

ORDINANCE 2019-06-13-0505

**AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF APPROXIMATELY .5 ACRES OF PROPERTY IN NCB 18557 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 .5 acres in NCB 18557 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 to Mainland Square, an adjacent residential neighborhood project; and

**WHEREAS**, The Mainland Square Homeowners Association has expressed their interest in the City acquiring the property for the Salado Creek Greenway Trail and their membership has shown support; 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 .5 acres in NCB 18557 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	
	• NCB 18557 BLK 1 LOT 1 /OPEN SPACE - REC AREA/ (MAINLAND SQUARE UT-1 PUD)
and	• NCB 18557 BLK 1 LOT P-100 /DRAINAGE ROW/ (MAINLAND SQUARE UT-1 PUD)

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, .511 acres in NCB 18557 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 .5 acres of parcels of privately-owned real property located in NCB 18557 in Council District 7 in Bexar County, Texas.

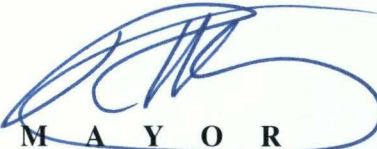
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to the 2015 Proposition 2 Sales Tax Initiative funded project.

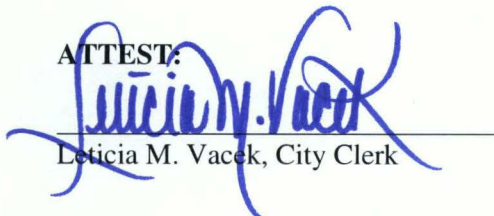
**SECTION 5.** The City staff is hereby directed to negotiate with the owners of the parcels for the acquisition of the property at fair market value, to execute sales agreements purchasing the property from the owners as the owners are identified by a Commitment for Issuance of Title Insurance issued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

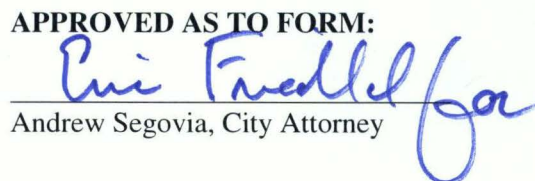
**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire the property from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized 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>28B ( 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 .5 acres of property in NCB 18557 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 total fair market value of the land for these acquisitions is \$5,000.00.
<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				

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# **Exhibit “A”**



**Item B: French Creek Greenway Trail  
Connection to Mainland Square  
Approximately .5 acres**

Exhibit "A"

**SUNNY OAKS**

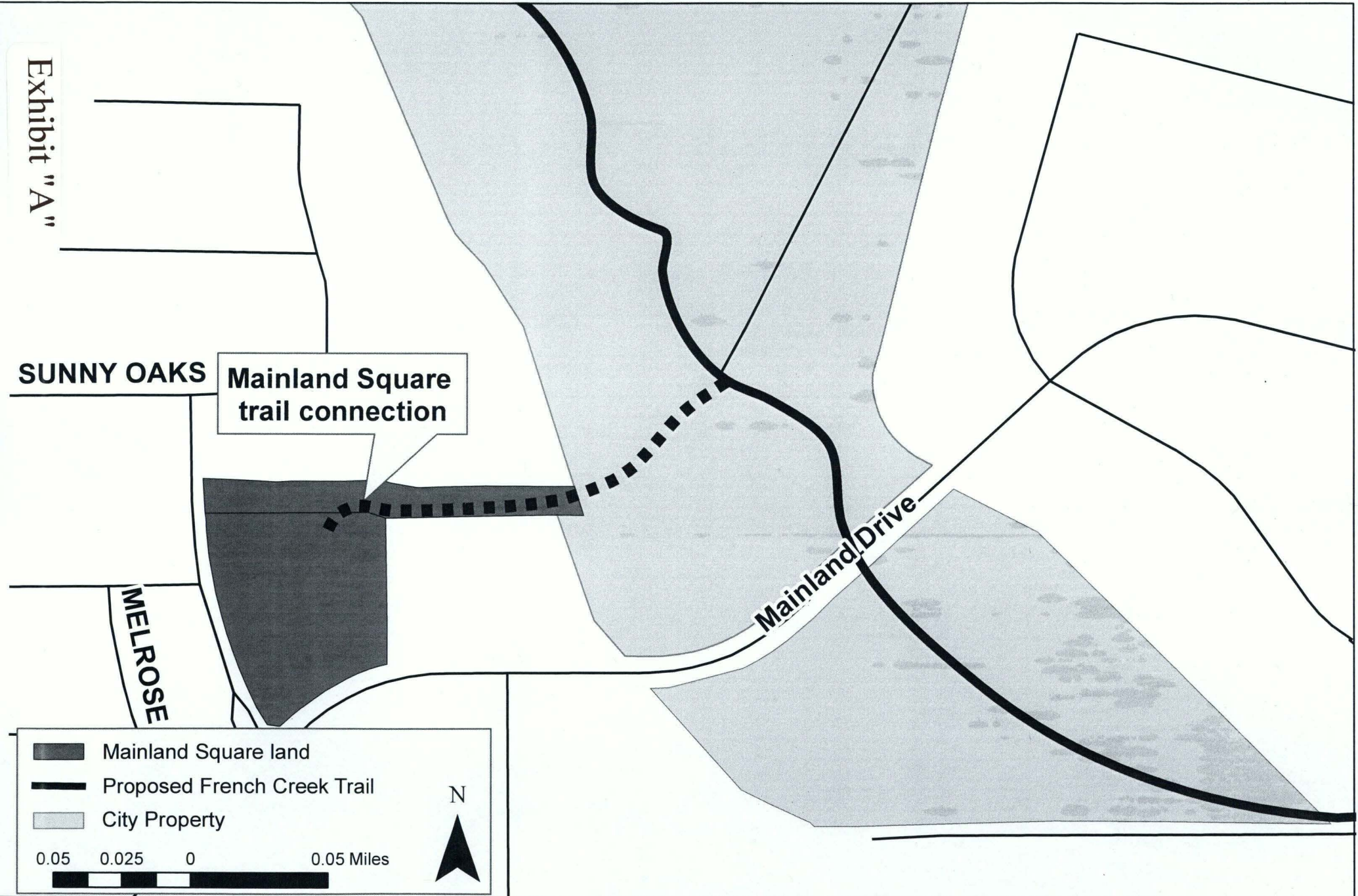
**Mainland Square  
trail connection**

**MELROSE**

**Mainland Drive**

-  Mainland Square land
-  Proposed French Creek Trail
-  City Property

0.05 0.025 0 0.05 Miles



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# **Exhibit “B”**

Property Descriptions:

Mainland Square

- Approximately .5 acres out of NCB 18557 BLK 1 LOT 1 /OPEN SPACE - REC AREA/  
(MAINLAND SQUARE UT-1 PUD) and NCB 18557 BLK 1 LOT P-100 /DRAINAGE ROW/  
(MAINLAND SQUARE UT-1 PUD)