



City of San Antonio

Agenda Memorandum

File Number:15-1990

Agenda Item Number: 12.

Agenda Date: 5/14/2015

In Control: City Council A Session

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 9

SUBJECT:

Acquisition: Property interest for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project

SUMMARY:

An ordinance for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project, a 2012-2017 Bond Program-funded project, located in Council District 9, authorizing the acquisition by condemnation of Las Lomas-Stone Oak Owners Association, Inc. (HOA) property interest related to the property located at Lot 20, Block 10, NCB 19220 (1406 Knights Cross Drive), a City-owned real property containing approximately 0.2238 acres, declaring it to be a public use project and authorizing expenditures in the amount of \$15,000.00, payable to the Registry of the Court or a selected title company, for litigation expenses and associated title fees.

Pursuant of 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.

BACKGROUND INFORMATION:

The Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project will provide for the construction of a new 4-lane divided roadway with shared use paths, sidewalks, driveway approaches, curbs, traffic signal and drainage improvements, as needed. This Project began construction in January 2015 and is estimated to be completed in October 2015.

The construction of a right-turn lane from eastbound Knights Cross Drive to southbound Hardy Oak Boulevard is needed to accommodate large vehicles and to improve efficiency for the future heavy right-turn movement at the intersection. Title was acquired October 2014 save and except the acquisition of the HOA property title interest that is necessary to clear title. The HOA is unable to obtain the necessary member quorum to convey their property title interest. Parties have agreed to pursue condemnation to process the conveyance. Upon completion of this HOA property title interest, the City will use the property as a field office for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project. Upon completion of the project, all improvements currently located on the property will be demolished and the remaining portion of the property will be conveyed to the Las Lomas-Stone Oak Owners Association, Inc. (HOA) via a settlement agreement presented to the Special Commissioners in the condemnation case.. Las Lomas-Stone Oak Owners Association, Inc. (HOA) will use the space as a common area, including green space and recreation, and if suitable, location for a monument (relating to the HOA). The HOA has agreed to assume maintenance of the property and will provide for the mowing and upkeep as needed. The completion of the real estate acquisition did not impact the construction schedule.

The City of San Antonio has the authority and power to exercise eminent domain (condemning property) under Article I, Section 17 of the Texas Constitution and Texas Local Government Code.

ISSUE:

An ordinance authorizing the acquisition by condemnation of Las Lomas-Stone Oak Owners Association, Inc. (HOA) property interest related to the property located at Lot 20, Block 10, NCB 19220 (1406 Knights Cross Drive), a City-owned real property containing approximately 0.2238 acres, located in Council District 9, for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project, a 2012-2017 Bond Program-funded project; declaring it to be a public use project and authorizing expenditures in the amount of \$15,000.00 to the Registry of the Court or a selected title company for litigation expenses and associated title fees.

Upon completion of the Project, the remaining portion of the property will be conveyed to the Las Lomas-Stone Oak Owners Association, Inc. (HOA) via a settlement agreement presented to the Special Commissioners in the condemnation case. Las Lomas-Stone Oak Owners Association, Inc. (HOA) will use the space as a common area, including green space and recreation, and if suitable, location for a monument (relating to the HOA). The HOA has agreed to assume maintenance of the property and will provide for the mowing and upkeep as needed.

ALTERNATIVES:

City Council could choose not to authorize the acquisition of the HOA property interest of this property; however, this action would require a re-negotiation with the HOA to determine the value of the property interest and the use of the property after the Project is complete and could increase costs.

FISCAL IMPACT:

This is a one-time expenditure in the amount of \$15,000.00, payable to the selected title company for litigation expenses and associated costs. Funds are available from the 2012-2017 General Obligation Bonds and are included in the FY 2015-2020 Capital Improvement Program Budget.

RECOMMENDATION:

Staff recommends approval of this ordinance authorizing the conveyance, through condemnation, of property interest of Las Lomas-Stone Oak Owners Association, Inc. (HOA) related to the property located at Lot 20, Block 10, NCB 19220 (1406 Knights Cross Drive), a City-owned property containing (0.2238 acres) of property, located in Council District 9, for the Hardy Oak Boulevard (Stone Oak Parkway to Knights Cross Drive) Project, a 2012-2017 Bond Program funded-project; declaring it to be a public use project and authorizing expenditures in the amount of \$15,000.00 to Registry of the Court or a selected title company, for litigation expenses and associated title fees.