



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-7595

**Type:** Procedural

**In control:** City Council A Session

**On agenda:** 10/31/2019

**Title:** Approving the following Ordinances related to the Linear Creekway Development Project: [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Homer Garcia, III, Interim Director, Parks and Recreation]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Site Map Item A for Leon Creek Greenway Approx. 6.94 Acres, 2. Site Map Item B for Culebra Tributary Greenway Approx. 15.545 Acres, 3. Leon Creek Greenway Approx. 2.818 acres in District 6 - boundary survey Parcel 1, North Parcel, 4. Leon Creek Greenway Approx. 4.122 acres in District 6 - boundary survey Parcel 2, South Parcel, 5. Culebra Tributary Greenway Approximately 15.545 acres in District 6 - boundary survey, 6. Draft Ordinance Culebra Creek.pdf, 7. Draft Ordinance Linear Creekway.pdf

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Parks and Recreation

**DEPARTMENT HEAD:** Homer Garcia III

**COUNCIL DISTRICTS IMPACTED:** District 6

### 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 6.94 acres at or near the 5800 block of the westbound U.S. 90 access road, (NCB 13951) along Leon 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 Leon Creek Greenway Trail project to be a public project for public use; declaring 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 estimated fair market value for this land acquisition is \$88,900.00.

- B. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 15.545 acres of property in NCBs 15091 located along Culebra Creek east of Oscar Perez Park between Timber Wind and Meadow Rise 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 authorizes the City Attorney and/or designated special counsel to file eminent domain proceedings. The estimated fair market value for this land acquisition is \$155,450.00.

## **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 Trail system, which has been 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 Council-approved Greenway Trails program funded by the 2015 Sales Tax Initiative, along with SA Tomorrow Plan policies adopted by the City Council for equitable access to recreational opportunities, promotion of healthy lifestyles, and preservation of habitat and natural resources.

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

- A. This property consists of approximately 6.94 acres at or near the 5800 block of the westbound U.S. 90 access road, (NCB 13951) along Leon 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 Leon Creek Greenway Trail project. Attempts to negotiate the acquisition of the property in exchange for payment within reasonable range of fair market value have been unsuccessful. Therefore, condemnation authority is requested at this time in order to acquire the property through a special commissioners hearing process. The property is located within the 100 year floodplain. The estimated fair market value for this land acquisition is \$88,900.00.
- B. This property consists of approximately 15.545 acres in NCBs 15091 located along Culebra Tributary Creek east of Oscar Perez Park between Timber Wind and Meadow Rise 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. It has been determined that clear title to the property cannot be obtained through a standard closing process. Therefore, condemnation authority is requested at this time in order to acquire the property through a public notice and subsequent special commissioners hearing process. The property is located within the 100 year floodplain. The estimated fair market value for this land acquisition is \$155,450.00.

## **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 healthy lifestyle opportunities. The ability for bicyclists and pedestrians to travel between connected parks and 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:**

Council could elect not to authorize these transactions and require staff to consider other less direct routes to allow this greenway connection which may result in increased projects costs for this trail segment.

## **FISCAL IMPACT:**

Funds for the property acquisitions have been appropriated through Proposition 2 Sales Tax funding in the FY 2020 - FY 2025 Capital Improvement Program in addition to the associated funding for design and construction of the hike and bike trail projects.

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- B. This ordinance authorizes the acquisition through negotiation or condemnation of approximately 15.545 acres of property in NCBs 15091 located along Culebra Tributary Creek east of Oscar Perez Park between Timber Wind and Meadow Rise 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 authorizes the City Attorney and/or designated special counsel to file eminent domain proceedings. The estimated fair market value for this land acquisition is \$155,450.00.

Associated expenses for operations will be addressed upon project development, implementation and completion through the City's annual budget process. The hike and bike trail projects supported by these acquisitions are scheduled to be constructed between 2020 and 2022.

## **RECOMMENDATION:**

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