

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

AN ORDINANCE

FOR THE REDLAND ROAD NORTH (LOOP 1604 TO RIDGEWOOD PARKWAY) PROJECT, A 2012-2017 BOND PROGRAM-FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 9, AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF APPROXIMATELY 3.7859 ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF 12 PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCBS 15671, 17586, 17866 AND 17867; AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$1,750,000.00, 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”) requires the acquisition of approximately 3.7859 acres of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Redland Road North (Loop 1604 to Ridgewood Parkway) 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 easement interests of privately owned real property as part of the Project as further described in SECTION 1 below; and

WHEREAS, the acquisitions of these portions of parcels are necessary in order to complete the Redland Road North (Loop 1604 to Ridgewood Parkway) Project that will provide continuous turn lane in sections with bike lanes, curbs, sidewalks, driveway approaches, traffic-signal improvements and drainage improvements; and

WHEREAS, funds for the property acquisitions are available from previously authorized 2012-2017 Bond 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 easement interests of privately owned real property in Council District 9, by negotiation or condemnation, as part of the Redland Road North (Loop 1604 to Ridgewood Parkway) Project of approximately 3.7859 acres in a portion of twelve parcels as described below:

Parcel Number	Legal Description
19236	0.0597 acre (2,600.60 sq. ft.) out of CB 4952, NCB 17867, being a portion of Lot 14
19237	0.0240 acre (1,043.60 sq. ft.) out of CB 4952, NCB 15671, being a portion of a 6.8317 acre tract of land
19238	0.0417 acre (1,814.32 sq. ft.) out of CB 4952, NCB 15671, being a portion of a 0.0851 acre tract of land
19240A	0.1267 acre (5,519.13 sq. ft.) out of CB 4952, NCB 15671, being a portion of a 4.42 acre tract of land
19240B	0.3067 acre (13,358.15 sq. ft.) out of CB 4952, NCB 15671, being a portion a of 4.42 acre tract of land
19243	0.3791 acre (16,512.22 sq. ft.) out of CB 4949, being a portion of 10.20 acre tract of land
19244	0.1738 acre (7,572.36 sq. ft.) out of CB 4949 and CB 4952, NCB 17866, being a portion of Lot 1
19245	0.2125 acre (9,254.85 sq. ft.) out of CB 4952, NCB 17866, being a portion of Lot 7
19246	0.2185 acre (9,518.56 sq. ft.) out of CB 4952, NCB 17866, being a portion of Lot 6
19247	0.4813 acre (20,964.96 sq. ft.) out of CB 4952, NCB 17866, being a portion of Lot 2
19248	0.2327 acre (10,137.34 sq. ft.) out of CB 4952, NCB 17866, being a portion of Lot 3
19252	1.5292 acre (66,619.51 sq. ft.) out of CB 4952, being all those tracts X-10 (0.017 acre) and X-11 (0.380 acres) conveyed to Louis A. Yates and being a portion of Tract 3 (21.25 acres) conveyed John Griffin Yates Jr.

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B through M** 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 not to exceed \$1,750,000.00 is authorized to be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of 12 parcels of privately owned real property of land located in NCB 15671, 17586, 17866 and 17867 in Council District 9 in Bexar County, Texas. Payment is limited to the available amounts budgeted in SAP Fund 45099000, General Obligation Capital Projects per table listed below:

Project Number	Project Name	Amount
40-00314	Redland Rd North (1604 to Ridgewood Pkwy)	\$1,165,000.00
40-00426	Redland Rd N (1604-RidgewoodPkwy) Drainage	\$585,000.00

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. 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 7. 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 _____, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

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