



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1538

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 8/7/2014

**Title:** An Ordinance authorizing the acquisition, through negotiation or condemnation of 0.059 acres of an interest in land in a portion of one parcel of privately-owned real property located in NCB 17725 for the realignment of Bulverde Road and Classen Road, as part of the Developer Participation agreement, in connection with the 2012 General Obligation Bond-funded Project, located in Council District 10, and declaring it to be a public use project for the acquisition. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Developer Agreement, 2. Plat and Field Notes-Bulverde Classen, 3. Project Map Bulverde Classen Roads, 4. Project map 2 Bulverde Classen Roads Project, 5. Draft Ordinance, 6. Ordinance 2014-08-07-0527

Date	Ver.	Action By	Action	Result
8/7/2014	1	City Council A Session	Motion to Approve	Pass

**DEPARTMENT:** Transportation and Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, PE

**COUNCIL DISTRICTS IMPACTED:** Council District 10

**SUBJECT:**

Acquisition: Property for the Bulverde Road and Classen Road Realignment Project

**SUMMARY:**

An ordinance authorizing the acquisition, through negotiation or condemnation, of 0.059 acres for an interest in land sufficient for Project purposes in a portion of one parcel of privately-owned real property located in NCB 17725 needed for Developer Participation of the Bulverde Road and Classen Road Realignment Project in connection with the 2012 General Obligation Bond-funded Project, located in Council District 10, and declaring it to be a public use project for the acquisition. The Developer (Bulverde Marketplace Partners) will pay all expenses related to the acquisition of the real property, associated litigation expenses and title fees.

Pursuant of enacted Texas Senate Bill 18 (SB 18”), this item requires City Council to initiate a motion

authorizing the use of power of eminent domain, should it be needed.

### **BACKGROUND INFORMATION:**

On May 2, 2013, City Council approved a Developer Participation Agreement with Bulverde Marketplace Partners through Ordinance 2013-05-02-0292. As part of the final negotiated agreement terms, the Developer (Bulverde Marketplace Partners) agreed to design and construct the extension and realignment as part of the 2012-2017 bond funded Bulverde Road and Classen Road Realignment Project.

This Project will realign Bulverde and Classen Roads south of Loop 1604. The Project will construct two lanes in each direction, divided by a raised median, with curbs, sidewalks and bicycle lanes. Construction is anticipated to begin August 2014 and completed by October 2015.

### **ISSUE:**

This ordinance will authorize the acquisition, through negotiation or condemnation, of 0.059 acres for an interest in land sufficient for Project purposes in a portion of one parcel of privately-owned real property located in NCB 17725 needed for Developer Participation of the Bulverde Road and Classen Road Realignment Project in connection with the 2012 General Obligation Bond-funded Project, located in Council District 10, and declaring it to be a public use project for the acquisition. The Developer (Bulverde Marketplace Partners) will pay all expenses related to the acquisition of the real property, associated litigation expenses and title fees.

The real property is currently owned by a Home Owners Association (HOA). Under HOA rules, a 2/3 Vote of all residents is required to approve the sale of this property. The HOA has been unsuccessful in acquiring the 2/3 majority; therefore, the City of San Antonio will proceed with a condemnation which will allow the HOA Officers to act on behalf of the HOA to approve the sale of the real property to the City of San Antonio.

Property acquisition is a required component to complete the Bulverde Road and Classen Road Realignment Project. Through this action, City Council authorizes the acquisition of 0.059 acres of privately-owned real property, located in NCB 17725 through negotiation or condemnation.

### **ALTERNATIVES:**

City Council could elect not to approve this acquisition needed for completion of this Project; however, this action would result in a re-design of this Project which could be more costly.

### **FISCAL IMPACT:**

There is no fiscal impact to this item, as the Developer (Bulverde Marketplace Partners) will pay all fees associated with the acquisition.

### **RECOMMENDATION:**

Staff recommends approval of an ordinance authorizing the acquisition, through negotiation or condemnation,

of interests in land sufficient for Project purposes in a portion of one parcel of privately-owned real property located in Council District 10, for a Developer Participation Agreement with Bulverde Marketplace Partners and the Bulverde Road and Classen Road Realignment Project.