



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-2053

**Type:** Real Property Acquisition

**In control:** City Council A Session

**On agenda:** 3/10/2016

**Title:** An Ordinance authorizing the acquisition, through negotiation or condemnation of interests, in approximately 0.138 acres of privately-owned real property in NCB 789, Lots 11 and 12, and declaring it to be a public use project for and authorizing up to \$450,000.00 payable to the selected title company, for land, litigation expenses and associated title fees

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legal Descriptions, 2. Draft Ordinance - B, 3. Draft Ordinance - C, 4. Draft Ordinance - A

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, P.E.

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**

Downtown Streets Reconstruction Project for intersection improvements at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad.

**SUMMARY:**

Consideration of the following ordinances related right of way needed for the Downtown Streets Reconstruction Project for intersection improvements at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, a 2012 General Obligation Bond funded project located in Council District 1.

**A)** An ordinance authorizing the acquisition, through negotiation or condemnation of interests in approximately 0.138 acres of privately-owned real property in NCB 789, Lots 11 and 12, and declaring it to be a public use project for and authorizing up to \$450,000.00 payable to the selected title company, for land, litigation expenses and associated title fees.

**B)** An ordinance authorizing the closure, vacation, and abandonment and transfer of approximately 0.171 acres of public right of way consisting of portions of Jackson Street, Buffalo Run, and N. Main Ave in NCB 789.

**C)** An ordinance authorizing an aerial easement for the property described as 0.30 acre tract out of NCB 789, called Parcel II, to be conveyed to American Payroll Institute Properties Inc. so that a portion of a parking garage may be constructed over the sidewalk along the west side of San Pedro Ave.

## **BACKGROUND INFORMATION:**

The 2012 - 2017 General Obligation Bond provides \$40 million for the Downtown Streets Reconstruction Project. The full reconstruction of the intersection at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, is one of the five areas included in Downtown Streets Reconstruction project. The intersection design consists of a roundabout which allows more movements; improves navigation; removes angle accidents; provides gateway opportunities for more visitors to the downtown area, and creates more green space. The reconstruction will also include raised medians to better facilitate traffic and pedestrians.

In order to accomplish this design, the City needs to acquire property from three parcels along the west side of San Pedro. Staff is currently negotiating with the property owners for the necessary right of way and is recommending releasing of a portion of property along the north side of Buffalo Run and the east side of Jackson Street which is not needed by the City. The transfer of this property will allow the owners to maintain lots large enough for development and is expected to decrease land acquisition costs. In addition, American Payroll Institute Properties Inc. is requesting an aerial easement so that a portion of a new parking garage may be constructed over the sidewalk along the west side of San Pedro Ave.

## **ISSUE:**

Consideration of the following ordinances related right of way needed for the Downtown Streets Reconstruction Project for intersection improvements at the junction of San Pedro, North Main, Navarro, Buffalo Run, Camden and Soledad, a 2012 General Obligation Bond funded project located in Council District 1.

**A)** This ordinance authorizes the acquisition, through negotiation or condemnation of interests in approximately 0.138 acres of privately-owned real property in NCB 789, Lots 11 and 12, and declaring it to be a public use project for and authorizing up to \$450,000.00 payable to the selected title company, for land, litigation expenses and associated title fees.

Pursuant to 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.

**B)** This ordinance authorizes the closure, vacation, abandonment and transfer of approximately 0.171 acres of public right of way consisting of portions of Jackson Street, Buffalo Run, and N. Main Ave in NCB 789.

**C)** This ordinance authorizes an aerial easement for the property described as 0.30 acre tract out of NCB 789, called Parcel II, to be conveyed to American Payroll Institute Properties Inc. so that a portion of a parking garage may be constructed over the sidewalk along the west side of San Pedro Ave.

This ordinance recommends a one-time capital improvement expenditure in the amount not to exceed

\$450,000.00, payable to the selected title company. The values of these acquisitions are based on appraisals performed by Eckmann Groll, Inc., between March and July 2015.

**ALTERNATIVES:**

- A) City Council could not approve the acquisition, however, this action would result in a re-design of this project which would delay the timely completion of this project.
- B) City Council could reject the request to close, vacate, abandon and transfer of approximately 0.171 acres of public right of way consisting of portions of Jackson Street, Buffalo Run, and N. Main Ave. However, this would disrupt the negotiation of acquisition the property acquisition along San Pedro which is needed for the project which would delay the timely completion of this project.
- C) City Council could reject the air space easement for the parking garage construction. American Payroll Institute Properties Inc. would need to redesign its parking garage and could reject the City's offer to buy its property along San Pedro resulting in a lengthy condemnation process.

**FISCAL IMPACT:**

This ordinance recommends a one-time capital improvement expenditure in the amount not to exceed \$450,000.00, payable to the selected title company. The values of these acquisitions are based on appraisals performed by Eckmann Groll, Inc., between March and July 2015. Funds are available within the Downtown Streets Reconstruction project from previously authorized 2012-2017 Bond Program funds and are included in the 2016-2021 Capital Improvements Program Budget.

**RECOMMENDATION:**

- A) Staff recommends approval of this ordinance, authorizing the acquisition, through negotiation or condemnation, of approximately 0.138 acres of land in a portion of 3 parcels of privately-owned real property and declares the Project to be a public use project for the acquisition and authorizes expenditures not to exceed \$450,000.00 payable to the selected title company, for land, litigation expenses and associated title fees.
- B) Staff recommends approval of the closing, vacating and abandoning 0.171 acres from portions of 3 parcels of real property owned by the City of San Antonio located on the east side of Jackson Street and the north side of Buffalo Run Street, for the acquisition of portions of 3 parcels of privately owned real property out of NCB 789.
- C) Staff recommends approval of an air space easement for a portion of a parking garage to be constructed over City Right of Way along San Pedro Avenue.