

ORDINANCE 2019-10-31-0877

**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.**

\* \* \* \* \*

**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.

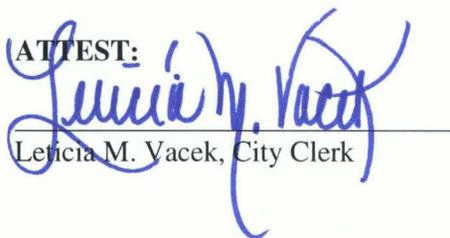
**SECTION 5.** The City staff is hereby directed to negotiate with the owners of the Property for the acquisition of the Property at fair market value, to execute sales agreements purchasing the Property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued 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.

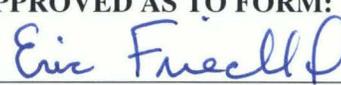
**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire the Property from the Property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized 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 31<sup>st</sup> day of October, 2019.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**  
  
Leticia M. Vacek, City Clerk

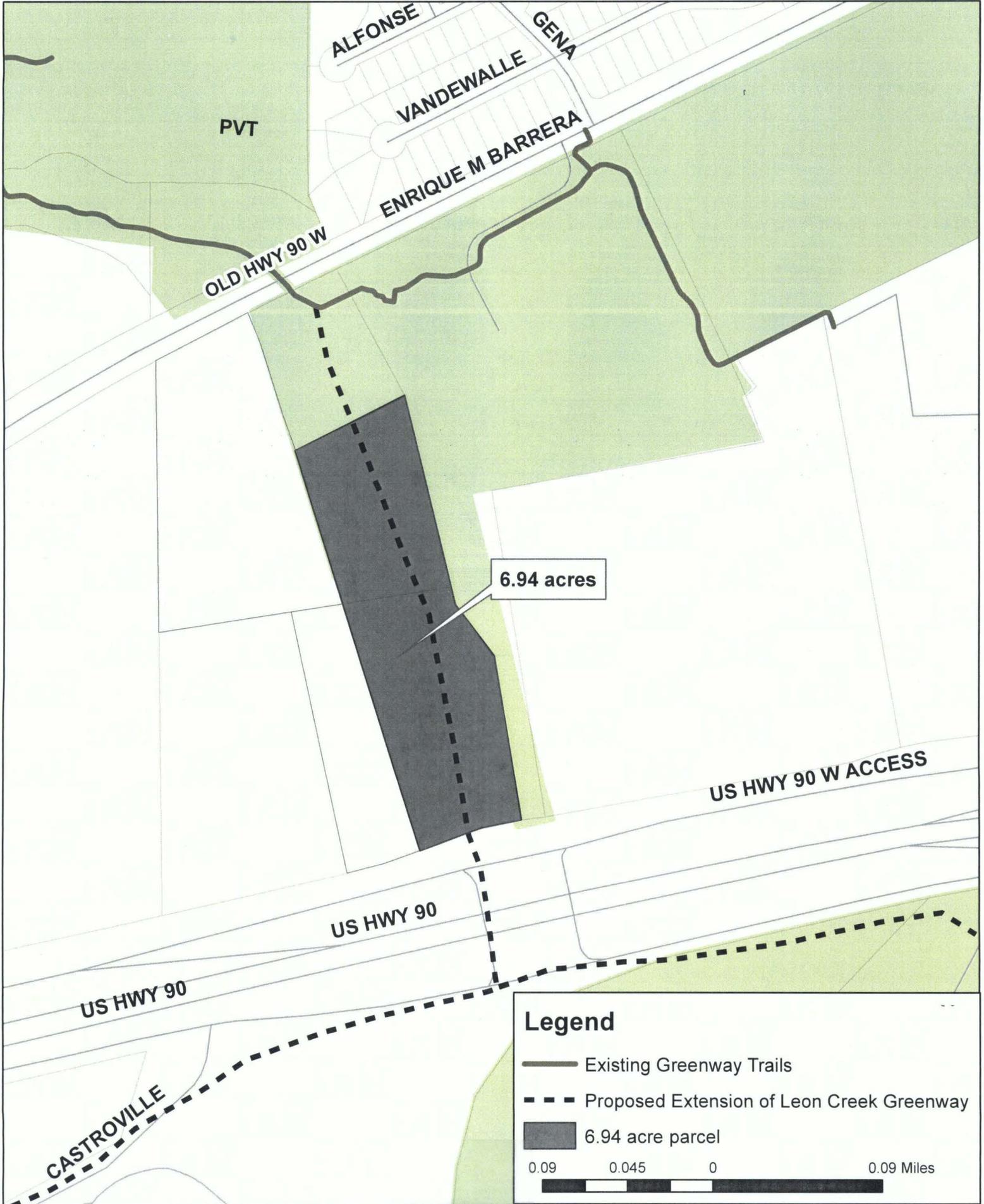
**APPROVED AS TO FORM:**  
  
for  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>9A ( in consent vote: 9A, 9B )</b>						
<b>Date:</b>	10/31/2019						
<b>Time:</b>	10:16:29 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving the acquisition through negotiation or condemnation of approximately 6.94 acres located near the 5800 block of the westbound U.S. 90 access road, (NCB 13951) 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. The estimated fair market value for this land acquisition is \$88,900.00.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3	x					
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x			x	
Ana E. Sandoval	District 7		x				x
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

LEF:lj  
10/31/2019  
Item No. 9A

# EXHIBIT "A"

Item A: Leon Creek Greenway  
Approximately 6.94 acres  
(Council District 6)



LEF:lj  
10/31/2019  
Item No. 9A

# EXHIBIT "B"

PARCEL 1, THE NORTH PARCEL

A METES AND BOUNDS DESCRIPTION FOR A 2.818 ACRE (122,759.03 SQ. FT.) TRACT OF LAND OUT OF A 29.591 ACRE TRACT OF LAND AS DESCRIBED IN VOLUME 18396, PAGE 2279, OF THE BEXAR COUNTY OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS:

BEGINNING FOR REFERENCE at the point of intersection of the south right-of-way line of Old U.S. Highway 90 and the called for centerline of Leon Creek;

THENCE southerly, along the called for centerline of Leon Creek, S 28° 38' 04" E, 310.68 feet, to a point and S 24° 30' 54" E, 102.95 feet, to THE POINT OF BEGINNING of the herein described tract;

THENCE continuing southerly and along the previously called for centerline of Leon Creek, S 24° 39' 54" E, 73.52 feet, to a point and S 18° 23' 29" E, 469.76 feet, to the southeast corner of the herein described tract;

THENCE S 82° 26' 26" W, 208.00 feet, along the south line of the herein described tract to an iron pin set for the southwest corner of the herein described tract;

THENCE N 27° 53' 34" W, 473.97 feet, along the west line of the herein described tract to an iron pin set for the northwest corner of the herein described tract;

THENCE N 64° 04' 37" E, 276.89 feet, along the north line of the herein described tract to the point of beginning and containing 2.818 acres (122,759.03 sq. ft.) for land, more or less.

This 25<sup>th</sup> day of July, 2018



Paul A. Wilkinson, R.P.L.S.

Project: C-1459.04

A corresponding survey plat of even date herein accompanies this metes & bounds description.

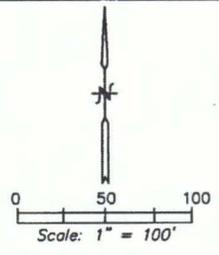
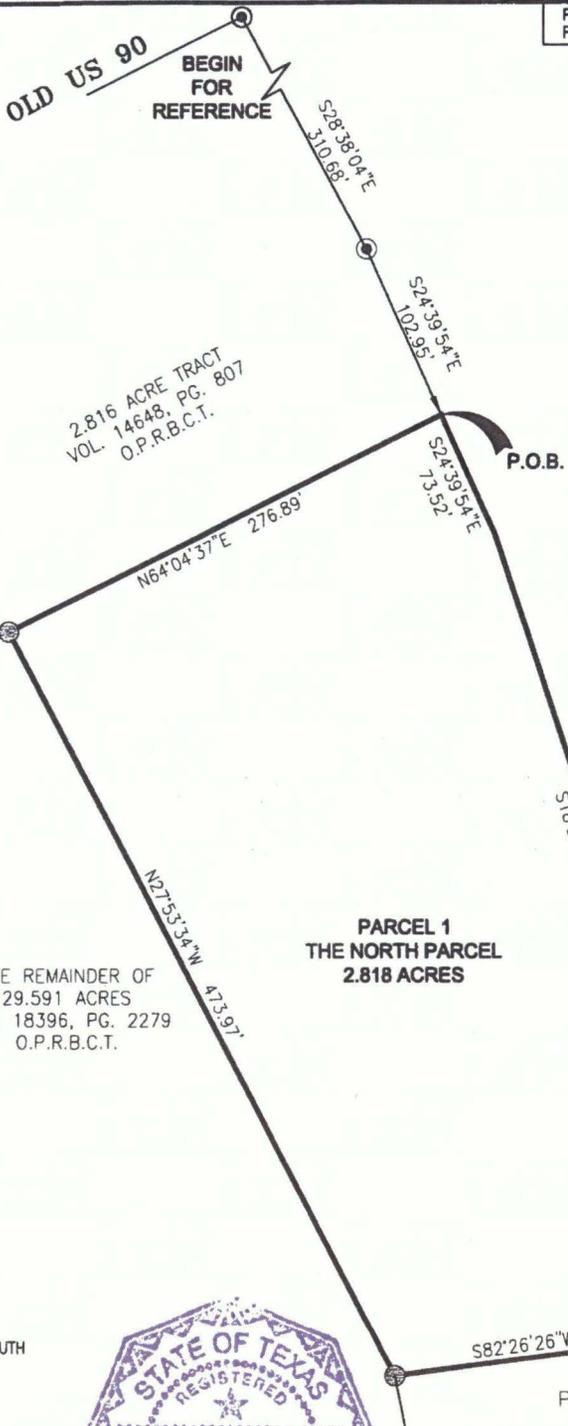
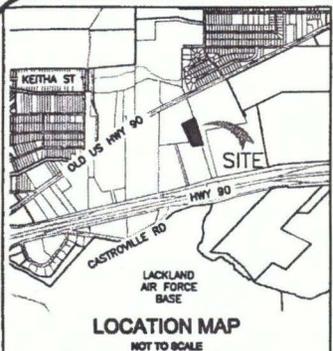
Copyright 2018. BAIN MEDINA BAIN, INC.

Project Name:  
PARCEL 1, THE NORTH PARCEL

**LEGEND**

- PROPOSED EASEMENT
- PROPERTY LINE
- TO A POINT
- ⊙ TO A SET IRON ROD

- NOTES:**
1. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS SURVEY PLAT.
  2. ALL SET PINS ARE 1/2" REBAR WITH AN ORANGE PLASTIC CAP STAMPED B.M.B. INC. PROPERTY CORNER.



2.816 ACRE TRACT  
VOL. 14648, PG. 807  
O.P.R.B.C.T.

THE REMAINDER OF  
29.591 ACRES  
VOL. 18396, PG. 2279  
O.P.R.B.C.T.

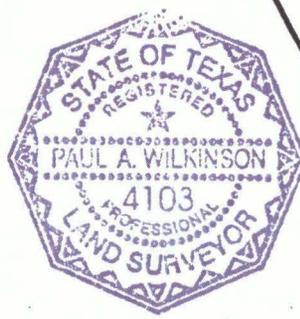
**PARCEL 1  
THE NORTH PARCEL  
2.818 ACRES**

LEON CREEK

CENTERLINE OF  
LEON CREEK  
VOL. 18396, PG. 2279  
O.P.R.B.C.T.

**BEARING SOURCE:**  
NAD 83(2011) TEXAS STATE PLANE COORDINATES SOUTH CENTRAL ZONE, SCALE FACTOR 1.00017.

**SURVEY PLAT SHOWING:**  
A 2.818 ACRE (122, 759.03 SQ.FT.) TRACT OF LAND OUT OF A 29.591 ACRE TRACT OF LAND AS DESCRIBED IN VOLUME 18396, PAGE 2279, OF THE BEXAR COUNTY OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.



STATE OF TEXAS  
BEXAR COUNTY  
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.  
THIS 25TH DAY OF JULY, 2018 A.D.  
*[Signature]*  
PAUL A. WILKINSON, RPLS 4103

**PREPARED BY:**  
**BAIN MEDINA BAIN, INC.**  
ENGINEERS & SURVEYORS  
7073 San Pedro Avenue  
San Antonio, Texas 78216  
210/494-7223  
TBPE Registration No. 100209-00

PROJECT: C-1459.04      PARCEL: PARCEL 1, THE NORTH PARCEL  
COUNTY: BEXAR      PAGE 2 OF 2

LEF:lj  
10/31/2019  
Item No. 9A

# EXHIBIT "C"

PARCEL 2, THE SOUTH PARCEL

A METES AND BOUNDS DISCRIPTION FOR A 4.122 ACRE (179,550 SQ. FT.) TRACT OF LAND OUT OF A 29.591 ACRE TRACT OF LAND AS DESCRIBED IN VOLUME 18396, PAGE 2279, OF THE BEXAR COUNTY OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS:

BEGINNING FOR REFERENCE at the point of intersection of the south right-of-way line of Old U.S. Highway 90 and the called for centerline of Leon Creek;

THENCE southerly, along the previously called for centerline of Leon Creek, S 28° 30' 04" E, 310.98 feet, to a point, S 24° 30' 54 " E, 176.77 feet, to a point, and S 18° 23' 29" E, 469.76 feet, to the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing along the previously called for centerline of Leon Creek and along the east line of the herein described tract, S 18° 23' 29" E, 29.48 feet to a point, S 36° 09' 43" E, 188.45 feet, to a point and S 09° 02' 47" E, 448.85 feet, to an iron pin set for the southeast corner of the herein described tract, said point also being the north right-of-way line of U.S. Highway 90 West;

THENCE along the south line of the herein described tract and along the north right-of-way line of U.S. Highway 90 West, S 80° 39' 15" W, 96.77 feet, to a set iron pin, and S 69° 11' 00" W, 181.39 feet, to an iron pin set for the southwest corner of the herein described tract;

THENCE N 11° 03' 52" W, 689.00 feet, along the west line of the herein described tract to an iron pin set for the northwest corner of the herein described tract;

THENCE N 82° 26' 26" E, 208.00 feet, along the north line of the herein described tract to the point of beginning and containing 4.122 acres (179,550 sq. ft.) of land, more or less.

This 25<sup>th</sup> day of July, 2018



Paul A. Wilkinson, R.P.L.S.

Project: C-1459.04

A corresponding survey plat of even date herein accompanies this metes & bounds description.

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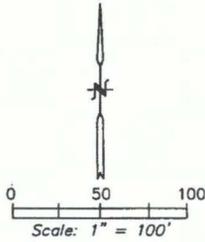
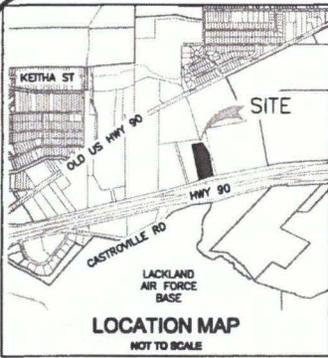
Project Name:  
PARCEL 1, THE SOUTH PARCEL

LEGEND

- PROPOSED EASEMENT
- PROPERTY LINE
- TO A POINT
- ⊙ TO A SET IRON ROD

NOTES:

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2. ALL SET PINS ARE 1/2" REBAR WITH AN ORANGE PLASTIC CAP STAMPED B.M.B. INC. PROPERTY CORNER.



- 1-S28°38'04"E 310.68'
- 2-S24°39'54"E 176.77'
- 3-S18°23'29"E 469.76'

OLD US 90  
BEGIN FOR REFERENCE

PARCEL 1

N82°26'26"E 208.00'

P.O.B.

S18°23'29"E 29.48'

S36°09'43"E 188.45'

LEON CREEK

S09°02'47"E 448.85'

CENTERLINE OF  
LEON CREEK VOL  
18396, PG2279  
O.P.R.B.C.T.

PARCEL 2  
THE NORTH PARCEL  
4.122 ACRES

N11°03'52"W 689.00'

THE REMAINDER OF  
29.591 ACRES  
VOL. 18396, PG. 2279  
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BEARING SOURCE:

NAD 83(2011) TEXAS STATE PLANE COORDINATES SOUTH CENTRAL ZONE, SCALE FACTOR 1.00017.

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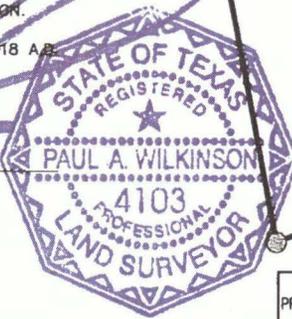
STATE OF TEXAS  
BEXAR COUNTY

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

THIS 25TH DAY OF JULY 2018 A.D.

*[Handwritten Signature]*

PAUL A. WILKINSON, RPLS 4103



PREPARED BY:



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PROJECT: C-1459.04

PARCEL: PARCEL 1, THE SOUTH PARCEL

COUNTY: BEXAR

PAGE 2 OF 2