

AN ORDINANCE

FOR THE CALLAGHAN ROAD PROJECT, AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF APPROXIMATELY 0.6966 ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF 43 PARCELS OF PRIVATELY-OWNED REAL PROPERTY ALONG CALLAGHAN ROAD BETWEEN LOOP 410 AND BANDERA ROAD IN COUNCIL DISTRICT 7 AND DECLARING THE PROJECT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES NOT TO EXCEED \$850,000.00, PAYABLE TO THE SELECTED TITLE COMPANY, FOR LAND, RELOCATION, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES, A 2012-2017 BOND PROGRAM-FUNDED PROJECT.

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WHEREAS, the City of San Antonio (“City”) requires the acquisition of approximately 0.6966 acres out of portions of 43 parcels of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Callaghan Road (Evers Road to Centerview Drive) 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 the privately owned real property as part of the Project as further described in SECTION 1 below; and

WHEREAS, the acquisitions of these parcels are necessary for the reconstruction and widening of Callaghan Road, between Loop 410 and Bandera Road, from a two-lane roadway to a four-lane roadway with a continuous left-turn lane in sections with 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 funds; **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 right-of-way, temporary construction easements, permanent easements and drainage easements of approximately 0.6966 acres of privately owned real property in Council District 7, by negotiation or condemnation, as part of the Callaghan Road (Evers Road to Centerview Drive) Project of the following listed:

Parcel Number	Legal Description
19274	0.015 acre (665 square feet) out of Lot 13, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Callaghan Road Subdivision

19274E	0.011 acre (472 square feet) out of Lot 13, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Callaghan Road Subdivision
19275_1	0.021 acre (933 square feet) out of Lot 9 – Tract 1, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Reneau Subdivision
19275_1TE	0.011 acre (485 square feet) out of Lot 9 – Tract 1, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Reneau Subdivision
19275_2	0.0099 acre (404 square feet) out of Lot 11 – Tract 2, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Resubdivision Plat of Reneau Subdivision
19275_2TE	0.005 acre (234 square feet) out of Lot 11 – Tract 2, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Resubdivision Plat of Reneau Subdivision
19275_3	0.007 acre (289 square feet) out of Lot 12 – Tract 2, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Resubdivision Plat of Reneau Subdivision
19275_3TE	0.004 acre (180 square feet) out of Lot 12 – Tract 2, Manuel Tejada Survey No. 89, Abstract 741, New City Block 11608, Resubdivision Plat of Reneau Subdivision
19276	0.006 acre (271 square feet) out of Lot 7, Block 17, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16069, Rolling Ridge Subdivision Unit 9-B
19276TE	0.003 acre (132 square feet) out of Lot 7, Block 17, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16069, Rolling Ridge Subdivision Unit 9-B
19277	0.027 acre (1,172 square feet) out of Lot 8, Block 17, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16069, Rolling Ridge Subdivision Unit 9-B
19277TE	0.013 acre (587 square feet) out of Lot 8, Block 17, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16069, Rolling Ridge Subdivision Unit 9-B
19278	Part I: 0.035 acre (1,526 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8 Part II: 0.0009 acre (39 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8
19278TE	0.021 acre (927 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8
19279	0.025 acre (1,069 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8
19279TE	0.011 acre (495 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8
19281	0.044 (1,910 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8
19281TE	0.023 acre (1,019 square feet) out of Lot 1, Block 18, Manuel Tejada Survey No. 89, Abstract 741, New City Block 16070, Rolling Ridge Subdivision Unit 8

19282	0.024 acre (1,050 square feet) out of Lot 17, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 9
19282TE	0.018 acre (785 square feet) out of Lot 17, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 9
19284	0.015 acre (638 square feet) out of Lot 4, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 2
19284TE	0.008 acre (360 square feet) out of Lot 4, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 2
19285	0.010 acre (421 square feet) out of Lot 3, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 2
19285TE	0.006 acre (240 square feet) out of Lot 3, Block 12, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14113, Rolling Ridge Subdivision Unit 2
19290	0.016 acre (717 square feet) out of Lot 7, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19290TE	0.0009 acre (375 square feet) out of Lot 7, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19291	0.018 acre (784 square feet) out of Lot 6, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19291TE	0.009 acre (375 square feet) out of Lot 6, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19292	0.018 acre (771 square feet) out of Lot 5, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19292TE	0.009 acre (375 square feet) out of Lot 5, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19294	0.017 acre (728 square feet) out of Lot 3, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19294TE	0.009 acre (375 square feet) out of Lot 3, Block 6, Manuel Tejada Survey No. 89, Abstract 741, New City Block 14109, Rolling Ridge Subdivision Unit 2
19300	0.009 acre (412 square feet) out of Lot 1, Block 23, Manuel Tejada Survey No. 89, Abstract 741, New City Block 12283, Sunset Hills Subdivision Unit 5
19300PE	0.001 acre (36 square feet) out of Lot 1, Block 23, Manuel Tejada Survey No. 89, Abstract 741, New City Block 12283, Sunset Hills Subdivision Unit 5
19301	0.0006 acre (25 square feet) out of Lot 96, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Evers Subdivision
19301TE	0.019 acre (820 square feet) out of Lot 96, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Evers Subdivision
19302	0.011 acre (460 square feet) out of Lot 103, Block E, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Northwest Hills Subdivision Lots 102 and 103
19302TE	0.008 acre (355 square feet) out of Lot 103, Block E, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Northwest Hills Subdivision Lots 102 and 103
19304	0.031 acre (1,345 square feet) out of Lot 97, Block E, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Southland

	Corporation Subdivision Unit 7
19304DE	0.016 acre (685 square feet) out of Lot 97, Block E, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Southland Corporation Subdivision Unit 7
19304TE	0.024 acre (1,029 square feet) out of Lot 97, Block E, Barnabe Montalvo Survey No. 48 ½, Abstract 494, New City Block 11544, Southland Corporation Subdivision Unit 7

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B1-B41** 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 the \$850,000.00 is authorized for payment for negotiation or condemnation in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00292, Callaghan Rd (Evers Rd to Centerview Dr), and should be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of 43 parcels, approximately 0.6806 acres, of privately owned real property located in NCBs 11544, 11608, 12283, 14109, 14113, 16069 and 16070 in Council District 7 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