

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

AN ORDINANCE

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF APPROXIMATELY 17,371 SQUARE FEET (0.399 ACRES) OF INTEREST IN REAL PROPERTY SUFFICIENT FOR PROJECT PURPOSES, IN A PORTION OF ONE PARCEL OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 17636, FOR THE CITYWIDE BRIDGE REPLACEMENT-SHAENFIELD ROAD, A 2012-2017 GENERAL OBLIGATION BOND-FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 6, AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION.

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WHEREAS, the City of San Antonio (“City”) desires to acquire fee simple title of real property owned by a Homeowner’s Association in Council District 6 as part of the Citywide Bridge Replacement-Shaenfield 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 fee simple title of real property as part of the Project as further described in SECTION 2 below;

WHEREAS, the acquisitions will be used for the construction of a new bridge crossing Helotes Creek, from the Northwest Crossing Subdivision to the developer-extended portion of Shaenfield Road;

WHEREAS, the Project will construct a five span bridge, for a total length of 500-linear feet, and include six-foot sidewalks, five-foot bike lanes, illumination and a driveway approach for a trailhead, to be constructed by the Parks and Recreation Department;

WHEREAS, the Project will connect the Northwest Crossing neighborhood via the existing Terra Oak ROW to Loop 1604;

WHEREAS, funds for the property acquisitions are available from previously authorized 2012-2017 Bond Program funds and the project is a part of the FY 2014 - FY 2019 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 fee simple title of real property in Council District 6, by negotiation and/or condemnation, as part of the Citywide Bridge Replacement-Shaenfield Road Project of

approximately 17,371 square feet, (0.399 acres) located in NCB 17636 needed for the Citywide Bridge Replacement-Shaenfield Road Project.

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibit B** 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. There is no fiscal impact to this item as developer will pay all fees associated with the acquisition. Costs and fees related to this project will be reimbursed to the City by the developer pursuant to a Developer Participation Agreement approved by Ordinance 2011-06-23-0595 on June 23, 2011 and attached as **Exhibit C**.

SECTION 4. The acquisition of property must be coordinated through the city's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

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. 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 _____, 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney

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