

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL**

AN ORDINANCE

**AUTHORIZING THE RELEASE OF A 0.193 OF AN ACRE, OR 8,428
SQUARE FEET EASEMENT LOCATED EAST OF US HWY 281 SOUTH
AND SOUTH OF IH-410 LOCATED OUTSIDE CITY LIMITS (OCL) FOR
NO FEE AS REQUESTED BY LENNAR HOMES OF TEXAS LAND AND
CONSTRUCTION, LTD.**

* * * * *

WHEREAS, Lennar Homes of Texas Land and Construction, LTD (Petitioner) owns approximately 430 acres south of IH-410 and east of US Hwy 281 South and is finalizing its Espada Tract Master Development Plan (MDP) through the City's Development Services Department; the property is located outside city limits, however, there is a Non-Annexation Agreement, so permits from the City of San Antonio are required; Petitioner proposes to build approximately 2,000 homes with 70 acres of open space and an amenity center; Construction on Phase 1 has begun and full build-out is scheduled for 2027; and

WHEREAS, Petitioner requests the City of San Antonio release a 0.193 of an acre, or 8,428 square feet more or less, easement (within county block 4823) so Petitioner can relocate the drainage as part of an 'Open Space & Drainage Easement, Lot 901, Block 56 as shown on **Exhibit 'A'**'. In accordance with the City Code, this request was reviewed by city departments and utilities and no objections were received. If approved, the petitioner will incorporate this into the final Master Development Plan; and

WHEREAS, The City of San Antonio's Planning Commission reviewed this request at its November 15, 2023 meeting. This action is consistent with the City Code and Ordinances, which require City Council approval to sell or dispose of City-owned or controlled real property.

NOW THEREFORE,

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

SECTION 1. The City Manager or designee, severally, are authorized release a 0.193 of an acre, or 8,428 square feet more or less, easement, as described and depicted on **Exhibit 'B'**, located on that 1296.619 acre tract conveyed to Marmaxx Operating Corp. by deed recorded in Volume 18753, Page 1832 of the Official Public Records of Bexar County, Texas, being a portion of a 50' Drainage Easement recorded in Volume 4249, Page 1984-1987 of the Official Public Records of Bexar County, Texas (county block 4283), located east of US Hwy 281 South and south of IH-410, located Outside City Limits (OCL) for no fee.

SECTION 2. All attachments to this ordinance are incorporated into it by reference for all purposes as if fully set forth. The City Manager or designee, is further authorized to execute and

deliver all other documents necessary or convenient to effect the transactions contemplated in the above agreement; and other to do all things necessary or convenient to effectuate the transaction.

SECTION 3. All presently existing water and wastewater lines and facilities, electric transmission and distribution lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be used, repaired, enlarged, and maintained in the ordinary course of business. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. Any person building on the released utility easements without first reaching an agreement with a utility having lines or facilities in the segment does so at his own risk. After the date of this Ordinance, no utility may add additional utility lines or facilities in the released utility easements.

SECTION 4. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000060 and General Ledger 4903101.

SECTION 5. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance 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 7. This Ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this ____ day of _____, 2023.

M A Y O R
Ron Nirenberg

Attest:

Approved As To Form:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

EXHIBIT 'A'

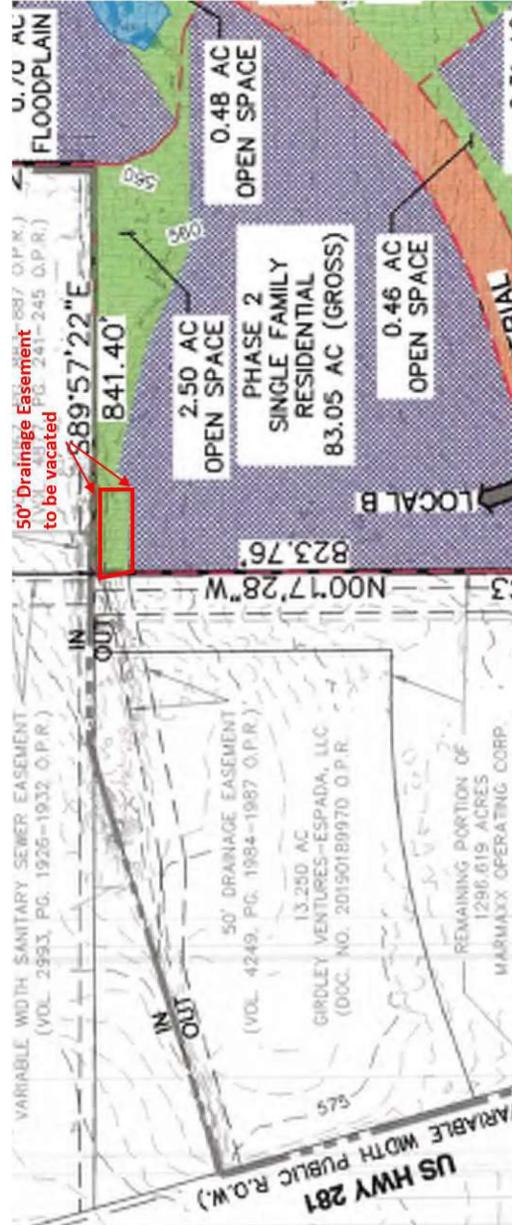
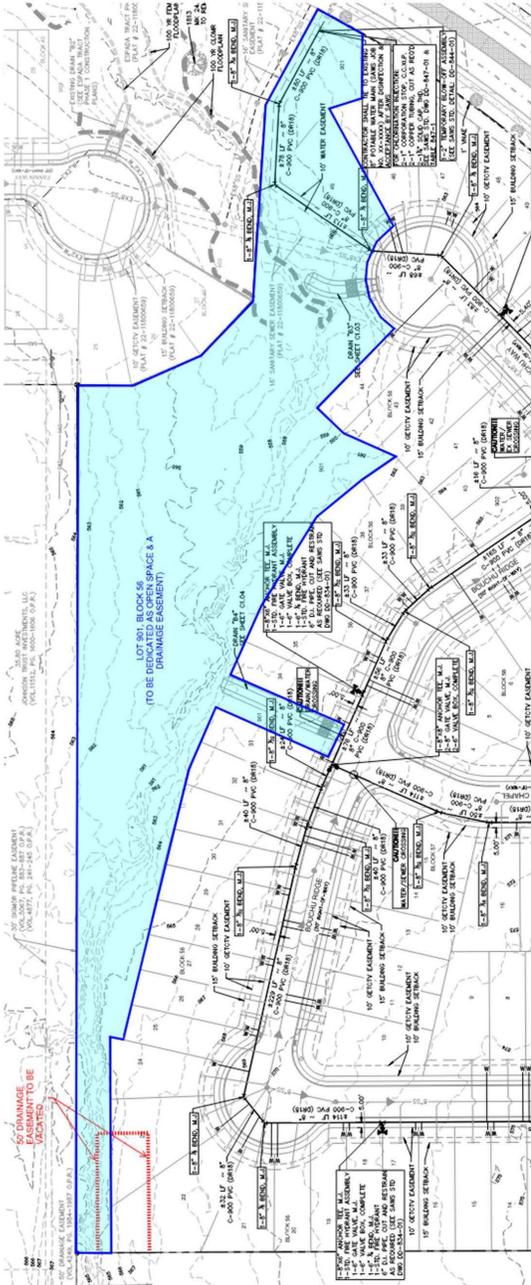


Exhibit 'B'



METES AND BOUNDS DESCRIPTION FOR A PORTION OF A 50' DRAINAGE EASEMENT TO BE ABANDONED

A 0.193 of an acre, or 8,428 square feet more or less, easement located on that 1296.619 acre tract conveyed to Marmaxx Operating Corp. by deed recorded in Volume 18753, Page 1832 of the Official Public Records of Bexar County, Texas, being a portion of a 50' Drainage Easement recorded in Volume 4249, Page 1984-1987 of the Official Public Records of Bexar County, Texas, out of the Juan M. Urriegas Survey No. 32, Abstract 769, County Block 4283, Bexar County, Texas. Said 0.193 of an acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found ½ inch iron rod with cap stamped "RPLS 4020" at a northwest corner of said 1296.619 acre tract, the southwest corner of a 13.250 acre tract conveyed to Girdley Ventures-Espada, LLC by deed recorded in Document No. 20190189970 of the Official Public Records of Bexar County, Texas, on the east right-of-way line of U.S. Highway 281, also known as Roosevelt Avenue, a variable width public right-of-way;

THENCE: Departing the east right-of-way line of said U.S. Highway 281, along and with the common lines of said 1296.619 acre tract and said 13.250 acre tract, the following bearings and distances:

N 70°44'06" E, a distance of 167.30 feet to a found ½ inch iron rod with cap stamped "RPLS 4020";

Northeasterly, along a non-tangent curve to the right having a radius of 2060.00 feet, a central angle of 21°36'54", a chord bearing and distance of N 81°32'30" E, 772.54 feet, for an arc length of 777.14 feet to a found ½ inch iron rod with cap stamped "RPLS 4020";

N 00°18'17" W, a distance of 611.12 feet to a found ½ inch iron rod with cap stamped "RPLS 4020" at a northwest corner of said 1296.619 acre tract and the northeast corner of said 13.250 acre tract, on the south line of a 25.84 acre tract conveyed to DTACTL Legacy-RWAP, LLC by deed recorded in Document No. 20230024260 of the Official Public Records of Bexar County, Texas;

THENCE: S 89°57'22" E, along and with the south line of said 25.84 acre tract, at a distance of 162.43 feet to a found ½" iron rod with a yellow cap marked "Pape Dawson Engineers";

THENCE: Departing the north line of said 1296.619 acre tract and the south line of said 25.84 acre tract, over and across said 1296.619 acre tract, the following bearings and distances:

S 00°17'28" E, a distance of 20.81 feet for the POINT OF BEGINNING;

S 88°39'33" E, a distance of 169.28 feet to a point;

S 01°20'27" W, a distance of 50.00 feet to a point;

N 88°39'33" W, a distance of 167.86 feet to a point;

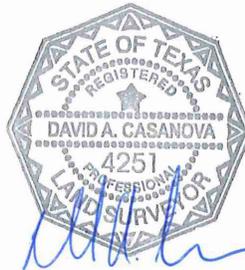
Page 1 of 2

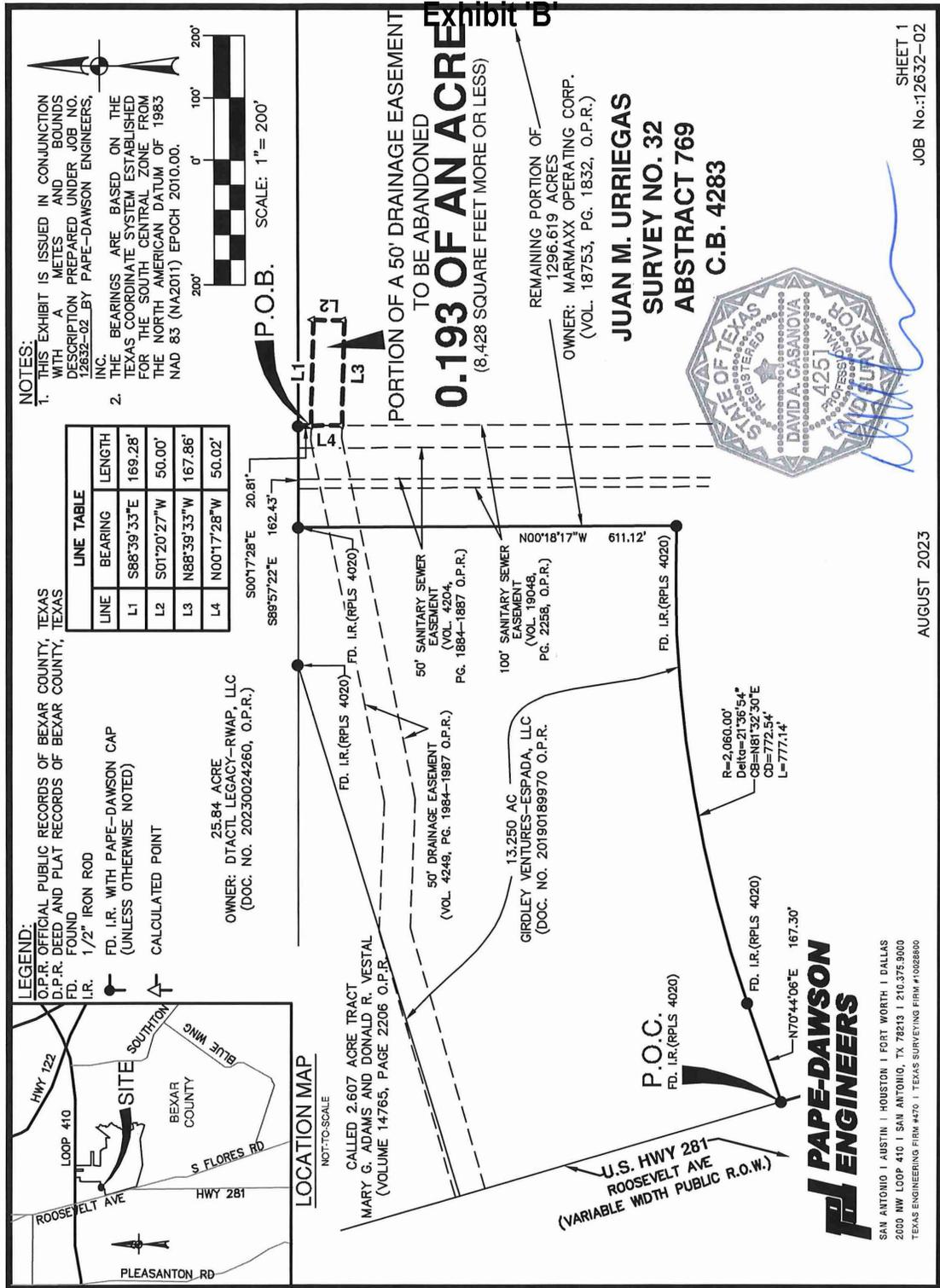
Exhibit 'B'

0.193 of an Acre
Job No. 12632-02
Page 2 of 2

N 00°17'28" W, a distance of 50.02 feet to the POINT OF BEGINNING and containing 0.193 of an acre in Bexar County, Texas. Said easement being described in conjunction with an exhibit prepared under job number 12632-02 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: August 8, 2023
JOB NO. 12632-02
DOC. ID. N:\CIVIL\12632-02\Word\12632-02 FN_ESVAC_0.193AC.docx

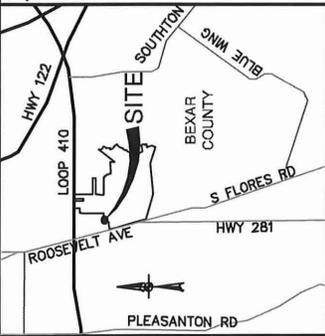




NOTES:
1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 12632-02 BY PAPE-DAWSON ENGINEERS, INC.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.

LINE	BEARING	LENGTH
L1	S88°39'33"E	169.28'
L2	S01°20'27"W	50.00'
L3	N88°39'33"W	167.86'
L4	N00°17'28"W	50.02'

LEGEND:
O.P.R. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
F.D. FOUND
F.I. 1/2" IRON ROD
FD. I.R. WITH PAPE-DAWSON CAP (UNLESS OTHERWISE NOTED)
CALCULATED POINT
OWNER: DTACTIL LEGACY-RWAP, LLC (DOC. NO. 20230024260, O.P.R.)
25.84 ACRE
OWNER: MARY G. ADAMS AND DONALD R. VESTAL (VOLUME 14765, PAGE 2206 O.P.R.)
50' DRAINAGE EASEMENT (VOL. 4249, PG. 1884-1887 O.P.R.)
50' SANITARY SEWER EASEMENT (VOL. 4204, PG. 1884-1887 O.P.R.)
100' SANITARY SEWER EASEMENT (VOL. 19048, PG. 2258, O.P.R.)
13.250 AC GIRDLAY VENTURES-ESPADA, LLC (DOC. NO. 20190189970 O.P.R.)
R=2,060.00'
Delta=21°36'54"
CB=N81°32'30"E
CD=772.54'
L=777.14'



0.193 OF AN ACRE
(8,428 SQUARE FEET MORE OR LESS)
TO BE ABANDONED
PORTION OF A 50' DRAINAGE EASEMENT
REMAINING PORTION OF 1296.619 ACRES
OWNER: MARMAXX OPERATING CORP. (VOL. 18753, PG. 1832, O.P.R.)
JUAN M. URRIEGAS
SURVEY NO. 32
ABSTRACT 769
C.B. 4283



SHEET 1
JOB No.:12632-02

AUGUST 2023

PAPE-DAWSON ENGINEERS
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 MW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

DATE: Aug 08, 2023, 2:11pm User: D. Lopez
File: N:\DW\12632-02\12632-02_ESWAC_JA183_A.dwg
REFERENCE:

VS
12/16/2023
Item No. ##