

AN ORDINANCE

98989

**AUTHORIZING \$403,800.00 FOR FROM 2003 STORM WATER REVENUE BOND FUNDS FOR ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH SEVEN PARCELS OF REAL PROPERTY AND DECLARING THE VALLEY VIEW ACRES BUYOUTS (HUESTA CREEK) PROJECT (“PROJECT”) LOCATED IN COUNCIL DISTRICT 8 TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE SEVEN PARCELS DESCRIBED BELOW BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED BELOW: ALL BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROPERTIES SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING NEGOTIATIONS AND ACQUISITION ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; THE PROPERTY TO BE ACQUIRED IS:**

LOT(S)	BLOCK	NCB	SUBDIVISION
E 50 ft. of Lot 8	2	14888	Valley View Acres, Unit 2
W 50 ft. of Lot 9	2	14888	Valley View Acres, Unit 2
E 50 ft. of Lot 9	2	14888	Valley View Acres, Unit 2
W 50 ft. of Lot 10	2	14888	Valley View Acres, Unit 2
E 50 ft. of Lot 10	2	14888	Valley View Acres, Unit 2
W ½ of Lot 3	3	15657	Valley View Acres, Unit 2
E ½ of Lot 1	6	15660	Valley View Acres, Unit 2

\* \* \* \* \*

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

**WHEREAS**, it is necessary to acquire fee simple title to seven (7) parcels of land for use as part of the Project and the property to be acquired is described in Section 3 below, and more fully in **Attachment I** attached hereto and incorporated herein for all purposes; and

**WHEREAS**, in order to proceed with the acquisition of the property, it is also 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 Valley View Acres Buyouts (Huesta Creek) 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 to certain privately owned real property, by negotiation and/or condemnation, if necessary, for the Valley View Acres Buyout 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 in **Attachment I** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property".

**SECTION 4.** The approved compensation for the Property is shown in **Attachment I** attached hereto and incorporated herein for all purposes.

**SECTION 5.**

a) The amount of \$294,500.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758557, entitled Purchase of Land, and is authorized to be encumbered and made payable for purchase of land in connection with the Valley View Acres Buyouts (Huesta Creek) project.

b) The amount of \$5,300.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758565, entitled Title fees, and is authorized to be encumbered and made payable for title fees in connection with the Valley View Acres Buyouts (Huesta Creek) project.

c) The amount of \$35,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758755, entitled Environmental, and is authorized to be encumbered and made payable for environmental costs in connection with the Valley View Acres Buyouts (Huesta Creek) project.

d) The amount of \$64,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758763, entitled Demolition, and is authorized to be encumbered and made payable for demolition in connection with the Valley View Acres Buyouts (Huesta Creek) project.

e) The amount of \$5,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758771, entitled Moving Expenses, and is authorized to be encumbered and made payable for moving expenses in connection with the Valley View Acres Buyouts (Huesta Creek) project.

**SECTION 6.** 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 found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owners 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 of the citizens of San Antonio 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 7.** 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/or 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 8.** Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

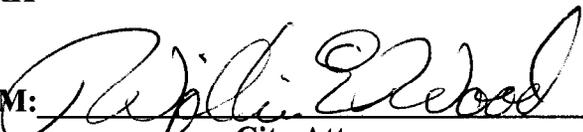
**SECTION 9.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 10.** This Ordinance shall be effective on the 4<sup>th</sup> day of April, 2004.

**PASSED AND APPROVED** this the 25<sup>th</sup> day of March, 2004.

ATTEST:   
CITY CLERK

  
M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney