

AN ORDINANCE

99042

**AUTHORIZING 2003-2007 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$1,638,450.00 FOR ACQUISITION OF FEE SIMPLE TITLE AND OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH TWENTY NINE PARCELS OF REAL PROPERTY AND DECLARING THE MOBILE CITY ESTATES BUYOUTS (LEON 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 THE 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 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 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:**

LOT(S)	BLOCK	NCB
Pt 3 & 32.5 ft. of 4	B	16388
2 & S 32.5 ft. of 3	C	16389
P24		34760
TR-D	D	34760A
N 20.3 ft. of 2 & S 4.6 ft. of N 25 ft. of 2	A	34760A
4	A	34760A
4	A	34760A
5 & 6	A	34760A
N 32.5 ft. of 4 & S 32.5 Ft. of 5	B	34760A
6	B	34760A
6	C	34760A
7	C	34760A
8	C	34760A
9	C	34760A
10 & 11	C	34760A
11	E	34760A

12	B & C	34760A	
13 & 14	C	34760A	
21	B	34760A	
22	D	34760A	
24	C	34760A	
24	D	34760A	
25	D	34760A	
26	C	34760A	
27	C	34760A	
28	D	34760A	
29	C	34760A	
29	D	34760A	
TR-E	D	34760A	

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**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 twenty-nine 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 Mobile City Estates Buyouts (Leon 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 Mobile City Estates Buyouts (Leon Creek) 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 \$846,550.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758391, entitled Purchase of Land, and is authorized to be encumbered and made payable for purchase of land in connection with the Mobile City Estates Buyouts (Leon Creek) project.

b) The amount of \$20,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 470443, entitled Appraisal Services, and is authorized to be encumbered and made payable for appraisal services in connection with the Mobile City Estates Buyouts (Leon Creek) project.

c) The amount of \$20,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758409, entitled Title Fees, and is authorized to be encumbered and made payable for title fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.

d) The amount of \$232,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758417, entitled Environmental, and is authorized to be encumbered and made payable for environmental costs in connection with the Mobile City Estates Buyouts (Leon Creek) project.

e) The amount of \$232,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758425, entitled Demolition, and is authorized to be encumbered and made payable for demolition in connection with the Mobile City Estates Buyouts (Leon Creek) project.

f) The amount of \$35,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 758540, entitled Moving Expenses, and is authorized to be encumbered and made payable for moving expenses in connection with the Mobile City Estates Buyouts (Leon Creek) project.

g) The amount of \$140,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780502, entitled Administrative Fees, and is authorized to be encumbered and made payable for administrative fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.

h) The amount of \$90,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780510, entitled Legal Fees, and is authorized to be encumbered and made payable for legal fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.

i) The amount of \$10,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780528, entitled Lender Fees, and is authorized to be encumbered and made payable for lender fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.

j) The amount of \$2,900.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780536, entitled Right of Entry Fees, and is authorized to be encumbered and made payable for right of entry fees in connection with the Mobile City Estates Buyouts (Leon Creek) project.

k) The amount of \$10,000.00 is appropriated in fund 48-000018, Municipal Drainage Utility System Revenue Bonds, 2003, in index code 780544, entitled Miscellaneous Fees, and is authorized to be encumbered and made payable for miscellaneous fees in connection with the Mobile City Estates Buyouts (Leon 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.

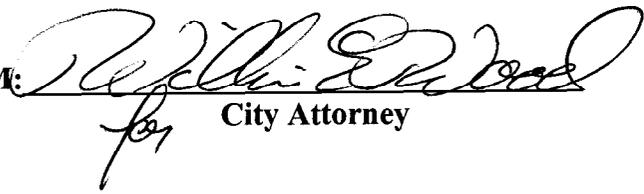
**SECTION 10.** This Ordinance shall be effective on the 18<sup>th</sup> day of April, 2004.

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



ATTEST:   
CITY CLERK

M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney