

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

AN ORDINANCE

AUTHORIZING THE ACQUISITION, ON BEHALF OF THE CITY OF SAN ANTONIO, THROUGH NEGOTIATION OR CONDEMNATION, APPROXIMATELY 11.049 ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF FIVE PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCBS 15210, 15258, AND 16000; AND DECLARING THE INDIAN CREEK CHANNEL PHASE II PROJECT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION; AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$60,000.00 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 interests of privately owned real property in Council District 4 as part of the Indian Creek Channel Phase II 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 interests of privately owned real property as part of the Project as further described in SECTION 2 below; and

WHEREAS, the acquisitions will be used for the reconstruction of portions of the Indian Creek Channel and upgrade the box culvert bridge at Ray Ellison to improve water conveyance; and

WHEREAS, after completion, twenty-seven lots will be removed from the floodplain; 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 fee simple title interests of privately owned real property in Council District 4, by negotiation or condemnation, as part of the Indian Creek Channel Phase II Project of approximately 11.049 acres out of a portion of five parcels as described below:

Parcel Number	Legal Description
19257	6.603 acres out of a 6.574 acre tract, New City Block 15258
19258	2.472 acres (Part I) and 0.186 acres (Part II) for a total of 2.658 acres out of Lackland Spur Line (abandoned) and a 8.1 acre tract, NCB 15258
19259	0.652 acres out of Lot 60, Block 1, New City Block 15210, Lackland Heights Subdivision TIF
19260	0.461 acres out of a 3.821 acre tract, New City Block 16000
19261	0.675 acres out of a 3.535 acre tract, New City Block 16000

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B through F** 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 \$60,000.00 is authorized for payment for negotiation or condemnation from project 40-00326 Indian Creek Channel Phase II and should be encumbered with a purchase order and made payable to the selected title company for the acquisition of 5 parcels of privately owned real property located in NCB’s 15210, 15258, and 16000 in Council District 4 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 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