

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

AN ORDINANCE

FOR THE MCCULLOUGH AVENUE AREA DRAINAGE PROJECT
AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR
CONDEMNATION, OF APPROXIMATELY 0.040 ACRES FOR
INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A
PORTION OF TWO PARCELS OF PRIVATELY-OWNED REAL
PROPERTY LOCATED IN NCB 1002 AND 1003 IN CITY COUNCIL
DISTRICT 1 AND DECLARING THE PROJECT TO BE A PUBLIC USE
PROJECT FOR THE ACQUISITION AND AUTHORIZING
EXPENDITURES NOT TO EXCEED \$50,000.00, PAYABLE TO THE
SELECTED TITLE COMPANY, FOR LAND, RELOCATION,
LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.

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WHEREAS, the City of San Antonio (“City”) desires to acquire all or portions of privately owned real property as part of the McCullough Avenue Area Drainage Project; and

WHEREAS, it is necessary to obtain and acquire temporary construction easement interest to all, or a portion of, privately owned real property in Council District 1 as part of the Project as further described in **SECTION 2 below**; and

WHEREAS, the Project will provide reconstruction of roadway along Euclid Avenue from Brooklyn Avenue to Wilmington Avenue to Elmira Street, along Elmira Street to Newell Avenue and along Newell Avenue to the Newell Avenue Bridge; and

WHEREAS, the Project will further provide for construction of a storm sewer system that outfalls into the San Antonio River; and

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

WHEREAS, there is a one-time capital improvement expenditure in the amount of \$700,000.00 and available from the 2007-2012 General Obligation Bond funds; **NOW THEREFORE**,

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

SECTION 1. The McCullough Avenue Area Drainage Project is hereby declared to be necessary public use project.

SECTION 2. The City Council of the City of San Antonio finds public use exists to acquire temporary construction easement interest title in privately owned real property, by negotiation and/or condemnation, if necessary, as part of the McCullough Avenue Area Drainage Project. Said parcels of land are described as follows:

PARCEL NO.	LEGAL DESCRIPTION
19484TE	0.014 acres (629 sq. ft.) out of Lots 1 and 2, Block 9, NCB 1003
19485TE	0.026 acres (1,150 sq. ft.) out of Lots 5 and 6, Block 8, NCB 1002

The properties for the Project are more specifically shown on the Site Map attached hereto as **Exhibit A** and further described by metes and bounds in **Exhibits B and C** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

SECTION 3. A payment not to exceed \$50,000.00 is authorized for payment through negotiation or condemnation in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00327, McCullough Avenue Area Drainage, and should be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of approximately .040 acres, for interests in land sufficient for Project purposes in a portion of two parcels of privately owned real property in Council District 1 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 owners of the 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 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 the property 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 if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this 2nd day of June, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

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