

**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 25,838 SQUARE FEET (0.593 ACRES) FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF SEVEN PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCBS 14615, 14861, 14890, 16331, AND 18919 NEEDED FOR THE HAUSMAN ROAD (LOOP 1604 TO IH 10) PROJECT, A 2012-2017 BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 8; AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$385,000.00, PAYABLE TO THE SELECTED TITLE COMPANY, FOR LAND, RELOCATION, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.

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WHEREAS, the City of San Antonio (“City”) desires to acquire fee simple title of privately owned real property in Council District 8 as part of the Hausman Road (Loop 1604 To IH 10) 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 privately owned real property as part of the Project as further described in SECTION 2 below;

WHEREAS, the acquisitions will be used for the reconstruction and widening of Hausman Road from Loop 1604 to IH 10, with curbs, sidewalks, bike lanes, a 10-ft shared-use path on the south side, traffic signals and drainage improvements;

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 privately owned real property in Council District 8, by condemnation, as part of the Hausman Road (Loop 1604 To IH 10) Project of approximately 25,838 square feet (0.593 acres) in a portion of seven parcels located in NCBS 14615, 14861, 14890, 16331, and 18919 needed for the Hausman Road (Loop 1604 to IH 10) Project.

Parcel numbers are as follows:

Parcel No. 19065; 19066A; 19072; 19073; 19074; 19077; and 19084

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. Payment in the amount of \$385,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00420, Hausman Road (Loop 1604 to IH 10), is authorized to be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of seven parcels or 0.593 acres of privately owned real property located at NCBs 14615, 14861, 14890, 16331, and 18919 in Council District 8 in Bexar County, Texas. 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 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 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 6. 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 7. In the event that the City negotiations fail and staff is unable to acquire one or more parcels 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 8. 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