

AN ORDINANCE

**99043**

**AUTHORIZING 2003-2007 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$2,173,500.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH FORTY-FOUR 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 FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:**

<b>LOT(S)</b>	<b>BLOCK</b>	<b>NCB</b>	<b>SUBDIVISION</b>
1 & 2	1	14887	Valley View Acres, Unit 2
S 81 ft. of 3	1	14887	Valley View Acres, Unit 2
NW 90 ft. of 4	1	14887	Valley View Acres, Unit 2
NW 50 ft. of	2	14888	Valley View Acres, Unit 2
W 50 ft. of 3	2	14888	Valley View Acres, Unit 2
E 50 ft. of 3	2	14888	Valley View Acres, Unit 2
E 50 ft. of 3	2	14888	Valley View Acres, Unit 2
W 50 ft. of 4	2	14888	Valley View Acres, Unit 2
W 50 ft. of 4	2	14888	Valley View Acres, Unit 2

E 50 ft. of 4	2	14888	Valley View Acres, Unit 2
W 50 ft. of 5	2	14888	Valley View Acres, Unit 2
N 90 ft. of 2	3	15657	Valley View Acres, Unit 2
S 160 ft. of 2	3	15657	Valley View Acres, Unit 2
E ½ of 3	3	15657	Valley View Acres, Unit 2
W ½ of 5	3	15657	Valley View Acres, Unit 2
E ½ of 5	3	15657	Valley View Acres, Unit 2
5	3	15657	Valley View Acres, Unit 2
W ½ of 6	3	15657	Valley View Acres, Unit 2
W ½ of 4	3	15657	Valley View Acres, Unit 2
E ½ of 4	3	15657	Valley View Acres, Unit 2
SE 12 ft. of 3	5	15659	Valley View Acres, Unit 2
SE 45 ft. of 4	5	15659	Valley View Acres, Unit 2
NW 40 ft. of 5	5	15659	Valley View Acres, Unit 2
NW ½ of 7, SE ½ of 7 and 8 & 9	6	15660	Valley View Acres, Unit 2
W 80 ft. of 2	7	15661	Valley View Acres, Unit 2
E 175 ft. of 3	7	15661	Valley View Acres, Unit 2
4	7	15661	Valley View Acres, Unit 2
4	7	15661	Valley View Acres, Unit 2 Valley View Acres, Unit 2
E ½ of 7	7	15661	Valley View Acres, Unit 2
W ½ of 8	7	15661	Valley View Acres, Unit 2
E ½ of 8 & 9	7	15661	Valley View Acres, Unit 2
E 23 ft. of 13 & 14	8	15661	Valley View Acres, Unit 2

1	8	15662	Valley View Acres, Unit 2
5	8	15662	Valley View Acres, Unit 2
5	8	15662	Valley View Acres, Unit 2
Pt. of 5	8	15662	Valley View Acres, Unit 2
N 45 ft. of 6	8	15662	Valley View Acres, Unit 2
N 45 ft. of 6	8	15662	Valley View Acres, Unit 2
S 47 ft. of 6	8	15662	Valley View Acres, Unit 2
N 47 ft. of 7	8	15662	Valley View Acres, Unit 2
S ½ of 7	8	15662	Valley View Acres, Unit 2
S ½ of 7	8	15662	Valley View Acres, Unit 2
15, 16 & 17	8	15662	Valley View Acres, Unit 2
Lot E Irr 91.20 ft. of 18, SE 9 ft. Tri of 17	8	15662	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 further necessary to obtain and acquire the fee simple title in forty-four (44) 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 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 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 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 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** which is attached hereto and incorporated herein for all purposes.

**SECTION 5.** The following financial adjustments are hereby authorized to effect this Ordinance:

- a) The amount of \$1,232,400.00 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 \$24,000.00 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 \$250,000.00 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 \$250,000.00 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 \$65,000.00 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.
- f) The amount of \$220,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780551, entitled Administrative

Settlements, and is authorized to be encumbered and made payable for administrative settlements in connection with the Valley View Acres Buyouts (Huesta Creek) project.

g) The amount of \$80,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780569, entitled Legal Fees, and is authorized to be encumbered and made payable for legal fees in connection with the Valley View Acres Buyouts (Huesta Creek) project.

h) The amount of \$15,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780577, entitled Lender Fees, and is authorized to be encumbered and made payable for lender fees in connection with the Valley View Acres Buyouts (Huesta Creek) project.

i) The amount of \$2,100.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780643, entitled Right of Entry Fees, and is authorized to be encumbered and made payable for right of entry fees in connection with the Valley View Acres Buyouts (Huesta Creek) project.

j) The amount of \$25,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780650, entitled Appraisal Fees, and is authorized to be encumbered and made payable for appraisal fees in connection with the Valley View Acres Buyouts (Huesta Creek) project.

k) The amount of \$10,000.00 is appropriated in fund 48-000015, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780668, entitled Miscellaneous Fees, and is authorized to be encumbered and made payable for miscellaneous fees 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 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 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 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 18<sup>th</sup> day of April 2004.

**PASSED AND APPROVED** this the 8<sup>th</sup> day of April, 2004.



M A Y O R

**EDWARD D. GARZA**

ATTEST: *Johanna L. Hedem*  
CITY CLERK

APPROVED AS TO FORM: *[Signature]*  
for City Attorney