

ORDINANCE 2020-04-02-0220

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES FOR 6.606 ACRES (287,788 SQUARE FEET) OF PRIVATELY-OWNED REAL PROPERTY LOCATED BETWEEN OLD CORPUS CHRISTI HIGHWAY AND SOUTH PRESA WITHIN CB 5158 AND NCB 10920 IN COUNCIL DISTRICT 3 FOR THE BROOKS CITY BASE STINSON CORRIDOR (RESEARCH PLAZA TO SOUTH PRESA STREET) PROJECT, A 2017 BOND PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION AND AUTHORIZING AN AMOUNT NOT TO EXCEED \$900,000 PAYABLE TO THE SELECTED TITLE COMPANIES FOR LAND, TITLE AND CLOSING COSTS. FUNDING IS AVAILABLE FROM THE 2017 GENERAL OBLIGATION BOND PROGRAM AND IS INCLUDED IN THE FY 2020 – FY 2025.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire the parcels as part of the Brooks City Base Stinson Corridor Project for the purpose of constructing a new roadway; and

WHEREAS, the property will be utilized to will construct a new roadway from Research Plaza to South Presa; and

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

WHEREAS, it is necessary to obtain and acquire the fee simple title and/or an easement interest in the parcels of land in Council District 3 as part of the Project as further described in **SECTION 2** below; and

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City’s staff of the Real Estate Section of the Capital Improvements Management Services Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; **NOW THEREFORE**,

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

SECTION 1. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easements in privately owned real property, by negotiation

and/or condemnation, if necessary, as part of the Brooks City Base Stinson Corridor Project. Said parcels of land are generally described as follows:

6.606 acres (287,788 square feet) privately-owned real property located between Old Corpus Christi Highway and South Presa within CB 5158 NCB 10920

The properties are more specifically shown on the Site Map attached hereto as **Exhibit A** and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

SECTION 2. Payment is authorized to be encumbered and made payable to the selected title companies for land, title and closing costs in an amount not to exceed \$900,000.00. Payment is in support of the Brooks City Base Stinson Corridor Project, using Fund 45099000, WBS element 23-01564-03-14 and General Ledger Account 5209010. Funding is provided by the 2017 General Obligation Bond Program, and is budgeted in the FY 2020 - FY 2025 CIP Budget.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

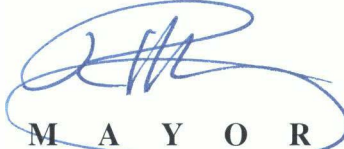
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and General Ledger Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. 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 Chief Financial Officer is directed to disburse funds in accordance herewith.

SECTION 5. 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 6. 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 2nd day of April, 2020.




M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

April 02, 2020

Item: 7

Enactment Number:

File Number: 20-1315

2020-04-02-0220

Ordinance approving the acquisition through negotiation or condemnation of interests in land sufficient for project purposes for 6.606 acres (287,788 square feet) of privately-owned real property located between Old Corpus Christi Highway and South Presa within CB 5158 NCB 10920 in Council District 3 for the Brooks City Base Stinson Corridor (Research Plaza to South Presa Street) project, a 2017 Bond project; declaring it to be a public project and a public necessity for the acquisition and authorizing an amount not to exceed \$900,000 payable to the selected title companies for land, title and closing costs. Funding is available from the 2017 General Obligation Bond Program and is included in the FY 2020 – FY 2025 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Rebecca Viagran made a motion to approve. Councilmember Clayton H. Perry seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

LEF
04/02/2020
Item No. 7

EXHIBIT “A”

**Project Name: Brooks City-Base
Research Plaza Extension**

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**Metes and Bounds Description
for a
6.606 Ac. Tract
(287,788 sq. ft.)**

Being 6.606 acres of land (287,788 sq. ft.) out of a remaining portion of a 14.802 acre tract recorded in Volume 6183, Page 1299 of the Official Public Records of Real Property of Bexar County, Texas, out of the William Small Original Survey Number 26, Abstract 670, County Block 5158, and out of the James McKay Original Survey Number 48, Abstract 522, County Block 5158, San Antonio, Bexar County, Texas; said 6.606 acre tract (287,788 sq. ft.) being more particularly described as follows:

Beginning at a set iron pin located on the northeast right-of-way line of S. Presa St.; said iron pin being S 61°06'19" E, 355.38 feet along the said northeast right-of-way line from a found iron pin being the common south corner of the said 14.802 acre tract and of a 1.801 acre tract recorded in Volume 5289, Page 209 of the Deed Records of Bexar County, Texas;

1. Thence The following calls crossing the said 14.802 acre tract:
2. N 73°53'41" E, 52.97 feet departing the said northeast right-of-way line to an iron pin set for an angle point;
3. N 29°00'46" E, 183.73 feet to an iron pin set at the beginning of a tangent curve to the left;
4. 229.55 feet along the said tangent curve to the left having a central angle of 21°03'09", a radius of 624.75 feet, and whose chord bearing and distance are N 18°29'12" E, 228.27 feet to an iron pin set for the end of this curve;
5. N 07°57'38" E, 256.42 feet to an iron pin set at the beginning of a non-tangent curve to the right;
6. 83.57 feet along the said non-tangent curve to the right having a central angle of 06°10'34", a radius of 775.25 feet, and whose chord bearing and distance are N 11°27'26" E, 83.53 feet to an iron pin set on the south right-of-way line of Old Corpus Christi Rd.; said iron pin being the end of this curve and also being the northwest corner of the tract herein described;

Exhibit "A"


**Project Name: Brooks City-Base
Research Plaza Extension**

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7. Thence N 89°46'32" E, 231.53 feet along the said south right-of-way line to a point unable to set at the south end of a right-of-way cut-back line; said iron pin being located on the common line between the said 14.802 acre tract and the Mission Creek Subdivision Phase-1 Subdivision, San Antonio, Bexar County, Texas, recorded in Volume 9557, Page 84, Deed and Plat Records of Bexar County, Texas; said point also being the northeast corner of the said 14.802 acre tract and of the tract herein described;
8. Thence S 00°43'40" W, 995.43 feet along the said common line to a found iron pin located on the northeast right-of-way line of S. Presa St.; said iron pin being the common south corner of the said 14.802 acre tract and of the said Mission Creek Subdivision Phase-1 Subdivision; said iron pin also being the most southerly corner of the said 14.802 acre tract and of the tract herein described;
9. Thence N 61°06'19" W, 552.10 feet along the said northeast right-of-way line to the **Point of Beginning** and containing 6.606 acres of land (287,788 sq. ft.), more or less.

A plat of even date accompanies this metes and bounds description.




Adalberto Camarillo
Registered Professional Land Surveyor
No. 3929
March 13, 2018