

KLB [10/13/05]  
Item No. 9

AN ORDINANCE **101541**

AUTHORIZING THE RELEASE OF AN INUNDATION EASEMENT OUT OF NCB 11883, LOTS 49, 50 AND 51, IN THE AREA OF THE OLMOS BASIN LOCATED AT THE SOUTHEAST CORNER OF SUNSET ROAD AND THE UNION PACIFIC RAILROAD IN COUNCIL DISTRICT 9

\* \* \* \* \*

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

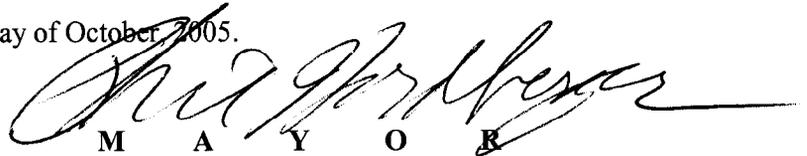
**SECTION 1.** The City authorizes and directs the City Manager or his designee: (A) to release the inundation easement existing by virtue of an instrument recorded at volume 811, page 468-469, real property records of Bexar County, Texas, (B) in connection therewith, to execute and deliver (1) a Release of Flood Easement substantially in the form attached hereto as Exhibit A and (2) and all other documents necessary or convenient to effect the transactions contemplated in the above agreement; and (C) otherwise to do all things necessary or convenient to effect the transaction.

**SECTION 2.** Funds in the amount of \$10.00 are to be deposited into Fund 11001000, General Fund; Internal Order 224000000002, License Agreements in Row; General Ledger 4202410, License Agreements, Use of Row; when they are received.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

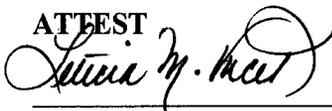
**SECTION 4.** This ordinance shall become effective October 23, 2005, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it shall be effective immediately.

**PASSED AND APPROVED** this 13<sup>th</sup> day of October, 2005.



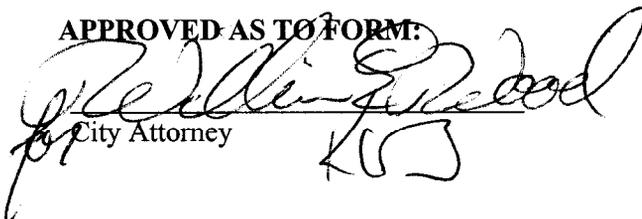
M A Y O R  
PHIL HARDBERGER

ATTEST



City Clerk

APPROVED AS TO FORM:

  
City Attorney

# Agenda Voting Results

Name: 9.

Date: 10/13/05

Time: 10:58:51 AM

Vote Type: Multiple selection

**Description:** An Ordinance authorizing the release of an inundation easement out of NCB 11883, Lots 49, 50 and 51, in the area of the Olmos Basin located at the southeast corner of Sunset Road and the Union Pacific Railroad in Council District 9. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

**Exhibit A**

---

**Release of Flood Easement**

**State of Texas** }  
                          }  
**County of Bexar** }      **Know All By These Presents:**

---

**Releasing Party:** City of San Antonio  
**Address of Releasing Party:** City Hall, P.O. Box 839966, San Antonio, Texas 78283-3966 (Bexar County)

**Authorizing Ordinance (No. & Date):**

**Identification of Released Easement:**

**Grantor:** Albin Seidel  
**Grantee:** City of San Antonio  
**Date:** February 9, 1925  
**Purpose:** Right of inundation

**Recorded at:**            **Volume:** 811                            **Page:** 468-469

**Records of Bexar County, Texas**

In consideration of \$10 in hand paid, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged and subject to the express reservations of this instrument, Releasing Party hereby releases the Released Easement. The property interests represented by the Released Easement revert according to law to the heirs, successors, or assigns of the original Grantor.

This Release is subject to the following conditions and reservations:

1. Releasing Party retains all rights relating to any existing water and/or sewer lines in place in the area affected by this release, if any, and the lines must remain accessible for operational and maintenance purposes at all times.
2. Releasing Party retains all rights relating to any existing electric and gas facilities in place in the area affected by this release, if any, and the lines must remain accessible for operational and maintenance purposes at all times.

In Witness Whereof, the Releasing Party has hereunto caused its representative to set its hand this the \_\_\_\_ day of \_\_\_\_\_, 2005.

**City of San Antonio,**  
a Texas Municipal Corporation

By: \_\_\_\_\_

Title: \_\_\_\_\_

Printed  
Name: \_\_\_\_\_

**Attest:**

\_\_\_\_\_  
City Clerk

**Approved As To Form:**

\_\_\_\_\_  
City Attorney

State of Texas        §

County of Bexar     §

This instrument was acknowledged before me this date by \_\_\_\_\_, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

**After Recording, Return To:**

Alan D. Lindskog, P.E., R.P.L.S.  
Civil Engineering Consultants  
11550 IH 10 West, Suite 395  
San Antonio, Texas 78230

CONFIDENTIAL / ASK/DA  
11/10 9

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF ASSET MANAGEMENT**  
**CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, October 13, 2005

**SUBJECT:** S.P. No. 1228 - Request for the release of a inundation easement in the area of the Olmos Basin located at the southeast corner of Sunset Road and the Union Pacific Railroad in Council District 9.

**PETITIONER:** HIGL Corporation  
Attn: Alan D. Lindskog, P.E., R.P.L.S.  
970 Isom Road  
An Antonio, Texas 78216

**SUMMARY AND RECOMMENDATION**

This Ordinance will authorize the release of an inundation easement out of NCB 11883, Lots 49, 50 and 51, in the area of the Olmos Basin located at the southeast corner of Sunset Road and the Union Pacific Railroad in Council District 9.

Staff recommends approval of this request.

**BACKGROUND INFORMATION**

Petitioners request is for the release of an inundation easement out of NCB 11883, Lots 49, 50 and 51, in the area of Olmos Basin located at the southeast corner of Sunset Road and Union Pacific Railroad, as shown on attached Exhibits "A" & "B". This property is currently being developed and replatted (Sunset Place Subdivision-Plat No. 05-0044) to allow the present drainage easement and channel to be replaced by an underground storm drainage system. In coordination with the City of San Antonio Public Works Department, Storm Water Management Division, petitioner has paid to remove material from the Olmos Flood Basin in an amount equivalent to the easement

**POLICY ANALYSIS**

This action is consistent with the City Code and Ordinances which require City Council approval for the release of easements by the City.

**FISCAL IMPACT**

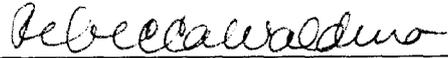
The City will collect \$10.00 as consideration for the release of this inundation easement.

**COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and appropriate agencies and received unconditional approval.

**SUPPLEMENTARY COMMENTS**

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached for review.



Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager



**NORTHWESTERLY VIEW OF EXISTING INUNDATION EASEMENT**

**EXHIBIT "A"**

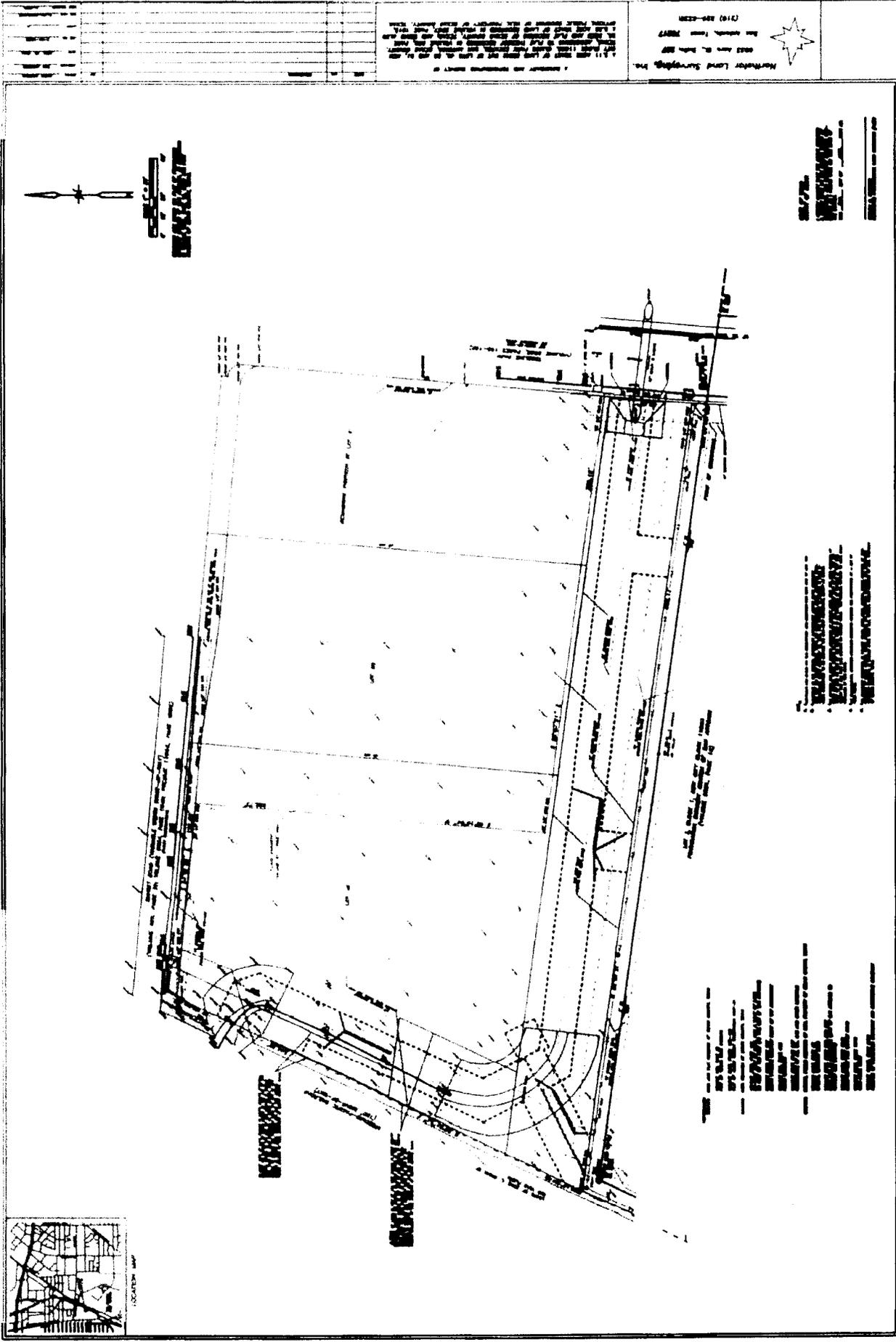


EXHIBIT "B"

### City of San Antonio Discretionary Contracts Disclosure\*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2  
Attach additional sheets if space provided is not sufficient.  
State "Not Applicable" for questions that do not apply.

\* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

#### Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any individual who would be a party to the discretionary contract.

NA

(2) the identity of any business entity<sup>1</sup> that would be a party to the discretionary contract.

Three Lee Investments Limited

and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract;

NA

and the name of:

(B) any individual or business entity that is known to be a partner, or a parent or subsidiary business entity, of any individual or business entity who would be a party to the discretionary contract;

Steve Lee Family Limited, Steven Lee, Jean Lee, Quincy Lee  
Zachry Lee, Travis Lee  
Bruce Lee Family Limited, Bruce Lee, Rhonda Lee, Rachael Lee,  
Rhett Lee

<sup>1</sup> A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

(3) the identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

NA

**Political Contributions**

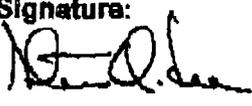
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
P. Hardberger - Mr. + Mrs. Steven Lee	\$ 4,000	2004 + 2005
" Mr. + Mrs. Bruce Lee	\$ 2,000	2004
" Mr. + Mrs. Quincy Lee	\$ 2,000	2004
" Zachry Lee	\$ 2,000	2004 + 2005

**Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

NA

Signature: 	Title: Manager of Company: General Partner Three Lee Investments, L.L.C.	Date: Sept 19, '05
---	--	-----------------------

<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

# Project Tracking System

SPNo 1228

Canvassing

Canvassing Council Memo

Canvassing Letter to Petitioner

Request: Petitioners request is for the release of an inundation easement located in the area of Olmos Basin at the southeast corner of Sunset Road and Union Pacific Railroad, as shown on attached Exhibits "A" & "B". This property is currently being developed and replatted (Sunset Place Subdivision-Plat No. 05-0044) to allow the present drainage easement and channel to be replaced by an underground storm drainage system. In coordination with the City of San Antonio Public Works Department, Storm Water Management Division, petitioner has paid to remove material from the Olmos Flood Basin in an amount equivalent to the easement volume on its property.

	Included in Canvassing	Out Date:	In Date	Uncond. Approval	Conditional Approval	Denial	Canvassing Sheet
Planning Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning
PublicWorks	<input checked="" type="checkbox"/>	7/26/2005	9/12/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Public Works
Development Services	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development Svcs.
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police Department
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parks and Recreation
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Neighborhood Action
City Public Service	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Public Service
S.A. Water System (SAWS)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SAWS
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TXDoT
S.A. River Authority (SARA)	<input checked="" type="checkbox"/>	9/15/2005	9/16/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SARA
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VIA Metropolitan
Environmental Services	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Service
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Agency
Neighborhood Association	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Neighborhood Assoc.

Canvassing Comments