



City of San Antonio

Legislation Details (With Text)

File #: 13-988

Type: Real Property Acquisition

In control: City Council A Session

On agenda: 11/21/2013

Title: Consideration of the following Ordinances related to the Linear Creekway Development Project [Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]

A) An Ordinance authorizing the acquisition through condemnation of approximately 13.0 acres in NCB 14747 and approximately 4.0 acres of land in NCB 14854 located along Leon Creek in Council District 8 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Creekway Acquisitions-Property Descriptions and Map Exhibits for 11-21-2013, 2. Draft Ordinance, 3. Ordinance 2013-11-21-0790

| Date | Ver. | Action By | Action | Result |
|------------|------|------------------------|--------|--------|
| 11/21/2013 | 1 | City Council A Session | | |

DEPARTMENT: Parks & Recreation

DEPARTMENT HEAD: Xavier Urrutia

COUNCIL DISTRICTS IMPACTED: Council Districts 3, 6 and 8

SUBJECT:

Acquisitions of Property for Linear Creekways Development Project

SUMMARY:

A. This ordinance authorizes the acquisition through condemnation of approximately 13.0 acres in NCB 14747 and approximately 4.0 acres of land in NCB 14854 located along Leon Creek in Council District 8 for the Linear Creekway Development Project, a 2010 Proposition 2 Sales Tax Initiative funded project approved by voters in November of 2010. The property is located within the City of San Antonio, Bexar County, Texas. This ordinance also declares this acquisition to be pursuant to a public project for public use and declares a public necessity for the acquisition of privately owned real property and authorizes the City

Attorney and/or designated special counsel to file eminent domain proceedings. The property is located primarily within the 100 year floodplain. The estimated fair market value of these land acquisitions is \$170,000.00.

- B. This ordinance authorizes the acquisition of approximately 40.0 acres of land along San Antonio creekways in Council Districts 3 and 6 by donation and/or good faith negotiations for the Linear Creekway Development Project, a 2010 Proposition 2 Sales Tax Initiative funded project approved by voters in November 2010. These properties are within the San Antonio city limits or extraterritorial jurisdiction, Bexar County, Texas and are primarily located within the 100 year floodplain. The estimated total fair market value of the land for these acquisitions is \$375,000.00.

BACKGROUND INFORMATION:

The proposed land acquisitions will become part of a growing network of interconnected hike and bike trails now known as the Howard W. Peak Greenway Trails system, which is funded through sales tax initiatives approved by voters in May of 2000, May of 2005 and November of 2010. The objectives of the program are to acquire and preserve open space along San Antonio creekways and to develop multi-use hike and bike trails, trailheads, signage and associated amenities for use by San Antonio residents and visitors.

The proposed acquisitions are part of the Proposition 2 Parks Development and Expansion Venue Project approved by voters in November of 2010. These projects include the acquisition of open space along San Antonio creekways and the development of multi-use hike and bike trails, trailheads, signage and associated amenities for use by San Antonio residents and visitors.

These acquisitions are consistent with policy adopted by the City Council for the acquisition of properties along San Antonio creekways funded by sales tax initiatives and the adopted Parks and Recreation Strategic System Plan. The acquisitions are also consistent with Natural Resource and Urban Design Goals of the San Antonio Master Plan Policies.

- A. This property consists of approximately 13.0 acres in NCB 14747 and approximately 4.0 acres of land in NCB 14854 located along Leon Creek in Council District 8 and is located within the City of San Antonio, Bexar County, Texas. Ordinance number 2012-09-20-0731, approved by Council on September 20, 2012, authorized the acquisition of this property through donation or good faith negotiations. However, negotiations have been unsuccessful to date. Condemnation authority is requested at this time in order that the work on the Linear Creekway Development Project may proceed. The estimated fair market value of the land for this acquisition is \$170,000.00 and the properties are located primarily within the 100 year floodplain.

Pursuant to enacted Texas Senate Bill 18 (SB "18"), this item requires that City Council initiate a motion authorizing the use of eminent domain, should good faith negotiations fail.

- B. These properties consist of approximately 40.0 acres of land located along San Antonio creekways within Council Districts 3 and 6 and are within the San Antonio city limits or extraterritorial jurisdiction, Bexar County, Texas. The acquisition of these properties is pursuant to implementation of the Linear Creekway Parks Development Project approved by voters in November of 2010. The estimated total fair market value of the land for these acquisitions is \$375,000.00 and the properties are primarily located within the

100 year floodplain.

ISSUE:

The proposed property acquisitions will be used for the preservation of floodplain property and riparian habitat along San Antonio's creekways and will provide the land through which a system of linear parks (a.k.a. greenways) will be created. Multi-use hike and bike trails, being an essential component of the linear parks, will provide for outdoor recreation and an alternate means of transportation. The ability for bicyclists and pedestrians to travel between connected destinations is essential to the concept of the greenway trail system. Once the necessary property has been acquired, capital projects will be designed and constructed that include multi-use hike and bike trails, trailheads, signage and associated amenities for use by San Antonio residents and visitors.

ALTERNATIVES:

These acquisitions are necessary connections to a larger system along San Antonio creekways through which multi-use trails and related park improvements will be/have been constructed and are essential to the implementation of this voter-approved project. Should these acquisitions not proceed, it could cause the project to be incomplete due to gaps within the system.

FISCAL IMPACT:

Funds totaling \$45,000,000.00 for Parks Development and Expansion Venue Projects were approved by the voters in November of 2010. Funds for the property acquisitions have been appropriated through Proposition 2 Sales Tax funding in the FY 2014-2019 Adopted Annual Capital Budget in addition to the associated funding for design and construction of the hike and bike trail projects.

- A. The estimated fair market value of these land acquisitions is \$170,000.00.
- B. The estimated total fair market value of the land for these acquisitions is \$375,000.00.

There will be minimal annual operating, security and maintenance expenses for these undeveloped properties. Associated expenses for operations, maintenance and security will be addressed upon project development, implementation and completion. The hike and bike trail projects are scheduled to be constructed between 2014 and 2019.

RECOMMENDATION:

Staff recommends approval of these acquisitions of property for the Linear Creekway Development Project.

The Planning Commission has recommended approval of these proposed land acquisitions.