

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

AN ORDINANCE

**AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION OR
CONDEMNATION OF INTERESTS IN APPROXIMATELY 0.138 ACRES
OF PRIVATELY-OWNED REAL PROPERTY IN NCB 789, LOTS 11 AND
12, AND DECLARING IT TO BE A PUBLIC USE PROJECT FOR AND
AUTHORIZING UP TO \$450,000.00 PAYABLE TO THE SELECTED
TITLE COMPANY, FOR LAND, LITIGATION EXPENSES AND
ASSOCIATED TITLE FEES.**

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WHEREAS, the City of San Antonio ("City") requires the acquisition of approximately 0.138 acres out of portions of 3 parcels of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Downtown Streets Reconstruction Project; and

WHEREAS, the reconstruction of the intersection at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, is one of the five areas included in Downtown Streets Reconstruction project; and

WHEREAS, it is necessary to obtain and acquire the privately owned real property as part of the Project as further described in SECTION 1 below; and

WHEREAS, the intersection design consists of a roundabout which improves navigation, removes angle accidents, provides enhanced gateway opportunities for visitors to the downtown area and creates green space; and

WHEREAS, funds for the property acquisitions are available within the Downtown Streets Reconstruction project from previously authorized 2012-2017 Bond Program funds and are included in the 2016-2021 Capital Improvements 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 right of way interests of approximately 0.138 acres of privately owned real property in Council District 1, by negotiation or condemnation, as part of the Downtown Streets Reconstruction Project of the following:

Parcel Number	Legal Description
19440	0.030 acre (1,309 square feet) out of a 0.4911 acre tract, New City Block 789, called Parcel II
19441	0.024 acre (1,044 square feet) out of Lot 11, Block 1, New City Block 789,

	Jackson Subdivision
19442	0.084 acre (3,656 square feet) out of Lot 12, Block 1, New City Block 789, Jackson Subdivision

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B through D** 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. Payment in the amount of the \$450,000.00 is authorized for payment for negotiation or condemnation in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00300, Downtown Streets Reconstruction, is authorized to be encumbered and made payable to the selected title company, for land, relocation, litigation expenses and associated title fees of approximately .138 acres of privately owned real property located in NCB 789, lots 11 and 12 in Council District 1 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 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 6. In the event that the City negotiations fail and staff is unable to acquire one or more parcels 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 ____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney