

AN ORDINANCE 2016-09-01-0660

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.

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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, L.P. f/k/a 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 1st day of September, 2016.



M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Item:	24 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12A, 12B, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28)						
Date:	09/01/2016						
Time:	09:16:54 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a settlement of a lawsuit styled Kopplow Development, Inc. v. City of San Antonio, Cause Number 2004-CI-08167- A pending in the 285th Judicial District Court, Bexar County, Texas in an amount up to \$1,369,840.52 from the Self-Insured Liability Fund. [Andrew Segovia, City Attorney]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				