

Meeting Date: February 20, 2025

**Submitted By:** Daniel Brooks **Title:** Assistant Superintendent

Agenda Item: Consider and take action regarding approval of the Selma ES Water Easement agreement located in Bexar County, Texas (Bond 2022).

## **CONSENT ITEM**

### **RECOMMENDATION:**

It is recommended that the Board of Trustees approve the resolution authorizing the conveyance of a proposed water easement to the City of Selma.

### **IMPACT/RATIONALE:**

Approval of the proposed water easement agreement located at the site of Selma ES in Bexar County will allow the right to enter the property to construct, install, operate, repair, maintain, rebuild, replace and otherwise use the easement property. The location is a 0.026 of an acre and a 0.596 of an acre tract of land together being a 23-foot wide water easement situated in the Vincente Micheli Survey # 114, Abstract # 462 in Bexar County, Texas.

## **BOARD ACTION REQUESTED:**

Approval/Disapproval

### EASEMENT

### THE STATE OF TEXAS §

# COUNTY OF BEXAR §

### KNOW ALL MEN BY THESE PRESENTS:

THAT JUDSON INDEPENDENT SCHOOL DISTRICT, a public school district and political subdivision of the State of Texas (hereinafter called "Grantor"), in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, HAS GRANTED AND CONVEYED, and by these presents DOES GRANT AND CONVEY, unto the CITY OF SELMA, TEXAS, a municipal corporation (hereinafter called "Grantee"), and its successors and assigns, a permanent and perpetual water easement on, along, under, and across the following described property in Bexar County, Texas, to-wit:

Being a 0.026 of an acre (1,150.05 square feet) tract of land (Tract "A") and a 0.596 of an acre (25,963.44 square feet) tract of land (Tract "B") together being a 23-foot Wide Water Easement situated in the Vincente Micheli Survey Number 114, Abstract Number 462, Bexar County, Texas, being out of the remainder of a 488.028 acre tract, as conveyed to Retama Properties, LTD., by Deed Without Warranty, as recorded in Document Number 20130019125, of the Official Public Records of Bexar County, Texas, said 0.026 of an acre and 0.596 of an acre being more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement property"),

said easement being herein granted to Grantee, its successors and assigns, for the purpose of constructing, installing, operating, repairing, maintaining, rebuilding, and replacing water improvements.

The permanent and perpetual water easement hereby granted and conveyed shall include the right to enter upon the Easement Property to construct, install, operate, repair, maintain, rebuild, replace, and otherwise use the Easement Property and the right of ingress and egress to Grantee and its successors and assigns on, along, under, over, and across the Easement Property.

Grantor grants herewith to Grantee and its successors and assigns a temporary easement on, along, over, and across so much adjacent real property owned by Grantor on either or both sides of the Easement Property as may be necessary during periods of construction, installation, repair, maintenance, rebuilding, and replacement and to store materials and operate equipment in connection therewith. Upon termination of such temporary use, Grantee agrees to reasonably restore any adjacent real property of Grantor to its condition immediately prior to such temporary use.

Grantee shall have the right to cut and trim trees or shrubbery which may encroach upon the Easement Property.

The easements, rights, and privileges granted hereby are exclusive. Grantor agrees that no building or structure of any kind will hereafter be built or placed on the Easement Property.

Grantor hereby binds Granter and Grantor's successors and assigns to warrant and forever defend the above-described Easement Property and easement and rights unto Grantee and its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this day of , 2025.

}

### **GRANTOR:**

Judson Independent School District

### STATE OF TEXAS

COUNTY OF BEXAR

ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this day personally appeared Suzanne Kenoyer, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon her oath stated that she is the President of the Board of Trustees of the Judson Independent School District; that she was authorized to execute such instrument pursuant to Resolution of the Board of Trustees adopted on the \_ day of \_\_\_\_\_, 2025; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the day of 2025.

Notary Public, State of Texas

After Recording, Please Return to:

City of Selma Attention: 9735 Corporate Drive Selma, Texas 78154

### Exhibit "A" Description of Property: Tract A

Field Notes for a Tract of Land Being a 23-Foot Wide Water Easement Containing 0.026 of an acre (1,150.05 square feet)

A 0.026 of an acre (1,150.05 square feet) tract of land being a 23-foot Wide Water Easement situated in the Vincente Micheli Survey Number 114, Abstract Number 462, Bexar County, Texas, being out of the remainder of a 488.028 acre tract, as conveyed to Retama Properties, LTD., by Deed Without Warranty, as recorded in Document Number 20130019125, of the Official Public Records of Bexar County, Texas, said 0.026 of an acre (1,150.05 square feet) easement being more particularly described as follows:

**Commencing**: at a found 1/2" iron rod with a yellow plastic cap stamped "PAPE DAWSON", having Texas State Plane Coordinates of N:13,764,096.98 E:2,182,493.13, being the southwest corner of Lot 52, Block 1, County Block 5019, being the southeast corner of Lot 53, Block 1, County Block 5019, both as shown on subdivision plat of Creekside Ridge, as recorded in Volume 9569, Pages 95-98, being the northwest boundary of a 21.35 acre tract, as conveyed to Judson Independent School District, by General Warranty Deed, as recorded in Volume 13629, Page 2245, both of the Official Public Records of Bexar County, Texas;

**Thence**, with the northwest boundary of said 21.35 acre tract, being the southeast boundary of said Block 1, County Block 5019, the following three (3) courses:

South 59 degrees 22 minutes 15 seconds West, a distance of 88.42 feet to a point, being a west corner of said 21.35 acre tract, and being an interior corner of Lot 900, Block 1 as shown on said subdivision plat of Creekside Ridge;

South 30 degrees 37 minutes 45 seconds East, a distance of 210.12 feet to a point, being an interior corner of said 21.35 acre tract, and being the southeast corner of said Lot 900, Block 1;

South 59 degrees 32 minutes 28 seconds West, passing the southwest corner of said Lot 900, Block 1, being the southeast right of way line of Oakmont Bend a 50-foot wide right of way, as shown on said subdivision plat of Creekside Ridge, passing the southwest corner of said subdivision, being the southeast corner of the remaining portion of said 488.028 acre tract, and continuing said course a total distance of 207.00 feet to a point, being the west corner of said 21.35 acre tract, being an interior corner of said 488.028 acre tract;

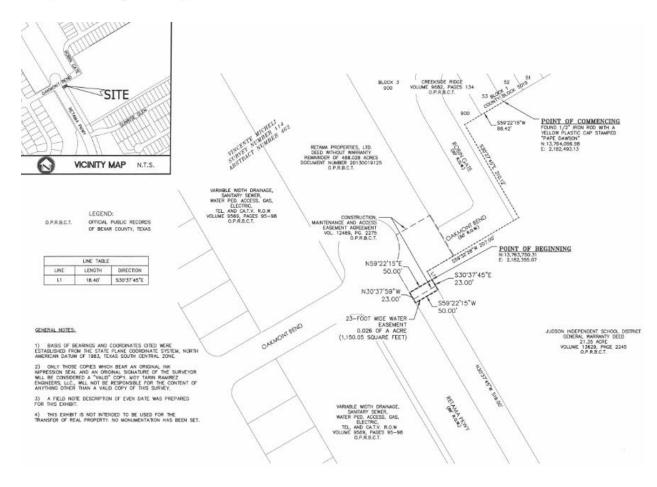
**Thence**, with the southwest boundary of said 21.35 acre tract, being the northeast boundary of said 488.028 acre tract, South 30 degrees 37 minutes 45 seconds East, a distance of 18.40 feet to the **Point of Beginning**, having Texas State Plane Coordinates of N:13,763,750.31, E:2,182,355.07, being the north corner of the herein described easement;

**Thence**, continuing with southwest boundary of said 21.35 acre tract, being the northeast boundary of said 488.028 acre tract, South 30 degrees 37 minutes 45 seconds East, a distance of 23.00 feet to a point, being the east corner of the herein described easement;

**Thence**, leaving the southwest boundary of said 21.35 acre tract, over and across said 488.028 acre tract, South 59 degrees 22 minutes 15 seconds West, a distance of 50.00 feet to a point, on the northeast right of way line of Retama Parkway, an 86-foot wide right of way, being the southwest boundary of said 488.028 acre tract, and being the south corner of the herein described easement;

**Thence**, with the northeast right of way line of said Retama Parkway, being the southwest boundary of said 488.028 acre tract, North 30 degrees 37 minutes 59 seconds West, a distance of 23.00 feet, to a point being the west corner of the herein described easement;

**Thence**, leaving the northeast right of way line of said Retama Parkway, over and across said 488.028 acre tract, North 59 degrees 22 minutes 15 seconds East, a distance of 50.00 feet to the **Point of Beginning**, containing a 0.026 of an acre (1,150.05 square feet) of land.



### Exhibit "A" Description of Property: Tract B

Field Notes for a Tract of Land Containing 0.596 of an acre (25,963.44 square feet)

A 0.596 of an acre (25,963.44 square feet) tract of land, situated in the Vincente Micheli Survey Number 114, Abstract Number 462, Bexar County, Texas, being out of the remainder of a 488.028 acre tract, as conveyed to Retama Properties, LTD., by Deed Without Warranty, as recorded in Document Number 20130019125, of the Official Public Records of Bexar County, Texas, said 0.596 of an acre (25,963.44 square feet) tract being more particularly described as follows:

**Beginning**: at a found 1/2" iron rod with an orange plastic cap stamped "MTR ENG", having Texas State Plane Coordinates of N:13,763,322.13, E:2,182,608.59, being the northwest corner of Lot 901, Block 1, being the northeast corner of Lot 904, Block 1, both as shown on plat of Sunrise Village Subdivision, as recorded in Volume 20001, Page 1854, being the south corner of a 21.35 acre tract as conveyed to Judson Independent School District, by General Warranty Deed as recorded in Volume 13629, Page 2245, both of the Official Public Records of Bexar County, Texas;

**Thence**, with the northwest boundary of said Lot 904, Block 1, being a southeast boundary of the remaining portion of said 488.028 acre tract, South 59 degrees 22 minutes 15 seconds West, a distance of 50.59 feet to a point on the northeast right of way line of Retama Parkway, an 86-foot wide right of way, being a southwest corner of the remaining portion of said 488.028 acre tract, and being the southwest corner of the herein described tract;

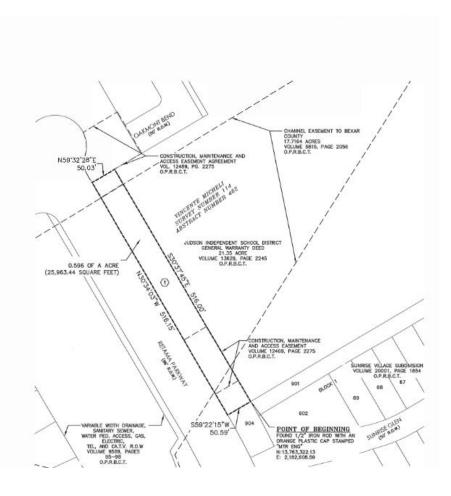
**Thence**, with the northeast right of way line of said Retama Parkway, being a southwest boundary of said 488.028 acre tract, North 30 degrees 34 minutes 03 seconds West, a distance of 516.15 feet to a point, being the northwest corner of the herein described tract;

**Thence,** leaving the northeast right of way line of said Retama Parkway, over and across the remaining portion of said 488.028 acre tract, North 59 degrees 32 minutes 28 seconds East, a distance of 50.03 feet to a point, being a west corner of said 21.35 acre tract, and being the northeast corner of the herein described tract;

**Thence**, with the southwest boundary of said 21.35 acre tract, being a northeast boundary of the remaining portion of said 488.028 acre tract, South 30 degrees 37 minutes 45 seconds East, a distance of 516.00 feet to the **Point of Beginning**, containing a 0.596 of an acre (25,963.44 square feet) of land.

**Note:** Basis of bearings and coordinates cited were established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An exhibit of even date was prepared for this description.





#### GENERAL NOTES:

1) BASIS OF BEARINGS AND COORDINATES CITED WERE ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.

2) ONLY THOSE COPES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSERVE A "VAUID COP". MOY TANK RAMAGE EMONE RS, LLO, WILL NOT BE RESPONSELE FOR THE CONTENT OF AVYTHING OTHER THAT A VAUID COPY OF THIS SURVEY.

3) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS EXHIBIT.

4) THIS EXHIBIT IS NOT INTENDED TO BE USED FOR THE TRANSFER OF REAL PROPERTY. NO NONUMENTATION HAS BEEN SET.

#### **RESOLUTION OF THE JUDSON INDEPENDENT SCHOOL DISTRICT AUTHORIZING THE GRANT OF A WATER EASEMENT**

On the \_\_\_\_\_ day of February \_\_\_, 2025, the Board of Trustees of the Judson Independent School District adopted by vote the following findings and resolutions:

**WHEREAS,** the City of Selma ("CITY") has requested that the District grant a Water Easement on the property described in attached in **Exhibit** "A";

WHEREAS, CITY provides utility service to the District property and the surrounding areas;

WHEREAS, the Board has determined that granting the Easement as more particularly described by metes and bounds and reflected on the survey attached as **Exhibit "A"**, to CITY is necessary to further the District's educational purposes by optimizing the water services provided to District campuses;

WHEREAS, on \_\_\_\_\_\_, 2025 at its Regular Board Meeting, the Board of Trustees approved the conveyance of the Easement to CITY; AND

WHEREAS, the District desires to enter into an Agreement for the grant of the Easement as outlined herein;

#### Now Therefore Be it Resolved,

1. That the findings and recitals in the preamble of this Resolution are hereby found to be true and correct and are hereby approved and adopted.

2. The Board of Trustees of the Judson Independent School District has determined that there is a benefit to the District as well as a legitimate public purpose served by the District by granting an Easement across District Property for the purpose of the erection, construction, reconstruction, replacement, removal, maintenance and use of one or more water distribution lines, in accordance with the terms and conditions as provided in the Easement Agreement attached to this Resolution as **Exhibit "B"**.

3. That the Board of Trustees of the Judson Independent School District authorizes the Superintendent to move forward with the grant of the Easement, including the negotiation of a suitable Easement approved by the District's counsel, and to execute all other documents necessary to effect the transfer of the Easement, with the exception of the Easement Agreement itself, which shall be executed by the Board President as required by statute.

4. That the Board of Trustees authorizes the President of the Board of Trustees to execute the Easement and other documents necessary to complete the transfer of the Easement.

5. That it is hereby found, determined and declared that sufficient written notice of the date, time, place and subject of the meeting of the Board of Trustees of the Judson Independent School District at which this Resolution was adopted was posted at a place convenient and readily accessible at all times to the general public for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Trustees further ratifies, approves and confirms such written notice and posting thereof.

FINALLY PASSED AND ADOPTED this \_\_\_\_\_ day of February 2025.

#### By: \_

Suzanne Kenoyer, President Board of Trustees of the Judson Independent School District

ATTEST:

Laura Stanford, Secretary Board of Trustees of the Judson Independent School District

#### **CERTIFICATE FOR RESOLUTION**

I hereby certify that the foregoing Resolution was presented to the Board of Trustees of the Judson Independent School District during a meeting on **February** \_\_\_, **2025**. A quorum of the Board of Trustees being then present, it was then duly moved and seconded that the Resolution be adopted, and such Resolution was then adopted according to the following vote:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_

To certify which, witness my hand this \_\_\_\_ day of February 2025.

Suzanne Kenoyer President, Board of Trustees

#### STATE OF TEXAS

#### ACKNOWLEDGMENT

} }

}

COUNTY OF BEXAR

BEFORE ME, a Notary Public, on this day personally appeared Suzanne Kenoyer, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon her oath stated that she is the President of the Board of Trustees of the Judson Independent School District; that she was authorized to execute such instrument pursuant to Resolution of the Board of Trustees adopted on **February** \_\_, **2025**; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of February 2025.

Notary Public, State of Texas



Field Notes for a Tract of Land Being a 23-Foot Wide Water Easement Containing 0.043 of an acre (1,886.85 square feet)

A 0.043 of an acre (1,886.85 square feet) tract of land being a 23-foot Wide Water Easement situated in the Vincente Micheli Survey Number 114, Abstract Number 462, Bexar County, Texas, being out of the remainder of a 488.028 acre tract, as conveyed to Retama Properties, LTD., by Deed Without Warranty, as recorded in Document Number 20130019125, and being out of a 21.35 acre tract as conveyed to a Judson Independent School District, by General Warranty Deed, as recorded in Volume 13629, Page 2245, both the Official Public Records of Bexar County, Texas, said 0.043 of an acre (1,886.85 square feet) easement being more particularly described as follows:

**Commencing**: at a found 1/2" iron rod with a yellow plastic cap stamped "PAPE DAWSON", having Texas State Plane Coordinates of N:13,764,096.98 E:2,182,493.13, being the southwest corner of Lot 52, Block 1, County Block 5019, being the southeast corner of Lot 53, Block 1, County Block 5019, both as shown on subdivision plat of Creekside Ridge, as recorded in Volume 9682, Pages 133-135, being the northwest boundary of said 21.35 acre tract;

**Thence,** with the northwest boundary of said 21.35 acre tract, being the southeast boundary of said Block 1, County Block 5019, the following three (3) courses:

South 59 degrees 22 minutes 15 seconds West, a distance of 88.42 feet to a point, being a west corner of said 21.35 acre tract, and being an interior corner of Lot 900, Block 1 as shown on said subdivision plat of Creekside Ridge;

South 30 degrees 37 minutes 45 seconds East, a distance of 210.12 feet to a point, being an interior corner of said 21.35 acre tract, and being the southeast corner of said Lot 900, Block 1;

South 59 degrees 32 minutes 28 seconds West, passing the southwest corner of said Lot 900, Block 1, being the southeast terminus point of Oakmont Bend a 50-foot wide right of way, as shown on said subdivision plat of Creekside Ridge, and continuing said course with the southeast right of way line of said Oakmont Bend, passing the southwest terminus point of said Oakmont Bend, being a southeast corner of said 488.028 acre tract, and continuing said course with a southeast boundary of said 488.028 acre tract being the northwest boundary of said 21.35 acre tract for a total distance of 207.00 feet to a point, being the west corner of said 21.35 acre tract, and being an interior corner of said 488.028 acre tract;

**Thence,** with the southwest boundary of said 21.35 acre tract, being the northeast boundary of said 488.028 acre tract, South 30 degrees 37 minutes 45 seconds East, a distance of 18.40 feet to the **Point of Beginning**, having Texas State Plane Coordinates of N:13,763,750.31, E:2,182,355.07, being on the northwest boundary of the herein described easement;

**Thence**, leaving the northeast boundary of said 488.028 acre tract, over said 21.35 acre tract, the following two (2) courses:

North 59 degrees 22 minutes 15 seconds East, a distance of 32.03 feet to a point, being the north corner of the herein described easement;

South 30 degrees 37 minutes 45 seconds East, a distance of 23.00 feet to a point, being the southeast corner of the herein described easement;

**Thence**, continuing over said 21.35 acre tract, South 59 degrees 22 minutes 15 seconds West, passing the southwest boundary of said 21.35 acre tract, being the northeast boundary of the remainder portion of said 488.028 acre tract, and continuing said course for a total distance of 82.04 feet to a point on the northeast right of way line of Retama Parkway, an 86-foot wide right of way, being the southwest boundary of the remainder portion of said 488.028 acre tract, and being the south corner of the herein described easement;

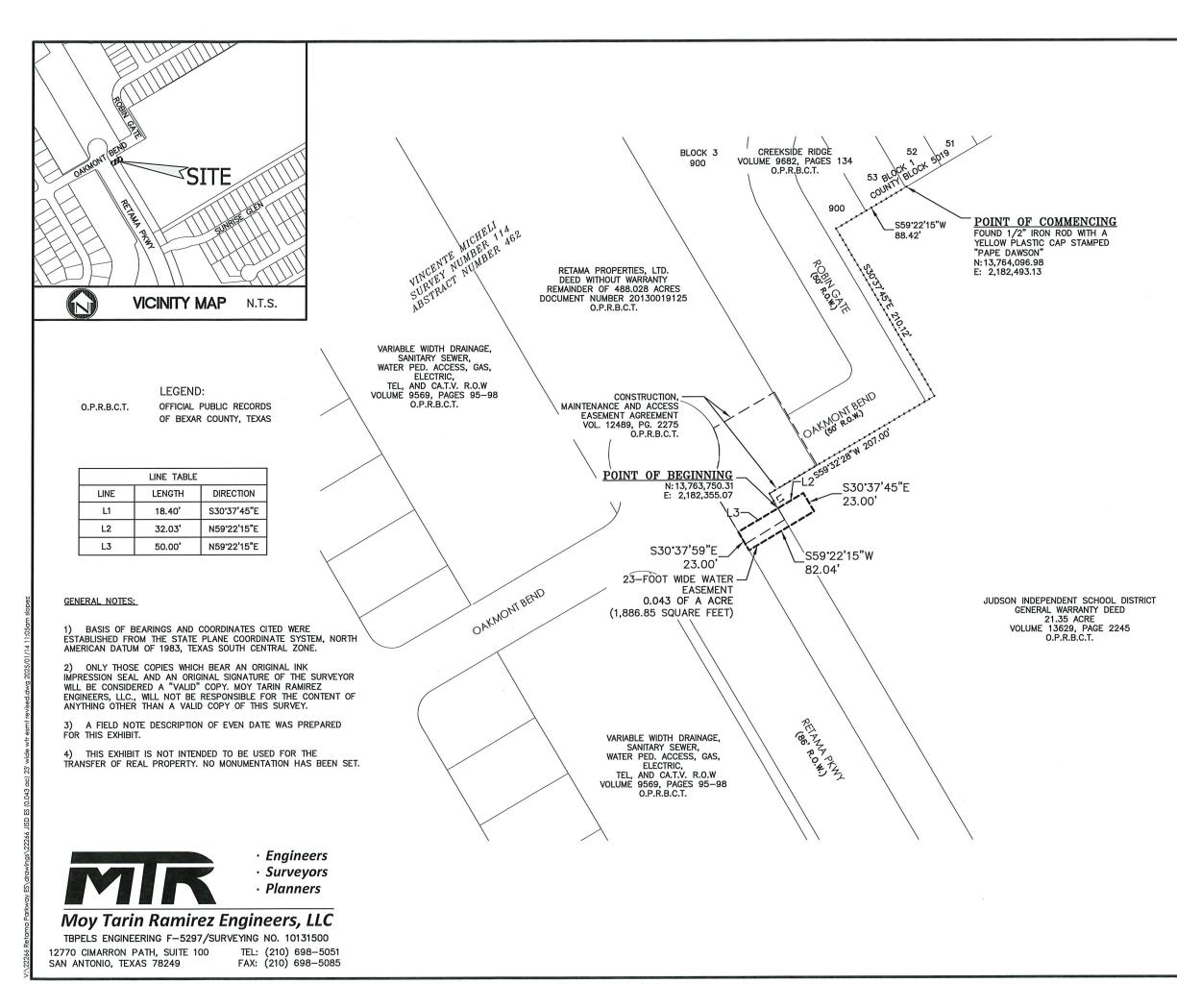
**Thence,** with the northeast right of way line of said Retama Parkway, being the southwest boundary of said 488.028 acre tract, North 30 degrees 37 minutes 59 seconds West, a distance of 23.00 feet, to a point being the west corner of the herein described easement;

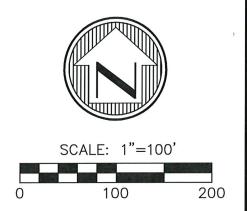
**Thence,** leaving the northeast right of way line of said Retama Parkway, over and across said 488.028 acre tract, North 59 degrees 22 minutes 15 seconds East, a distance of 50.00 feet to the **Point of Beginning**, containing a 0.043 of an acre (1,886.85 square feet) of land.

**Note:** Basis of bearings and coordinates cited were established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An exhibit of even date was prepared for this description.



Stephanie L. James, P.P.L.S. Registered Professional Land Surveyor No. 5950 Date: 2025-01-14 Job No. 22266 SL







#### EXHIBIT OF

A 0.043 OF AN ACRE (1,886.85 SQUARE FEET) TRACT OF LAND BEING A 23-FOOT WIDE WATER EASEMENT SITUATED IN THE VINCENTE MICHELI SURVEY NUMBER 114, ABSTRACT NUMBER 462, BEXAR COUNTY, TEXAS, BEING OUT OF THE REMAINDER OF A 488.028 ACRE TRACT, AS CONVEYED TO RETAMA PROPERTIES, LTD., BY DEED WITHOUT WARRANTY, AS RECORDED IN DOCUMENT NUMBER 20130019125, AND BEING OUT OF A 21.35 ACRE TRACT AS CONVEYED TO A JUDSON INDEPENDENT SCHOOL DISTRICT, BY GENERAL WARRANTY DEED, AS RECORDED IN VOLUME 13629, PAGE 2245, BOTH THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

DATE: JANUARY 14, 2025

JOB NO. 22266



# **Parcel Map Check Report**

Job No. 22266 (0.043 of an ac) 23-Foot Wide Water Esmt.

Point of Beginning: North: 13763750.3093' East: 2182355.0683'

Segment #1 : Line Course: N59° 22' 15"E Length: 32.03' North: 13763766.6279' East: 2182382.6296'

Segment #2 : Line Course: S30° 37' 45''E Length: 23.00' North: 13763746.8368' East: 2182394.3476'

Segment #3 : Line

Course: S59° 22' 15"W	Length: 82.04'
North: 13763705.0391'	East: 2182323.7536'

Segment #4 : Line Course: N30° 37' 59''W Length: 23.00' North: 13763724.8295' East: 2182312.0342'

Segment #5 : Line Course: N59° 22' 15"E Length: 50.00' North: 13763750.3034' East: 2182355.0584'

 Perimeter: 210.07'
 Area: 1886.85 Sq. Ft.

 Error Closure:
 0.0116
 Course: S59° 22' 14"W

 Error North:
 -0.00589
 East: -0.00995

Precision 1: 18109.48