

CITY OF POTEET
ORDINANCE NO.02062018-02

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A PUBLIC DRAINAGE EASEMENT BEING 0.248 OF AN ACRE DRAINAGE EASEMENT, 10,816 SQUARE FEET, BEING OUT OF THE REMAINING 3.8470 ACRE TRACT PORTION OF A 12.97 CONVEYED TO HECTOR RIVERA AND JUAN RIVERA DESCRIBED BY INSTRUMENT RECORDED THE JOAQUIN DE LA GARZA SURVEY NUMBER 1, ABSTRACT NUMBER 3, ATASCOSA COUNTY, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, IMPROVEMENT AND MAINTENANCE OF THE DRAINAGE PROJECT ON SCHOOL DRIVE AND HORTON LANE; RATIFYING AND AFFIRMING THE DRAINAGE EASEMENT AND USE AGREEMENT; AUTHORIZING ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SUCH EASEMENT ACQUISITION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTEET, THAT:

SECTION 1. A public necessity is hereby declared for the City of Poteet to acquire a public drainage easement across certain privately owned real property of Hector Rivera & Juan Rivera for the purpose of drainage improvements for the City of Poteet's School Drive & Horton Lane drainage project of the City of Poteet, Atascosa County, Texas.

Said easement parcel is described as follows:

METES AND BOUNDS FOR A 0.248 of an acre drainage easement, 10,816 square feet, being out the remaining portion of a 12.97 acre tract conveyed to Hector Rivera and Juan Rivera described by instrument recorded the Joaquin De La Garza Survey Number 1, Abstract Number 3, Atascosa County, Texas. Said 0.248 of an acre tract being more fully 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:

BEGINNING: at a wood fence post found at the intersection of the northeast line of School Drive, a 70-foot wide public right-of-way, and the northwest line of Horton Lane, the south corner of said 12.97 acre tract, said fence post also having state plane coordinate values of, X= 2,105,315.95, Y= 13,563,215.83;

THENCE: N 58°33'38" W, along and with the northeast line of said School Drive and the southwest line of said 12.97 acre tract, a distance of 434.59 feet to a point for the west corner of the herein described tract;

THENCE: N 31°26'22" E, departing the northeast line of said School Drive, over and across said 12.97 acre tract, a distance of 25.00 feet to a point for the north corner of the herein described tract;

THENCE: S 58°33'38" E, continuing over and across said 12.97 acre tract, a distance of 430.68 feet to a point on the northwest line of said Horton Lane and the southeast line of said 12.97 acre tract, from which a 1/2 inch iron rod found bears N 22°33'09" E, a distance of 86.05 feet;

THENCE: S 22°33'09" W, along and with the northwest line of said Horton Lane and the southeast line of said 12.97 acre drainage easement, a distance of 25.30 feet to the POINT OF BEGINNING and containing 0.248 of an acre in Atascosa County, Texas. Said drainage easement being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc. (See Attached Exhibit A)

SECTION 2. By the consideration and passage of this Ordinance, the City Council: reaffirms its Drainage Easement and Use Agreement appropriations as consideration for this easement acquisition; authorizes the Mayor to execute the "Drainage Easement and Use Agreement" attached hereto and incorporated by this reference, and to be filed with the easement in the County Property Records.

SECTION 3. It is officially found, determined and declared that the meeting at which this Ordinance 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 Ordinance, was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION 4. If any part, section, paragraph, sentence, phrase, or word of this Ordinance 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 Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

SECTION 5. This Ordinance shall be effective on February 6, 2018.

PASSED AND APPROVED this the 6th day of February, 2018.

CITY OF POTEET

By: Albert Trevino
Albert Trevino, Mayor

ATTEST:

Abigayle Frautschi
Abigayle Frautschi, City Secretary

APPROVED AS TO FORM:

Molly G. Solis
Molly G. Solis, City Attorney