

AN ORDINANCE

99669

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$154,099.00 PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR ACQUISITION OF FEE SIMPLE TITLE TO ONE VARIABLE WIDTH CONSTRUCTION EASEMENT, ONE VARIABLE WIDTH SANITARY SEWER EASEMENT, AND ONE VARIABLE WIDTH DRAINAGE EASEMENT (\$152,494.00), AND COURT COSTS (\$1,605.00), IN CONNECTION WITH THE LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 10, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2004-ED-0004, CITY OF SAN ANTONIO VS. GUARANTY CENTER, LTD., A TEXAS LIMITED PARTNERSHIP; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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WHEREAS, the City of San Antonio proceeded in Condemnation Cause No. 2004-ED-0004, *City of San Antonio, Texas vs. Guaranty Center Ltd., a Texas Limited Partnership*, to acquire fee simple title to a 0.2782 acre (12,120 square feet) tract of land being a variable width construction easement (Parcel 16872E), a 0.1696 acre (7,385 square feet) tract of land being a variable width sanitary sewer easement (Parcel 16873E), and a 0.2938 acre (12,795 square feet) tract of land being a variable width drainage easement (Parcel 16874E) out of New City Block 11868, City of San Antonio, Texar County, Texas; and

WHEREAS, the Special Commissioners met on August 10, 2004 and awarded the owners the sum of \$647,494.00 for fee simple title to these three easements;

WHEREAS, the City must pay \$1,605.00 for court costs as part of this legal proceeding; and

WHEREAS, this ordinance amends Ordinance 97550 by appropriating the additional sum of \$152,494.00 as additional compensation to the owner of the property; and

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

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

SECTION 1: Ordinance No. 97550, dated May 1, 2003 in the amount of \$495,000.00 is hereby amended to increase the amount appropriated for the acquisition of the property to the amount of \$647,494.00 for the property described below, and more particularly described in the Field Notes attached hereto and incorporated herein for all purposes as Attachment I:

- (a) A 0.2782 acre tract of land being a variable width construction easement out of that tract conveyed to Guaranty Center Ltd., described in instrument recorded in Volume 9506, Pages 726-733 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 10, in New City Block 11868 of the City of San Antonio in the Lindenwood Subdivision recorded in Volume 7500, Page 148 of the Deed and Plat Records of Bexar County, Texas (Parcel 16872(E)); and
- (b) A 0.1696 acre tract of land being a variable width sanitary sewer easement out of that tract conveyed to Guaranty Center, Ltd., described in instrument recorded in Volume 9506, Pages 7826-733 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 10,

in New City Block 11868 of the City of San Antonio in the Lindenwood Subdivision recorded in Volume 7500, Page 148 of the Deed and Plat Records of Bexar County, Texas (Parcel 16873E); and

- (c) A 0.2938 acre tract of land being a variable width drainage easement of that tract conveyed to Guaranty Center, Ltd., described in instrument recorded in Volume 9506, Pages 726-733 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 10, in New City Block 11868 of the City of San Antonio in the Lindenwood Subdivision recorded in Volume 7500, Page 148 of the Deed and Plat Records of Bexar County, Texas (Parcel 16874E).

SECTION 2. The amount of \$154,099.00 is appropriated in fund 43-161000, 2001 Drainage Improvements, in index code 942276, entitled Trf To 43-099859. The amount of \$154,099.00 is authorized to be transferred from fund 43-161000 to fund 43-099859.

SECTION 3. The budget in fund 43-099859, Certificates Of Obligation Capital Proj, shall be revised by increasing index code 104075, entitled Trf Fr 43-161000, by the amount of \$154,099.00

SECTION 4. The amount of \$152,494.00 is appropriated in fund 43-099859, Certificates Of Obligation Capital Proj, in index code 485300, entitled Easements, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for easements in connection with the Loop 410 at Nacogdoches Drainage Improvements Project.

SECTION 5. The amount of \$1,605.00 is appropriated in fund 43-099859, Certificates Of Obligation Capital Proj, in index code 485482, entitled Court Costs, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for court costs in connection with the Loop 410 at Nacogdoches Drainage Improvements Project.

SECTION 6. 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. This ordinance shall be effective on the 19th day of September, 2004.

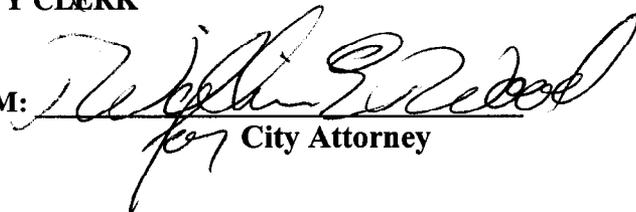
PASSED AND APPROVED this 9th day of September, 2004.

ATTEST:


Leticia M. Vazquez
CITY CLERK


M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM:


for City Attorney