ORDINANCE 2021-12-16-0978

(I) DETERMINING THE PUBLIC NECESSITY FOR PUBLIC USE AND AUTHORIZING THE ACOUISITION OF CERTAIN PRIVATELY OWNED REAL PROPERTY IN BEXAR COUNTY, TEXAS BEING A PERMANENT SEWER LINE, A LIFT STATION, AN ACCESS EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT (COLLECTIVELY, THE ("EASEMENTS"), THROUGH THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE SAN ANTONIO WATER SYSTEM ("THE SYSTEM") OVER, UNDER, ACROSS AND **UPON PRIVATELY OWNED REAL PROPERTY (THE "PROPERTY")** FOR A SEWER PROJECT WHICH REQUIRES THE CONSTRUCTION OF SEWER MAIN AND A SEWER LIFT STATION NEAR THE INTERSECTION OF IH-35 AND CEVALLOS STREET, IN THE SOUTHWEST QUADRANT OF BEXAR COUNTY, THE GENERAL LOCATION DESCRIBED AND DEPICTED IN EXHIBITS A-1 AND A-2 ATTACHED HERETO AND INCORPORATED HEREIN. WHICH EASEMENTS SHALL BE ACQUIRED BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR THE PUBLIC USE OF THE EXPANSION AND OPERATION OF THE SYSTEM THROUGH THE CONSTRUCTION OF THE SOUTH LAREDO IH-35 LIFT STATION **PROJECT** (THE "PROJECT"); **(II)** AUTHORIZING THE PRESIDENT/CEO OF THE SYSTEM. OR THE CITY MANAGER OF THE CITY OF SAN ANTONIO, OR THEIR RESPECTIVE DESIGNEES, TO TAKE ALL APPROPRIATE ACTION TO ACQUIRE THE EASEMENTS BY NEGOTIATION AND/OR CONDEMNATION; AND (III) RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SYSTEM TO ACQUIRE SUCH EASEMENTS.

* * * * *

WHEREAS, the San Antonio Water System Board of Trustees ("SAWS") has determined that the acquisition of the Easements located in Bexar County, Texas are necessary and desirable for the operation of the System in connection with the construction, operation and maintenance of the Project, which includes the construction of a sewer main pipeline and a sewer lift station located in Bexar County, in the general location marked **EXHIBIT A-1** attached hereto and made a part hereof; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, by and through the System, are in the process of negotiating for the acquisition of such Easements (which shall include, for all purposes herein, any related rights of ingress and egress as may be needed) on behalf of the City of San Antonio; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

SAN ANTONIO: SPO-01-S1-1S0S

SECTION 1. The above caption and recitals are incorporated herein for all purposes.

SECTION 2. Public necessity for public use requires that the System, through the City of San Antonio acquire the Easements (the "Property Interests"), over, under, across, and upon certain privately owned real property (the "Property") either through purchase or by the process of eminent domain for the public purpose and public use of the expansion and operation of the System, in connection with the construction, operation and maintenance of the Project, in the general location shown by the Project drawing marked **EXHIBIT A-1** attached hereto and made a part hereof and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to secure the necessary Property Interests. The City Council further finds that the public purpose and public use to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered in the location, the Property Interests for which eminent domain proceedings may be instituted expressly include, to the extent deemed necessary or desirable by the System, any covenants, conditions and restrictions of record (the "Restrictions") that affect the use of the Property Interests.

SECTION 3. The Property Interests which are the subject of Section 2 for which the Property Interests are required for the Project consist of a permanent lift station easement, a permanent sanitary sewer easement, a permanent access easement, and a temporary construction easement, more particularly described in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property Interests described in Sections 2 and 3 of this Ordinance, expressly including any Restrictions, and to acquire such interests in land as the System is unable to acquire through negotiation by reason of its inability to agree with the owners of the land or beneficiaries of any such Property Interests as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to secure the necessary Property Interests.

SECTION 5. All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the surveying, definition and acquisition of such Property Interests rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 7. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 16th day of December, 2021.

R N C **Ron Nirenberg**

ATTEST:

Debbie Racca-Sittre, Acting City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney



City Council Meeting December 16, 2021

2021-12-16-0978

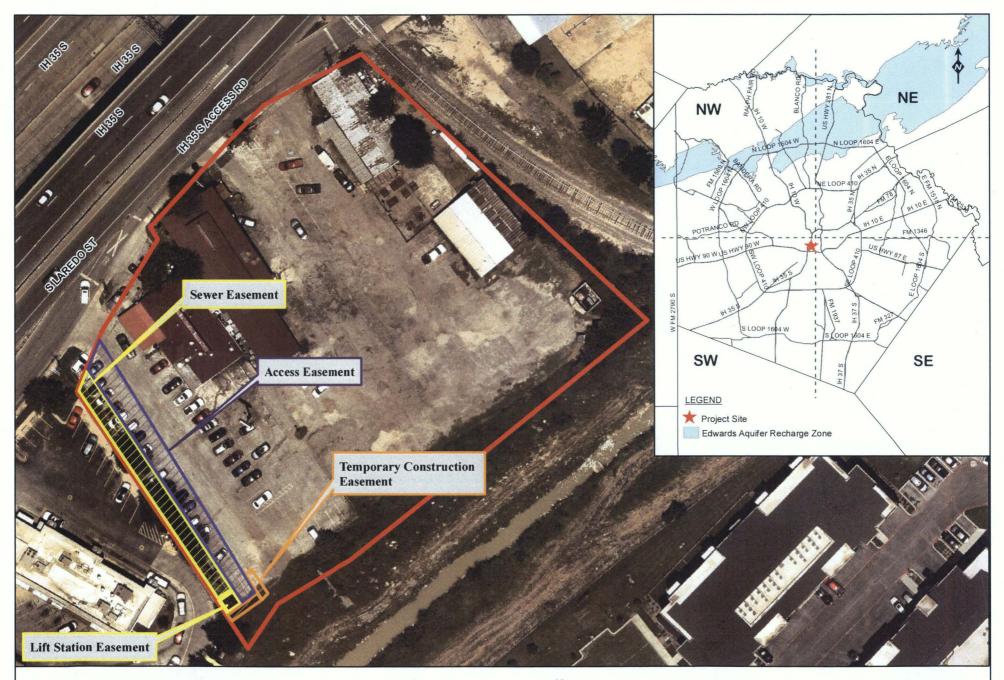
Ordinance approving the acquisition, on behalf of the San Antonio Water System, through negotiation or condemnation of interests in land sufficient for project purposes involving approximately two permanent easements, one temporary construction easement and one access easement of privately-owned real property generally near the confluence of IH-35 and South Laredo Street, north of Cevallos and south of the Union Pacific rail spur, in the southwestern quadrant of Bexar County in New City Block 919 located in Council District 1 related to the South Laredo IH-35 Lift Station Project declaring the project to be for public use and a public necessity for the acquisition. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Bravo moved to approve Item 21. Councilmember McKee-Rodriguez seconded themotion. The motion carried by the following vote:

Aye:

Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

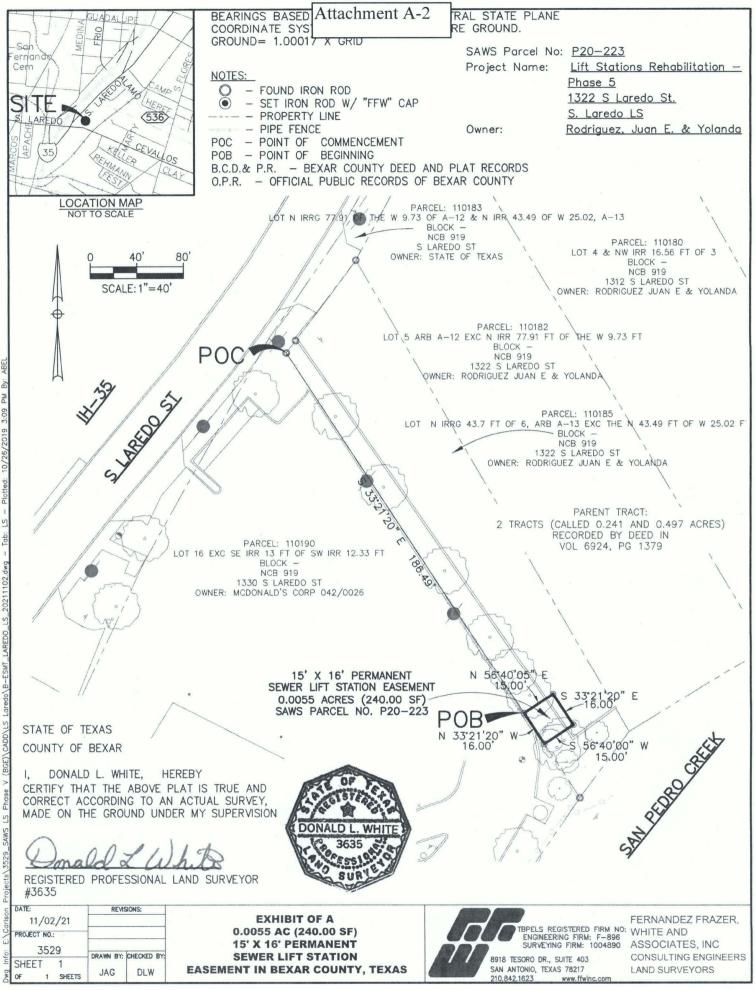
21.



SOUTH LAREDO IH-35 LIFT STATION PROJECT



AERIAL DEPICTION ATTACHMENT A-1



<u>P20-223</u> Lift Stations Rehabilitation – <u>Phase 5</u> 1322 S Laredo St. S. Laredo LS Rodriguez, Juan & Yolanda

Owner:

FIELD NOTES For a 0.0055 acre (240.00 SF) 15' x 16' Permanent Sewer Lift Station Easement

Being 0.0055 acre (240.00 SF) of land out of 2 tracts (called 0.241 and 0.497 acres), in the City of San Antonio, Texas as recorded by deed in Volume 6924, Page 1379, of the Deed and Plat records of Bexar County, Texas. Said 0.0055 acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

BEGINNING at a found iron rod on the south ROW line of IH 35 (AKA South Laredo Street), said point being the northwest point of the western portion of said 2 tracts and having state plane coordinate values of X = 2125611.409 and Y = 13697744.950:

Thence departing said ROW, S 33°21'20" E, a distance of 186.49', set iron rod with FFW cap, over and across said 2 tracts, the following courses and distances;

N 56°40'05" E, a distance of 15.00 feet, to a set iron rod with FFW cap;

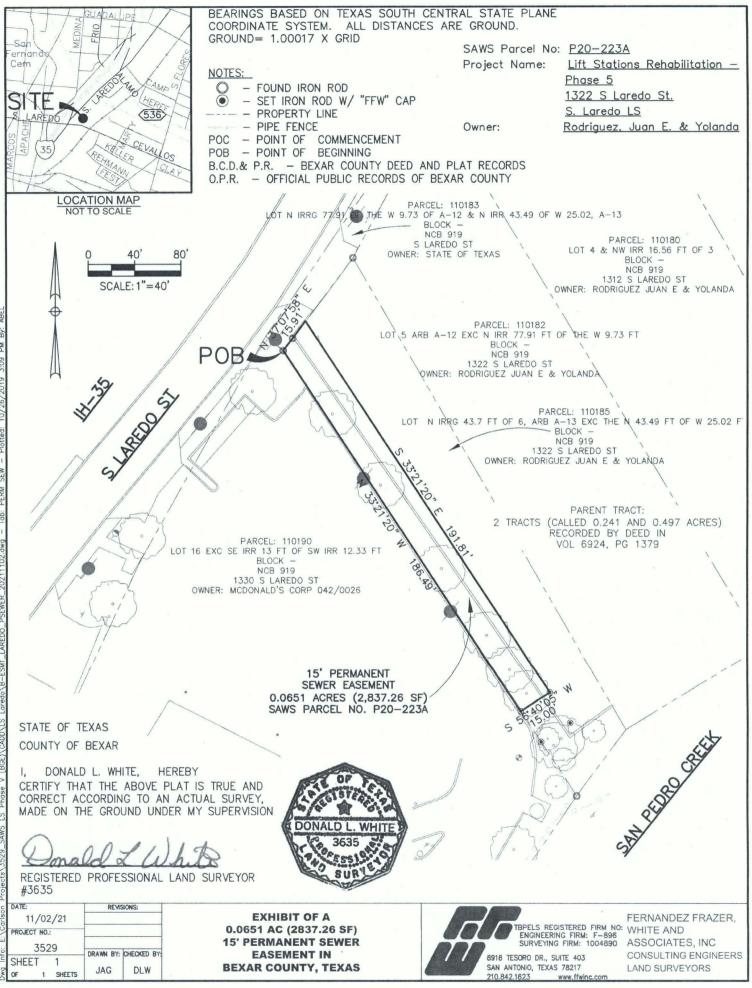
S 33°21'20" E, a distance of 16.00 feet, to a set iron rod with FFW cap;

S 56°40'00" W, a distance of 15.00 feet, to a set iron rod with FFW cap;

Thence N 33°21'20" W, a distance of 16.00 feet to the **POINT OF BEGINNING**, and containing 0.0055 acre (240.00 SF) of land, more or less.



Donald L. White, R.P.L.S. #3635 November 2, 2021 FFW Job No. 3529



<u>P20-223A</u> Lift Stations Rehabilitation – <u>Phase 5</u> <u>1322 S Laredo St.</u> <u>S. Laredo LS</u> Rodriguez, Juan & Yolanda

Owner:

FIELD NOTES For a 0.0651 acre (2,837.26 SF) 15' Permanent Sewer Easement

Being 0.0651 acre (2,837.26 SF) of land out of 2 tracts (called 0.241 and 0.497 acres), in the City of San Antonio, Texas as recorded by deed in Volume 6924, Page 1379, of the Deed and Plat records of Bexar County, Texas. Said 0.0651 acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

BEGINNING at a found iron rod on the south ROW line of IH 35 (AKA South Laredo Street), said point being a point of the western portion of said 2 tracts and having state plane coordinate values of X = 2125611.409 and Y = 13697744.950:

Thence along said ROW, N 37°07'58" E, a distance of 15.91 feet, to a point;

Thence

departing said ROW, over and across said 2 tracts, the following courses and distances:

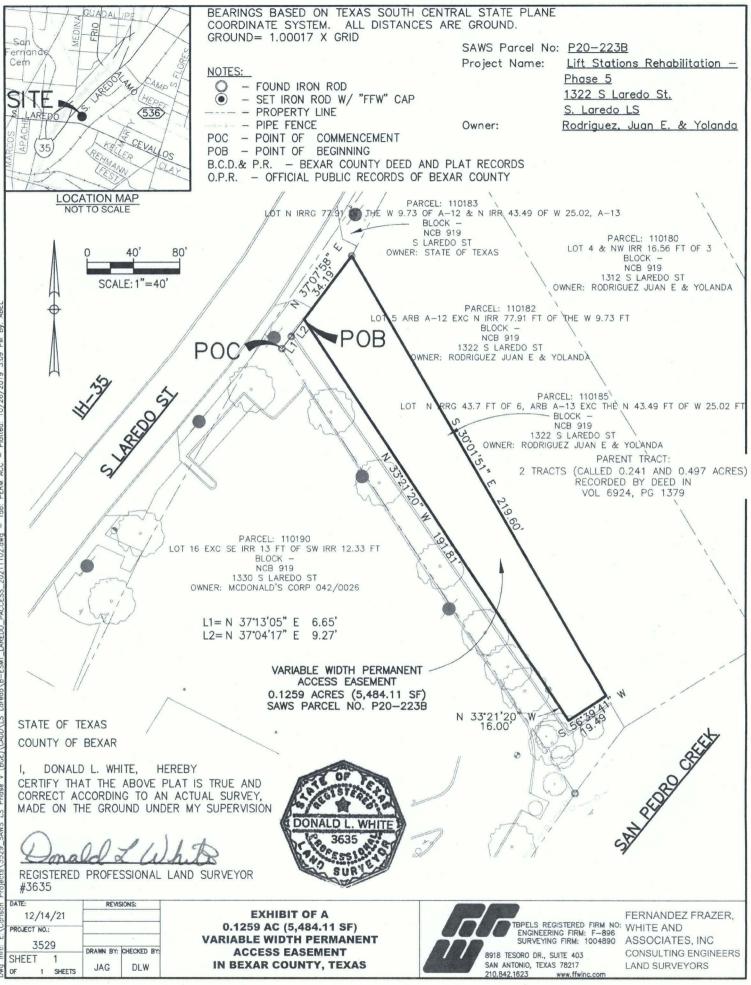
S 33°21'20" E, a distance of 191.81 feet, to a point;

S 56°40'05" W, a distance of 15.00 feet,

N 33°21'20" W, a distance of 186.49 feet, to the **POINT OF BEGINNING**, and containing 0.0651 acre (2,837.26 SF) of land, more or less.



Donald L. White, R.P.L.S. #3635 November 2, 2021 FFW Job No. 3529



<u>P20-223B</u> Lift Stations Rehabilitation – <u>Phase 5</u> 1322 S Laredo St. S. Laredo LS Rodriguez, Juan & Yolanda

Owner:

FIELD NOTES For a 0.1259 acre (5,484.11 SF) Variable Width Permanent Access Easement

Being 0.1259 acres (5,484.11 SF) of land out of 2 tracts (called 0.241 and 0.497 acres), in the City of San Antonio, Texas as recorded by deed in Volume 6924, Page 1379, of the Deed and Plat records of Bexar County, Texas. Said 0.1259 acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

COMMENCING at a found iron rod on the south ROW line of IH 35 (AKA South Laredo Street), said point being a point of the western portion of said 2 tracts and having state plane coordinate values of X = 2125611.409 and Y = 13697744.950:

Thence along said ROW, N 37°13'05" E, a distance of 6.65 feet, a found iron rod;

Thence along said ROW, N 37°04'17" E, a distance of 9.27 feet, to the **POINT OF BEGINNING** of the herein described easement;

Thence along said ROW, N 37°07'58" E, a distance of 34.19 feet, to a point;

Thence departing said ROW, over and across said 2 tracts, the following courses and distances:

S 30°01'51" E, a distance of 219.60 feet, to a point;

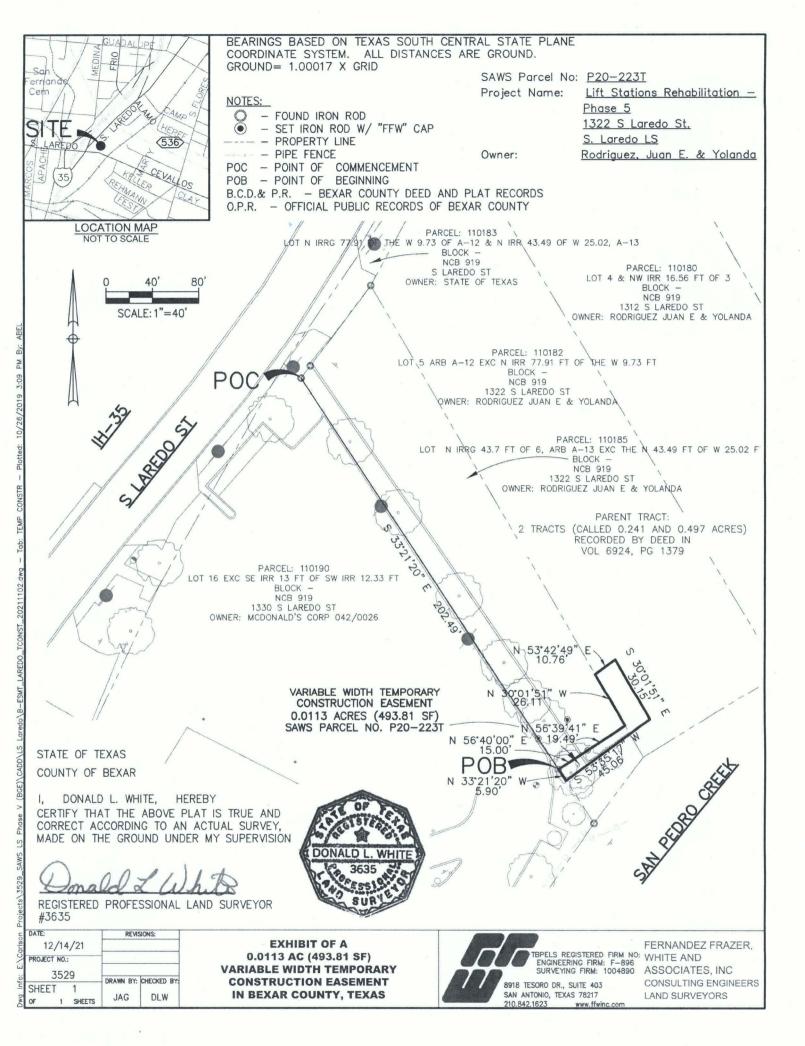
S 56°39'41" W, a distance of 19.49 feet, to a point;

N 33°21'20" W, a distance of 16.00 feet, to a set iron rod with FFW cap;

N 33°21'20" W, a distance of 191.81 feet, to the **POINT OF BEGINNING**, and containing 0.1259 acres (5,484.11 SF) of land, more or less.



Donald L. White, R.P.L.S. #3635 December 14, 2021 FFW Job No. 3529



<u>P20-223T</u> Lift Stations Rehabilitation – <u>Phase 5</u> <u>1322 S Laredo St.</u> <u>S. Laredo LS</u> Rodriguez, Juan & Yolanda

Owner:

FIELD NOTES For a 0.0113 acre (493.81 SF) Variable Width Temporary Construction Easement

Being 0.0113 acres (493.81 SF) of land out of 2 tracts (called 0.241 and 0.497 acres), in the City of San Antonio, Texas as recorded by deed in Volume 6924, Page 1379, of the Deed and Plat records of Bexar County, Texas. Said 0.0113 acre tract being more particularly described as follows, with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone (4204):

COMMENCING at a found iron rod on the south ROW line of IH 35 (AKA South Laredo Street), said point being a point of the western portion of said 2 tracts and having state plane coordinate values of X = 2125611.409 and Y = 13697744.950:

Thence departing said ROW and along the common lot line of said 2 tracts and a 0.53 acre tract known as Lot 16 Exc SE Irr 12.33 Ft, S 33°21'20" E, a distance of 202.49' to a set iron rod with FFW cap, said point also being the **POINT OF BEGINNING** of the herein described tract;

Thence over and across said 2 tracts, the following courses and distances:

N 56°40'00" E, a distance of 15.00 feet, to a set iron rod with FFW cap;

N 56°39'41" E, a distance of 19.49 feet, to a point;

N 30°01'51" W, a distance of 26.11 feet, to a point;

N 53°42'49" E, a distance of 10.76 feet, to a point;

S 30°01'51" E, a distance of 30.15 feet, to a point;

S 53°35'17" W, a distance of 45.06 feet, to a point;

N 33°21'20" W, a distance of 5.90 feet, to the **POINT OF BEGINNING**, and containing 0.0113 acres (493.81 SF) of land, more or less.



Donald L. White, R.P.L.S. #3635 December 14, 2021 FFW Job No. 3529