

AN ORDINANCE 101264

DECLARING A PUBLIC NECESSITY TO ACQUIRE AND AUTHORIZING THE PURCHASE OR CONDEMNATION OF THE FEE TITLE FOR AN EASEMENT OVER SIX PARCELS OF REAL PROPERTY LOCATED IN BEXAR COUNTY, TEXAS, FOR THE MARNEY PLAZA OUTFALL PROJECT, AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; APPROPRIATING FUNDS IN THE AMOUNT OF \$31,000.00 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BONDS FOR THE ACQUISITION AND NECESSARY EXPENSES TO ACQUIRE THE FOLLOWING PROPERTIES:

ACREAGE	LOT(S)	BLOCK	NCB	SUBDIVISION
0.039	27	48	8954	Pleasanton Park Addition
0.039	27	48	8954	Pleasanton Park Addition
0.012	26	58	8958	Pleasanton Park Addition
0.012	26	58	8958	Pleasanton Park Addition
0.022	25	58	8958	Pleasanton Park Addition, 5 th Filing
0.022	25	58	8958	Pleasanton Park Addition, 5 th Filing

* * * * *

WHEREAS, this Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is further necessary to obtain and acquire the fee simple title and/or easement interest in six (6) parcels of land for use as part of the Project and the property to be acquired is described in Section 3 below, and more fully in **Attachment I** attached hereto and incorporated herein for all purposes; and

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

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

SECTION 1. The Marney Plaza Outfall Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easement(s) to certain privately owned real property, by negotiation and/or

condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Marney Plaza Outfall Project in San Antonio, Bexar County, Texas.

SECTION 3. A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the property more specifically described in **Attachment I** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property".

SECTION 4. The approved compensation for the Property is shown in **Attachment II** which is attached hereto and incorporated herein for all purposes.

SECTION 5. The following financial adjustments are hereby authorized to affect this Ordinance:

- a) The amount of \$31,000.00 is appropriated in SAP fund 45802000, 2003 General Obligation Drainage Improvement Bonds, WBS GO-00045-01-01-35 SAP GL account 6102100 - Interfund Transfers Out, entitled Transfer to 23-00156-90-04. The amount of \$31,000.00 is authorized to be transferred to SAP fund 45099000.
- b) The budget in SAP fund 45099000, Project Definition 23-00156 Marney Plaza Outfall Project, shall be revised by increasing WBS element 23-00156-90-04, entitled TRF FR WBS GO-00045-01-01-35, SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$31,000.00.
- c) The amount of \$13,050.00 is appropriated in Fund 45099000, 23-00156 Marney Plaza Outfall Project, WBS element 23-00156-03-02-04, GL 5209010 and is authorized to be encumbered and made payable for Right of Way Acquisition when a purchase order is issued.
- d) The amount of \$5,000.00 is appropriated in Fund 45099000, 23-00156 Marney Plaza Outfall Project, WBS element 23-00156-03-02-03, GL 5201050 and is authorized to be encumbered and made payable for Right of Way Legal when a purchase order is issued.
- e) The amount of \$3,000.00 is appropriated in Fund 45099000, 23-00156 Marney Plaza Outfall Project, WBS element 23-00156-03-02-02, GL 5201160 and is authorized to be encumbered and made payable for Right of Way Appraisal when a purchase order is issued.
- f) The amount of \$3,500.00 is appropriated in Fund 45099000, 23-00156 Marney Plaza Outfall Project, WBS element 23-00156-03-02-01, GL 5209010 and is authorized to be encumbered and made payable for Title fees when a purchase order is issued.
- g) The amount of \$6,450.00 is appropriated in Fund 45099000, 23-00156 Marney Plaza Outfall Project, WBS element 23-00156-03-02-05, GL 5209010 and is authorized to be encumbered and made payable for Land Acquisition Costs when a purchase order is issued.

SECTION 6. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 7. In the event that the City staff is unable to acquire one or more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and the law firm of Bracewell & Giuliani, L.L.P., and the law firm of Oppenheimer, Blend, Harrison & Tate, Inc. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 8. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, subject to concurrence by the City Manager, or the City Manager's designee, may correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance shall be effective on the 28th day of August, 2005.

PASSED AND APPROVED this the 18th day of August, 2005.

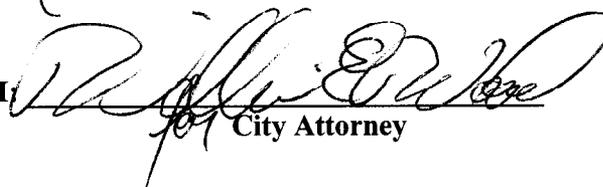


M A Y O R
PHIL HARDBERGER

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney

Attachment I

Metes & Bounds Descriptions

For the

Marney Plaza Outfall Project

1. Being a 5.00 foot wide strip of land in New City Block 8954, San Antonio, Texas County, Texas, being out of Lot 27, Block 48, Pleasanton Park Addition, a replat recorded in Volume 1625, Page 49, Deed and Plat Records, Bexar County, Texas
2. Being a 12.00 foot wide temporary construction easement in New City Block 8954, San Antonio, Bexar County, Texas, being out of Lot 27, Block 48, Pleasanton Park Addition, a replat recorded in Volume 1625, Page 49, Deed and Plat Records, Bexar County, Texas
3. Being a 5.00 foot wide strip of land in New City Block 8958, San Antonio, Texas, being out of Lot 26, Block 58, Roy D. Spears Corporation Plat, recorded in Volume 5502, Page 26, Deed and Plat Records, Bexar County, Texas
4. Being a 12.00 foot wide temporary construction easement in New City Block 8958, San Antonio, Bexar County, Texas, being out of Lot 26, Block 58, Roy D. Spears Corporation Plat, recorded in Volume 5502, Page 26, Deed and Plat Records, Bexar County, Texas
5. Being a 5.00 foot wide strip of land in New City Block 8958, San Antonio, Bexar County, Texas, being out of the remaining portion of Lot 25, Block 58, Pleasanton Park Addition, 5th Filing, recorded in Volume 4960, Page 168, Deed and Plat Records, Bexar County, Texas
6. Being a 12.00 foot wide temporary construction easement in New City Block 8958, San Antonio, Bexar County, Texas, being out of the remaining portion of Lot 25, Block 58, Pleasanton Park Addition, 5th Filing, recorded in Volume 4960, Page 168, Deed and Plat Records, Bexar County, Texas



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

11550 IH 10 West, Suite 395
San Antonio, TX 78230-1037
T: 210-641-9999 F: 210-641-6440

Job No.: S0255000
January 20, 2005
Parcel No. 17902

DESCRIPTION OF A 5' WIDE STRIP OF LAND

Being a 5.00 foot wide strip of land in New City Block (N.C.B.) 8954, San Antonio, Bexar County, Texas, being out of Lot 27, Block 48, Pleasanton Park Addition, a replat recorded in Volume 1625, Page 49, Deed and Plat Records, Bexar County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with a "CEC" plastic cap set on the existing easterly right-of-way line of Marney Plaza, (R.O.W. ~ 60 feet), at the intersection with the southeasterly right-of-way line of the cul-de-sac at the east end of Canavan Avenue, a northwesterly corner of said Lot 27, and this strip;

THENCE, North 44°18'35" East, coincident with the common line of Lot 27 and said cul-de-sac right-of-way line, a distance of 7.07 feet to a 1/2" rebar with a "CEC" plastic cap set, the most northerly corner of this strip;

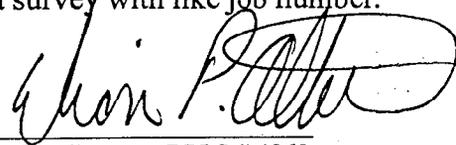
THENCE, South 00°41'25" East, departing said right-of-way line, crossing Lot 27, a distance of 341.16 feet to a 1/2" rebar with a "CEC" plastic cap set, on the common line of Lot 27 and the northerly right-of-way line of Southcross Blvd., (R.O.W. ~ 80'), the southeasterly corner of this strip;

THENCE, South 89°18'35" West, coincident with said common line, a distance of 5.00 feet, to a 1/2" rebar with a "CEC" plastic cap set, on the aforementioned westerly right-of-way line of Marney Plaza, the southwesterly corner of Lot 27 and this strip;

Job No.: S0255000
January 20, 2005
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THENCE, North 00°41'25" West, coincident with said easterly right-of-way line, a distance of 336.16 feet to the **POINT OF BEGINNING** and containing 0.039 of one acre (1,693 square feet) of land, more or less.

The basis of bearing recited herein is the Texas State Plane Coordinate System, South Central Zone, NAD '83. This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number.



Dion P. Albertson, RPLS # 4963

LEGEND:

- WATER VALVE
- WATER METER
- SIGN
- POWER POLE
- GUY WIRE ANCHOR
- STORM DRAIN MANHOLE
- LUMINAIRE STANDARD
- DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS

CANAVAN AVE.
(60' R.O.W.)

POINT OF BEGINNING
TEMP. CONST. ESM'T.

N44°18'35"E 42.43'

CONC. CURB
N89°18'35"E 87.79'

POINT OF BEGINNING
5' STRIP

5.00' WIDE STRIP
(0.039 OF ONE ACRE)

17902

LOT 1

LOT 27
BLOCK 48
NCB 8954
PLEASANTON PARK ADDITION
(VOL. 1425, PG. 49, D.P.R.)

NOTES

1. MONUMENTATION AS SHOWN.
• DENOTES A 1/2" REBAR WITH A "CEC" PLASTIC CAP SET.
2. BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83.
3. FIELD SURVEY COMPLETED ON JANUARY 18, 2005.
4. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PLAT.
5. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
6. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS AND NOT BASED ON FIELD DIMENSIONS.
7. PARCEL LOCATED IN FLOOD ZONE "X", MAP NO. 48029C0607 E.

LOT 12

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.07'	N44°18'35"E
L2	341.16'	S00°41'25"E
L3	5.00'	S89°18'35"W
L4	336.16'	N00°41'25"W
L5	16.97'	N44°18'35"E
L6	353.16'	S00°41'25"E
L7	12.00'	S89°18'35"W

17902

1.028 ACRES
(44,787 sq.ft.)
ACQUISITION: 0.039 OF ONE ACRE
(1,693 sq. ft.)
REMAINDER: 0.989 ACRES
(43,094 sq. ft.)

SOUTHCROSS BLVD.
(80' R.O.W.)

PROJECT: MARNEY PLAZA

PLAT OF A SURVEY OF
PARCEL NO. 17902

FEE SIMPLE

(IN FEET)
1 Inch = 60 ft.



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SHEET
1 OF 1
DRAWN BY:
DD
DATE:
01/20/2006
JOB NO.
E0255000



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Job No.: S0255000
January 20, 2005
Parcel No. 17902A-TE3

DESCRIPTION OF A 12' WIDE TEMPORARY CONSTRUCTION EASEMENT

Being a 12.00 foot wide temporary construction easement in New City Block (N.C.B.) 8954, San Antonio, Bexar County, Texas, being out of Lot 27, Block 48, Pleasanton Park Addition, a replat recorded in Volume 1625, Page 49, Deed and Plat Records, Bexar County, Texas, and more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" rebar with a "CEC" plastic cap set on the existing easterly right-of-way line of Marney Plaza, (R.O.W. ~ 60 feet), at the intersection with the southeasterly right-of-way line of the cul-de-sac at the east end of Canavan Avenue, a northwesterly corner of said Lot 27, **THENCE** North 44°18'35" West, a distance of 7.07 feet to a point, the **POINT OF BEGINNING** and most northwesterly corner of this easement;

THENCE, North 44°18'35" East, coincident with the common line of Lot 27 and said cul-de-sac right-of-way line, a distance of 16.97 feet to a point, the most northerly corner of this easement;

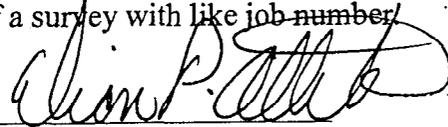
THENCE, South 00°41'25" East, departing said right-of-way line, crossing Lot 27, a distance of 353.16 feet to a point on the common line of Lot 27 and the northerly right-of-way line of Southcross Blvd., (R.O.W. ~ 80'), the southeast corner of this easement;

THENCE, South 89°18'35" West, coincident with said common line, a distance of 12.00 feet, to a point, the southwest corner of this easement, from which a 1/2" rebar with a "CEC" plastic cap set at the southwest corner of lot 27 bears South 89°18'35" West, a distance of 5.00 feet;

Job No.: S0255000
January 20, 2005
Parcel No. 17902A-TE3

THENCE, North 00°41'25" West, departing said right-of-way line, recrossing Lot 27, a distance of 341.16 feet to the **POINT OF BEGINNING** and containing 0.096 of one acre (4,166 square feet) of land, more or less.

The basis of bearing recited herein is the Texas State Plane Coordinate System, South Central Zone, NAD '83. This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number



Dion P. Albertson, RPLS # 4963

LEGEND:

- WATER VALVE
- WATER METER
- SIGN
- POWER POLE
- GUY WIRE ANCHOR
- STORM DRAIN MANHOLE
- LUMINAIRE STANDARD
- D.P.R. DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS

CANAVAN AVE.
(60' R.O.W.)

POINT OF BEGINNING
TEMP. CONST. ESM'T.

N44°18'35"E 42.43'

CONC. CURB
N89°18'35"E 87.79'

POINT OF BEGINNING
5' STRIP

5.00' WIDE STRIP
(0.039 OF ONE ACRE)

17902A-TE3

LOT 1

LOT 27
BLOCK 48
NCB 8934
PLEASANTON PARK ADDITION
(VOL. 1625, PG. 49, D.P.R.)

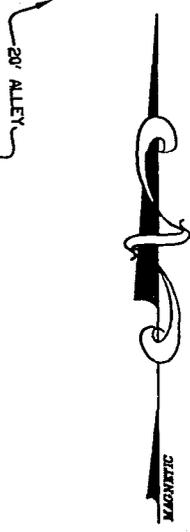
NOTES

1. MONUMENTATION AS SHOWN.
 - DENOTES A 1/2" REBAR WITH A 'CEC' PLASTIC CAP SET.
2. BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83.
3. FIELD SURVEY COMPLETED ON JANUARY 18, 2005.
4. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.
5. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
6. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS AND NOT BASED ON FIELD DIMENSIONS.
7. PARCEL LOCATED IN FLOOD ZONE 'X', MAP NO. 48029C0607 E.

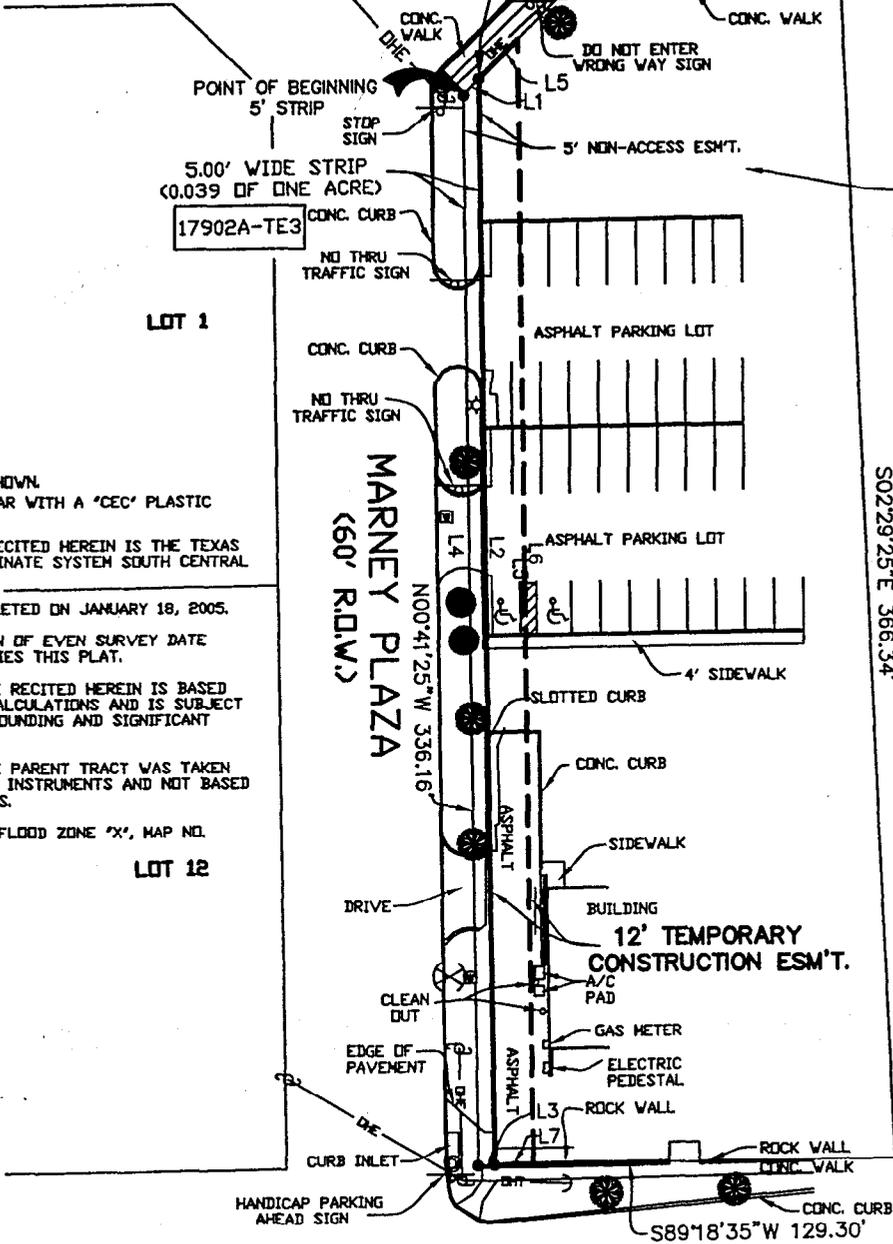
LOT 12

MARNEY PLAZA
(60' R.O.W.)

S02°29'25"E 366.34'



(IN FEET)
1 inch = 60 ft.



LINE TABLE		
LINE	LENGTH	BEARING
L1	7.07'	N44°18'35"E
L2	341.16'	S00°41'25"E
L3	5.00'	S89°18'35"W
L4	336.16'	N00°41'25"W
L5	16.97'	N44°18'35"E
L6	353.16'	S00°41'25"E
L7	12.00'	S89°18'35"W

SOUTHCROSS BLVD.
(80' R.O.W.)



PROJECT: MARNEY PLAZA



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PLAT OF A SURVEY OF
TEMPORARY CONSTRUCTION
EASEMENT FOR
PARCEL NO. 17902A-TE3

SHEET	1 OF 1
DRAWN BY:	DD
DATE:	01/20/2005
JOB NO.	E0255000



CIVIL ENGINEERING CONSULTANTS
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Job No.: S0255000
January 20, 2005
Parcel No. 17901

DESCRIPTION OF A 5' WIDE STRIP OF LAND

Being a 5.00 foot wide strip of land in New City Block (N.C.B.) 8958, San Antonio, Bexar County, Texas, being out of Lot 26, Block 58, Roy D. Spears Corporation Plat, recorded in Volume 5502, Page 26, Deed and Plat Records, Bexar County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with a "CEC" plastic cap set on the existing easterly right-of-way line of Marney Plaza, (R.O.W. ~ 60 feet), at the southwest end of a curve return from the southerly right-of-way line of Southcross Boulevard, (R.O.W. ~ 80', a northwesterly corner of said Lot 26, and this strip;

THENCE, curving to the right, coincident with said curve return, with a radius of 25.00 feet, a central angle of $36^{\circ}52'12''$, an arc length of 16.09 feet, a chord bearing of North $17^{\circ}44'41''$ East, and a chord distance of 15.81 feet, to a 1/2" rebar with a "CEC" plastic cap set, at the end of this curve, and the north end of a Control of Access Line, the most northerly corner of this strip;

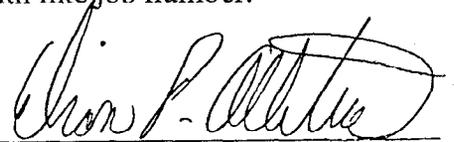
THENCE, South $00^{\circ}41'25''$ East, departing said right-of-way line, crossing Lot 26, coincident with said Control of Access Line, a distance of 112.42 feet, to an x made in concrete on the common line of Lot 26 and the remaining portion of Lot 25, Block 58, Pleasanton Park Addition, 5TH Filing, recorded in Volume 4960, Page 168, Deed and Plat Records, Bexar County, Texas, at the southerly end of said Control of Access Line, the southeasterly corner of this strip;

THENCE, South $89^{\circ}18'35''$ West, coincident with said common line, a distance of 5.00 feet, to a 1/2" rebar with a "CEC" plastic cap set, at the common corner of Lot 26 and said remainder of Lot 25, on the aforementioned easterly right-of-way line of Marney Plaza, the southwesterly corner of this strip;

Job No.: S0255000
January 20, 2005
Parcel No. 17901

THENCE, North 00°41'25" West, coincident with said easterly right-of-way line, a distance of 97.42 feet to the **POINT OF BEGINNING** and containing 0.012 of one acre (538 square feet) of land, more or less.

The basis of bearing recited herein is the Texas State Plane Coordinate System, South Central Zone, NAD '83. This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number.



Dion P. Albertson, RPLS # 4963

LINE TABLE		
LINE	LENGTH	BEARING
L1	112.42'	S00°41'25"E
L2	5.00'	S89°18'35"W
L3	97.42'	N00°41'25"W
L4	121.11'	S00°41'25"E
L5	12.00'	S89°18'35"W



(IN FEET)
1 inch = 60 ft.

LEGEND:

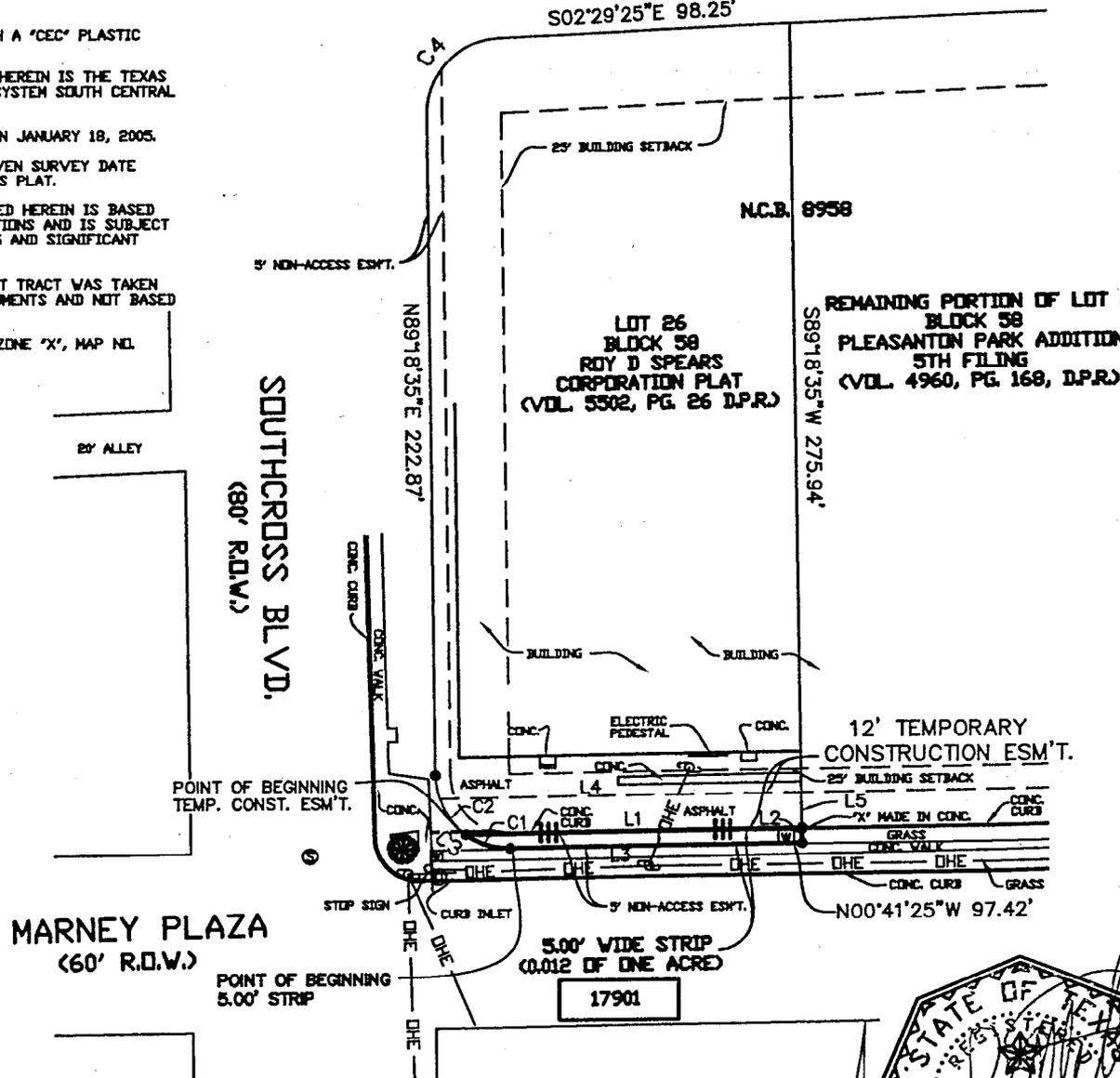
- WATER VALVE
- WATER METER
- SIGN
- POWER POLE
- GUY WIRE ANCHOR
- STORM DRAIN MANHOLE
- LUMINAIRE STANDARD
- DENOTES DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS
- DENOTES A CONTROL OF ACCESS LINE

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	16.09'	25.00'	36°52'12"	15.81'	N17°44'41"E
C2	15.04'	25.00'	34°28'01"	14.80'	N53°24'48"E
C3	39.27'	25.00'	90°00'00"	35.36'	N44°18'35"E
C4	38.48'	25.00'	88°22'00"	34.80'	S46°35'25"E

NOTES

- MONUMENTATION AS SHOWN
 - DENOTES A 1/2" REBAR WITH A "CEC" PLASTIC CAP SET.
- BASIS OF BEARING RECITED HEREIN IS THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83.
- FIELD SURVEY COMPLETED ON JANUARY 18, 2005.
- A LEGAL DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PLAT.
- THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
- THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS AND NOT BASED ON FIELD DIMENSIONS.
- PARCEL LOCATED IN FLOOD ZONE "X", MAP NO. 48029C0607 E.

PLEASANTON ROAD
(90' R.O.W.)
S02°29'25"E 98.25'



17901
0.764 OF ONE ACRE
(33,287 sq. ft.)
ACQUISITION 0.012 OF ONE ACRE
(538 sq. ft.)
REMAINDER 0.752 ACRES
(32,749 sq. ft.)



PROJECT: MARNEY PLAZA

PLAT OF A SURVEY OF
PARCEL NO. 17901

FEE SIMPLE

SHEET	1 OF 1
DRAWN BY:	DD
DATE:	01/20/20
JOB NO.	E02550



CIVIL ENGINEERING CONSULTANTS
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Job No.: S0255000
January 20, 2005
Parcel No. 17901A-TE2

DESCRIPTION OF A 12' WIDE TEMPORARY CONSTRUCTION EASEMENT

Being a 12.00 foot wide temporary construction easement in New City Block (N.C.B.) 8958, San Antonio, Bexar County, Texas, being out of Lot 26, Block 58, Roy D. Spears Corporation Plat, recorded in Volume 5502, Page 26, Deed and Plat Records, Bexar County, Texas, and more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" rebar with a "CEC" plastic cap set on the existing easterly right-of-way line of Marney Plaza, (R.O.W. ~ 60 feet), at the southwest end of a curve return from the southerly right-of-way line of Southcross Boulevard, (R.O.W. ~ 80'), **THENCE**, curving to the right, coincident with said curve return, with a radius of 25.00 feet, a central angle of $36^{\circ}52'12''$, an arc length of 16.09 feet, a chord bearing of North $17^{\circ}44'41''$ East, and a chord distance of 15.81 feet, to a 1/2" rebar with a "CEC" plastic cap set, at the north end of a Control of Access Line, the northwesterly corner and **POINT OF BEGINNING** of this strip;

THENCE, curving to the right, continuing coincident with said curve return, with a radius of 25.00 feet, a central angle of $34^{\circ}28'01''$, an arc length of 15.04 feet, a chord bearing of North $53^{\circ}24'48''$ East, and a chord distance of 14.80 feet, to a point, at the end of this curve, the most northerly corner of this strip;

THENCE, South $00^{\circ}41'25''$ East, departing said right-of-way line, crossing said Lot 26, a distance of 121.11 feet to a point, on the common line of Lot 26 and the remaining portion of Lot 25, Block 58, Pleasanton Park Addition, 5TH Filing, recorded in Volume 4960, Page 168, Deed and Plat Records, Bexar County, Texas, the southeasterly corner of this strip;

THENCE, South $89^{\circ}18'35''$ West, coincident with said common line, a distance of 12.00 feet, to an X made in concrete, at the south end of the aforementioned Control of Access Line, the southwest corner this strip, from which a 1/2" rebar with a "CEC" plastic cap set at the common corner of Lot 26 and said remaining portion bears, South $89^{\circ}18'35''$ West, a distance of 5.00 feet;