



City of San Antonio

Agenda Memorandum

File Number:16-4521

Agenda Item Number: 24.

Agenda Date: 9/1/2016

In Control: City Council A Session

DEPARTMENT: City Attorney's Office

DEPARTMENT HEAD: Andrew Segovia

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT: Settlement of *Kopplow Development v. City of San Antonio*

SUMMARY:

This ordinance authorizes the settlement of litigation styled Kopplow Development vs. City of San Antonio Cause Number 2004-CI-08167-A pending in the 285th Judicial District Court, Bexar County, Texas for \$850,000 plus interest and court costs for a total settlement amount of \$1,369,840.52.

BACKGROUND INFORMATION:

After the record floods of 1998 and 2002, the City conducted a study to address flooding issues along Leon Creek. Based upon the hydrology study, the City constructed a 200 acre regional storm water facility on Leon Creek located near the intersection of Culebra Road and Loop 410, downstream of the Kopplow property. Also during this timeframe, the City revised its regulatory 100-year floodplain to include this hydrological data. That revision resulted in significant changes to the City's regulatory floodplain and the FEMA floodplain.

In 2004, Kopplow filed a lawsuit against the City alleging statutory condemnation, and physical and regulatory taking of their property.

The City has vigorously defended this lawsuit. There have been two trials and several appeals. The parties have now reached an agreement to settle all claims and for the City to obtain an inundation easement on the subject property.

ISSUE:

Settlements over \$50,000 require City Council approval.

ALTERNATIVES:

If this settlement is not approved by City Council, this matter will proceed to trial. It is in the best interest of the City to settle this lawsuit to avoid the uncertainty and risks attendant to litigation.

FISCAL IMPACT:

If approved, \$1,369,840.52 will be paid to Kopplow Development. This amount will be funded in accordance with the Adopted FY 2016 Liability Fund Budget.

RECOMMENDATION:

Staff recommends approval of this item.