

*THIS IS A DRAFT ORDINANCE AND SUBJECT TO REVISION UNTIL A FINAL ORDINANCE IS APPROVED BY THE CITY COUNCIL
FOR THE CITY OF SAN ANTONIO*

AN ORDINANCE

**AUTHORIZING THE SETTLEMENT OF A LAWSUIT STYLED
KOPFLOW DEVELOPMENT, INC. V. CITY OF SAN ANTONIO, CAUSE
NO. 2004-CI-08167-A PENDING IN THE 285th JUDICIAL DISTRICT
COURT, BEXAR COUNTY, TEXAS FOR PAYMENT IN THE AMOUNT
OF \$850,000.00 PLUS INTEREST AND COURT COSTS.**

* * * * *

WHEREAS, after the record floods of 1998 and 2002, the City of San Antonio (City) conducted a study to address flooding issues along Leon Creek. Based upon the hydrology study, the City constructed an approximate 200 acre regional storm water facility on Leon Creek located near the intersection of Culebra Road and Loop 410, downstream of property owned by Kopflow Development, Inc. (Plaintiff). Also during this timeframe, the City revised its regulatory 100-year floodplain to include this hydrological data. That revision resulted in significant changes to the City's regulatory floodplain and the FEMA floodplain.

WHEREAS, Plaintiff filed a lawsuit against the City alleging statutory condemnation, and physical and regulatory taking of its property; and

WHEREAS, it is in the City's best interest to settle this matter to avoid the uncertainty and risks associated with further litigation; and

WHEREAS, the City and Plaintiff have mediated this matter and have reached an agreement to settle this lawsuit against the City for \$850,000.00 plus interest and cost costs subject to City Council approval; **NOW THEREFORE:**

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

SECTION 1. Payment of \$850,000 plus interest and court costs for an approximate total amount of \$1,369,840.52 is authorized in accordance with an approved settlement agreement.

SECTION 2. The settlement amount is authorized to be paid from Fund 75001000, General Ledger 5402530 and Cost Center 1009020001, and is authorized to be made payable to Kopflow Development, Inc. as settlement of Cause Number 2004-CI-08167-A, styled: Kopflow Development, Inc. v. City of San Antonio.

SECTION 3. 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 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ----- day of September, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney