

AN ORDINANCE 2017-02-23-0103

FOR THE SOUTH MEDINA STREET EXTENSION- COLIMA TO VERA CRUZ PROJECT, A CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5, AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION, DEDICATION OR CONDEMNATION, OF APPROXIMATELY 0.425 ACRES FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF TWO PARCELS OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 274; AND DECLARING THE SOUTH MEDINA STREET EXTENSION-COLIMA TO VERA CRUZ PROJECT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES OF \$250,000.00, PAYABLE TO THE SELECTED TITLE COMPANY, FOR LAND, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.

* * * * *

WHEREAS, the City of San Antonio ("City") desires to acquire all or portions of privately owned real property as part of the South Medina Street Extension – Colima to Vera Cruz Project; and

WHEREAS, it is necessary to obtain and acquire right of way interest to all, or a portion of, privately owned real property in Council District 5 as part of the Project as further described in **SECTION 2** below; and

WHEREAS, Ordinance 2014-11-13-0911 authorized the closure, vacating and abandonment of the City's public right-of-way known as Colima Street, located between South Medina Street and South Frio Street; and

WHEREAS, as part of the closure agreement, the City agreed to re-open and extend South Medina Street located between Vera Cruz and Guadalupe, to enhance residential and commercial traffic flow and access to the abutting landowners, Peanut Factory Lofts and Iron Mountain facilities; and

WHEREAS, in order to re-open and extend South Medina Street, property is required from the two abutting landowners; and

WHEREAS, this Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, there is a one-time capital improvement expenditure in the amount of \$250,000.00, available from Certificates of Obligation and are included in the FY 2017-2022 Capital Improvement Program Budget; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The South Medina Street Extension – Colima to Vera Cruz Project is hereby declared to be 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 South Medina Street Extension – Colima to Vera Cruz Project. Said parcels of land are described as follows:

PARCEL NO.	LEGAL DESCRIPTION
19508	0.210 acres out of Lot 3, Block 102, New City Block 274, Dan Patel Subdivision
19508A	0.215 acres out of Lot 1, Block 101, New City Block 237, Vista Verde South Unit 3

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. Payment in the amount of \$250,000.00 in SAP Fund 43099000, Certificates of Obligation Capital Project, SAP Project Definition 23-01531, S Medina St Ext (Colima-Vera Cruz), 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 0.425 acres of two parcels of privately-owned real property located in NCB 274 in Council District 5 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 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 23rd day of February, 2017.



M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

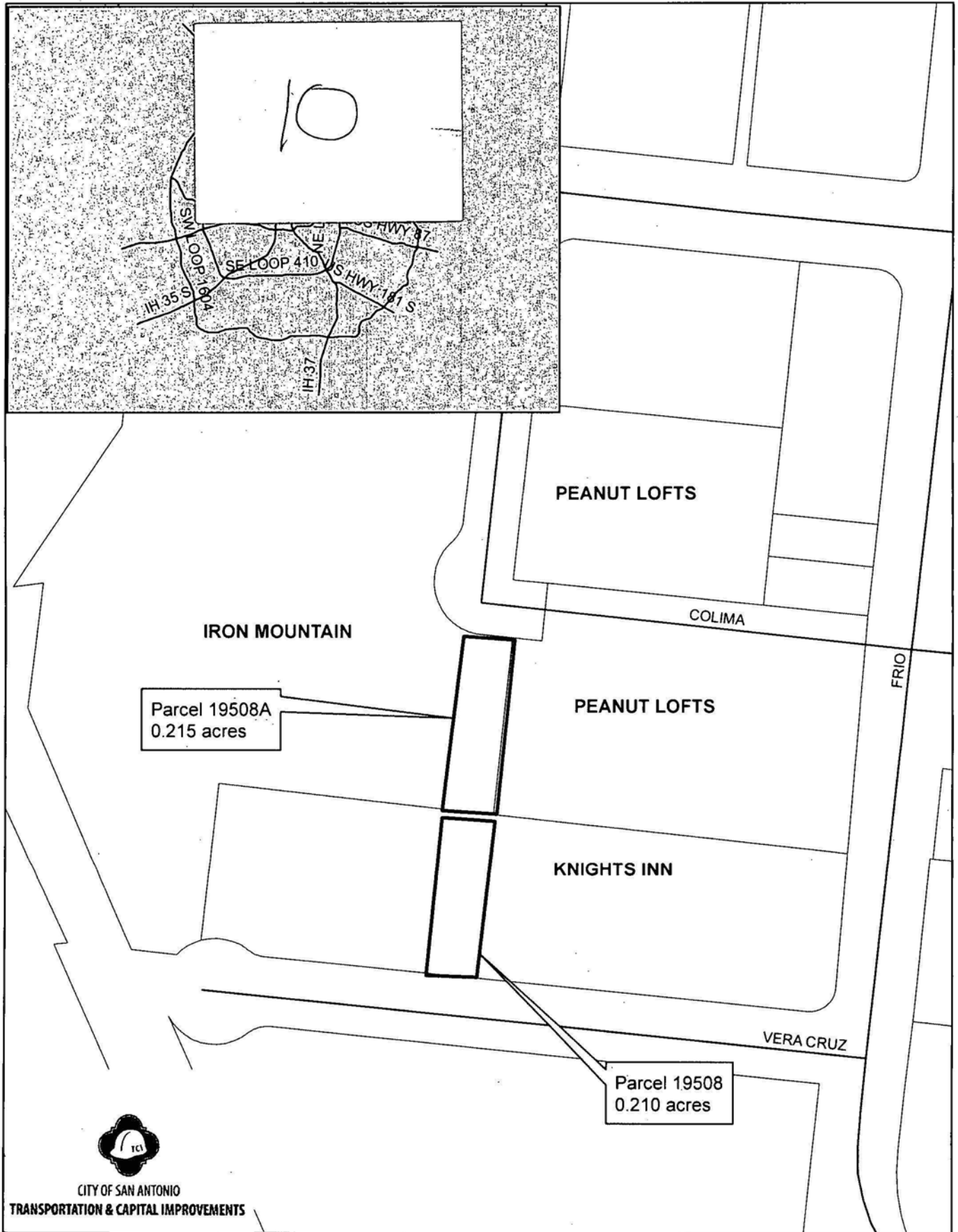


Andrew Segovia, City Attorney

for

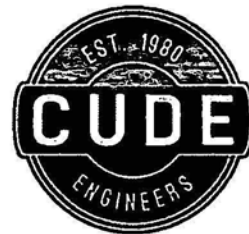
Agenda Item:	10						
Date:	02/23/2017						
Time:	11:15:31 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance for the South Medina Street Extension- Colima to Vera Cruz Project, a Certificates of Obligation funded project, located in Council District 5, authorizing the acquisition, through negotiation, dedication or condemnation, of approximately 0.425 acres for interests in land sufficient for Project purposes in a portion of two parcels of privately-owned real property located in NCB 274; and declaring the South Medina Street Extension- Colima to Vera Cruz Project to be a public use project for the acquisition and authorizing expenditures of \$250,000.00, payable to the selected title company, for land, litigation expenses and associated title fees. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x			x	
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

S. Medina Street Extension - Colima to Vera Cruz Council District 5



Drawing not to scale

EXHIBIT "A"



**METES AND BOUNDS
DESCRIPTION OF**

0.210 of an acre tract of land in the City of San Antonio, Bexar County, Texas, being out of Lot 3, Block 102, New City Block 274, Dan Patel Subdivision, a subdivision recorded in Volume 9539, Page 136, Deed and Plat Records of Bexar County, Texas; said Lot 3, Block 102 being the same tract described in a Warranty Deed with Vendor's Lien dated March 6, 2007 to Ridhhi Sidhhi Niwas LLC, recorded in Volume 12740, Page 2452, Official Public Records of Real Property of Bexar County, Texas; said 0.210 of an acre being more particularly described as follows:

BEGINNING: At a set ½" iron rod with red plastic cap stamped "MW CUDE" on the North Right-of-Way line of Vera Cruz Street, a 57.8-foot wide Right-of-Way and the South boundary of said Lot 3, Block 102, for the Southeast corner of the herein described tract;

Thence: N84°13'12"W, with the North Right-of-Way line of Vera Cruz Street and the South boundary of said Lot 3, Block 102, a distance of 55.60 feet to a set ½" iron rod with red plastic cap stamped "MW CUDE", for the Southwest corner of the herein described tract;

Thence: N06°26'55"E, leaving the North Right-of-Way of Vera Cruz Street, crossing said Lot 3, Block 102, a distance of 164.14 feet to a set ½" iron rod with red plastic cap stamped "MW CUDE" on the North boundary of said Lot 3, Block 102 and the South boundary of Lot 1, Block 101, New City Block 237, Vista Verde South Unit 3, a subdivision recorded in Volume 9500, Page 211, Deed and Plat Records of Bexar County, Texas, for the Northwest corner of the herein described tract;

Thence: S84°13'12"E, with the North boundary of said Lot 3, Block 102 and the South boundary of said Lot 1, Block 101, a distance of 55.60 feet to a found ½" iron rod, being the most Easterly Southeast corner of said Lot 1, Block 101 and the Southwest corner of a 1.295 acre tract being the North ½ of Block 102, also known as Lot A-1, New City Block 274 as described in a Special Warranty Deed dated September 4, 2013 to Peanut Factory Lofts, Ltd., recorded in Volume 16327, Page 168, Official Public Records of Real Property of Bexar County, Texas, for the Northeast corner of the herein described tract, from said point, a found ½" iron rod with plastic cap on the West Right-of-Way line of South Frio Street, being the Southeast corner of said 1.295 acre tract, bears S84°13'12"E, 338.98 feet;

Thence: S06°26'55"W, crossing said Lot 3, Block 102, a distance of 164.14 feet to the POINT OF BEGINNING, and containing 0.210 of an acre of land.

EXHIBIT "B"

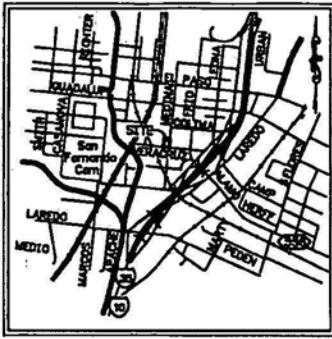
Note: Basis of bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83.

Survey plat accompanying this description of even date.

Project No. 02931.000
Date: February 5, 2015
J.G.R.



Gregorio Lopez, Jr. 2/5/15

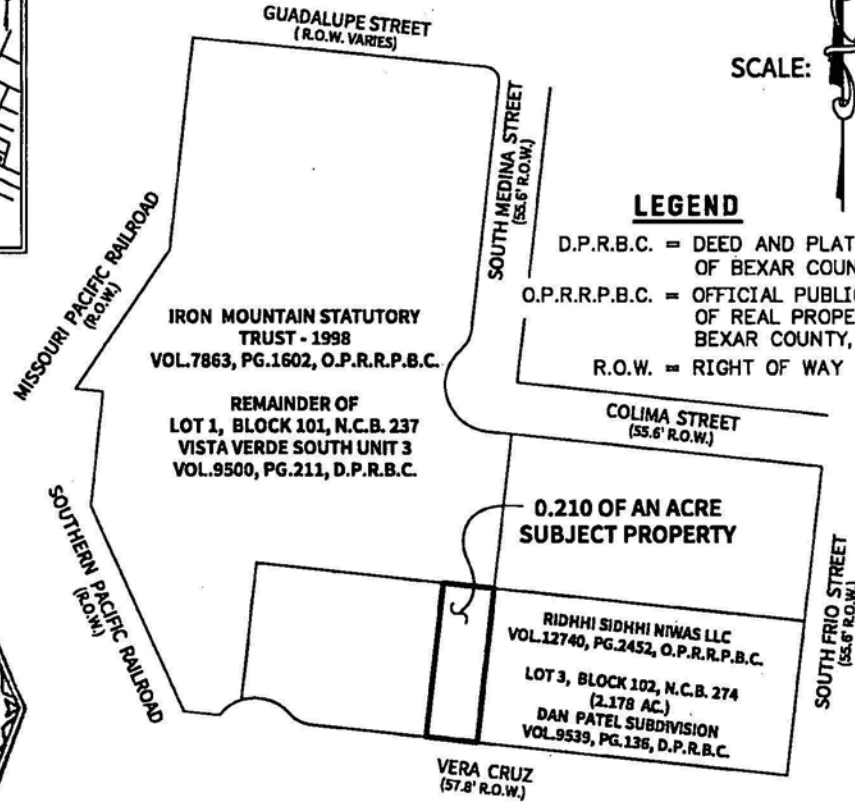


LOCATION MAP
(NOT TO SCALE)

SCALE: 1" = 200'

LEGEND

- D.P.R.B.C. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- O.P.R.R.P.B.C. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
- R.O.W. = RIGHT OF WAY



STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS SURVEY AND ACCOMPANYING FIELD NOTES REPRESENT FACTS DISCLOSED BY AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE EASEMENTS OR INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS ON ADJOINING PROPERTY.

THIS 5TH DAY OF FEBRUARY, 2015 A.D.

Gregorio Lopez, Jr.
GREGORIO LOPEZ, JR., R.P.L.S. NO. 5272

BOUNDARY AND IMPROVEMENT SURVEY OF

0.210 OF AN ACRE TRACT OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING OUT OF LOT 3, BLOCK 102, NEW CITY BLOCK 274, DAN PATEL SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 9539, PAGE 136, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; SAID LOT 3, BLOCK 102 BEING THE SAME TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 6, 2007 TO RIDHHI SIDHHI NIWAS LLC, RECORDED IN VOLUME 12740, PAGE 2452, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

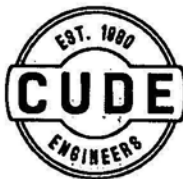
NOTES:

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (93).
2. SETBACKS OR EASEMENTS PER RESTRICTIONS OR ZONING MAY EXIST.
3. THE SURVEYOR HAS RELIED ON THE TITLE REPORT ISSUED BY ALAMO TITLE COMPANY, GF NO. 4002004548, EFFECTIVE DATE OF DECEMBER 29, 2014; ISSUED JANUARY 15, 2015 WITH REGARD TO THE EXISTENCE OF RECORDED EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THE SUBJECT PROPERTY. ONLY THOSE MATTERS AFFECTING THE AREA OF THE SUBJECT PROPERTY IDENTIFIED IN THE ABOVE REFERENCED TITLE REPORT ARE SHOWN.
4. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SURVEY PLAT OF EVEN DATE.
5. ALL PROPERTY CORNERS ARE SET 1/2" IRON RODS WITH RED PLASTIC CAP STAMPED "MW CUDE" UNLESS OTHERWISE NOTED.
6. SEE PAGE 3 OF 3 FOR SURVEY DETAILS.

RESTRICTIONS:

1. VOLUME 2727, PAGE 1925, AND VOLUME 2878, PAGE 2230, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

P:\02931\02931-Survey\Drawings\SF 02931.L000 (South) CSM Survey.dwg 2015/02/08 8:46am glpaz



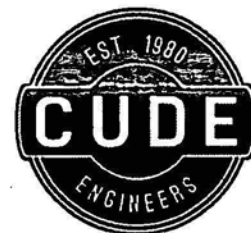
CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
WWW.CUDEENGINEERS.COM
TBPE REGISTERED ENGINEERING
FIRM #455

Page 3 OF 4

DATE: FEBRUARY 5, 2015

JOB NO.: 02931.000

REPRODUCTION OF THE ORIGINAL SIGNED AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY HAVE BEEN INADVERTENTLY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CUDE ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.



**METES AND BOUNDS
DESCRIPTION OF**

0.215 of an acre tract of land in the City of San Antonio, Bexar County, Texas, being the Easterly portion of Lot 1, Block 101, New City Block 237, Vista Verde South Unit 3, a subdivision recorded in Volume 9500, Page 211, Deed and Plat Records of Bexar County, Texas; said Lot 1, Block 101 being the same tract described in a General Warranty Deed dated February 26, 1999 to Iron Mountain Statutory Trust-1998, recorded in Volume 7863, Page 1602, Official Public Records of Real Property of Bexar County, Texas; said 0.215 of an acre being more particularly described as follows:

BEGINNING: At a found ½" iron rod on the South Right-of-Way line of Colima Street, a 55.6-foot wide Right-of-Way, being the most Easterly Northeast corner of said Lot 1, Block 101 and the Northwest corner of a 1.295 acre tract being the North ½ of Block 102, also known as Lot A-1, New City Block 274 as described in a Special Warranty Deed dated September 4, 2013 to Peanut Factory Lofts, Ltd., recorded in Volume 16327, Page 168, Official Public Records of Real Property of Bexar County, Texas, for the Northeast corner of the herein described tract, from said point, a found "X" in concrete on the West Right-of-Way line of South Frio Street, a 55.6-foot Right-of-Way, being the Northeast corner of said 1.295 acre tract, bears S84°11'32"E, 338.41 feet;

Thence: S06°26'55"W, leaving the South Right-of-Way line of Colima Street, with the East boundary of said Lot 1, Block 101 and the West boundary of said 1.295 acre tract, a distance of 166.71 feet to a found ½" iron rod on the North boundary of Lot 3, Block 102, New City Block 274, Dan Patel Subdivision, a subdivision recorded in Volume 9539, Page 136, Deed and Plat Records of Bexar County, Texas, being the most Easterly Southeast corner of said Lot 1, Block 101 and the Southwest corner of said 1.295 acre tract, for the Southeast corner of the herein described tract, from said point, a found ½" iron rod with plastic cap on the West Right-of-Way line of South Frio Street, being the Southeast corner of said 1.295 acre tract, bears S84°13'12"E, 338.98 feet;

Thence: N84°13'12"W, with the South boundary of said Lot 1, Block 101 and the North boundary of said Lot 3, Block 102, a distance of 55.60 feet to a set ½" iron rod with red plastic cap stamped "MW CUDE", for the Southwest corner of the herein described tract;

Thence: N06°26'55"E, leaving the North boundary of said Lot 3, Block 102 and crossing said Lot 1, Block 101, a distance of 175.44 feet to a set ½" iron rod, being a point of curvature of a non-tangent curve on the South Right-of-Way line of Colima Street and the North boundary of said Lot 1, Block 101, for the Northwest corner of the herein described tract;

Thence: With the South Right-of-Way line of Colima Street and the North boundary of said Lot 1, Block 101, the following:

29.94 feet with the arc of a curve concave to the North, having a radius of 50.00 feet, a central angle of 34°18'49", and a chord bearing and distance of S67°02'08"E, 29.50 feet to a found ½" iron rod, for a point of tangency;

EXHIBIT "C"

S84°11'32"E, a distance of 27.32 feet to the POINT OF BEGINNING, and containing 0.215 of an acre of land.

Note: Basis of bearing is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83.

Survey plat accompanying this description of even date.

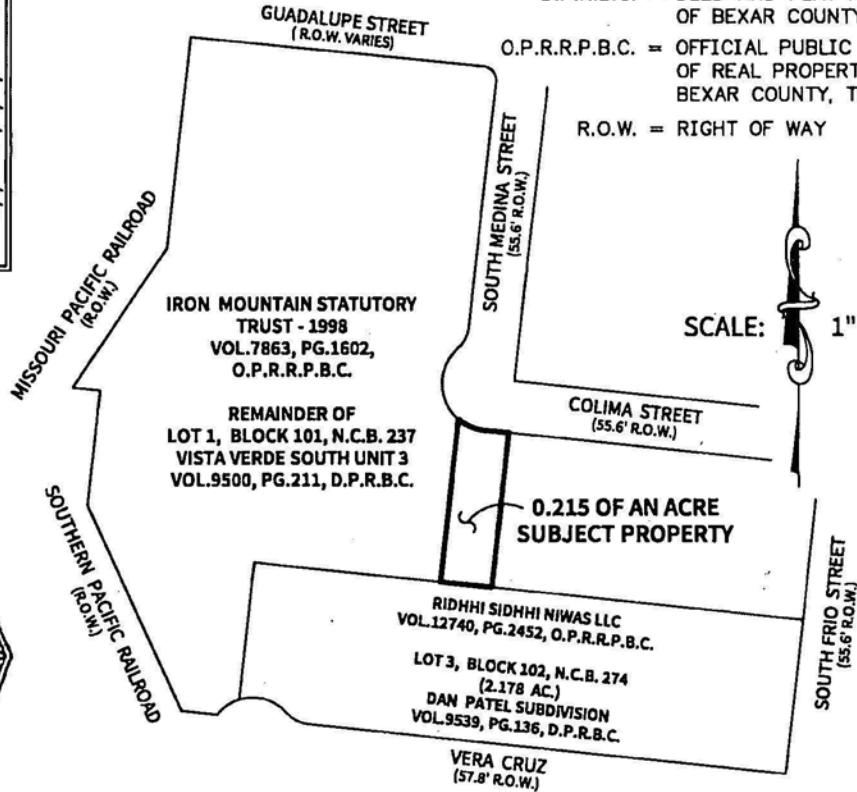
Project No. 02931.000
Date: February 5, 2015
J.G.R.



Gregorio Lopez, Jr. 2/5/15



LOCATION MAP
(NOT TO SCALE)



NOTES:

1. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (93).
2. SETBACKS OR EASEMENTS PER RESTRICTIONS OR ZONING MAY EXIST.
3. THE SURVEYOR HAS RELIED ON THE TITLE REPORT ISSUED BY ALAMO TITLE COMPANY, GF NO. 4002004547, EFFECTIVE DATE OF DECEMBER 29, 2014, ISSUED JANUARY 15, 2015 WITH REGARD TO THE EXISTENCE OF RECORDED EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THE SUBJECT PROPERTY. ONLY THOSE MATTERS AFFECTING THE AREA OF THE SUBJECT PROPERTY IDENTIFIED IN THE ABOVE REFERENCED TITLE REPORT ARE SHOWN.
4. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SURVEY PLAT OF EVEN DATE.
5. ALL PROPERTY CORNERS ARE SET 1/2" IRON RODS WITH RED PLASTIC CAP STAMPED "MW CUDE" UNLESS OTHERWISE NOTED.
6. SEE PAGE 3 OF 3 FOR SURVEY DETAILS.

RESTRICTIONS:

1. TERMS AND PROVISIONS OF INSTRUMENTS, VOLUME 6535, PAGE 2064, AND VOLUME 7721, PAGE 886, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

STATE OF TEXAS
 COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS SURVEY AND ACCOMPANYING FIELD NOTES REPRESENT FACTS DISCLOSED BY AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE EASEMENTS OR INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS ON ADJOINING PROPERTY.

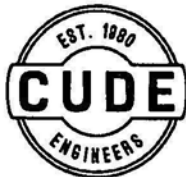
THIS 15TH DAY OF FEBRUARY, 2015 A.D.

Gregorio Lopez, Jr.
 GREGORIO LOPEZ, JR., R.P.L.S. NO. 5712

BOUNDARY AND IMPROVEMENT SURVEY OF

0.215 OF AN ACRE TRACT OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BEING THE EASTERLY PORTION OF LOT 1, BLOCK 101, NEW CITY BLOCK 237, VISTA VERDE SOUTH UNIT 3, A SUBDIVISION RECORDED IN VOLUME 9500, PAGE 211, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; SAID LOT 1, BLOCK 101 BEING THE SAME TRACT DESCRIBED IN A GENERAL WARRANTY DEED DATED FEBRUARY 26, 1999 TO IRON MOUNTAIN STATUTORY TRUST-1998, RECORDED IN VOLUME 7863, PAGE 1602, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

P:\02931\000P-Survey\Drawings\SV-02931.000 (North) CSA Civil Survey.dwg 2015/02/08 8:45am gllopez



CUDE ENGINEERS
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 SAN ANTONIO, TEXAS 78231
 TEL 210.681.2951 • FAX 210.523.7112
 WWW.CUDEENGINEERS.COM
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 FIRM #455

REPRODUCTION OF THE ORIGINAL SIGNED AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY HAVE BEEN INADVERTENTLY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CUDE ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.

LEGEND

- CONC. = CONCRETE
- ELEC. = ELECTRIC
- F.I.R. = FOUND 1/2" IRON ROD
- F.I.R.C. = FOUND 1/2" IRON ROD WITH PLASTIC CAP
- D.P.R.B.C. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- O.P.R.R.P.B.C. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
- P.O.B. = POINT OF BEGINNING
- R.O.W. = RIGHT OF WAY
- POWER POLE
- UTILITY POLE WITH GUY WIRE
- WATER VALVE
- ELECTRIC (OVERHEAD)
- SANITARY SEWER MANHOLE
- CHAIN LINK FENCE

SCALE: 1" = 40'

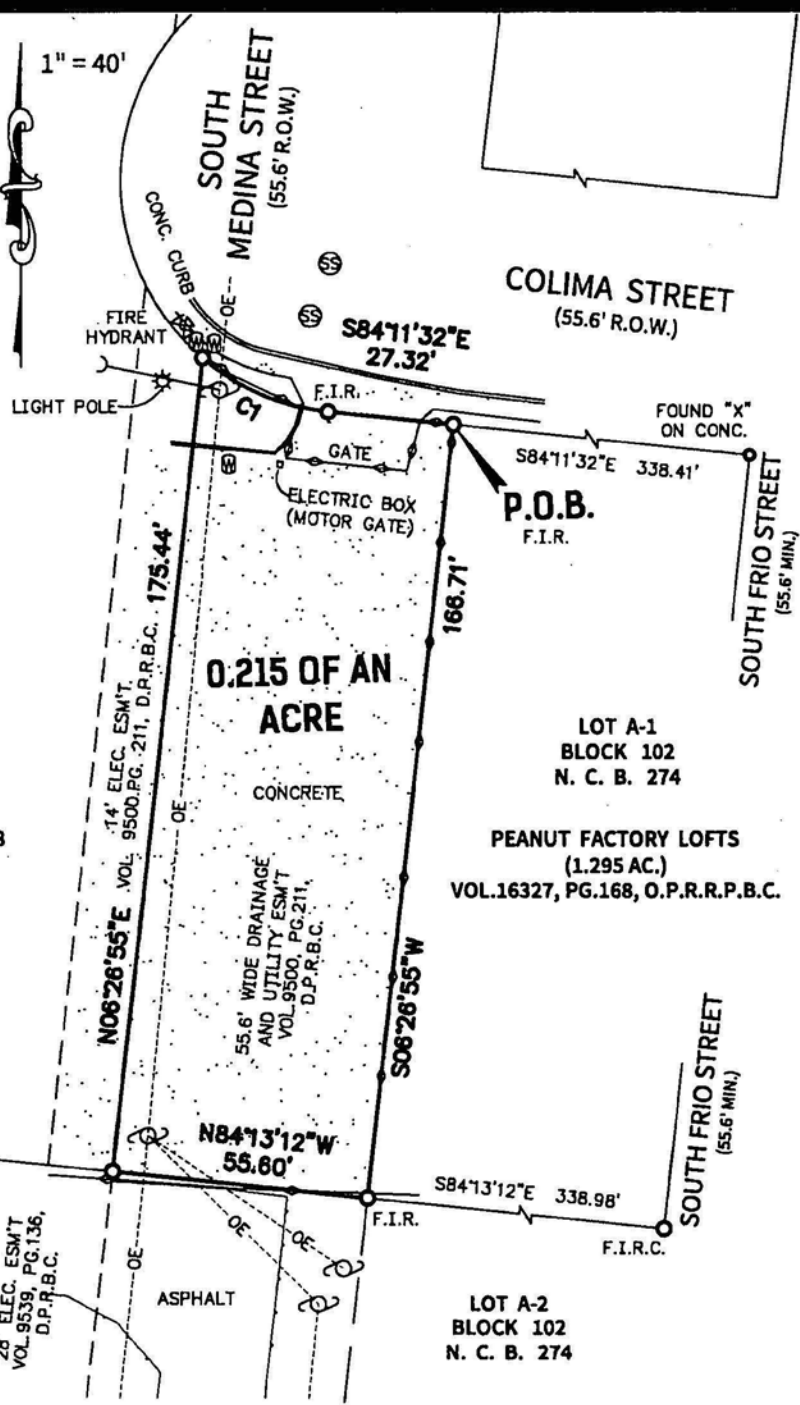
C1
 RADIUS=50.00'
 DELTA=34°18'49"
 LENGTH=29.94'
 BEARING=S67°02'08"E
 CHORD=29.50'

IRON MOUNTAIN STATUTORY TRUST - 1998
 VOL.7863, PG.1602, O.P.R.R.P.B.C.

LOT 1, BLOCK 101, N.C.B. 237
 VISTA VERDE SOUTH UNIT 3
 VOL.9500, PG.211, D.P.R.B.C.

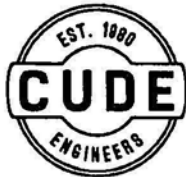
RIDHHI SIDHHI NIWAS LLC
 VOL.12740, PG.2452, O.P.R.R.P.B.C.

LOT 3, BLOCK 102, N.C.B. 274
 (2.178 AC.)
 DAN PATEL SUBDIVISION
 VOL.9539, PG.136, D.P.R.B.C.



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P:\02931\00010-Survey\Drawings\SV-02931.000 (North) CSA, CallA Survey.dwg 2013/02/06 8:44am glopez

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