

ORDINANCE 2019-06-13-0504

**AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF APPROXIMATELY 19.511 ACRES IN NCB 18589 LOCATED ALONG FRENCH CREEK IN COUNCIL DISTRICT 7 FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2015 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT; PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE FRENCH CREEK GREENWAY TRAIL PROJECT 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.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") desires to acquire all or portions of privately owned real property as part of the Linear Creekway Development Project; and

**WHEREAS**, this property consists of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 and is located within the City of San Antonio, Bexar County, Texas; and

**WHEREAS**, the acquisition of this property is necessary for the completion of the French Creek Greenway Trail project; and

**WHEREAS**, the property owner of record (Bexar County Land Holdings Two, Inc.) is no longer a viable corporation listed with the Texas Secretary of State and title to the property is unclear at this time; and

**WHEREAS**, this Project is in the best interest of the health, safety and welfare of the public; **NOW THEREFORE**,

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

**SECTION 1.** Approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 for the 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 public use exists to acquire right of way interest title in privately owned real property, by negotiation and/or condemnation, if necessary, as part of the Linear Creekway Development Project. Said parcels of land are described as follows:

LEGAL DESCRIPTION
19.511 acres in NCB 18589 located along French Creek

The properties for the Project are more specifically shown on the Site Map attached hereto as **Exhibit A** and further described by metes and bounds in **Exhibits B** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

**SECTION 3.** The 2015 Proposition 2 Sales Tax Initiative funded project, SAP Project Definition 26-00669, 19.511 acres in NCB 18589 located along French Creek, is authorized for negotiation, dedication or condemnation to be encumbered and made payable to the selected title company, for land, litigation expenses and associated title fees, of approximately 19.511 acres of parcels of privately-owned real property located in NCB 18589 in Council District 7 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 the 2015 Proposition 2 Sales Tax Initiative funded project.

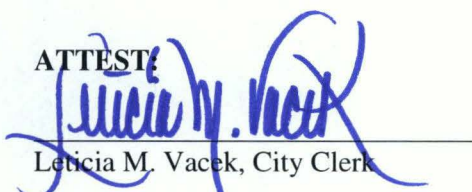
**SECTION 5.** The City staff is hereby directed to negotiate with the owners of the parcels for the acquisition of the property at fair market value, to execute sales agreements purchasing the property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued 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 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.

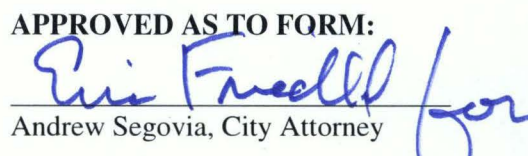
**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire the property from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized 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 if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

**PASSED and APPROVED** this 13<sup>th</sup> day of June, 2019.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**  
  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**  
  
Andrew Segovia, City Attorney



<b>Agenda Item:</b>	<b>28A ( in consent vote: 28A, 28B, 28C )</b>
<b>Date:</b>	06/13/2019
<b>Time:</b>	01:32:39 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	Ordinance approving the acquisition through negotiation or condemnation of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project 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. The estimated fair market value of this land acquisition is \$13,700.00.
<b>Result:</b>	Passed

<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Art A. Hall	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x			x	
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

LEF  
06/13/2019  
Item No. 28A

# **Exhibit “A”**



Item A: French Creek Greenway  
Approximately 19.511 acres

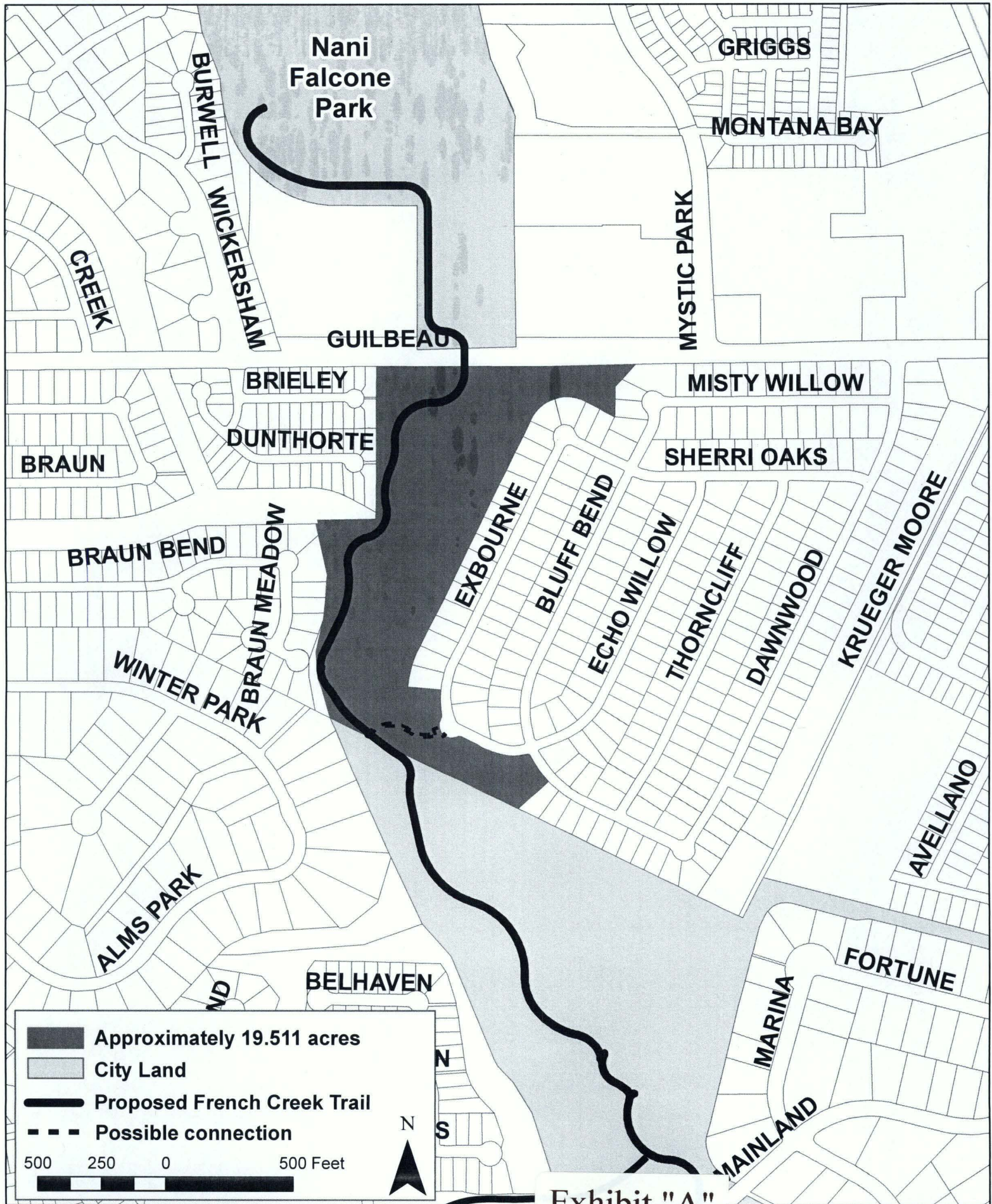


Exhibit "A"

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# **Exhibit “B”**



A METES AND BOUNDS DESCRIPTION OF AN 19.511 ACRE (849,896.40 SQ. FT.) TRACT OF LAND, SAID TRACT BEING A DRAINAGE EASEMENT ALONG FRENCH CREEK BEING A PORTION OF THE WILDWOOD SUBDIVISION, UNIT 11, AS RECORDED IN VOLUME 8900, PAGE 200, OF THE BEXAR COUNTY DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS:

BEGINNING at the northeast corner of the herein described tract, said corner being a point along the south right-of-way line of Guilbeau Road and the northwest corner of Lot 14, Wildwood Subdivision, Unit 10, as recorded in Volume 8200, Page 75, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE S 44° 49' 26" W, 118.02 feet, along the east boundary of the herein described and along the west line of Lot 14 and Lot 15 of Wildwood Subdivision, Unit 10, to a point along the west property line of Lot 15;

THENCE S 00° 23' 09" E, 117.78 feet, along the east line of the herein described tract and along the west line of Wildwood Subdivision, Unit 10, and along the rear line of Lots 15 and 16 to a re-entrant corner of the herein described tract and to the most easterly corner of Lot 19, Block 9, Wildwood Subdivision, Unit 11, as recorded in Volume 8900, Page 201, of the Bexar County Deed and Plat Records, Bexar County, Texas;

THENCE N 63° 54' 06" W, 135.52 feet, along a northeast line of Block 9 of Wildwood Subdivision, Unit 11, to the point of curvature of a 154.48 foot radius curve to the left having a central angle of 90° 00' 00" and a 218.47 foot chord which bears S 71° 05' 54" W;

THENCE along the 242.66 foot arc of the above mentioned arc and along the rear property lines of Lot 21 and Lot 22 to the point of tangency of said curve;

THENCE S 26° 05' 54" W, 852.20 feet, along an east line of the herein described tract and along a west line of Block 9 to the point of curvature of a 1855.00 foot radius arc to the right having a central angle of 3° 19' 51" and a 107.82 foot chord which bears S 27° 45' 50" W;

THENCE along the 107.84 foot arc of the above mentioned curve and along the rear property lines of Lots 35 and 36 to a point of reverse curvature;

THENCE along the rear property line of Lots 36, 37 and 38 and along the 192.66 foot arc to the left of a 439.77 foot radius curve having a central angle of 25° 06' 05" and a 191.13 foot chord which bears S 16° 52' 43" W, to a re-entrant point;

THENCE S 85° 40' 20" E, 120.00 feet, along the south property line of Lot 38 to the front and most southerly corner of Lot 38, Block 9, said point also being a point along the west right-of-way line of Exbourne Drive;

THENCE southerly along the right-of-way line of Exbourne Drive and along the arc of a 319.77 foot radius curve to the left having a central angle of 17° 32' 26" and a 97.51 foot chord which bears S 04° 26' 33 " E;

THENCE along the 97.90 foot arc and along the west right-of-way line of Exbourne Drive to a point of reverse curvature;

French Creek Drainage

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THENCE along the 21.78 foot arc to the right of a 30.00 foot radius curve having a central angle of  $41^{\circ} 35' 57''$  and a 21.31 foot chord which bears  $S 07^{\circ} 35' 12'' W$ , to a point of reverse curvature;

THENCE along the 121.01 foot arc to the left of a 50.00 foot radius curve having a central angle of  $138^{\circ} 39' 58''$  and a 93.56 foot chord which bears  $S 40^{\circ} 56' 48'' E$  to a point of reverse curvature;

THENCE along the 24.38 foot arc to the right of a 30.00 foot radius curve to the right having a central angle of  $46^{\circ} 34' 03''$  and a 23.72 foot chord which bears  $S 86^{\circ} 59' 46'' E$  to a point of tangency along the southwest right-of-way line of Echo Willow Drive;

THENCE  $S 63^{\circ} 42' 44'' E$ , 115.71 feet, along the right-of-way line of Echo Willow Drive to the point of curvature of a 225.01 foot radius curve to the left having a central angle of  $39^{\circ} 49' 28''$  and a 153.27 foot chord which bears  $S 83^{\circ} 37' 56'' E$ ;

THENCE along the 156.40 foot arc to the left and along the south right-of-way line of Echo Willow Drive to a point of reverse curvature;

THENCE along the 6.83 foot arc to the right of a 5.00 foot radius curve having a central angle of  $78^{\circ} 18' 09''$  and a 6.31 foot chord which bears  $S 64^{\circ} 23' 38'' E$  to a point of reverse curvature;

THENCE along the south right-of-way line of Bluff Bend Drive and along the 132.34 foot arc to the left of a 425.00 foot radius curve to the left having a central angle of  $17^{\circ} 50' 30''$  and a 131.81 foot chord which bears  $S 34^{\circ} 09' 49'' E$  to the southeast corner of the herein described tract;

Thence  $S 46^{\circ} 54' 57'' W$ , 157.35 feet, along a southeast line of the herein described tract and along the west line of Lot 16, Block 6, Wildwood Subdivision, Unit 10, as recorded in Volume 8200, Page 76, of the Bexar County Deed and Plat records, Bexar County, Texas, to the most southerly corner of the herein described tract;

THENCE along the south end of the herein described tract,  $N 63^{\circ} 43' 06'' W$ , 823.97 feet, to the most southwesterly corner of the herein described tract, said point also being to most southerly corner of Braun Hollow, Unit 4, P.U.D. as recorded in volume 9551, Page 46, of the Bexar County Deed and Plat records, Bexar County, Texas;

THENCE along the west line of the herein described tract and along the east line of the above mentioned Braun Hollow, Unit 4, P.U.D.,  $N 6^{\circ} 31' 07'' W$ , 296.71 feet, to a point,  $N 5^{\circ} 18' 27'' E$ , 267.44 feet, to a point and  $N 12^{\circ} 32' 45'' W$ , 217.19, to a point, said point being the northeast corner of the above mentioned Braun Hollow, Unit 4, P.U.D. and a point along the south line of a drain R.O.W. as recorded



French Creek Drainage

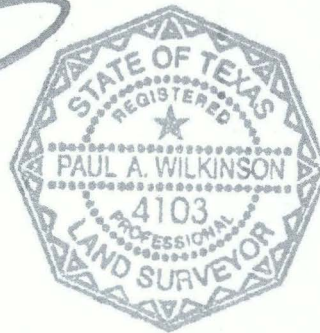
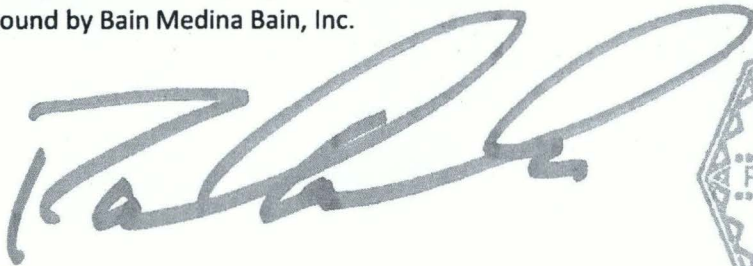
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with Braun Hollow, Unit 2, P.U.D., as recorded in Volume 9531, Page 125, of the Bexar County Deed and Plat records, Bexar County, Texas;

THENCE along the south line of the Braun Hollow, Unit 2, Drainage R.O.W., N 89° 25' 39" E, 236.11 feet to the southeast corner of the R.O.W. and a re-entrant corner of the herein described tract;

THENCE continuing northerly, along the west line of the herein described tract, along a line of the above mentioned Drainage R.O.W. and along the east line of Country Commons, P.U.D. as recorded in Volume 9534, Page 7, of the Bexar County Deed and Plat Records, Bexar County, Texas, N 00° 12' 25" E, 568.81 feet, to the northwest corner of the herein described tract, said point also being a point along the south right-of-way line of Guilbeau Road;

THENCE along the north line of the herein described tract and along the south right-of-way line of Guilbeau Road, N 74° 21' 14" E, 103.08 and S 89° 36' 51" E, 918.67 feet, to the point of beginning and containing (849,896.40 sq. ft.) 19.511 acres of land, more or less, according to a survey conducted on the ground by Bain Medina Bain, Inc.

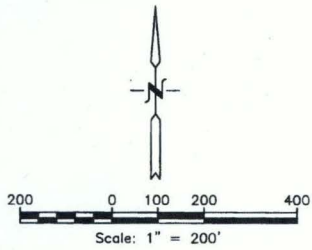


Paul A. Wilkinson, R.P.L.S.

A corresponding survey plat of even date herein accompanies this metes and bounds description. This metes and bounds description is the property of Bain Medina Bain, Inc. and shall not be used for any purpose without the written consent of an authorized agent of Bain Medina Bain, Inc.; Bain Medina Bain, Inc. accepts no responsibility for the use of this metes and bounds for any purpose after six months from the date indicated on this metes & bounds. All rights reserved. Copyright 2018. Bain Medina Bain, Inc.

Wildwood-French Creek.docx-Word

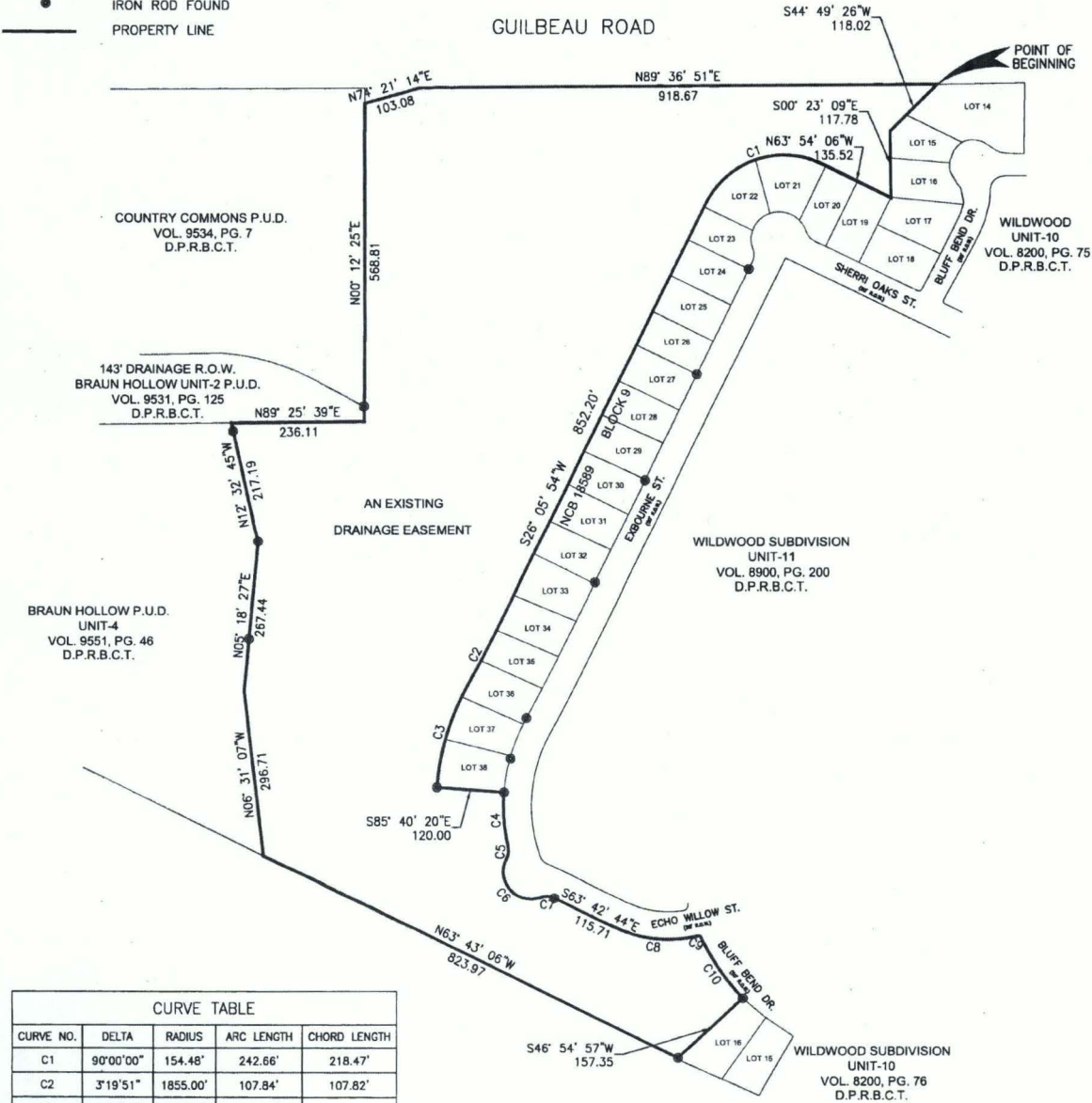
SURVEY PLAT OF A 19.511 ACRE (849,896 SQ.FT.) TRACT OF LAND, SAID TRACT BEING A DRAINAGE EASEMENT ALONG FRENCH CREEK, BEING A PORTION OF THE WILDWOOD SUBDIVISION, UNIT 11, AS RECORDED IN VOLUME 8900, PAGE 200, OF THE BEXAR COUNTY DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.



BEARING SOURCE:  
NAD 83 STATE PLANE COORDINATE  
TEXAS SOUTH CENTRAL ZONE

LEGEND:

- IRON ROD FOUND
- PROPERTY LINE



CURVE TABLE				
CURVE NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C1	90°00'00"	154.48'	242.66'	218.47'
C2	3°19'51"	1855.00'	107.84'	107.82'
C3	25°06'05"	439.77'	192.66'	191.13'
C4	17°32'28"	319.77'	97.90'	97.51'
C5	41°35'57"	30.00'	21.78'	21.31'
C6	138°39'58"	50.00'	121.01'	93.56'
C7	46°34'03"	30.00'	24.38'	23.72'
C8	39°49'28"	225.01'	156.40'	153.27'
C9	78°18'09"	5.00'	6.83'	6.31'
C10	17°50'30"	425.00'	132.34'	131.81'



STATE OF TEXAS  
COUNTY OF BEXAR  
THIS SURVEY PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE PROFESSIONAL AND TECHNICAL STANDARDS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS 24TH DAY OF SEPTEMBER, 2018 A.D.

*[Signature]*  
REGISTERED PROFESSIONAL LAND SURVEYOR



BAIN MEDINA BAIN, INC.  
ENGINEERS & SURVEYORS  
7073 San Pedro Avenue  
San Antonio, Texas 78216  
210/494-7223

A METES AND BOUNDS DESCRIPTION OF EVEN DATE  
HEREWITH ACCOMPANIES THIS SURVEY PLAT.

JOB NO.: C-1459.05