

AN ORDINANCE

**98415**

**AMENDING ORDINANCE NO. 96300, PASSED AND APPROVED ON SEPTEMBER 5, 2002, TO AUTHORIZE PAYMENT OF THE ADDITIONAL SUM OF \$11,637.50 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2002-ED-0006, CITY OF SAN ANTONIO VS. MISSION PETROLEUM CARRIERS, INC., ET AL, FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE SALADO CREEK GREENWAY (HIKE AND BIKE) PHASE I PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\*\*\*\*\*

**WHEREAS**, the City of San Antonio proceeded in Condemnation Cause No. 2002-ED-0006, *City of San Antonio vs. Mission Petroleum Carriers, Et Al*, to acquire fee simple title to one parcel in connection with the Salado Creek Greenway (Hike & Bike) Project;

**WHEREAS**, a Hearing was held July 16, 2003, and a settlement reached for an additional amount of \$9,637.50; and

**WHEREAS**, a supplemental agreement was reached by both parties for an additional settlement of \$2,000 for a 10-foot by 75-foot portion of land to be conveyed to the City of San Antonio by deed from Mission Petroleum Carriers, Inc.

**WHEREAS**, this ordinance amends Ordinance No. 96300 by appropriating the additional sum of \$11,637.50 to complete the acquisition of this property; and

**WHEREAS**, funds are available to acquire the necessary parcel; **NOW THEREFORE:**

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

**SECTION 1.** Ordinance No. 96300, dated September 5, 2002 in the amount of \$6,650.00 is hereby amended to authorize the acquisition in the amount of \$18,287.50 for the property described as:

- (a) A 3.787 acre tract of land out of Lot 16, New City Block 10234, Sigmore Park Subdivision, Volume 7600, Page 93, Deed and Plat Records, in the City of San Antonio, Bexar County, Texas (Tract One), and
- (b) A 0.018 acre portion of land out of Lot 16, New City Block 10234, Sigmore Park Subdivision, Volume 7600, Page 93, Deed and Plat Records, in the City of San Antonio, Bexar County, Texas (Tract Two).

**SECTION 2.** The budget in Fund 45-952095, 1999 General Obligation Flood Control & Park Improvements, Sold in 2001, shall be revised by reducing Index Code 695593, entitled Unallocated Appropriations, in the amount of \$11,637.50.

**SECTION 3.** The budget in Fund 45-952004, 1999 General Obligation Flood Control & Park Improvements, Sold in 2001, shall be revised by increasing Index Code 930784, entitled Trf to 45-959004

Salado Creek Hike & Bi, in the amount of \$11,637.50. The amount of \$11,637.50 is authorized to be transferred from Fund 45-952004 to Fund 45-959004.

**SECTION 4.** The budget in Fund 45-959000, 1999 General Obligation Flood Control with Park Improvements, shall be revised by increasing Index Code 127704, entitled Trf Fr 45-952004 (45-959004) Salado Cr, in the amount of \$11,637.50.

**SECTION 5.** The amount of \$11,637.50 is appropriated in Fund 45-959004, 1999 General Obligation Flood Control with Park Improvements, in Index Code 626473, entitled Land Acquisition, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, Bexar County, in connection with the Salado Creek Greenway (Hike & Bike) Project Phase I.

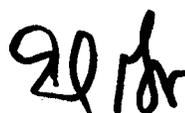
**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

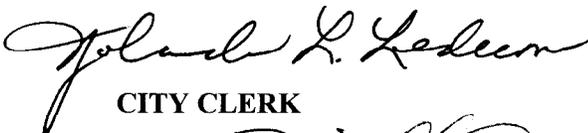
**SECTION 7.** If any part, section, paragraph, sentence, phrase, or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

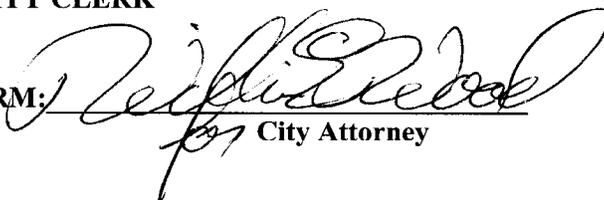
**SECTION 8.** This ordinance shall be effective on the 16<sup>th</sup> day November, 2003.

PASSED AND APPROVED this the 6<sup>th</sup> day of November 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
CITY CLERK

APPROVED AS TO FORM:   
for City Attorney