.W. line of said Callaghan Road, crossing through the interior of said Lot 86, same being said 9.635 acre remainder tract, the following five (5) calls:

- 1) North 85 degrees 13 minutes 19 seconds West, a distance of 457.98 feet to a point for the **POINT OF BEGINNING** of the herein described tract, said point being on the southerly line of an existing 18 foot wide drainage easement per said Tuscany Apartments Subdivision;
- 2) South 28 degrees 00 minutes 00 seconds East, with the southerly line of said drainage easement, a distance of 52.71 feet to a point for the easternmost corner of the herein described tract;
- 3) North 47 degrees 58 minutes 05 seconds West, departing the southerly line of said drainage easement, a distance of 164.94 feet to a point on the southerly line of said drainage easement for the westernmost corner of the herein described tract;
- 4) South 63 degrees 00 minutes 00 seconds East, with the southerly line of said drainage easement, a distance of 69.40 feet to a point for corner of the herein described tract;
- 5) South 47 degrees 58 minutes 05 seconds East, departing the southerly line of said drainage easement, a distance of 48.38 feet to the **POINT OF BEGINNING** of the herein described tract, delineating and encompassing within the metes recited 0.044 acre (1,920 square feet) of land, more or less, based on the survey and exhibit drawing made by The Wallace Group, Inc., on December 6, 2004.

Tract 3
Variable Width Drainage Easement
FIELD NOTE DESCRIPTION
OF A
0.010 ACRE TRACT OF LAND OUT OF THE
CALLAGHAN APARTMENTS LIMITED PARTNERSHIP TRACT,
SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING A 0.010 ACRE (424 SQUARE FEET) TRACT OF LAND SITUATED IN N.C.B. 11627; BEING A PORTION OF LOT 86, TUSCANY APARTMENTS SUBDIVISION, AN ADDITION TO THE CITY OF SAN ANTONIO, TEXAS, AS RECORDED IN VOLUME 9552, PAGE 39, BEXAR COUNTY DEED AND PLAT RECORDS (B.C.D.P.R.); SAID 0.010 ACRE TRACT ALSO BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 9.635 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED (WITH VENDOR'S LIEN) TO CALLAGHAN APARTMENTS

Exhibit "A" continued

Description of 0.062 acre, 0.044 acre & 0.010 acre tracts

LIMITED PARTNERSHIP, RECORDED IN VOLUME 5774, PAGE 0548, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS (O.P.R.B.C.T.); SAID 0.010 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "MBC" found marking the intersection of the northeasterly line of said Lot 86 and the northwesterly right-of-way (R.O.W.) line of Callaghan Road (a variable width R.O.W.), same being the easternmost corner of said 9.635 acre remainder tract, and from which a 1/2-inch iron pipe found marking the northernmost corner of said Lot 86 bears North 47 degrees 38 minutes 19 seconds West, at 488.72 feet and North 47 degrees 53 minutes 49 seconds West, at 74.47 feet;

THENCE, departing the northwesterly R.O.W. line of said Callaghan Road, crossing through the interior of said Lot 86, same being said 9.635 acre remainder tract, the following five (5) calls:

- 1) North 77 degrees 51 minutes 00 seconds West, a distance of 556.63 feet to a point for the **POINT OF BEGINNING** and easternmost corner of the herein described tract, said point being on the northerly line of an existing 18 foot wide drainage easement per said Tuscan Apartments Subdivision;
- 2) North 63 degrees 00 minutes 00 seconds West, with the northerly line of said drainage easement, a distance of 25.86 feet to a point for corner of the herein described tract;
- 3) North 46 degrees 09 minutes 20 seconds West, continuing with the northerly line of said drainage easement, a distance of 59.17 feet to a point for the westernmost corner of the herein described tract;
- 4) North 42 degrees 01 minutes 05 seconds East, departing the northerly line of said drainage easement, a distance of 4.82 feet to a point for the northernmost corner of the herein described tract;
- 5) South 47 degrees 58 minutes 55 seconds East, a distance of 84.12 feet to the **POINT OF BEGINNING** of the herein described tract, delineating and encompassing within the metes recited 0.010 acre (424 square feet) of land, more or less, based on the survey and exhibit drawing made by The Wallace Group, Inc., on December 6, 2004.

Basis of Bearings – Southeasterly line of called 9.635 acre tract of land described in Volume 5774, Page 0548, Bexar County Deed and Plat Records, having a deed call bearing of South 42 degrees 00 minutes 00 seconds West.

Exhibit "A" continued

Description of 0.062 acre, 0.044 acre & 0.010 acre tracts

An easement exhibit drawing of even survey date herewith accompanies this field note description.

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, do hereby certify that this field note description and the easement exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.




Daniel M. Flaherty, R.P.L.S. No. 5004

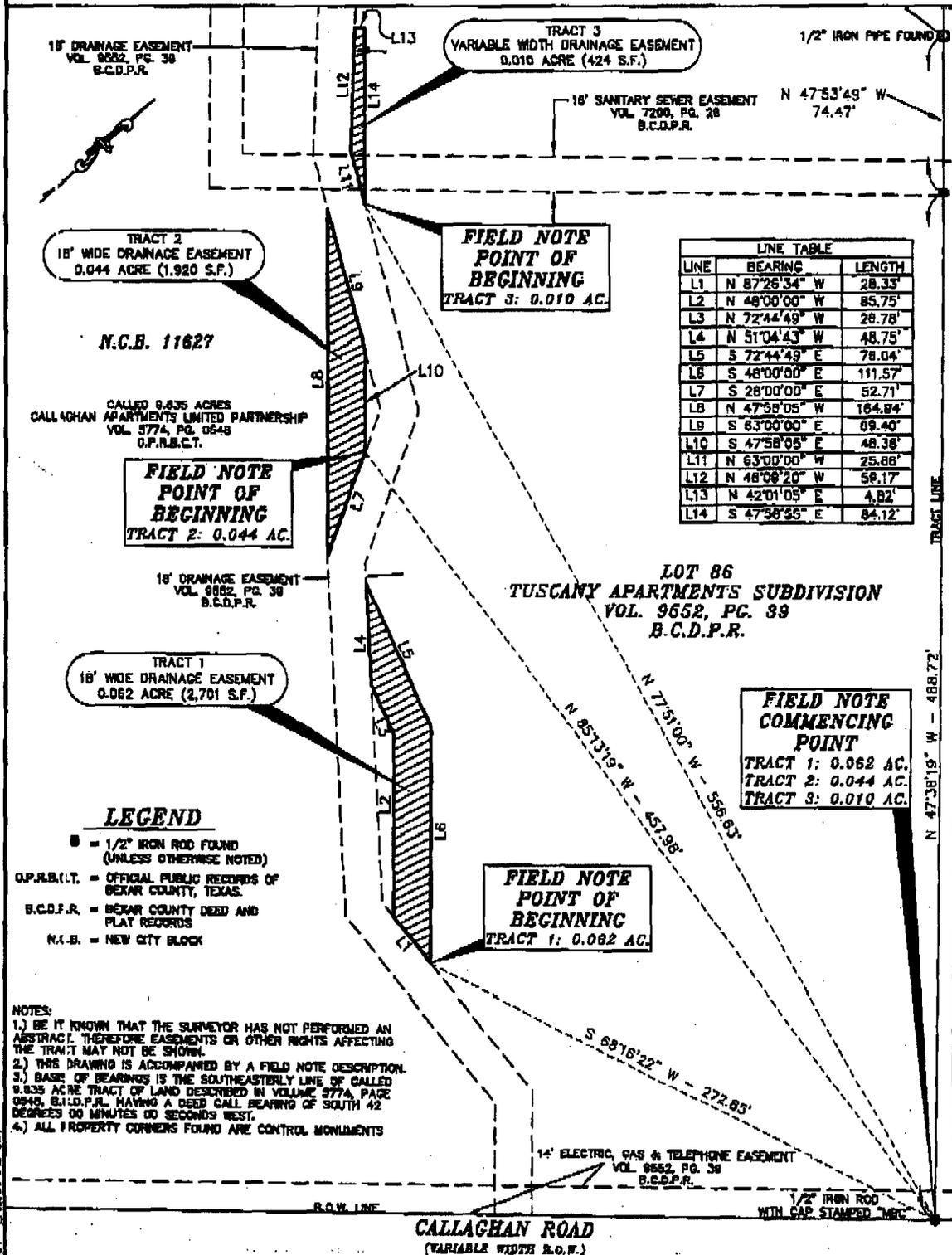
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
Work Order No. 17428

See attached Plat No. RR E-1792
17428-FN02Rev

12-06-04
Date

EXHIBIT "A"

DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION OF TRACT 1: 18 FOOT WIDE (0.062 ACRE), TRACT 2: 18 FOOT WIDE (0.044 ACRE) & TRACT 3: VARIABLE WIDTH (0.010 ACRE) DRAINAGE EASEMENT



PROJECT: 17428 (Rev) 12/28/2004 2:18:30 PM CST

The Wallace Group, Inc.
Engineers • Architects • Planners • Surveyors
Austin • Dallas • Killeen • Round Rock • Waco
One Chisholm Trail, Suite 130, Round Rock, Texas 78661 Ph. (512) 248-0065 Fax (512) 248-0399

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 6TH DAY OF DECEMBER 2004.

SURVEYED: 08-05-04

Daniel M. Flaherty
DANIEL M. FLAHERTY, R.P.L.S., NO. 5004

PLAT NO. RR E-1792 DRAFT DATE 12-06-04 DRAWN BY M.M.
WORK ORDER NO. 17428 FIELDBOOK/PG RR 55 TAB # E-1792

