

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

**ORDINANCE**

**AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF APPROXIMATELY 6.94 ACRES IN NCB 13951 LOCATED ALONG LEON CREEK IN COUNCIL DISTRICT 6 FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2015 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT; PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LEON CREEK GREENWAY TRAIL PROJECT TO BE A PUBLIC PROJECT FOR PUBLIC USE; DECLARING PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.**

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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 Linear Creekway Development Project (the “Project”); and

**WHEREAS**, this property consists of approximately 6.94 acres in NCB 13591 located along Leon Creek in Council District 6 and is located within the City of San Antonio, Bexar County, Texas; and

**WHEREAS**, the acquisition of this property is necessary for the completion of the Project; and

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

**NOW THEREFORE**,

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

**SECTION 1.** Approximately 6.94 acres in NCB 13951 located along Leon Creek in Council District 6 for the Linear Creekway Development Project is hereby declared to be a 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 Linear Creekway Development Project. Said parcels of land are described as follows:

<b>BCAD PARCEL NOs.</b>	<b>LEGAL DESCRIPTION</b>
539299, 539298	6.94 acres in NCB 13951 located along Leon Creek

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.** Funding is located in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00664, 6.94 acres in NCB 13951 located along Leon Creek, 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 6.94 acres of privately-owned real property located in NCB 13951 in Council District 6 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 Property 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 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 \_\_\_\_ day of October, 2019.

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney