

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

**AN ORDINANCE**

**FOR THE MAINLAND AND BANDERA INTERSECTION IMPROVEMENTS PROJECT, AN ADVANCED TRANSPORTATION DISTRICT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7, AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY OF APPROXIMATELY 3,603 SQUARE FEET THROUGH NEGOTIATION OR CONDEMNATION FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF TWO PARCELS OF PRIVATELY-OWNED REAL PROPERTY; AND DECLARING IT A PUBLIC USE PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$100,000.00 TO THE SELECTED TITLE COMPANY, FOR LAND, RELOCATION, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio (“City”) requires the acquisition of Right-of-Way of approximately 3,603 square feet of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Mainland and Bandera Intersection Improvements Project; and

**WHEREAS**, this Project is in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, it is necessary to obtain and acquire the privately owned real property as part of the Project as further described in SECTION 1 below; and

**WHEREAS**, the acquisitions of these parcels are necessary in order to complete the Mainland and Bandera Intersection Improvements Project that will provide dual right turn lane, median installation, signal modifications, and ADA compliant sidewalks and wheelchair ramps; and

**WHEREAS**, this is an ATD funded project and funds are included in the FY 2014-2018 Infrastructure Management Program for the property acquisitions; **NOW THEREFORE**,

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

**SECTION 1.** A public use and necessity is hereby declared for the City of San Antonio to acquire Right-of-Way of approximately 3,603 square feet of privately owned real property in Council District 7, by negotiation or condemnation, as part of the Mainland and Bandera Intersection Improvements Project.

Parcel Number	Legal Description
19421	1,548 square feet out of Lot 3, Block 2, New City Block 18572, Phillips-

	Bandera Subdivision
19423	2,055 square feet out of Lot 4, Block 2, New City Block 18572, Sanchez-Bugg Subdivision

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B and C** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

**SECTION 2.** The City Manager, or her designee, is hereby authorized to direct the City Attorney to institute and prosecute to conclusion all necessary proceedings to condemn such properties if the City of San Antonio is unable to acquire through negotiation by reason of its inability to agree with the owners thereof as to the value of such property, or for any other reason, and to take any other legal action deemed necessary by the City Attorney to accomplish these purposes.

**SECTION 3.** Payment in the amount of the \$100,000.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01385, ATD FY 2014 Intersection Improvements, is authorized to be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of 2 parcels of privately owned real property located in NCB 18572 in Council District 7 in Bexar County, Texas.

**SECTION 4.** 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 SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value, to execute sales agreements purchasing the property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by Order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be

needed from time to time, and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the 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 \_\_\_\_ day of \_\_\_\_\_, 2015.

**M A Y O R**  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Martha G. Sepeda, Acting City Attorney

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