

AN ORDINANCE      1 0 0 9 7 0

**DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT BEING DESCRIBED AS A 0.1337 ACRE (5,826 SQUARE FEET) TRACT OF LAND, OUT OF AND A PORTION OF LOT 23, NEW CITY BLOCK 9503, SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE IMPROVEMENT AND MAINTENANCE OF THE MILITARY DITCH #65 PROJECT, LOCATED IN COUNCIL DISTRICT 4; AND AUTHORIZING THE CITY ATTORNEY AND SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.**

\* \* \* \* \*

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

**SECTION 1.** A public necessity is hereby declared for the City of San Antonio to acquire a temporary construction easement for the purpose of drainage improvements to the Six Mile Creek main channel from the north side of Zarzamora to Wagner. Said parcel is generally described as follows:

Being a 0.1337 acre (5826 square feet) tract of land, out of and a portion of Lot 23, New City Block 9503, San Antonio, Bexar County, Texas, as recorded in Volume 9559, Page 145 of the Deed Records of Bexar County, Texas; said 0.1337 acres being more particularly described in Attachment I attached hereto and incorporated herein for all purposes.

**SECTION 2.** In the event that the City staff is unable to acquire the temporary construction easement 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 parcel 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 for the temporary construction easement. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C., the law firm of Bracewell & Giuliani, L.L.P. f/k/a Bracewell & Patterson, L.L.P., and the law firm of Oppenheimer, Blend, Harrison & Tate, Inc., as special counsel as may be needed from time to time and to pay for the services rendered from any appropriations as may be made for the purpose.

**SECTION 3.** The prior actions and efforts of City officials to negotiate the purchase of the necessary rights and the steps taken to initiate and prosecute condemnation of this temporary construction easement is hereby ratified and affirmed.

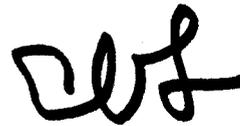
**SECTION 4.** It is officially found, determined and declared that the meeting at which this ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this ordinance, was

given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

**SECTION 5.** If any part, section, paragraph, sentence, phrase, or word of this ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

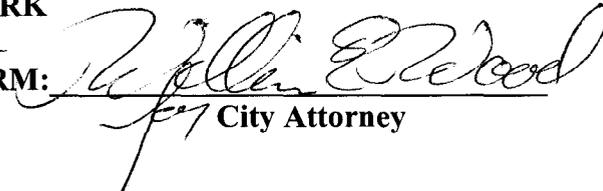
**SECTION 6.** This Ordinance shall be effective on June 12, 2005.

**PASSED AND APPROVED** this the 2<sup>nd</sup> day of June, 2005.



ATTEST:   
CITY CLERK

M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney