

AN ORDINANCE 2014 - 06 - 05 - 0388

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR CONDEMNATION, OF APPROXIMATELY 17,371 SQUARE FEET (0.399 ACRES) OF INTEREST IN REAL PROPERTY SUFFICIENT FOR PROJECT PURPOSES, IN A PORTION OF ONE PARCEL OF PRIVATELY-OWNED REAL PROPERTY LOCATED IN NCB 17636, FOR THE CITYWIDE BRIDGE REPLACEMENT-SHAENFIELD ROAD, A 2012-2017 GENERAL OBLIGATION BOND-FUNDED PROJECT AND SHAENFIELD ROAD EXTENSION LOCATED IN COUNCIL DISTRICT 6, AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire fee simple title of real property owned by a Homeowner’s Association in Council District 6 as part of the extension of Shaenfield Road; and

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

WHEREAS, the project will include the construction of a five span bridge, for a total length of 500-linear feet, and include six-foot sidewalks, five-foot bike lanes, illumination and a driveway approach for a trailhead, to be constructed by the Parks and Recreation Department; and

WHEREAS, it is necessary to obtain and acquire fee simple title of real property as part of the extension of Shaenfield Road; and

WHEREAS, the acquisition will be used for the construction of the developer-extended portion of Shaenfield Road that will connect the Northwest Crossing neighborhood via the existing Terra Oak Right-of-Way to Loop 1604; and

WHEREAS, funds for the property acquisition are available from previously authorized 2012-2017 Bond Program funds and the project is a part of the FY 2014 - FY 2019 Capital Improvement Program; **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 fee simple title of real property in Council District 6, by negotiation and/or condemnation, of approximately 17,371 square feet, (0.399 acres) located in NCB 17636 for the Citywide Bridge Replacement-Shaenfield Road Project and extension of Shaenfield Road.

SECTION 2. 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 property may be referred to as the “Property.”

SECTION 3. 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 4. There is no fiscal impact to this item as developer will pay all fees associated with the acquisition.

SECTION 5. 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 6. 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.

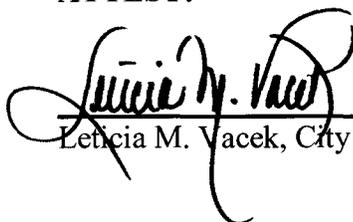
SECTION 7. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this 5th day of **June**, 2014.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

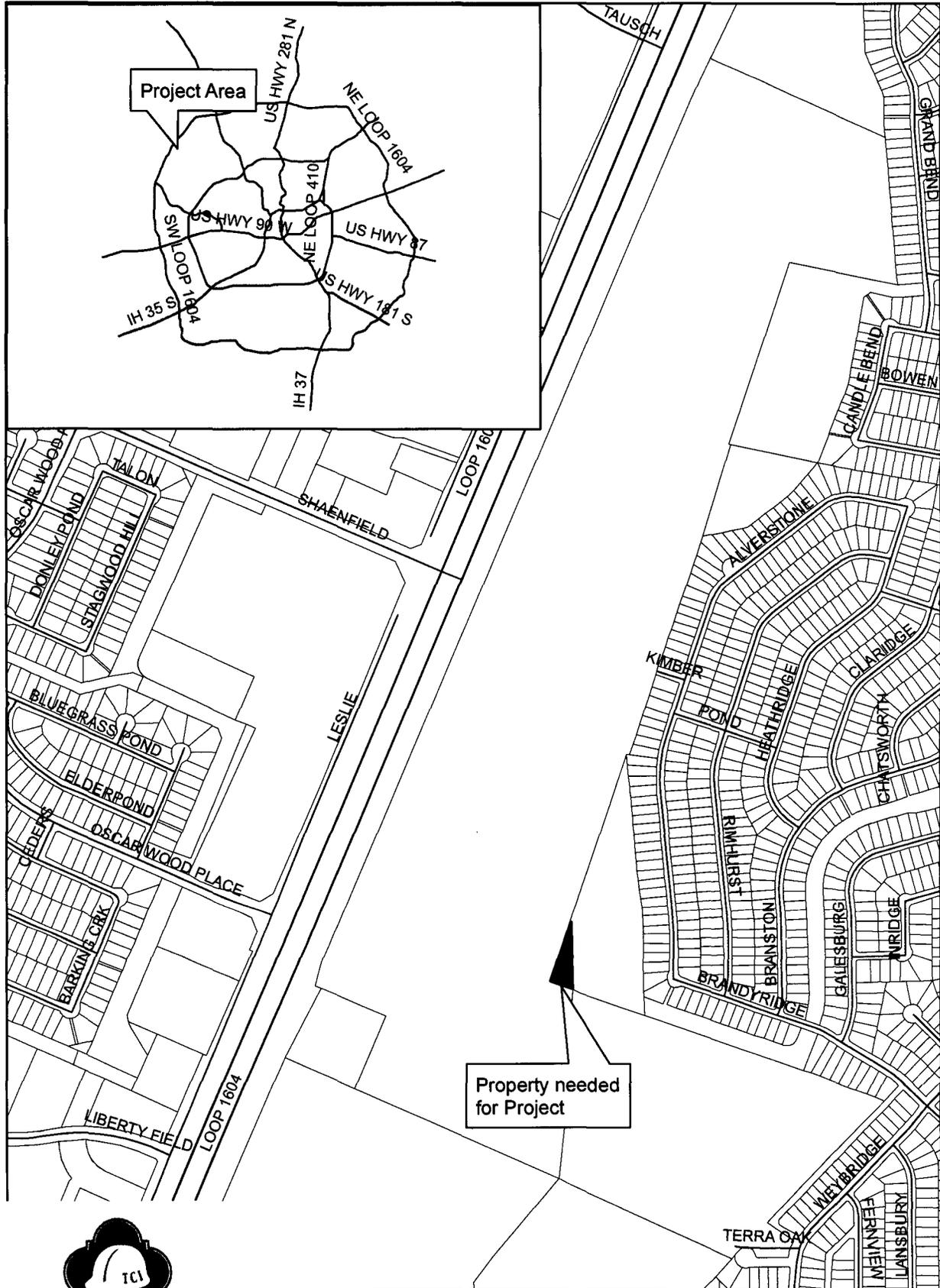


for
Robert F. Greenblum, City Attorney

Agenda Item:	9
Date:	06/05/2014
Time:	09:37:08 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the acquisition, through negotiation or condemnation of 0.399 acres, approximately (17,371 square feet) of interest in land, in a portion of one parcel of privately-owned real property located in NCB 17636, for the construction of the Developer Participation Shaenfield Road Extension Project in connection to the 2012-2017 General Obligation Bond funded Citywide Bridge Program (Shaenfield Road Bridge) Project located in Council 6 District; 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
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				x
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Citywide Bridge Program - Shaenfield Road



FIELD NOTES
FOR

A 0.399 acres, or 17,371 square feet more or less, tract of land out of a 6.0484 acre tract of land described in a deed recorded in Volume 5563, Page 1340 of the Official Public Records of Bexar County, Texas, out of the J. M. Ross Survey No. 229, Abstract 648, County Block 4448, now in New City Block 17636, of the City of San Antonio, Bexar County, Texas. Said 0.399 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING: At a found ½ inch iron rod at the southwest corner of said 6.0484 acre tract of land, an interior corner of a 109.80 acre tract of land described in a deed recorded in Volume 8282, Page 1335 of the Official Public Records of Bexar County, Texas;

THENCE: N 18°27'34" E, along and with the common line between said 109.80 acre tract, and said 6.0484 acre tract, a distance of 300.00 feet to a set ½ inch iron rod with yellow cap marked "Pape-Dawson";

THENCE: S 02°31'25" E, departing said common line, over and across said 6.0484 acre tract, a distance of 323.40 feet to a found ½ inch iron rod at the north corner of said 24.00 acre tract of land described in a deed recorded in Volume 7712, Page 78 of the Official Public Records of Bexar County, Texas, an eastern corner of said 109.80 acre tract;

THENCE: N 02°31'25" W, along and with the common line between said 109.80 acre tract, and said 6.0484 acre tract, a distance of 115.82 feet to the POINT OF BEGINNING, and containing 0.399 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 7171-08 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: January 29, 2014
JOB NO. 7171-08
DOC. ID. N:\CIVIL\7171-08\Word\FN7171-08 0.399 ac.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00



