

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 INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES INVOLVING 20 PARCELS OF PRIVATELY-OWNED REAL PROPERTY TOTALING 0.1618 ACRES (6,883 SQUARE FEET) LOCATED ALONG SOUTHCROSS BOULEVARD BETWEEN PLEASANTON ROAD AND MISSION ROAD IN NEW CITY BLOCKS 7702, 7704, 7707, 7710, 7711, 7809, 7810 AND 7813 IN COUNCIL DISTRICT 3 FOR THE SOUTHCROSS BOULEVARD (I-37 TO I-35) PROJECT, A 2017 BOND PROJECT; DECLARING IT TO BE A PUBLIC USE PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION.

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WHEREAS, the City of San Antonio ("City") desires to acquire twenty parcels as part of the Southcross Boulevard (I-37 to I-35), Project for the purpose of construction of curbs, sidewalks, driveway approaches and necessary drainage and traffic signal improvements; and

WHEREAS, On May 6, 2017, voters approved the 2017 Bond Program authorizing \$5,000,000.00 for the Southcross Boulevard (I-37 to I-35) project. This project will provide for the construction of corridor improvements including curbs, sidewalks and driveway approaches and traffic signal upgrades at the Mission Road intersection; 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 the fee simple title and/or an easement interest in twenty parcels of land in Council District 3 as part of the Project as further described in SECTION 2 below; and

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Capital Improvements Management Services Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; **NOW THEREFORE**,

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

SECTION 1. Southcross Boulevard (I-37 to I-35) (2017 Bond Program Project) is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easements in privately owned real property, by negotiation and/or condemnation, if necessary, as part of the Southcross Boulevard (I-37 to I-35) Project. The 20 parcels of land located in the City of San Antonio, Bexar County, Texas to acquire are identified as follows:

- 0.0074 of an acre (321 square feet) of land out of Lot 8, Block 1, NCB 7702
- 0.0155 of an acre (502 square feet) of land out of Lot 27, Block 1, NCB7702
- 0.0075 of an acre (327 square feet) of land out of Lot 2, Block 3, NCB 7704
- 0.0091 of an acre (397 square feet) of land out of Lot 12 through 16, Block 19, NCB 7707
- 0.0065 of an acre (282 square feet) of land out of Lots 53 and 54, Block 22, NCB 7710
- 0.0069 of an acre (302 square feet) of land out of Lots 42 and 43, Block 23, NCB 7711
- 0.0057 of an acre (250 square feet) of land out of Lots 29, 30 and 31, Block 23, NCB 7711
- 0.0066 of an acre (288 square feet) of land out of Lot 12, Block 2, NCB 7809
- 0.0062 of an acre (271 square feet) of land out of Lot 26, Block 2, NCB 7809
- 0.0063 of an acre (273 square feet) of land out of Lot 28, Block 2, NCB 7809
- 0.0048 of an acre (209 square feet) of land out of Lots 18 and 19, Block 1, NCB 7810
- 0.0065 of an acre (285 square feet) of land out of Lot 11, Block 1, NCB 7810
- 0.0067 of an acre (290 square feet) of land out of Lot 26, Block 1, NCB 7810
- 0.0065 of an acre (284 square feet) of land out of Lot 5, Block 1, NCB 7810
- 0.0133 of an acre (581 square feet) of land out of Lots 27 and 28, Block 1, NCB 7810
- 0.0065 of an acre (284 square feet) of land out of Lot 4, Block 1, NCB 7810
- 0.0102 of an acre (445 square feet) of land out of Lots 2 and 3, Block 1, NCB 7810
- 0.0063 of an acre (277 square feet) of land out of Lots 29 and 30, Block 1, NCB 7810
- 0.0114 of an acre (498 square feet) of land out of Lot 4, NCB 7813
- 0.0119 of an acre (517 square feet) of land out of Lot 1, NCB 7813

the properties may be referred to as the “Property.”

SECTION 3. Payment in the amount of the negotiated price or through condemnation of twenty-one parcels totaling 0.1618 acres valued at approximately \$56,306.00, in support of the Southcross Boulevard (I-37 to I-35) Project, using Fund 45099000 with WBS element 23-01613-03-14 and GL account 5209010. Funding for this project is provided by GO Bonds and is in the FY2021-FY2026 CIP Budget.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and 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 Chief Financial Officer 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 the _____ day of _____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J Flores, City Clerk

Andrew Segovia, City Attorney