

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

ORDINANCE

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF APPROXIMATELY 19.511 ACRES IN NCB 18589 LOCATED ALONG FRENCH CREEK IN COUNCIL DISTRICT 7 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 FRENCH 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.

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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; and

WHEREAS, this property consists of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 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 French Creek Greenway Trail project; and

WHEREAS, the property owner of record (Bexar County Land Holdings Two, Inc.) is no longer a viable corporation listed with the Texas Secretary of State and title to the property is unclear at this time; 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 19.511 acres in NCB 18589 located along French Creek in Council District 7 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:

LEGAL DESCRIPTION
19.511 acres in NCB 18589 located along French 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** incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

SECTION 3. The 2015 Proposition 2 Sales Tax Initiative funded project, SAP Project Definition 26-00669, 19.511 acres in NCB 18589 located along French 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 19.511 acres of parcels of privately-owned real property located in NCB 18589 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 the 2015 Proposition 2 Sales Tax Initiative funded project.

SECTION 5. The City staff is hereby directed to negotiate with the owners of the 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 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 ____ day of June, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney