

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 CONDEMNATION OF UP TO 7.939 ACRES IN NCB 15010 LOCATED ALONG SALADO CREEK IN COUNCIL DISTRICT 9 FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2010 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT; PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON AFOREMENTIONED WATERWAY 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.

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WHEREAS, the City of San Antonio ("City") seeks to acquire 7.939 acres of land along Salado Creek either by donation, negotiation or condemnation for the development and completion of the Linear Creekway Development Project; and

WHEREAS, the acquisitions to these lands are necessary in order to connect to a larger system along Salado Creek through which multi-use trails and related park improvements will be constructed and are essential to the implementation of this voter-approved project; and

WHEREAS, this Ordinance authorizes the acquisition of 7.939 acres of land along Salado Creek at a fair market value through negotiation or condemnation; and

WHEREAS, funds for the property acquisition have been appropriated through Proposition 2 Parks Development and Expansion Venue Project approved by voters in November of 2010.
NOW THEREFORE;

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

SECTION 1. The Salado Creek 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 a public necessity exists to acquire by either donation, negotiation and/or condemnation, if necessary, the fee simple title to certain privately owned real property, for the development and completion of the Salado Creek Linear Creekway Development Project and more particularly described as approximately 7.939 acres of real property located in NCB 15010 located along Salado Creek in Council District 9.

The property is more specifically shown on the Site Map affixed hereto as **EXHIBIT A** and more particularly described by survey and metes and bounds in **EXHIBIT B** and incorporated herein for all purposes. Collectively, the property may be referred to as the "Property."

SECTION 3. An acquisition (or condemnation) is authorized of up to 7.939 acres in NCB 15010 located along Salado Creek in Council District 9, SAP fund 40005000, Park Improvements, SAP Project Definition 26-00613, Leon Greenway To Salado Greenway Connect, shall be revised by increasing WBS element 26-00613-90-22-01, entitled In-Kind Land Donation - 7.939 acres, SAP GL Account 6500000 - In Kind Land Revenue, by the amount of \$79,390.00.

SECTION 4. The amount of \$79,390.00 is appropriated in SAP fund 40005000, Park Improvements, SAP Project Definition 26-00613, Leon Greenway to Salado Greenway Connect, SAP WBS Element 26-00613-90-22-01, entitled In-Kind Land Donation - 7.939 acres, SAP GL Account 6909010- In Kind Land Donations.

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 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 8. 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 9. 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 the **8th** day of **December, 2016**.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney