

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

AN ORDINANCE

FOR THE SOUTH MEDINA STREET EXTENSION- COLIMA TO VERA CRUZ PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5, AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, DEDICATION OR CONDEMNATION, OF APPROXIMATELY 0.425 ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF TWO PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 274; AND DECLARING THE SOUTH MEDINA STREET EXTENSION-COLIMA TO VERA CRUZ PROJECT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES OF \$250,000.00, PAYABLE TO THE SELECTED TITLE COMPANY, FOR LAND, 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 South Medina Street Extension – Colima to Vera Cruz Project; and

WHEREAS, it is necessary to obtain and acquire right of way interest to all, or a portion of, privately owned real property in Council District 5 as part of the Project as further described in **SECTION 2 below**; and

WHEREAS, Ordinance 2014-11-13-0911 authorized the closure, vacating and abandonment of the City’s public right-of-way known as Colima Street, located between South Medina Street and South Frio Street; and

WHEREAS, as part of the closure agreement, the City agreed to re-open and extend South Medina Street located between Vera Cruz and Guadalupe, to enhance residential and commercial traffic flow and access to the abutting landowners, Peanut Factory Lofts and Iron Mountain facilities; and

WHEREAS, in order to re-open and extend South Medina Street, property is required from the two abutting landowners; 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 \$250,000.00, available from Certificates of Obligation and are included in the FY 2017-2022 Capital Improvement Program Budget; **NOW THEREFORE**,

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

SECTION 1. The South Medina Street Extension – Colima to Vera Cruz 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 right of way interest title in privately owned real property, by negotiation and/or condemnation, if necessary, as part of the South Medina Street Extension – Colima to Vera Cruz Project. Said parcels of land are described as follows:

PARCEL NO.	LEGAL DESCRIPTION
19508	0.210 acres out of Lot 3, Block 102, New City Block 274, Dan Patel Subdivision
19508A	0.215 acres out of Lot 1, Block 101, New City Block 237, Vista Verde South Unit 3

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. Payment in the amount of \$250,000.00 in SAP Fund 43099000, Certificates of Obligation Capital Project, SAP Project Definition 23-01531, S Medina St Ext (Colima-Vera Cruz), is authorized for negotiation, dedication or condemnation to be encumbered and made payable to the selected title company, for land, litigation expenses and associated title fees, of approximately 0.425 acres of two parcels of privately-owned real property located in NCB 274 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 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 23rd day of February, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney

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