RESOLUTION NO. 13-053

OF THE SAN ANTONIO WATER SYSTEM (THE "SYSTEM") BOARD OF TRUSTEES DECLARING A 0.2436 OF AN ACRE PARCEL BEING A PORTION OF THE SYSTEM'S HEATING AND COOLING PLANT PROPERTY LOCATED ON MARKET STREET IN SAN ANTONIO, BEXAR COUNTY, TEXAS (THE "SAWS PROPERTY"), AS SURPLUS TO THE SYSTEM AS REQUIRED BY CITY ORDINANCE NO. 75686; APPROVING THE EXCHANGE OF THE SURPLUS PROPERTY FOR THE USE AND CONTROL OF ANOTHER CITY OF SAN ANTONIO PARCEL OF APPROXIMATELY 0.2254 OF AN ACRE AND LOCATED ADJACENT TO THE SYSTEM'S HEATING AND COOLING PLANT (THE "CITY PROPERTY"); AUTHORIZING THE PRESIDENT/ CHIEF EXECUTIVE OFFICER OR HIS DULY APPOINTED DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY TO AFFECT THE EXCHANGE OF USE AND CONTROL OF SAID PROPERTIES TO AND FROM THE CITY OF SAN ANTONIO; FINDING THIS RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

THE SURPLUS PROPERTY AND THE EXCHANGE PROPERTY ARE DESCRIBED BELOW AND MORE FULLY DESCRIBED IN ATTACHMENTS I AND II TO THIS RESOLUTION:

Property	Property Description
SAWS Property Attachment I	0.2436 of an acre (10,612 Sq. Ft.) southern side of the SAWS' Heating and Cooling plant located on Market Street
City Property Attachment II	0.2254 of an acre (9816.6 Sq. Ft.) western side of the SAWS' Heating and Cooling plant located on Market Street

WHEREAS, City Ordinance No. 75686 requires all System assets be declared as surplus to the needs of the System prior to their disposition; and

WHEREAS, staff has determined need for the SAWS Property is no longer necessary for the efficient operation of the System; and

WHEREAS, the System and the City of San Antonio have agreed to exchange use and control of the SAWS Property for the City Property which is more particular described in Attachment II; and

WHEREAS, the San Antonio Water System Board of Trustees desires to (i) declare the SAWS Property as herein described surplus to the needs of the System as required by City Ordinance No. 75686, (ii) approve the exchange of the use and control of the SAWS Property to the City of San Antonio for the City Property, (iii) authorize the President/Chief Executive Officer or his duly appointed designee to execute any documents necessary to affect the exchange of use and control of said properties; now therefore:

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

1. That the SAWS Property is hereby declared surplus to the needs of the System. Such real property is more particularly described in Attachment I, attached hereto and incorporated herein for all purposes.

2. That the exchange of use and control of the SAWS Property to the City of San Antonio for use and control of the City Property more particular described in Attachment II is hereby approved.

3. That the President/Chief Executive Officer or his duly appointed designee is hereby authorized to execute the documents necessary to affect the exchange of use and control of said properties with the City of San Antonio.

4. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

5. If any part, section, paragraph, sentence, phrase or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

6. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 8th day of February, 2013.

Berto Guerra, Jr., Chairman

ATTEST:

Roberto Anguiano, Secretary

Attachments:

I. Legal Description of System property

II. Legal Description of City of San Antonio Property