

100217

AN ORDINANCE

APPROVING THE FULL AND FINAL SETTLEMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND JESSE E. PENA FOR 641.52 SQUARE FEET OF LAND AREA IN FEE SIMPLE OUT OF LOT 11, BLOCK 9, NCB 582, CITY OF SAN ANTONIO, BEXAR COUNTY, IN THE TOTAL AMOUNT OF \$21,000.00 FROM 1996 CERTIFICATES OF OBLIGATION IN CONNECTION WITH THE CHERRY STREET DRAINAGE #15B PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City of San Antonio filed a pending eminent domain action styled *City of San Antonio v. Jesse Edward Pena, Et Al* to obtain a fee simple interest in 641.52 square feet of land area out of Lot 11, Block 9, N.C.B. 582 and known as Parcel P14040, San Antonio, Bexar County, Texas, as more fully described in Attachment I incorporated herein; and

WHEREAS, Jesse Edward Pena, et al and the City of San Antonio ("City") previously reached an agreement whereby Jesse Edward Pena et al consented and agreed to allow the City, as well as any affected utility system providers, their employees, agents, contractors and assigns the right to enter upon and take possession of the Property upon the payment of \$4,500.00, which amount is not to be a part of the total settlement amount of \$21,000; and

WHEREAS, prior to the Special Commissioners Hearing, a settlement of all claims and disputes was reached between the two parties; and

WHEREAS, as part of the settlement between the parties, the City has agreed to compensate Jesse Edward Pena, et al, a total amount not to exceed \$21,000.00 for fee simple taking of the property out of Lot 11, Block 9, N.C.B. 582, San Antonio, Bexar County, Texas; and

WHEREAS, funds in the amount of \$21,000.00 are available to pay for this settlement agreement; **NOW THEREFORE:**

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

SECTION 1. That the settlement of all claims and disputes between the parties in eminent domain action styled *City of San Antonio v. Jesse Edward Pena, Et Al* for the total sum of \$21,000.00 is hereby approved. A copy of the settlement agreement is attached hereto and incorporated herein as Attachment II.

SECTION 2. The following financial adjustments are hereby approved:

A.) The budget in SAP Fund 43099000, "Certificates Of Obligation Capital Proj" shall be revised by reducing Project Definition 23-00738, SAP WBS Element 23-00738-01-02, entitled "Design Costs" by the amount of \$21,000.00.

B.) The budget in SAP Fund 43099000, "Certificates Of Obligation Capital Proj" shall be revised by reducing Project Definition 23-00738, SAP WBS Element 23-00738-90-03, entitled "TRANSFER FROM 43-617040" by the amount of \$21,000.00.

C.) The budget in SAP Fund 43617000, "1996 C/O STIMPMT - M P O" shall be revised by reducing the amount in SAP GL account 6102100 - Interfund Transfers Out, by the amount of \$21,000.00.

D.) The amount of \$21,000.00 is appropriated in SAP fund 43617000, "1996 C/O STIMPMT - M P O" in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$21,000.00 is authorized to be transferred from SAP fund 43617000 to SAP fund 45099000.

E.) The budget in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00612, shall be revised by increasing WBS element 23-00612-90-04, entitled "Trf Fr 43617000", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$21,000.00.

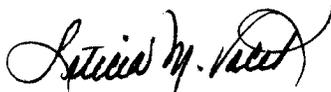
F.) The amount of \$21,000.00 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00612, in SAP WBS Element 23-00612-03-02-04, entitled "Acquisition" and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for title to one parcel of land in connection with the Cherry Street Drainage #15B Phase II project, when the purchase order is issued.

G.) 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, the Interim City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. This ordinance shall be effective on January 16, 2005.

PASSED AND APPROVED this the 6th day of January, 2005.

ATTEST


CITY CLERK


M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM


City Attorney