

AN ORDINANCE 101278

AUTHORIZING PAYMENT OF \$32,150.00 OF PREVIOUSLY APPROPRIATED 1999-2003 AND 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS FOR THE ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH ONE PARCEL OF REAL PROPERTY AND DECLARING THE ANSLEY BOULEVARD DRAINAGE #1091 PROJECT (PROJECT), LOCATED IN COUNCIL DISTRICT 4, TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED AS A 0.002 ACRE TRACT OF LAND, OR 92 SQUARE FEET OUT OF LOT 60, A STATE OF TEXAS TRACT A-72372 IN THE JUNE PARK ADDITION SUBDIVISION, ALSO KNOWN AS PARCEL 17783 IN THE PROJECT, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, THE PROPERTY 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 PROPERTY 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 NEGOTIATIONS AND ACQUISITION OF THE PROPERTY ON THE APPROVED TERMS.

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WHEREAS, this Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is further necessary to acquire the simple title to certain privately owned real property for the purpose of drainage improvements to Ansley Boulevard from Zarzamora to Wilma Jean. Said parcel to be acquired is described in Section 3 below; 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; and

WHEREAS, funds are available to acquire the property 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 Ansley Boulevard Drainage #1091 Project (the "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) over 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 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 as a 0.002 acre, or 92 square feet, tract of land out of Lot 60, a State of Texas Tract A-72372, and in the June Park Addition Subdivision as recorded in Volume 2222, Page 186 of the Deed and Plat Records of Bexar County, Texas, being more particularly described in **Attachment I** attached hereto and incorporated herein for all purposes (Parcel 17783), collectively, referred to as the "Property".

SECTION 4. 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, 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 of the City and its citizens 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.

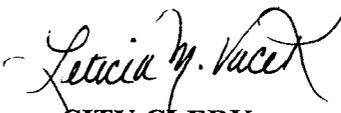
SECTION 5. In the event that the City staff is unable to acquire one or more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City 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 & 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 6. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 7. This ordinance shall take effect on the 4th day of September, 2005.

PASSED AND APPROVED this the 25th day of August, 2005.


M A Y O R
PHIL HARDBERGER

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
for City Attorney