

AN ORDINANCE 2006-01-05-42

AUTHORIZING GRANTING A PERMANENT WATER MAIN EASEMENT TO CENTEX HOMES, AS REQUESTED BY THE CITY OF SAN ANTONIO WATER SYSTEM, FOR THE INSTALLATION OF A 12-INCH, 575 LINEAR FOOT WATER MAIN LINE WITHIN THE CITY OF SAN ANTONIO VARIABLE WIDTH DRAINAGE PUBLIC RIGHT OF WAY, LOCATED BEHIND FIELDSTONE SUBDIVISION, IN DISTRICT 8, FOR THE TOTAL CONSIDERATION OF \$3,070.00.

* * * * *

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

SECTION 1. The City authorizes and directs the City Manager or her designee: (A) to grant a permanent water main easement to Centex Homes and (B) in connection therewith, to execute and deliver (1) an 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 \$3,070.00 are to be deposited into Internal Order 22400000002, LICENSE AGREEMENTS IN ROW, General Ledger 4202410, License Agreements - Use of ROW, when received from Centex Homes.

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 January 15, 2006.

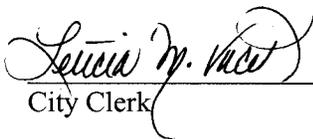
PASSED AND APPROVED this 5th day of January 2006.



M A Y O R

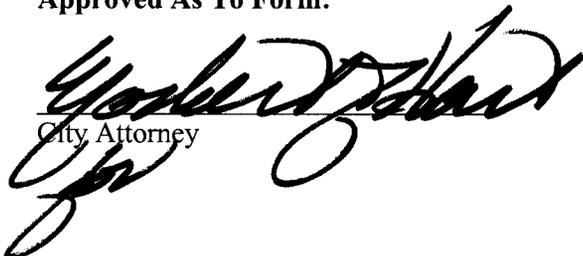
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney

Agenda Voting Results

Name: 29.

Date: 01/05/06

Time: 03:20:37 PM

Vote Type: Multiple selection

Description: An Ordinance authorizing a permanent water main easement to Centex Homes, as requested by the City of San Antonio Water System, for the installation of a twelve inch (12"), 575 linear foot water main line within the City of San Antonio variable width drainage Public Right of Way, located behind Fieldstone Subdivision, in District 8, for the total consideration of \$3,070.00. [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 | | x | | |
| ROLAND GUTIERREZ | DISTRICT 3 | Not present | | | |
| 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 to Ordinance

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 §

Easement

Authorizing Ordinance (No. & Date):

Grantor: City of San Antonio

Grantor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966

Grantee Centex Homes, Inc.

Grantee's Address: % M.W. Cude Engineers, L.L.C., 10325 Bandera Road, San Antonio, Texas 78250 (Attention: Ian Cude, P.E.)

Purpose of Easement: Constructing, reconstructing, realigning, inspecting, patrolling, maintaining, operating, repairing, adding, removing and replacing pipelines and other water facilities for the transportation and distribution of water, including potable water, raw water and recycled water, together with all necessary or desirable above and below ground appurtenances thereto, together with the right of ingress and egress over the Subject Property for the purpose of exercising all other rights hereby granted.

Subject Property: 0.206 acres, more or less, parcel, being a 16.00-foot wide water main easement strip out of a variable width drainage right-of-way described by plat of Fieldstone Subdivision, recorded in volume 9535, pages 107-09, Deed and Plat Records of Bexar County, Texas, as more particularly described on **Exhibit A**, which is incorporated herein for all purposes as if fully set forth.

Grantor grants, dedicates, and conveys to Grantee, for and in consideration of \$10.00 in hand paid and the benefits accruing to Grantors, to Grantors' other property, and to the public generally, a easement over, across, under and upon the Subject Property. The easement may be used only for the Purpose of Easement stated above. Grantor covenants and for itself, its heirs, executors,

successors, and assigns, that no building or obstruction of any kind will be placed on the Subject Property herein granted.

To Have and to Hold the above described easement and rights unto Grantee, its successors and assigns, until its use is abandoned.

Witness my hand, this _____ day of _____, 2005.

City of San Antonio,
a Texas municipal corporation

(Signature)

(Printed Name)

(Representative Capacity)

Attest:

City Clerk

Approved As To Form:

City Attorney

State of Texas §

County of Bexar §

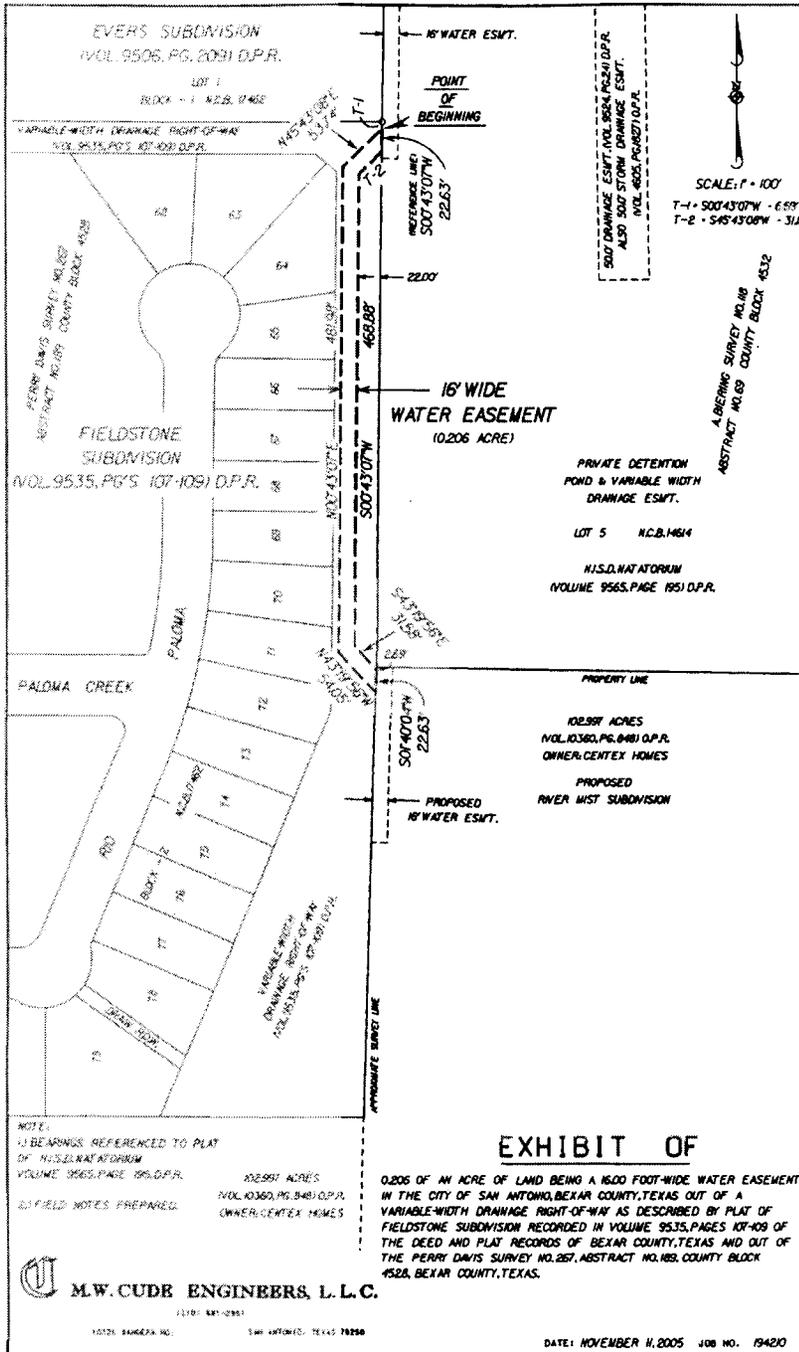
This instrument was acknowledged before me this date by _____, of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: _____

Notary Public, State of Texas

My Commission expires: _____

Exhibit A to Exhibit A to Ordinance





Property Description
of

0.206 of an acre of land being a 16.00 foot-wide water easement in the City of San Antonio, Bexar County, Texas out of a variable-width drainage Right of Way as described by plat of Fieldstone Subdivision recorded in Volume 9535, Pages 107-109 of the Deed and Plat Records of Bexar County, Texas and out of the Perry Davis Survey No. 267, Abstract No. 189, County Block 4528, Bexar County, Texas; said easement being more particularly described as follows:

- Beginning: At a point on the East line of said variable-width drainage Right of Way and the West boundary of Lot 5, N.C.B. 14614 designated as a private detention pond and variable width drainage easement as described by subdivision plat of N.I.S.D. Natatorium recorded in Volume 9565, Page 195 of the Deed and Plat Records of Bexar County, Texas; said point being $S00^{\circ}43'07''W$, 6.69 feet from the Southeast corner of Lot 1, Block 1, N.C.B. 17462 as described by plat of Evers Subdivision recorded in Volume 9506, Page 209 of the Deed and Plat Records of Bexar County, Texas;
- Thence: $S00^{\circ}43'07''W$ (reference line), 22.63 feet with the East line of said variable-width drainage Right of Way and the West boundary of said Lot 5 to a point for an angle;
- Thence: With the East line of the herein described easement, the following:
- $S45^{\circ}43'08''W$, 31.11 feet leaving the East line of said variable-width drainage Right of Way to a point for an angle;
- $S00^{\circ}43'07''W$, 468.88 feet to a point for an angle;
- $S43^{\circ}19'56''E$, 31.58 feet to a point on the East line of said variable-width drainage Right of Way and the West boundary of a 102.997 acre tract as described by Deed recorded in Volume 10360, Page 848 of the Deed and Plat Records of Bexar County, Texas;
- $S01^{\circ}40'04''W$, 22.63 feet with the East line of said variable-width drainage Right of Way and West boundary of said 102.997 acre tract to a point being the Southeast corner of the herein described easement;

Thence: With the West line of the herein described easement, the following:

N43°19'56"W, 54.05 feet leaving the East line of said variable-width drainage Right of Way to a point for an angle;

N00°43'07"E, 481.98 feet to a point for an angle;

N45°43'08"E, 53.74 feet to the POINT OF BEGINNING, containing 0.206 of an acre of land.

Note: Bearings used in this description are referenced to said subdivision plat of N.I.S.D. Natatorium recorded in Volume 9535, Pages 107-109 of the Deed and Plat Records of Bexar County, Texas.

Reference is made to exhibit plat dated November 11, 2005 accompanying these field notes.

Job No. 194210
November 11, 2005
JGR/mg