

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE ACQUISITION BY
CONDEMNATION OF LAS LOMAS-STONE OAK OWNERS
ASSOCIATION, INC. (HOA) PROPERTY INTEREST RELATED TO THE
PROPERTY LOCATED AT LOT 20, BLOCK 10, NCB 19220 (1406
KNIGHTS CROSS DRIVE), A CITY-OWNED REAL PROPERTY
CONTAINING APPROXIMATELY 0.2238 ACRES, LOCATED IN
COUNCIL DISTRICT 9, FOR THE HARDY OAK BOULEVARD (STONE
OAK PARKWAY TO KNIGHTS CROSS DRIVE) PROJECT, A 2012-2017
BOND PROGRAM-FUNDED PROJECT; DECLARING IT TO BE A
PUBLIC USE PROJECT AND AUTHORIZING EXPENDITURES IN AN
AMOUNT NOT MORE THAN \$15,000.00, PAYABLE TO THE
REGISTRY OF THE COURT OR A SELECTED TITLE COMPANY, FOR
LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.**

* * * * *

WHEREAS, the City of San Antonio ("City") desires to acquire property interest for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) 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 by condemnation of Las Lomas-Stone Oak Owners Association, Inc. (HOA) property interest related to the property located at Lot 20, Block 10, NCB 19220 (1406 Knights Cross Drive), a City-owned real property containing approximately 0.2238 acres as part of the Project as further described in **SECTION 1** below; and

WHEREAS, the acquisition will be used for a public use project with authorizing expenditures in the amount of \$15,000.00. Upon completion of the Project, the remaining portion of the property will be conveyed to the Las Lomas-Stone Oak Owners Association, Inc. (HOA) via a settlement agreement presented to the Special Commissioners in the condemnation case. Las Lomas-Stone Oak Owners Association, Inc. (HOA) will use the space as a common area, including green space and recreation, and if suitable, location for a monument (relating to the HOA). The HOA has agreed to assume maintenance of the property and will provide for the mowing and upkeep as needed; and

WHEREAS, funds for the property acquisition are available from 2012-2017 General Obligation Bonds and are included in the FY 2015-2020 Capital Improvement Program Budget;
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, through condemnation, of property interest of Las Lomas-Stone Oak Owners Association, Inc. (HOA) related to the property located at Lot 20, Block 10, NCB 19220 (1406 Knights Cross Drive), a City-owned property containing 0.2238 acres of property, located in Council District 9, for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project, a 2012-2017 Bond Program funded-project; declaring it to be a public use project and authorizing expenditures in the amount of \$15,000.00, payable to the Registry of the Court or a selected title company, for litigation expenses and associated title fees.

SECTION 2: The Project is depicted in **Attachment “A”** and more particularly described by metes and bounds in **Attachments “B” through “D”** and incorporated herein for all purposes. Collectively, the properties 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: Payment in the amount not to exceed \$15,000.00 is authorized for payment for condemnation in Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00305, Hardy Oak (Stone Oak Pkwy-Knights Cross) and should be encumbered with a purchase order for litigation expenses and associated title fees of 0.2238 acres of City-owned real property located at Lot 20, Block 10, NCB 19220 in Council District 9 in Bexar County, Texas.

SECTION 5: The acquisition (or condemnation) of property must be coordinated through the City's Finance Department to assure the addition (or deletion) of these assets into (from) the City's financial records and to record the proper accounting transactions. All expenditures related to the maintenance of this property will comply with Operating and or Capital Budgets for current and future fiscal years.

SECTION 6: 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 7: The City Council finds that it is in the best interest to obtain the HOA property interest 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 8: 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.

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 __, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney