

ORDINANCE 2019-10-31-0878

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF APPROXIMATELY 15.545 ACRES IN NCB 15091 LOCATED ALONG CULEBRA CREEK TRIBUTARY IN COUNCIL DISTRICT 6 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 CULEBRA 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.

* * * * *

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 (the “Project”); and

WHEREAS, this property consists of approximately 15.545 acres in NCB 15091 located along Culebra Creek Tributary in Council District 6 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 Project; 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 15.545 acres in NCB 15091 located along Culebra Creek Tributary in Council District 6 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:

BCAD PARCEL NOs.	LEGAL DESCRIPTION
567770, 567771	15.545 acres in NCB 15091 located along Culebra Creek Tributary

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 **Exhibit B** incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

SECTION 3. Funding is located in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00668, 15.545 acres in NCB 15091 located along Culebra 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 15.545 acres of privately-owned real property located in NCB 15091 in Council District 6 in Bexar County, Texas.

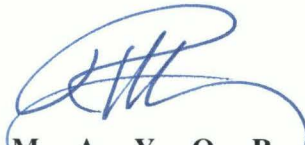
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.

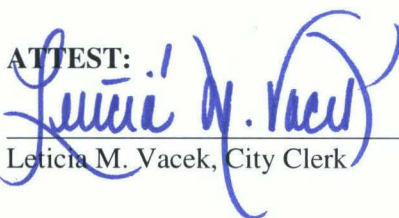
SECTION 5. The City staff is hereby directed to negotiate with the owners of the Property for the acquisition of the Property at fair market value, to execute sales agreements purchasing the Property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued by 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 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.

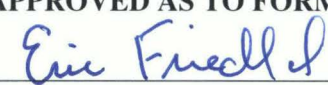
SECTION 7. This Ordinance shall be effective immediately if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this 31st day of October, 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


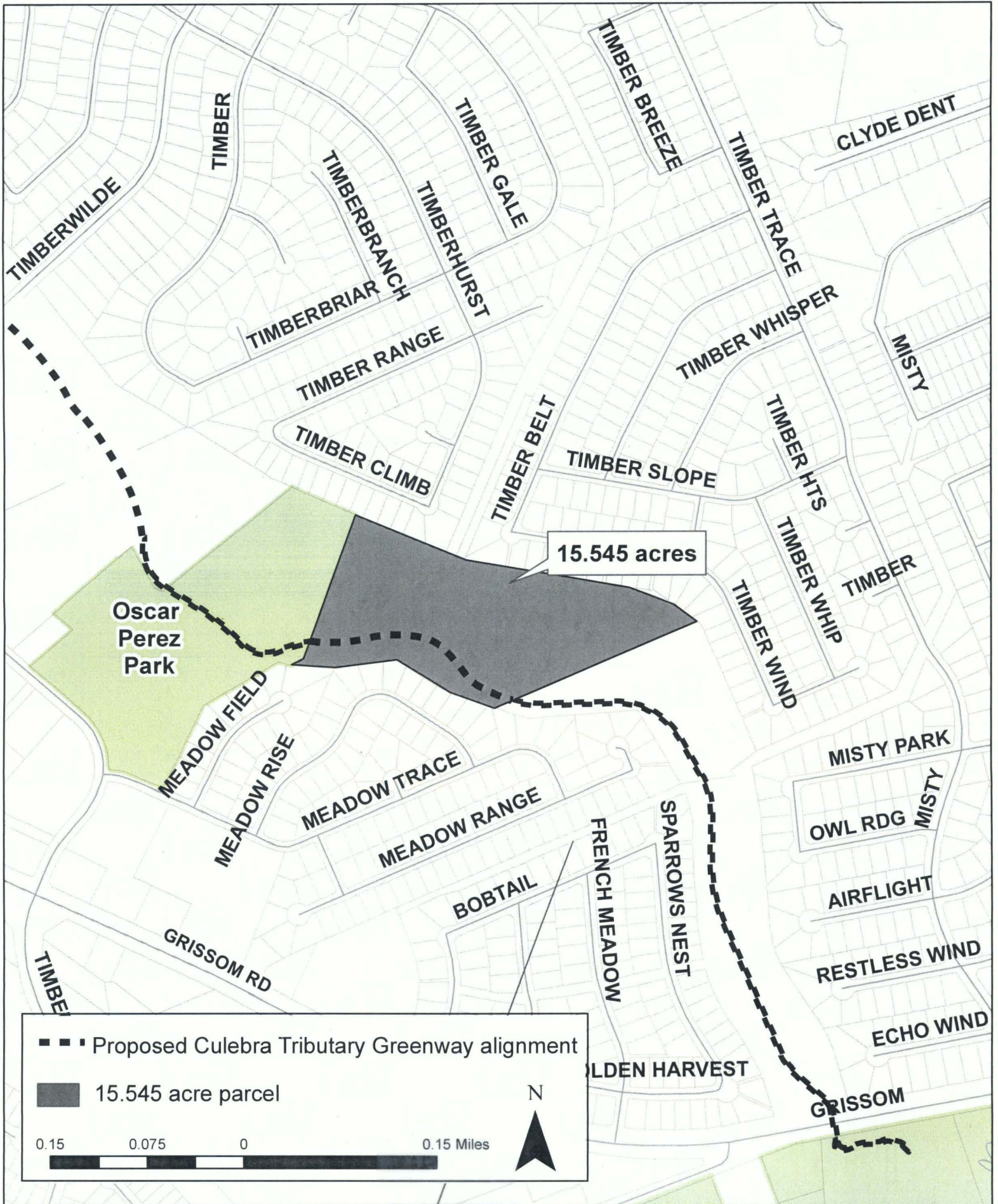
for Andrew Segovia, City Attorney

Agenda Item:	9B (in consent vote: 9A, 9B)						
Date:	10/31/2019						
Time:	10:16:29 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance approving the acquisition through negotiation or condemnation of approximately 15.545 acres of property in NCB 15091 located along Culebra Tributary Creek east of Oscar Perez Park between Timber Wind and Meadow Rise in Council District 6 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 Culebra Tributary 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. The estimated fair market value for this land acquisition is \$155,450.00.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3	x					
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x			x	
Ana E. Sandoval	District 7		x				x
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

LEF:lj
10/31/2019
Item No. 9B

EXHIBIT "A"

Item B: Culebra Tributary Greenway
Approximately 15.545 acres (Council District 6)



LEF:lj
10/31/2019
Item No. 9B

EXHIBIT "B"

A METES AND BOUNDS DESCRIPTION OF A 15.545 ACRE (677,121.51 SQ. FT.) TRACT OF LAND OUT OF AN EXISTING VARIABLE WIDTH DRAINAGE EASEMENT AS SHOWN ON THE RECORDED SUBDIVISION PLATS OF GREAT NORTHWEST, UNIT 20-A, AS RECORDED IN VOLUME 9501, PAGE 145, AND GREAT NORTHWEST, UNIT 24, AS RECORDED IN VOLUME 9505, PAGE 187, BEXAR COUNTY DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS:

BEGINNING at an iron pin found at the most northerly corner of the herein described tract, said iron pin being a point along the southwest line of Great Northwest, Unit 20-A, subdivision and said found iron pin also being the most easterly corner of the Oscar Perez Park;

THENCE S 66° 59' 01" E, 438.42 feet, along the north line of the herein described tract and along the south line of Great Northwest, Unit 20-A, to a set iron pin for a corner;

THENCE S 80° 33' 06" E, 787.05 feet, to a found iron pin, S 57° 18' 21" E, 230.50 feet, to an iron pin and S 23° 24' 38" E, 40.61 feet, to a found iron pin, said iron pin being the most easterly corner of the herein described tract;

THENCE S 70° 38' 00" W, 922.20 feet, along the southeast line of the herein described tract, crossing the drainage easement, to an iron pin found for the most southerly corner of the herein described tract, said point being a point along the northeast line of Meadow Valley, Unit 1, as recorded in Volume 9100, Page 190, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE northwesterly, along the northeast lines of Meadow Valley, Unit 1, N 71° 38' 23" W, 186.73 feet, to a found iron pin and N 57° 41' 50" W, 55.36 feet, to a found iron pin, said pin being a common rear corner of Lot 48 of Meadow Valley, Unit 1 and Lot 49 of Meadow Valley, Unit 2, as recorded in Volume 9400, Page 172, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE, Continuing along the southwest side of the herein described tract and along the northeast side of Meadow Valley, Unit 2, N 32° 18' 10" E, 17.00 feet, to a found iron pin, N 57° 41' 50" W, 206.36 feet, to a found iron pin, S 81° 14' 17" W, 247.20 feet, to an iron pin found for a common rear corner of Meadow Valley, Unit 2, and Meadow Valley, Unit 3, as recorded in Volume 9400, Page 173, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE N 86° 20' 30" W, 223.30 feet, along a southwest line of the herein described tract and along a northeast line of the above mentioned Meadow Valley, Unit 3, to an iron pin found for the most westerly corner of the herein described tract, said pin also being a southeast corner of the Oscar Perez, City Park, as recorded in Volume 8999, Page 1508, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE N 30° 11' 04" E, 669.32 feet, along the common line between the herein described tract and Oscar Perez Park, to the point of beginning and containing 15.545 acres (677,121.51 sq. ft.) of land, more or less.

This 14th day of November, 2018

Paul A. Wilkinson, R.P.L.S

Note: All set iron pin have an orange plastic cap stamped BAIN MEDINA BAIN INC.



Exhibit B

SURVEY PLAT OF A 15.545 ACRE (677,121.51 SQ.FT.) TRACT OF LAND OUT OF AN EXISTING VARIABLE WIDTH DRAINAGE EASEMENT AS SHOWN ON THE RECORDED SUBDIVISION PLATS OF GREAT NORTHWEST, UNIT 20A, AS RECORDED IN VOLUME 9501, PAGE 145, AND GREAT NORTHWEST, UNIT 24, AS RECORDED IN VOLUME 9505, PAGE 187, BEXAR COUNTY DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

BEARING SOURCE:
NAD 83 STATE PLANE COORDINATE
TEXAS SOUTH CENTRAL ZONE

LEGEND:
● IRON PIN
— PROPERTY LINE

OSCAR PEREZ MEMORIAL PARK
VOL. 8999, PG. 1508

POINT OF BEGINNING

15.545 ACRES

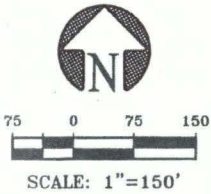
DRAINAGE EASEMENT

STATE OF TEXAS
COUNTY OF BEXAR

THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS 19TH DAY OF NOVEMBER, 20 18 A.D.

REGISTERED PROFESSIONAL LAND SURVEYOR No. 4103
JOB NO.: C-145910



BAINMEDINABAIN
ENGINEERS & SURVEYORS
TBPE: F-1712/TBPLS: 10020900
7073 San Pedro Avenue San Antonio, Texas 78216
P: (210) 494-7223, F: (210) 490-5120