



City of San Antonio

Agenda Memorandum

File Number: 18-3024

Agenda Item Number: 13.

Agenda Date: 5/10/2018

In Control: City Council A Session

DEPARTMENT: Parks and Recreation

DEPARTMENT HEAD: Xavier D. Urrutia

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:

Acquisition of Property for Linear Creekway Parks Development Project

SUMMARY:

This ordinance authorizes the acquisition through condemnation of approximately 19.88 acres in NCB 16331 and NCB 14889 located along Maverick Creek in Council District 8 for the Linear Creekway Parks Development Project, a Proposition 2 Sales Tax Initiative funded project approved by voters on May 9, 2015. 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.

BACKGROUND INFORMATION:

The property to be acquired consists of approximately 19.88 acres in NCB 16331 and NCB 14889 located along Maverick Creek in Council District 8 and is located within the City of San Antonio, Bexar County, Texas. The Maverick Creek Homeowners Association (HOA) Board is supportive of the City acquiring the property for the Maverick Creek Greenway Trail and their membership has shown support. However, due to the insurmountable Homeowners Association bylaw requirements for release of commonly held property, it has been determined that the property cannot be acquired through a standard closing process. Condemnation authority is requested at this time in order to acquire the property through a public notice and subsequent special commissioners hearing process. The HOA supports this "friendly condemnation" action. The estimated fair market value for this land acquisition is approximately \$150,000.00. This property is located primarily

within the 100 year floodplain.

The proposed land acquisition will become part of a growing network of interconnected hike and bike trails, known as the Howard W. Peak Greenway Trails system, which is funded through sales tax initiatives approved by voters in 2000, 2005, 2010, and 2015. 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 acquisition is part of the Proposition 2 Parks Development and Expansion Venue Project approved by voters on May 9, 2015.

This acquisition is 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 acquisition is also consistent with Natural Resource and Urban Design Goals of the San Antonio Master Plan Policies.

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

ISSUE:

The proposed property acquisition will be used for the preservation of floodplain property and riparian habitat along San Antonio's creekways and will provide the land through which the Maverick Creek Greenway Trail project will be constructed. Multi-use hike and bike trails, such as the Maverick Creek Greenway Trail, 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, the Maverick Creek Greenway trail project will be constructed to include a multi-use hike and bike trail, a parking area, signage and associated park amenities for use by San Antonio residents and visitors.

ALTERNATIVES:

This acquisition is a necessary connection in a larger system along San Antonio creekways through which multi-use trails and related park improvements are being constructed and is essential to the implementation of this voter-approved project. Should this acquisition not proceed, the Maverick Creek Greenway Trail project could not proceed as planned.

FISCAL IMPACT:

Funds for the Maverick Creek Greenway Trail project have been approved through the FY 2018-FY 2023 Capital Improvement Plan and funding is available in the 2015 Parks Development and Expansion Venue projects.

The estimated fair market value of this land acquisition is \$150,000.00. There will be minimal annual operating, security and maintenance expenses for this undeveloped property. Associated expenses for operations, maintenance and security will be addressed upon project development, implementation and completion. Construction is scheduled to begin on the Maverick Creek Greenway Trail in 2019.

RECOMMENDATION:

Staff recommends approval of this acquisition of property through condemnation for the Linear Creekway Parks Development Project.