

**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, OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES TO APPROXIMATELY 2.819 ACRES OF PRIVATELY-OWNED REAL PROPERTY IN NCB 16626, BLOCK 1, LOT 101, FOR FIRE STATION #53 AND AUTHORIZING UP TO \$290,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED TITLE FEES.

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WHEREAS, the public health, safety and best interest of the City of San Antonio and its citizens require the acquisition of 2.819 acres of privately owned real property, for Fire Station No. 53 as part of the Fire Station No. 53 Project; and

WHEREAS, City Council Ordinance No. 2009-01-09-0001 provided for the extension of the San Antonio City Limits by the limited purpose annexation of approximately 18,729 acres of land known as South San Antonio Limited Purpose Annexation Area 1, Area 2, Area 3 and Area 4, which was authorized on January 9, 2014; and

WHEREAS, this acquisition will allow the San Antonio Fire Department to build a new fire station; and

WHEREAS, this Ordinance authorizes the acquisition of one parcel consisting of approximately 2.819 acres located at the intersection of Donop Road and Southon Road, in Council Districts 3 at a fair market value through negotiation; and

WHEREAS, this Ordinance authorizes the appropriation of \$290,000.00 for the acquisition of fee simple title and for other expenses associated with acquiring this property as authorized under the Fire Station No. 53 Project; and

WHEREAS, funds are currently available in the FY 2016 Tax Notes and included in the 2016-2017 Capital Improvement Program Budget; **NOW THEREFORE**,

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

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee simple title to 2.819 acres of privately owned real property out of Lot 101, New City Block 16626, San Antonio, Bexar County, Texas, for the construction, operation, improvement, and maintenance of Fire Station No. 53 under the Fire Station No. 53 Project.

SECTION 2. The City Manager, and/or her designee, severally, are authorized and directed to do all things necessary and convenient to acquire the tract in New City Block 16626 and is graphically depicted in **Attachment A**.

SECTION 3. A payment not to exceed \$290,000.00 is authorized for payment through negotiation in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 20-00045, City South Annexation - Fire Equipment, and should be encumbered and made payable to the selected title company for land and associated title fees of approximately 2.819 acres, of privately owned real property in NCB 16626, Block 1, Lot 101, for Fire Station #53 in Council District 4 in Bexar County, Texas. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, tax notes in accordance with the adopted capital budget. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

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. 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 _____, 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