LEF/ml 12/08/16 Item No. 12.

## AN ORDINANCE 2016-12-08-0963

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.

K.L Ivy R. Taylor

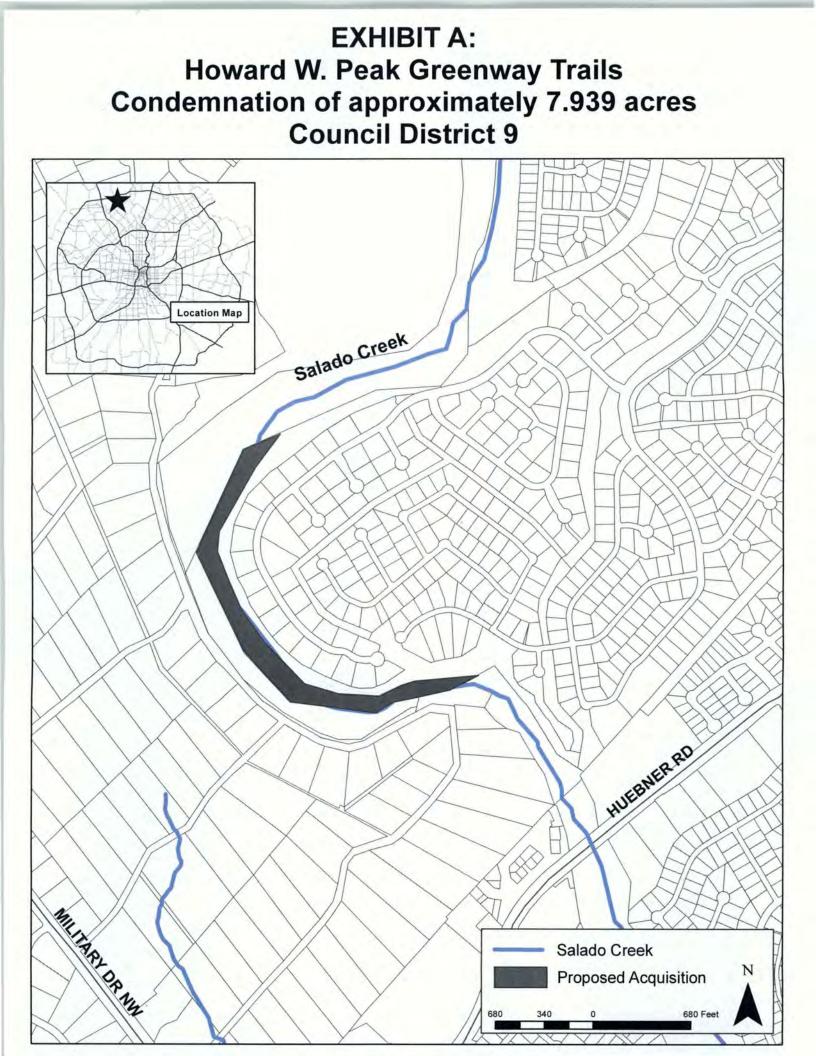
**ATTEST:** ia M. Vacek, City Clerk **APPROVED AS TO FORM:** 

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City Attorney

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Agenda Item:	12						
Date:	12/08/2016						
Time:	09:25:06 AM						
Vote Type:	Motion to Approve						
Description:	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. [María Villagómez, Assistant City Manager; Xavier D. Urrutia, Director, Parks and Recreation]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x	1.1			
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	1	x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				x



## FIELD NOTES FOR A 7.939 ACRE (345,843 SQ. FT.) PARCEL # 1

BEING A 7.939 ACRE (345,843 SQ. FT.), TRACT OF LAND, OUT OF A 20.1559 ACRE TRACT OF LAND CALLED PARCEL M, DESCRIBED IN A DEED RECORDED IN VOLUME 6009, PAGES 497-531, OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS., ALSO BEING OUT OF THE JACOB KLAUS SURVEY NO. 78, ABSTRACT 400 AND McCRAE SURVEY NO. 391, ABSTRACT 482, N.C.B. 15010, OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Beginning at a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", in the west line of said 20.1559 acre tract being the approximate centerline of the Salado Creek and the east line of a 51.183 acre tract recorded in Volume17187 page 362 of the Official Public Deed records of Bexar County, Texas, for the north corner of this herein described parcel, from which the north corner of Lot 268 and the west corner of Lot 267, Inwood Subdivision Unit 1D, recorded in Volume 9524, Page 31, Deed and Plat Records of Bexar County, Texas, bears S. 35°31'33" E., 216.14 feet;

Thence crossing said 20.1559 acre tract, the following courses and distances:

(1) S. 07°30' 41" W., 113.39 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for an angle point of the herein described parcel;

(2) S. 29°02' 51" W., 477.19 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the left of the herein described parcel;

(3) Along said curve to the left, having an arc distance of 362.72 feet, a radius of 425.00 feet, a tangent of 193.24 feet, a delta of 48°54'00" and a chord bearing and distance of S. 04°54'11" W., 351.81 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for the point of tangency of the herein described parcel;

## EXHIBIT "B"

(4) S. 19° 32' 49" E., 177.81 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the left of the herein described parcel;

(5) Along a curve to the left, having an arc distance of 122.57 feet, a radius of 475.00 feet, a tangent of 61.63 feet, a delta of 14°47'05" and a chord bearing and distance of S. 26°56'21" E., 122.23 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for the point of tangency of the herein described parcel;

(6) S. 34° 19' 53" E., 226.28 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the left of the herein described parcel;

(7) Along a curve to the left, having an arc distance of 258.07 feet, a radius of 975.00 feet, a tangent of 129.79 feet, a delta of 15°09'55" and a chord bearing and distance of S. 41°54'51" E., 257.31 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for the point of tangency of the herein described parcel;

(8) S. 49° 29' 48" E., 183.84 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the left of the herein described parcel;

(9) Along a curve to the left, having an arc distance of 144.59 feet, a radius of 275.00 feet, a tangent of 74.01 feet, a delta of 30°07'26" and a chord bearing and distance of S. 64°33'31" E., 142.93 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for the point of tangency of the herein described parcel;

(10) S. 79° 37' 14" E., 164.29 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the left of the herein described parcel;

(11) Along a curve to the left, having an arc distance of 222.65 feet, a radius of 475.00 feet, a tangent of 113.41 feet, a delta of 26°51'26" and a chord bearing and distance of N. 86°57'03" E., 220.62 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for an angle point of the herein described parcel;

(12) N. 73° 15' 16" E., 229.14 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", for an angle point of the herein described parcel;

(13) N. 68° 26' 08" E., 214.16 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR.", being the point of curvature of a curve to the right of the herein described parcel;

(14) Along a curve to the right, having an arc distance of 186.18 feet, a radius of 225.00 feet, a tangent of 98.79 feet, a delta of 47°24'37" and a chord bearing and distance of S. 88°08'46" E., 180.91 feet, to a set 1/2" iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN PROP. COR." for the point of tangency of the herein described parcel;

(15) S. 64° 26' 27" E., 58.35 feet, to a point for the east corner of the herein described parcel, in the north boundary line of the remainder said 51.183 acre tract and the west line of said 20.1559 tract and the centerline of Salado Creek;

Thence along the approximate centerline of Salado Creek and the north boundary line of said 51.183 acre tract and the east line of said 20.1559 acre tract, the following courses and distances:

(16) S. 61° 23' 52" W., 158.00 feet, to an angle point of the herein described parcel;

(17) S. 78° 11' 55" W., 348.48 feet, to an angle point of the herein described parcel;

(18) S. 65° 36' 51" W., 233.52 feet, to an angle point of the herein described parcel;

(19) N. 82° 03' 01" W., 559.84 feet, to an angle point of the herein described parcel;

(20) N. 43° 54' 26" W., 471.16 feet, to an angle point of the herein described parcel;

(21) N. 25° 07' 01" W., 751.71 feet, to an angle point of the herein described parcel;

(22) N. 25° 07' 39" E., 788.59 feet, to an angle point of the herein described parcel;

(23) N. 66° 11' 04" E., 128.27 feet to the **POINT OF BEGINNING** and containing 7.939 ACRE (345,843 SQ. FT.), of land, more or less.

Bearings based on NAD 83(93), Texas South Central Zone.

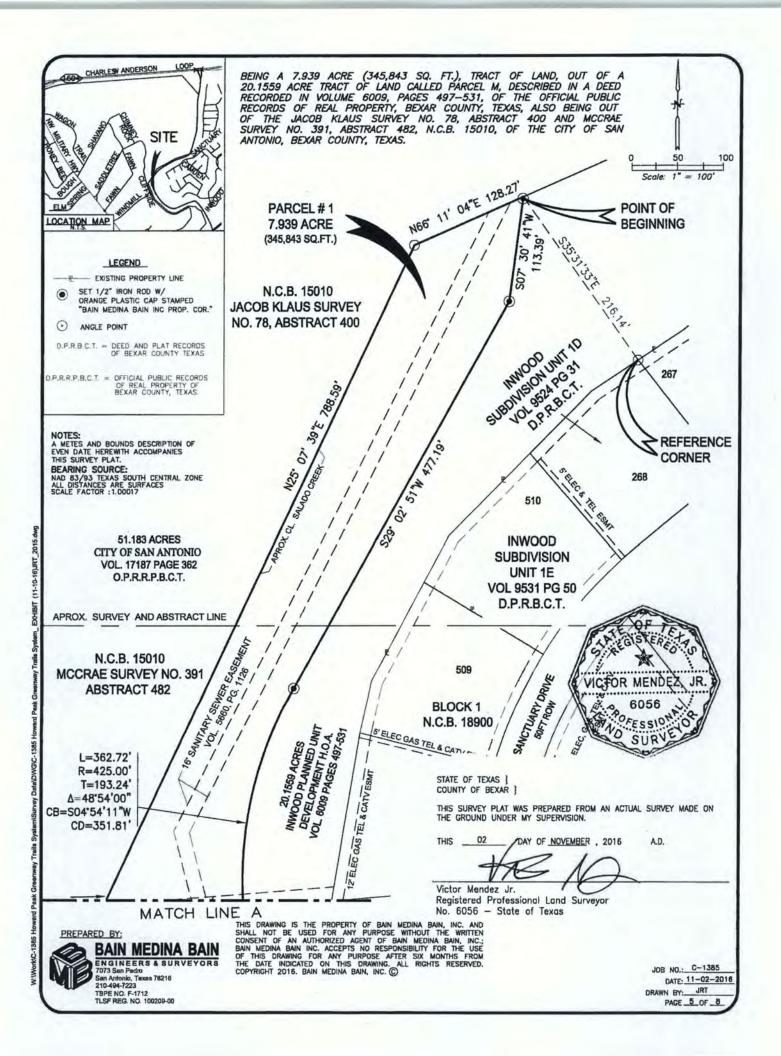
No part of this parcel has been dedicated previously by Plat or Replat.

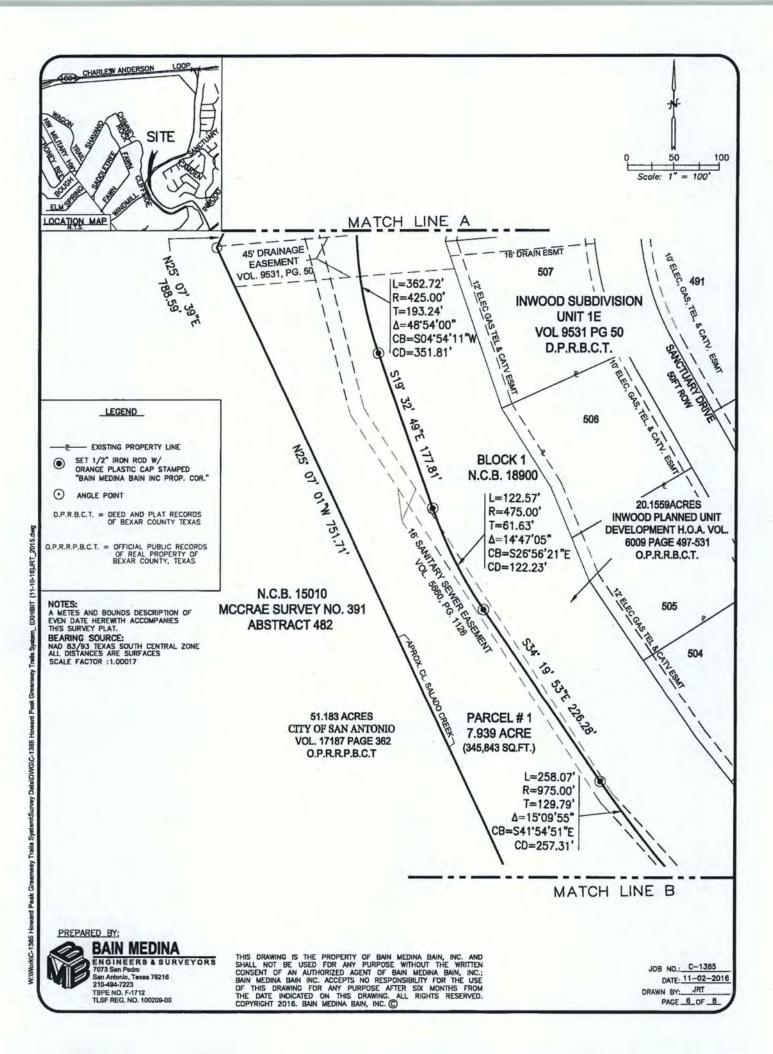
All coordinates are surface using a scale factor of: 1.00017.

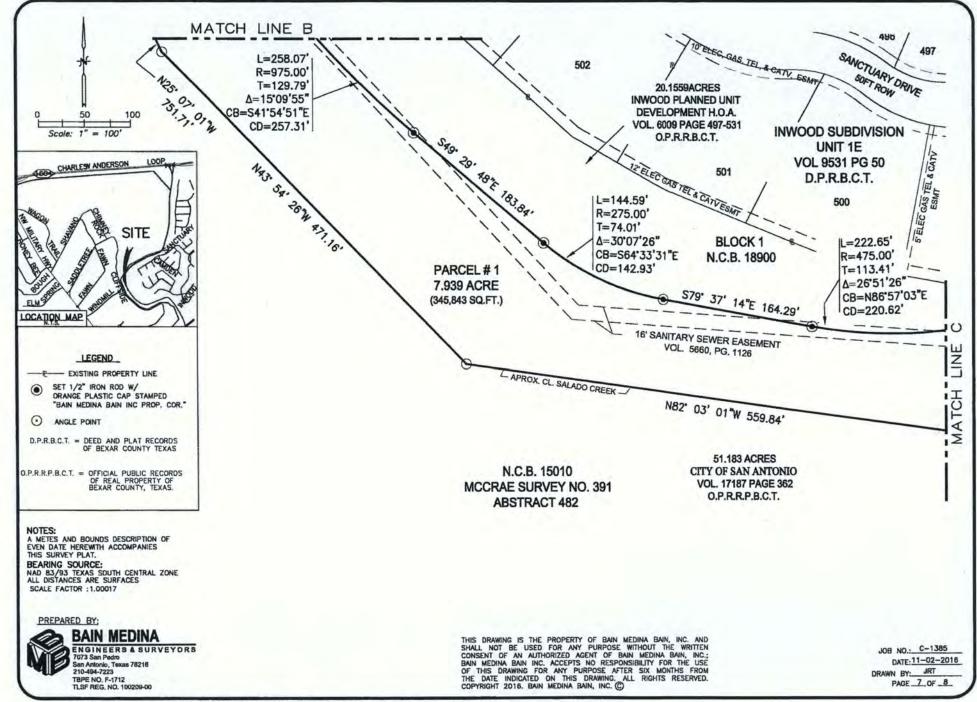
This property description is accompanied by a separate plat of even date. Surveyed on the ground the  $\underline{02}$  day of November, 2016



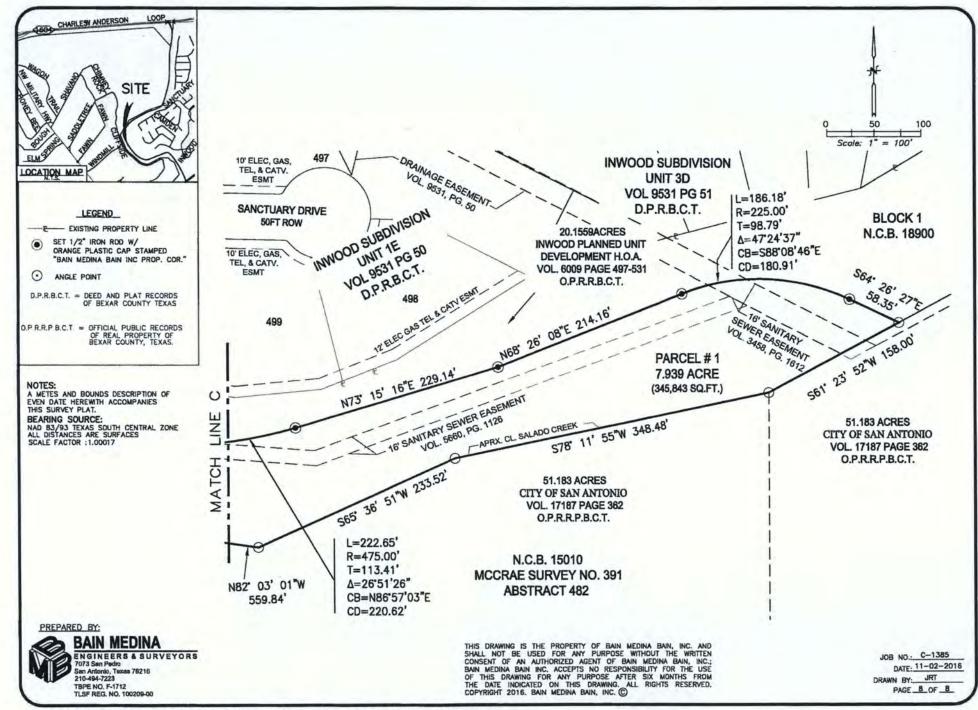
Victor Mendez, Jr., RPLS 6056







W:Work/C-1385 Howard Peak Greenway Trails System/Survey Data/DWG/C-1385 Howard Peak Greenway Trails System\_EXHIBIT (11-10-16)JRT\_2015.dwg



W:Work\C-1385 Howard Peek Greenway Trails System\Survey Data\DWG\C-1385 Howard Peek Greenway Trails System\_ EXHIBIT (11-10-16)JRT\_2015.dwg

## **Parcel Map Check Report**

Client: Client Client Company Address 1 Date: 11/11/2016 7:53:35 AM Prepared by: JRT Preparer Your Company Name 123 Main Street

Parcel Name: Site 1 – 7.939 ACRE Description: Process segment order counterclockwise: False Enable mapcheck across chord: False North:13,764,699.2911' Ea

Segment# 1: Line Course: S7° 30' 40.83"W North: 13,764,586.8701'

Segment# 2: Line Course: S29° 02' 50.86"W North: 13,764,169.7021'

Segment# 3: Curve Length: 362.722' Delta: 48.8999 (d) Chord: 351.813' Course In: S60° 38' 48.85"E RP North: 13,763,961.3712' End North: 13,763,819.1760'

Segment# 4: Line Course: S19° 32' 48.50"E North: 13,763,651.6107'

Segment# 5: Curve Length: 122.569' Delta: 14.7847 (d) Chord: 122.230' Course In: N70° 27' 11.50"E RP North: 13,763,810.5346' End North: 13,763,542.6444' East:2,113,374.1482'

Length: 113.394' East: 2,113,359.3251'

Length: 477.190' East: 2,113,127.6331'

Radius: 425.000' Tangent: 193.235' Course: S4° 54' 11.32"W Course Out: S70° 27' 11.50"W East: 2,113,498.0697' East: 2,113,097.5631'

Length: 177.813' East: 2,113,157.0552'

Radius: 475.000' Tangent: 61.627' Course: S26° 56' 20.88"E Course Out: S55° 40' 06.75"W East: 2,113,604.6802' East: 2,113,212.4305' Segment# 6: Line Course: S34° 19' 53.25"E North: 13,763,355.7865'

Segment# 7: Curve Length: 258.066' Delta: 15.1652 (d) Chord: 257.313' Course In: N55° 40' 06.75"E RP North: 13,763,905.6666' End North: 13,763,164.3077'

Segment# 8: Line Course: S49° 29' 47.96"E North: 13,763,044.9050'

Segment# 9: Curve Length: 144.585' Delta: 30.1240 (d) Chord: 142.925' Course In: N40° 30' 12.04"E RP North: 13,763,254.0062' End North: 13,762,983.5063'

Segment# 10: Line Course: S79° 37' 14.18"E North: 13,762,953.9076'

Segment# 11: Curve Length: 222.654' Delta: 26.8571 (d) Chord: 220.621' Course In: N10° 22' 45.82"E RP North: 13,763,421.1349' End North: 13,762,965.6430'

Segment# 12: Line Course: N73° 15' 15.51"E North: 13,763,031.6626' Length: 226.278' East: 2,113,340.0467'

Radius: 975.000' Tangent: 129.791' Course: S41° 54' 50.60"E Course Out: S40° 30' 12.04"W East: 2,114,145.1907' East: 2,113,511.9356'

Length: 183.840' East: 2,113,651.7217'

Radius: 275.000' Tangent: 74.005' Course: S64° 33' 31.07"E Course Out: S10° 22' 45.82"W East: 2,113,830.3321' East: 2,113,780.7866'

Length: 164.286' East: 2,113,942.3843'

Radius: 475.000' Tangent: 113.411' Course: N86° 57' 03.06"E Course Out: S16° 28' 39.70"E East: 2,114,027.9629' East: 2,114,162.6928'

Length: 229.136' East: 2,114,382.1119' Segment# 13: Line Course: N68° 26' 08.09"E North: 13,763,110.3762'

Segment# 14: Curve Length: 186.180' Delta: 47.4102 (d) Chord: 180.913' Course In: S21° 51' 04.17"E RP North: 13,762,901.5415' End North: 13,763,104.5233'

Segment# 15: Line Course: S64° 26' 27.36"E North: 13,763,079.3474'

Segment# 16: Line Course: S61° 23' 52.17"W North: 13,763,003.7078'

Segment# 17: Line Course: S78° 11' 55.17"W North: 13,762,932.4371'

Segment# 18: Line Course: S65° 36' 51.17"W North: 13,762,836.0217'

Segment# 19: Line Course: N82° 03' 00.83"W North: 13,762,913.4503'

Segment# 20: Line Course: N43° 54' 25.83"W North: 13,763,252.9042'

Segment# 21: Line Course: N25° 07' 00.83"W North: 13,763,933.5353' Length: 214.159' East: 2,114,581.2808'

Radius: 225.000' Tangent: 98.792' Course: S88° 08' 45.77"E Course Out: N25° 33' 32.64"E East: 2,114,665.0250' East: 2,114,762.0993'

Length: 58.353' East: 2,114,814.7420'

Length: 158.002' East: 2,114,676.0218'

Length: 348.480' East: 2,114,334.9077'

Length: 233.520' East: 2,114,122.2210'

Length: 559.840' East: 2,113,567.7612'

Length: 471.160' East: 2,113,241.0155'

Length: 751.710' East: 2,112,921.9398' Segment# 22: Line Course: N25° 07' 39.17"E North: 13,764,647.4969'

Segment# 23: Line Course: N66° 11' 04.17"E North: 13,764,699.2906'

Perimeter: 6,580.793' Error Closure: 0.0006 Error North : -0.00048

Precision 1: 10,967,991.667

Length: 788.590' East: 2,113,256.8025'

Length: 128.268' East: 2,113,374.1486'

Area: 345,843.37Sq.Ft. Course: S35° 52' 27.37"E East: 0.00035