

AN ORDINANCE 2014 - 08 - 07 - 0527

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF 0.059 ACRES FOR AN EASEMENT INTEREST IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF ONE PARCEL OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 17725 NEEDED FOR DEVELOPER PARTICIPATION OF THE BULVERDE ROAD AND CLASSEN ROAD REALIGNMENT PROJECT IN CONNECTION WITH THE 2012 GENERAL OBLIGATION BOND-FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 10, AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire easement interest of privately owned real property in Council District 10 as part of the Bulverde Road and Classen Road Realignment 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 interest title of privately owned real property as part of the Project as further described in SECTION 1 below; and

WHEREAS, on May 2, 2013, City Council approved a Developer Participation Agreement with Bulverde Marketplace Partners through Ordinance 2013-05-02-0292; and

WHEREAS, as part of the final negotiated agreement terms, the Developer (Bulverde Marketplace Partners) agreed to design and construct the extension and realignment as part of the 2012-2017 bond funded Bulverde Road and Classen Road Realignment Project; and

WHEREAS, the acquisition will be used for the construction of two lanes in each direction, raised medians, curbs, sidewalks and bicycle lanes; and

WHEREAS, the Developer (Bulverde Marketplace Partners) will pay all expenses related to the acquisition of the real property, associated litigation expenses and title fees with no impact to the City; **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 interest of privately owned real property in Council District 10, by negotiation and/or condemnation, as part of the Bulverde Road and Classen Road Realignment Project of approximately 0.059 acre (2,571 square feet), located on a 4.074 acre tract, and out of the J. Goll Survey Number 395, Abstract 297, New City Block 17725, in the City of San Antonio, Bexar County, Texas.

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibit B** 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. There is no fiscal impact to this item, as the Developer (Bulverde Marketplace Partners) will pay all fees associated with the acquisition.

SECTION 4. The acquisition of property must be coordinated through the city's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 5. The City staff is hereby directed to negotiate with the owner of the respective parcel for the acquisition of the Property at fair market value, to execute a sales agreement purchasing the property from the owner as 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.

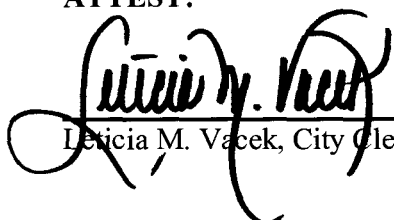
SECTION 6. In the event that the City negotiations fail and staff is unable to acquire the parcel from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized 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.

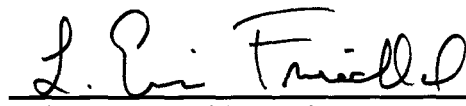
PASSED and APPROVED this 7th day of August, 2014.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

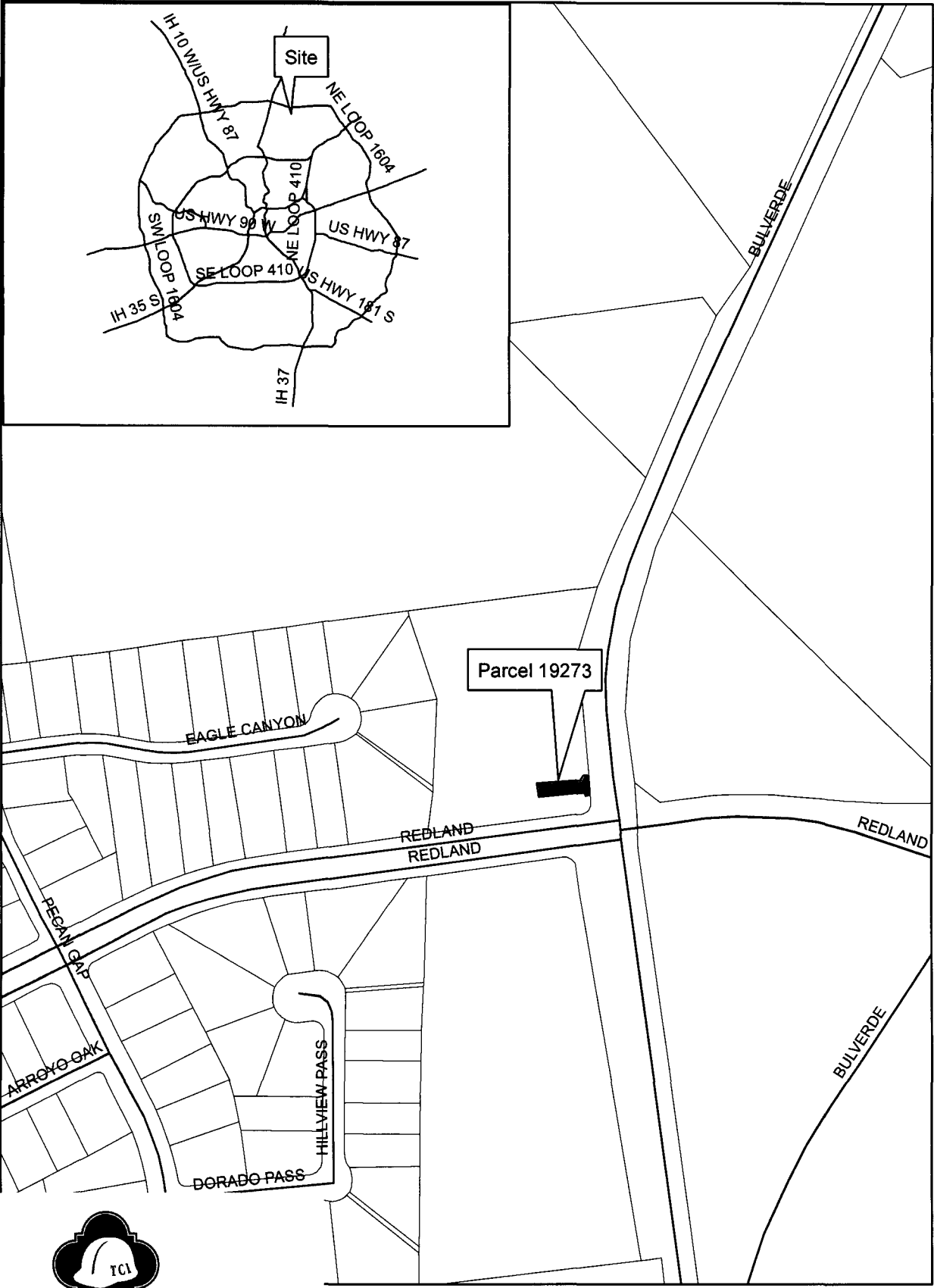
APPROVED AS TO FORM:


for Robert F. Greenblum, City Attorney

Agenda Item:	11
Date:	08/07/2014
Time:	11:53:57 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the acquisition, through negotiation or condemnation of 0.059 acres of an interest in land in a portion of one parcel of privately-owned real property located in NCB 17725 for the realignment of Bulverde Road and Classen Road, as part of the Developer Participation agreement, in connection with the 2012 General Obligation Bond-funded Project, located in Council District 10, and declaring it to be a public use project for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy Taylor	Mayor		x				
Diego Bernal	District 1		x				
	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				x
Michael Gallagher	District 10		x			x	

Bulverde and Classen Roads Realignment Project



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

■ Not drawn to scale

EXHIBIT "A"



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES
FOR
VARIABLE WIDTH DRAINAGE EASEMENT

A 0.059 of an acre, or 2571 square feet more or less, easement located on a 4.074 acre tract, conveyed to Redland Springs Association, LP. in Deed recorded Volume 10268, Page 1511 of the Official Public Records of Real Property of Bexar County, Texas, out of the J. Goll Survey Number 395, Abstract 297, New City Block 17725. Said 0.059 of an acre easement being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

COMMENCING: At a found ½ iron rod on the west right-of-way line of Bulverde Road, a variable width right-of-way at the southeast corner of a 12.98 acre tract recorded in Volume 14062, Page 1552 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 82°10'49" W, along and with the west right-of-way line of said Bulverde Road, the southeast line of said 12.98 acre tract, along the right-of-way line a distance of 29.00 feet to the northeast corner of said 4.074 acre tract;

THENCE: S 23°00'53" W departing the southeast line of said 12.98 acre tract, along and with the west right-of-way line of said Bulverde Road and the east line of said 4.074 acre tract, a distance of 79.12 feet to a point;

THENCE: S 7°35'18" E continuing along and with the west right-of-way line of said Bulverde Road and the east line of said 4.074 acre tract, a distance of 221.99 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: S 07°35'18" E, continuing along and with the west right-of-way line of said Bulverde Road, the east line of said 4.074 acre tract a distance of 34.00 feet to a point;

THENCE: Departing the west right-of-way line of said Bulverde Road, over and across said 4.074 acre tract the following bearings and distances:

S 82°32'31" W a distance of 19.78 feet to a point;

N 53°11'00" W, a distance of 7.16 feet to a point;

S 82°32'31" W, a distance of 72.94 feet to a point;

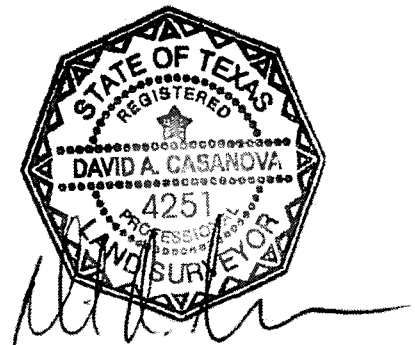
N 07°27'29" W, a distance of 24.00 feet to a point;

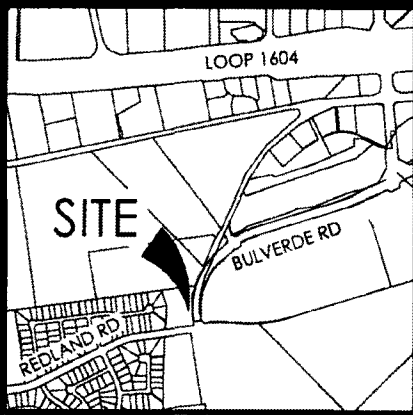
N 82°32'31" E, a distance of 72.94 feet to a point;

N 38°16'02" E, a distance of 7.16 feet to a point;

N 82°32'31" E, a distance of 19.71 feet to the POINT OF BEGINNING, and containing 0.059 of an acre in the City of San Antonio, Bexar County, Texas. Said easement tract being described in accordance with an exhibit prepared under job number 8207-20 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 13, 2014
JOB NO. 8207-20
DOC. ID. N:\CIVIL\8207-20\Word\8207-20 0.059 ACRE DRN-ESMT.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00





LOCATION MAP

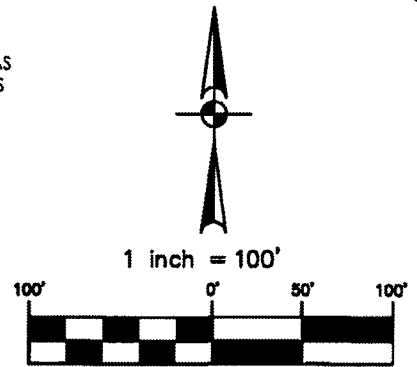
MAPSCO MAP GRID: 51884
NOT TO SCALE

LEGEND:

- DR DEED RECORDS OF BEXAR COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- FIR FOUND 1/2" IRON ROD

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.

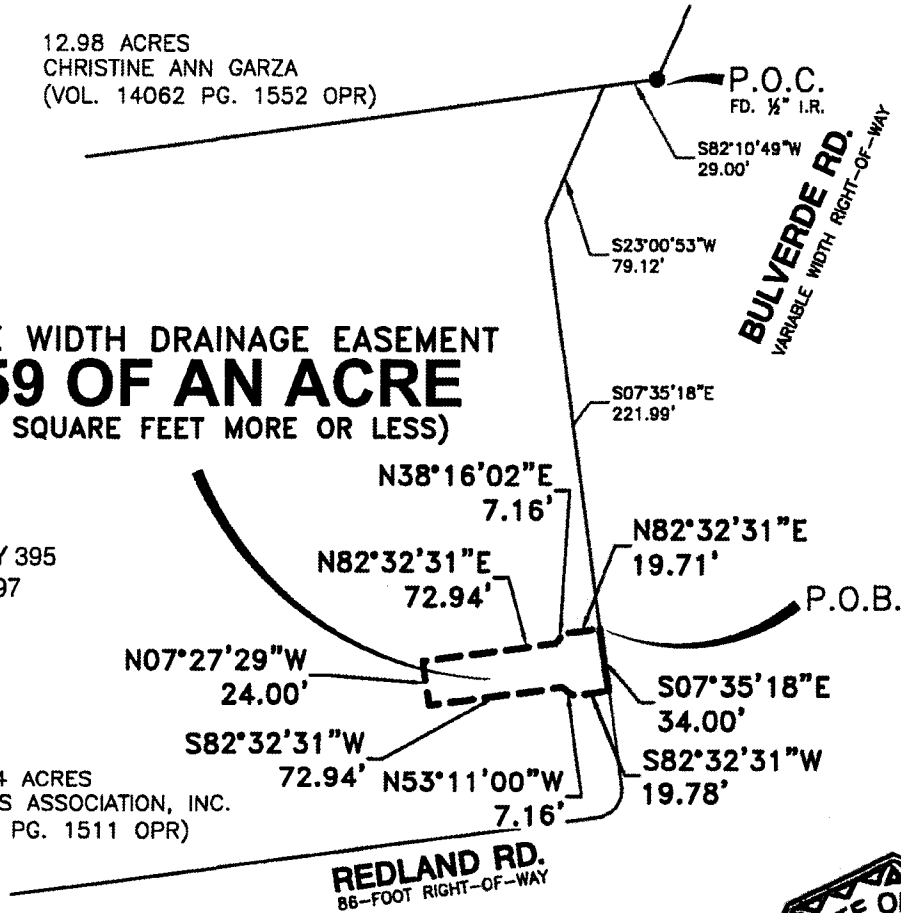


12.98 ACRES
CHRISTINE ANN GARZA
(VOL. 14062 PG. 1552 OPR)

**VARIABLE WIDTH DRAINAGE EASEMENT
0.059 OF AN ACRE
(2,571 SQUARE FEET MORE OR LESS)**

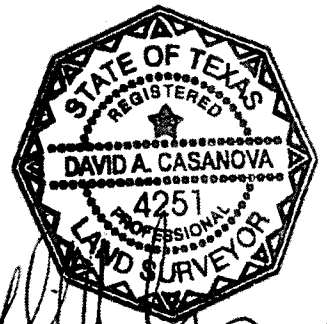
J. GOLL SURVEY 395
ABSTRACT 297
NCB 17725

4.074 ACRES
REDLAND SPRINGS ASSOCIATION, INC.
(VOL. 10268, PG. 1511 OPR)



**EXHIBIT
OF
VARIABLE WIDTH DRAINAGE EASEMENT**

A 0.059 ACRE, OR 2571 SQUARE FEET MORE OR LESS, EASEMENT LOCATED ON A 4.074 ACRE TRACT, CONVEYED TO REDLAND SPRINGS ASSOCIATION, LP., IN DEED RECORDED VOLUME 10268, PAGE 1511 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF VEXAR COUNTY, TEXAS, OUT OF THE J. GOLL SURVEY NUMBER 395, ABSTRACT 297, NEW CITY BLOCK 17725, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.



335 EAST RAMSEY | SAN ANTONIO TEXAS 78214 | PHONE: 210.375.0000
FAX: 210.375.9010

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

May 13, 2014

JOB No.:

SHEET 1 OF 1

8207-20

Date: May 13, 2014, 3:20pm User ID: DCasanova
File: N:\CIVIL\8207-20\8207-20 0.059 ACRE DRN-ESMT.dwg