

AN ORDINANCE

99410

DECLARING THE HILLJE - AVONDALE TO HOT WELLS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS; TO WIT, ALL OR PORTIONS OF THE PROPERTIES BEING DESCRIBED AS: (1) A 0.014 ACRE (600 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE EAST 70 FEET OF THE SOUTH 100 FEET OF LOT A, BLOCK 2, N.C.B. 7578, MONT CALM ADDITION AS RECORDED IN VOL. 2575, PG. 250 OF THE BEXAR COUNTY PLAT RECORDS; (2) A 0.002 ACRE (72 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE WEST 64.24 FEET OF LOT A TOGETHER WITH THE NORTH 12 FEET OF THE EAST 70 FEET OF LOT A, BLOCK 2, N.C.B. 7578, MONT CALM ADDITION AS RECORDED IN VOL. 2575, PG. 250 OF THE BEXAR COUNTY PLAT RECORDS; (3) A 0.007 ACRE (300 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF LOT B, BLOCK 2, N.C.B. 7578, MONT CALM ADDITION AS RECORDED IN VOL. 2575, PG. 250 OF THE BEXAR COUNTY PLAT RECORDS; (4) A 0.007 ACRE (300 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF LOT C, BLOCK 2, N.C.B. 7578, MONT CALM ADDITION AS RECORDED IN VOL. 2575, PG. 250 OF THE BEXAR COUNTY PLAT RECORDS; (5) A 0.015 ACRE (675 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, LOT D & E, BLOCK 2, N.C.B. 7578, MONT CALM ADDITION AS RECORDED IN VOL. 2575, PG. 250 OF THE BEXAR COUNTY PLAT RECORDS; (6) A 0.075 ACRE (3,266 SQ. FT.) TRACT OF LAND SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE REMAINING IRREGULAR 324 FEET OF LOT 32, BLOCK 5, N.C.B. 10937, MONT CALM ADDITION AS RECORDED IN VOL. 642, PG. 143 OF THE BEXAR COUNTY PLAT RECORDS; FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$38,483.00 FOR THE PROPERTY AND FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT; AUTHORIZING CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

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WHEREAS, the City Council has previously approved the Hillje – Avondale to Hot Wells Project as part of the Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of San Antonio (“City”) desires to reconstruct Hillje Street from Avondale to Hot Wells, providing for a 27-foot wide street section, with four foot (4’) sidewalks on the west side only, curbs, driveway approaches and necessary drainage; and

WHEREAS, the construction of the street widening is a necessary public project and 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 privately owned property; and

WHEREAS, it is further necessary to obtain and acquire the fee simple title and/or an easement interest in six (6) parcels of land (hereinafter referred to as the “Property”) for use as part of the Project and the Property to be acquired is more particularly described in Exhibit “A” 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, attorney’s 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, Community Development Block Grant (CDBG) funds are available to acquire the necessary title and/or 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 Hillje – Avondale to Hot Wells Community Development Block Grant (CDBG) 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 and/or easement(s) in 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 Hillje – Avondale to Hot Wells Community Development Block Grant (CDBG) 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 (hereinafter referred to as the "Property") more specifically described in Exhibit "A," attached hereto and incorporated herein for all purposes.

SECTION 4. The approved compensation for the Property is shown in Exhibit "B" which is attached hereto and incorporated herein for all purposes.

SECTION 5. The budget of Project No. 26-013538 is hereby authorized to be revised in accordance with the budget revision schedule affixed hereto and incorporated herein for all purposes as Exhibit "C."

SECTION 6. The following sums are hereby authorized for encumbrance in and payment from Project No. 26-013538:

- \$ 12,683.00 payable for land acquisition expenses; Index Code No. 793729;
- \$ 5,000.00 payable for miscellaneous expenses, Index Code No. 795047;
- \$ 2,500.00 payable for title fees; Index Code No. 793869;
- \$ 9,000.00 payable for legal fees; Index Code No. 794487;
- \$ 6,000.00 payable for lender fees; Index Code No. 794628;
- \$ 600.00 payable for right of entry expenses; Index Code No. 794768; and
- \$ 2,700.00 payable for appraisal fees; Index Code No. 794909.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

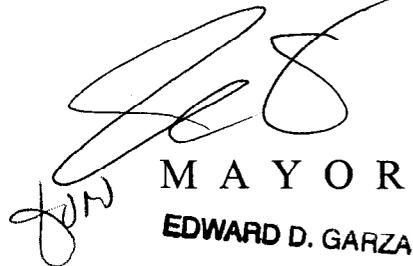
SECTION 8. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owners are identified by a Commitment 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 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 9. 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 them for services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

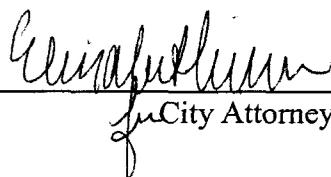
SECTION 10. This ordinance shall be effective on and after the 4th of July 2004.

PASSED AND APPROVED this 24th day of June 2004.


MAYOR
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM: 
City Attorney