

**THIS IS A 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 INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES OF TWO PARCELS TOTALING 0.506-ACRE (22,042 SQUARE FEET) OF PRIVATELY-OWNED REAL PROPERTY, LOCATED ON BULVERDE ROAD FROM JUNG ROAD TO NORTH OF GREEN SPRING DRIVE WITHIN NCB 17365 P-1 IN COUNCIL DISTRICT 10, FOR THE BULVERDE ROAD PHASE 1 (BUTTERLEIGH DRIVE TO NORTH OF QUIET MEADOW), A 2017-2022 GENERAL OBLIGATION BOND PROJECT; DECLARING IT TO BE A PUBLIC USE PROJECT AND A PUBLIC NECESSITY.**

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**WHEREAS**, on May 6, 2017, voters approved the 2017 Bond Program and allocated \$17,000,000 for the Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow) project; and

**WHEREAS**, this project includes the reconstruction and widening of Bulverde Road, construction of curbs, sidewalks, driveway approaches, traffic signal and drainage improvements. The project is a continuation of Bexar County's Street and Drainage Improvements Project to realign Jung Road to Quiet Meadow; and

**WHEREAS**, acquisition of property along Bulverde Road is required in order to acquire enough land to complete the Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow) project improvements; **THEREFORE**,

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

**SECTION 1.** The above caption and recitals are incorporated herein for all purposes.

**SECTION 2.** Public necessity for public use requires that the System, through the City of San Antonio acquire the Property (the "Property") either through purchase or by the process of eminent domain for the public purpose and public use of the expansion and operation of the System, in connection with the construction, operation and maintenance of the Project, in the location and along the route shown by the Overall Project Drawing market **EXHIBIT A-1** attached hereto and made a part hereof and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose and public use to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered in the location, the Property for which eminent domain proceedings may be instituted expressly include, to the extent deemed necessary or desirable by the System, any covenants, conditions and restrictions of record (the "Restrictions") that affect the use of the Property.

**SECTION 3.** The Property noted in Section 2 is described in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

**SECTION 4.** The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the Property described in Sections 2 and 3 of this Ordinance, expressly including any Restrictions, and to acquire such interests in land as the System is unable to acquire through negotiation by reason of its inability to agree with the owners of the land or beneficiaries of the Property as to the value of such interest in land or other terms, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights.

**SECTION 5.** All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the acquisition of the Property rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

**SECTION 6.** Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that 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 \_\_\_\_\_, 2020.

M A Y O R  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tina Flores, Acting City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney