

AN ORDINANCE 100795

AUTHORIZING 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$40,483.13 FOR THE ACQUISITION OF FEE SIMPLE TITLE INTEREST AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH SEVEN PARCELS OF REAL PROPERTY AND DECLARING THE COMMERCE STREET - RAILROAD TO S. PALMETTO PROJECT ("PROJECT") LOCATED IN COUNCIL DISTRICT 2 TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; 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 NEGOTIATION AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:

ACRE(S)	LOT(S)	NCB
0.0034	Lot 14, Block 3	590
0.0035	South 52 feet of Lot 1, Block 1	595
0.0034	Lot 1, also known as Arbitrary Lot A-10, Block A	597
0.0035	Lot 1, Block 3	598
0.0011	Lot 9, Block 4	600
0.0006	Lot 1, Block 109	1386
0.0011	Lot 1	1387

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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 acquire the fee simple title in seven parcels of land for use as part of the Project and the property to be acquired is described 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; **NOW THEREFORE**,

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

SECTION 1. The Commerce Street – Railroad to S. Palmetto 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 Commerce Street – Railroad to S. Palmetto 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 II** 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 \$40,483.13 is appropriated in SAP fund 45801000, 2003 General Obligation Street Improvement Bonds, Project definition GO-00044, WBS GO-00044-01-01-47, SAP GL account 6102100 - Interfund Transfers Out, entitled Transfer to 23-00134-90-04. The amount of \$40,483.13 is authorized to be transferred from SAP fund 45801000 to SAP fund 45099000.
- b) The budget in SAP fund 45099000, General Obligation Capital Projects, Project Definition 23-00134 Commerce Street – Railroad To S. Palmetto Project, shall be revised by increasing WBS element 23-00134-90-04, entitled "TRF FR GO-00044-01-01-47", SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$40,483.13.
- c) The amount of \$8,625.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5209010, WBS Element 23-00134-03-02-04, entitled "Acquisition", and is authorized to be encumbered for land acquisition cost, in connection with the Commerce Street – Railroad To S. Palmetto Project.

- d) The amount of \$10,000.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5201050, WBS Element 23-00134-03-02-03, entitled "Legal", and is authorized to be encumbered for legal fees, in connection with the Commerce Street – Railroad To S. Palmetto Project.
- e) The amount of \$12,358.13.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5201160, WBS Element 23-00134-03-02-02, entitled "Appraisals", and is authorized to be encumbered for appraisal fees, in connection with the Commerce Street – Railroad To S. Palmetto Project.
- f) The amount of \$1,800.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5209010, WBS Element 23-00134-03-02-01, entitled "Titles", and is authorized to be encumbered for title fees, in connection with the Commerce Street – Railroad To S. Palmetto Project.
- g) The amount of \$3,000.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5402510, WBS Element 23-00134-03-02-05, entitled "Miscellaneous", and is authorized to be encumbered for claims and settlements, in connection with the Commerce Street – Railroad To S. Palmetto Project.
- h) The amount of \$4,700.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project definition 23-00134, General Ledger Account 5209010, WBS Element 23-00134-03-02-05, entitled "Miscellaneous", and is authorized to be encumbered for land acquisition fees, in connection with the Commerce Street – Railroad To S. Palmetto Project.

SECTION 6. 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 7. 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 8. That in the event that the City staff is unable to acquire one of 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 & Giuliani 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 the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 9. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 10. This Ordinance shall be effective on May 15th 2005.

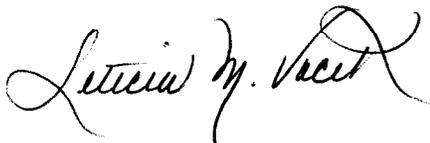
PASSED AND APPROVED this the 5th day of May, 2005.



M A Y O R

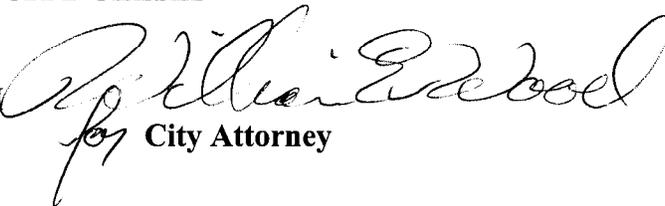
EDWARD D. GARZA

ATTEST



CITY CLERK

APPROVED AS TO FORM


for City Attorney