

AN ORDINANCE **98118**

DECLARING THE LADDIE PLACE DETENTION POND PROJECT (“PROJECT”) TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO TWO (2) PARCELS OF REAL PROPERTY OUT OF NCB 8406, BOTH IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$113,500.00 FROM STORM WATER DETENTION FUNDS FOR THE PROJECT AND MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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WHEREAS, the City of San Antonio (“City”) desires to construct certain drainage improvements as part of the Laddie Place Storm Water Detention Facilities Project ; and

WHEREAS, the construction of a Regional Stormwater Facility (RSWF) in the Woodlawn Lake area is a necessary public project; and

WHEREAS, the Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is necessary to construct a portion of the Project upon property that is privately owned; and

WHEREAS, it is further necessary to obtain and acquire the fee simple title and/or an easement interest in two parcels of land for use as part of the Project and the property to be acquired is described as follows:

Parcel No.	Legal	Block	NCB
17469	Lot S IRR 185.44 feet of 46		8406
17470	Blk Lot 35		8406

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Laddie Place Detention Pond Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title or easements to certain privately owned real property, by negotiation and/or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Laddie Place Properties Project in San Antonio, Bexar County, Texas.

SECTION 3. A specific public necessity exists to acquire by negotiation and/or condemnation, if necessary, the property more specifically described as Lot 35, NCB 8406, Bexar County, Texas and that portion of Lot 46 which is more fully described in the "Metes and Bounds Description" affixed hereto as **Attachment I** and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property".

SECTION 4. The just compensation (fair market value) for the property in the amount set out has been considered and approved as shown in **Attachment II** affixed hereto and incorporated herein for all purposes.

SECTION 5. The budget of \$113,500.00 is appropriated in Fund 29-023001, Drainage Detention Project, in Index Code 937177, entitled Transfer to 40-006022. The amount of \$113,500.00 is authorized to be transferred from Fund 29-023001 to Fund 40-006022.

SECTION 6. The budget in Fund 40-006022, Laddie Place Properties Project, shall be revised by increasing Index Code 100818, entitled Transfer From 29-023002 (40-006022) Laddie Place, by the amount of \$113,500.00.

SECTION 7. The amount of \$93,800.00 is appropriated in Fund 49-995922, in Index Code 718817, entitled Land Acquisition, and is authorized to be encumbered and made payable for miscellaneous land acquisition expenses.

SECTION 8. The amount of \$2,000.00 is appropriated in Fund 40-006022, Laddie Place Properties Project, in Index Code 718825, entitled Miscellaneous (Awnings, Fences, Etc.), and is authorized to be encumbered and made payable for miscellaneous expenses.

SECTION 9. The amount of \$1,500.00 is appropriated in Fund 40-006022, in Index Code 718883, entitled Title Fees, and is authorized to be encumbered and made payable for miscellaneous title fee expenses.

SECTION 10. The amount of \$15,000.00 is appropriated in Fund 40-006022, in Index Code 718841, entitled Legal Fees, and is authorized to be encumbered and made payable for miscellaneous legal fee expenses.

SECTION 11. The amount of \$1,000.00 is appropriated in Fund 40-006022, in Index Code 718858, entitled Lender Fees, and is authorized to be encumbered and made payable for miscellaneous lender fee expenses.

SECTION 12. The amount of \$200.00 is appropriated in Fund 40-006022, in Index Code 718866, entitled Right of Entry Fees, and is authorized to be encumbered and made payable for miscellaneous right of entry fee expenses.

SECTION 13. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as indicated in Section 4, above, to execute sales agreements purchasing the property from the owners as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 14. That in the event that the City staff is unable to acquire one or more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and the law firm of Bracewell & Patterson, L.L.P. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 15. A copy of the respective instruments shall be submitted to the City Attorney for approval under Section 54, Charter of the City of San Antonio. If the City Attorney approves the instrument then the City of San Antonio accepts title to the respective property upon closing of this transaction.

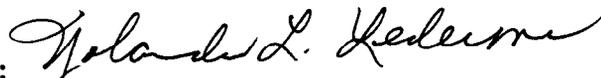
SECTION 16. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

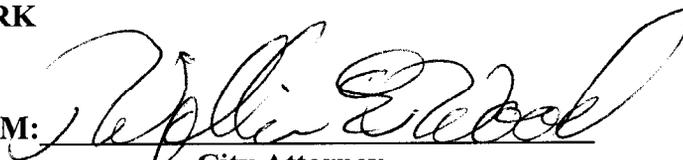
SECTION 17. This Ordinance shall be effective on September 14, 2003.

PASSED AND APPROVED this the 4th day of September, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
for City Attorney