

**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 TWO CITY-OWNED DRAINAGE
EASEMENTS BEING 0.0344 OF AN ACRE AND 0.344 OF AN ACRE
LOCATED IN LUKE BUST SURVEY NUMBER 63, ABSTRACT NUMBER
45, ALONG GREEN ROAD SOUTHEAST OF INTERSTATE 10 LOCATED
IN COUNCIL DISTRICT 2.**

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WHEREAS, Westwood Professional Services, on behalf of Meritage Homes of Texas, LLC, has requested the City of San Antonio (“City”) release of two City-owned drainage easements being 0.0344 of an acre and 0.344 of an acre located in the Luke Bust Survey Number 63, Abstract Number 45, along Green Road southeast of Interstate 10 for the purposes of building a new subdivision, Catalina Unit 1; and

WHEREAS, the two drainage easements were originally owned by Bexar County; however in 2019, the City annexed the property to include the easements; the two City-owned drainage easements were originally identified to accept storm water discharge through two culverts under Green Road; and

WHEREAS, as part of the new subdivision development on the vacant land, the developer will be required to relocate these drainage easements to ensure proper storm water conveyance; the proposed subdivision plat indicates the storm water that flows through culverts under Green Road will be conveyed through a proposed channel and into the existing Martinez Creek Dam No. 3 Reservoir; and

WHEREAS, Westwood Professional Services has been coordinating with the City’s Development Services Department (DSD) to replat the property and Public Works Storm Water Engineers will review the engineering reports prior to the plat review and approval by the Planning Commission; and

WHEREAS, the release was approved by Planning Commission on October 27, 2021; if the proposed Catalina Unit subdivision development does not move forward, any future development on the property will have to implement drainage easements and measures to ensure proper storm water conveyance.

NOW THEREFORE,

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

SECTION 1. The City Manager or her designee, severally, are authorized to execute and deliver releases of two City-owned drainage easements being 0.0344 of an acre and 0.344 of an acre located in Luke Bust Survey Number 63, Abstract Number 45, along Green Road southeast of

Interstate 10 located in Council District 2 as requested by Westwood Professional Services in a form substantially similar to **Attachment I**.

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 her 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. The disposition of 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 4. 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 5. 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 _____, 2021.

M A Y O R
Ron Nirenberg

Attest:

Approved As To Form:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

VS
12/16/2021
Item No. ##

Attachment I

