



# City of San Antonio

## Agenda Memorandum

**File Number:** 19-4721

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**Agenda Item Number:** 28C.

**Agenda Date:** 6/13/2019

**In Control:** City Council A Session

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**DEPARTMENT:** Parks & Recreation

**DEPARTMENT HEAD:** Xavier D. Urrutia

**COUNCIL DISTRICTS IMPACTED:** Districts 6 & 7

### **SUBJECT:**

Acquisitions of Property for Linear Creekways Development Project

### **SUMMARY:**

Consideration of the following Ordinances related to the Linear Creekway Development Project.

- A. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project 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. The estimated fair market value of this land acquisition is \$13,700.00.
- B. This ordinance authorizes the acquisition through negotiation or condemnation of approximately .5 acres of property in NCB 18557 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project 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. The estimated total fair market value of the land for these acquisitions is \$5,000.00.
- C. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 4 acres of property in NCBs 15092 and 18828 located along Culebra Tributary Creek in Council District 6 for the

Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the Culebra Tributary Greenway Trail project 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. The estimated fair market value for this land acquisition is \$40,000.00.

Funding for the acquisitions of property A, B and C for the Linear Creekways Development Project is available in the Proposition 2 Parks Development and Expansion Venue Project Fund included in the FY 2019 - FY 2024 Capital Improvement Program.

## **BACKGROUND INFORMATION:**

The proposed land acquisitions 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.

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.

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

- A. This property consists of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 and is located within the City of San Antonio, Bexar County, Texas. The acquisition of this property is necessary for the completion of the French Creek Greenway Trail project. The property owner of record (Bexar County Land Holdings Two, Inc.) is no longer a viable corporation listed with the Texas Secretary of State and title to the property is unclear at this time. Condemnation authority is requested at this time in order to clear the title through a public notice and subsequent special commissioners hearing process. The property is located primarily within the 100 year floodplain and includes a large drainage easement. The estimated fair market value for this land acquisition is \$13,700.00.
- B. This property consists of approximately .5 acres of property in NCB 18557 located along French Creek in Council District 7 and is located within the City of San Antonio, Bexar County, Texas. The acquisition of this property is necessary for the completion of a connection from the French Creek Greenway Trail to Mainland Square, an adjacent residential neighborhood. The Mainland Square Homeowners Association has expressed their interest in the City acquiring the property for the Salado Creek Greenway Trail and their membership has shown support. However, due to the insurmountable 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 property is located primarily within the 100 year floodplain and includes a drainage easement. The estimated fair market value for this land acquisition is \$5,000.00.
- C. This property consists of approximately 4 acres in NCBs 15092 and 18828 located along Culebra

Tributary Creek in Council District 6 and is located within the City of San Antonio, Bexar County, Texas. The acquisition of this property is necessary for the completion of the Culebra Tributary Greenway Trail project. The Great Northwest Community Improvement (CIA) Association has expressed their interest in the City acquiring the property for the Salado Creek Greenway Trail and their membership has shown support. However, due to the insurmountable 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 CIA supports this friendly condemnation action. The property is located primarily within the 100 year floodplain. The estimated fair market value for this land acquisition is \$40,000.00.

## **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 segments of the Howard W. Peak Greenway Trail System will be built. Multi-use hike and bike trails, being an essential component of greenway trails, 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:**

Consideration of the following Ordinances related to the Linear Creekway Development Project.

- A. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project 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. The estimated fair market value of this land acquisition is \$13,700.00.
- B. This ordinance authorizes the acquisition through negotiation or condemnation of approximately .5 acres of property in NCB 18557 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project 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. The

estimated total fair market value of the land for these acquisitions is \$5,000.00.

C. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 4 acres of property in NCBs 15092 and 18828 located along Culebra Tributary Creek in Council District 6 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the Culebra Tributary Greenway Trail project 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. The estimated fair market value for this land acquisition is \$40,000.00.

Funding for the acquisitions of property A, B and C for the Linear Creekways Development Project is available in the Proposition 2 Parks Development and Expansion Venue Project Fund included in the FY 2019 - 2024 Capital Improvement Program.

Funding for operation and maintenance of the city-wide greenway trail system is submitted annually as part of the General Fund budget process as trail miles are completed. The hike and bike trail projects are scheduled to be constructed between 2020 and 2022.

**RECOMMENDATION:**

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