

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

AN ORDINANCE

**FOR THE CUPPLES ROAD (MERIDA ST. TO CASTROVILLE RD.)
PROJECT, A 2012-2017 BOND PROJECT, LOCATED IN COUNCIL
DISTRICT 5, AUTHORIZING THE ACQUISITION, THROUGH
NEGOTIATION OR CONDEMNATION, OF APPROXIMATELY 0.1894
ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT
PURPOSES IN A PORTION OF FIVE PARCELS OF PRIVATELY-
OWNED REAL PROPERTY LOCATED IN NCBS 9564, 9563, 3686 AND
3685 AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE
ACQUISITION AND AUTHORIZING EXPENDITURES NOT TO
EXCEED \$191,500.00, 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 right-of-way easement interests of privately owned real property in Council District 5 as part of the Cupples Road (Merida to Castroville Road) 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 right-of-way easement interests of privately owned real property as part of the Project as further described in SECTION 2 below; and

WHEREAS, the acquisitions will be used for the reconstruction and widening of Cupples Road from Merida to Castroville Road, including curbs, sidewalks, driveway approaches, and traffic and drainage improvements; and

WHEREAS, funds for the property acquisitions are available from previously authorized 2012-2017 Bond Program funds, and are included in the FY 2015-FY 2020 Capital Improvement Program; **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 easement interest of privately owned real property in Council District 5, by negotiation or condemnation, as part of the Cupples Road (Merida to Castroville Road) Project of approximately 0.1894 acres in a portion of five parcels as described below:

Parcel Number	Legal Description
19145	0.010 acres (435 sq. ft) out of Lot 2, Block 25, New City Block 9564, Mazzurana Addition
19147	0.0271 acres (1,181 sq. ft) out of Lot 1, New City Block 9563, Mazzurana Addition
19167	0.020 acres (873 sq. ft) out of Lot 22, Block 23, New City Block 3686, Edgewood Addition
19171	0.0488 acres (2,125 sq. ft) out of remaining portion of Lot 10, Block 22, New City Block 3685, Edgewood Addition
19172	0.0835 acres (3,637 sq. ft) out of a 2.88 acre tract and being out of Lot 47, Block 22, New City Block 3686, Edgewood Addition

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B through F** 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 not to exceed \$191,500.00 in SAP Fund 45099000, General Obligation Capital Project, SAP Project Definition 40-00295, Cupples Rd (Merida St to Castroville Rd), is authorized to be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees; the acquisition of five parcels of privately owned real property located in NCB 9564, 9563, 3686 and 3685 in Council District 5 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:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney