

AN ORDINANCE 2006-06-29-0737

DECLARING THE VOELCKER PROPERTY ACQUISITION PROJECT ("PROJECT") TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR USE AS A PART OF THIS PROJECT; TO WIT: APPROXIMATELY 311 ACRES OF REAL PROPERTY OUT OF THE J. B. THOMPSON SURVEY NO. 84, ABSTRACT NO. 740, AND THE P. CALDWELL SURVEY NO. 83, ABSTRACT NO. 124, NEW CITY BLOCK 11672 AND NEW CITY BLOCK 17180, IN THE VICINITY OF BLANCO ROAD, THE WURZBACH PARKWAY AND NW MILITARY HWY, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE PROJECT AND MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS IF THE PROPERTY CAN NOT BE ACQUIRED ON THE APPROVED TERMS.

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") desires to acquire approximately 311 acres of real property in fee simple from the Max and Minnie Tomerlin Voelcker Fund for parks and open space purposes under the Voelcker Property Acquisition Project ("Project"); and

**WHEREAS**, the acquisition of the property for parks and open space uses is a necessary public project; and

**WHEREAS**, the Project was previously established by Ordinance 2006-05-04-0530 (May 4, 2006) and is in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the land needed for use as a part of the Project consists of three tracts known as Tracts II, III and IV and they are described in Exhibit "A" attached hereto and incorporated herein for all purposes ("Property"); and

**WHEREAS**, an independent appraisal of the Property to be acquired has been completed and reviewed by the City's staff and a Fair Market Value determined for the Property; and

**WHEREAS**, Fair Market Value means the price which the property would bring when it is offered for sale by one who desires to sell, but is not obligated to sell, and is bought by one who desires to buy it, but is under no necessity of buying, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future.

**WHEREAS**, title fees, closing costs and miscellaneous expenses to prepare each parcel for use are necessary expenses for the completion of the Project; and

**WHEREAS**, copies of the Second Amended and Restated Minnie A. Toberlin Voelcker Trust Agreement have been provided to City staff by the Fund in satisfaction of Texas Government Code Section 2252.092.

**WHEREAS**, funds are available to acquire the Property and pay the necessary expenses for this project as set out below; **NOW THEREFORE**,

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

**SECTION 1.** 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 parks and open space uses as part of the previously approved Voelcker Property Acquisition Project in San Antonio, Bexar County, Texas. Further, the City Council of the City of San Antonio finds that:

- a. the City of San Antonio ("City") desires to acquire approximately 311 acres of real property in fee simple from the Max and Minnie Tomerlin Voelcker Fund for parks and open space purposes under the Voelcker Property Acquisition Project ("Project");
- b. the acquisition of the property for parks and open space uses is a necessary public project;
- c. the Project was previously established by Ordinance 2006-05-04-0530 (May 4, 2006) and is in the best interest of the health, safety and welfare of the public;
- d. the land needed for use as a part of the Project consists of three tracts known as Tracts II, III and IV and they are described in Exhibit "A" attached hereto and incorporated herein for all purposes ("Property");

e. an independent appraisal of the Property to be acquired has been completed and reviewed by the City's staff and a Fair Market Value determined for the Property;

f. Fair Market Value means the price which the property would bring when it is offered for sale by one who desires to sell, but is not obligated to sell, and is bought by one who desires to buy it, but is under no necessity of buying, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future;

g. title fees, closing costs and miscellaneous expenses to prepare each parcel for use are necessary expenses for the completion of the Project;

e. copies of the Second Amended and Restated Minnie A. Toberlin Voelcker Trust Agreement have been provided to City staff by the Fund in satisfaction of Texas Government Code Section 2252.092, and

f. funds are available to acquire the Property and pay the necessary expenses for this project as set out below;

**SECTION 2.** A specific public necessity exists to acquire by negotiation and/or condemnation, if necessary, the property more specifically described in Exhibit "A" attached hereto and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

**SECTION 3.** The City Council hereby finds that the Fair Market Value of the Property is as follows:

|           |                          |                 |
|-----------|--------------------------|-----------------|
| Tract II  | 204.3 acres more or less | \$31,147,578.00 |
| Tract III | 101.7 acres more or less | \$15,505,182.00 |
| Tract IV  | 5.35 acres more or less  | \$ 815,661.00   |

**SECTION 4** This ordinance is also a declaration of the City's official intent to reimburse itself from the proceeds derived from the issuance of Tax Notes, Series 2006 for any authorized expenditures from any lawfully available funds of the City. This reimbursement is contingent upon the issuance of Tax Notes, Series 2006 for Voelcker Property Acquisition Project.

**SECTION 5.**

a. Approximately \$16,500,000.00 is appropriated from the Tax Notes, Series 2006 Fund, G/L Account 6102100 – Interfund Transfer out entitled Transfer to Fund 43099000. The approximate amount of \$ 16,500,000.00 is authorized to be transferred to fund 43099000.

b. The budget in fund 43099000, Project Definition 26-00075, Voelcker Property Acquisition Project, shall be revised by increasing WBS element 23-00075-90-02 entitled Trf Fr Tax Anticipation Notes, Series 2006 Fund, GL account 6101100 – Interfund Transfer In, by the approximate amount of \$16,500,000.00.

c. Approximately \$31,300,000.00 is appropriated from any future authorization of general obligation bonds or any lawfully available funds of the city to be transferred to Fund 43099000. The approximate amount of \$ 31,300,000.00 is authorized to be transferred to fund 43099000.

d. The budget in fund 43099000, Project Definition 26-00075, Voelcker Property Acquisition Project, shall be revised by increasing WBS element 23-00075-90-01 entitled Trf Fr General Obligation Bonds, Series 2007 Fund, GL account 6101100 – Interfund Transfer In, by the approximate amount of \$31,300,000.00.

e. The amount of \$47,761,421.00 is appropriated in Fund 43099000, Certificates of Obligation Capital Projects, 26-00075, Voelcker Property Acquisition Project, WBS element 26-00075-03-01-07, entitled Funds Requested, G/L Account 5209010, and is authorized to be encumbered and made payable for land acquisition.

**SECTION 6.** The City Manager acting personally or through her designee is hereby directed to negotiate with the Trustees of the Max and Minnie Tomerlin Voelcker Fund, the owner of the Property for the acquisition of the Property at fair market value as found in Section 3, above, to execute one or more contracts or any other documents which are necessary to purchase the Property from the owners and to finalize such purchases on behalf of the City of San Antonio. The contract or contracts may include independent representations of fair market value and appropriate restrictions on use that accommodate the City's needs and the provisions may be supported by independent compensation and survive closing as may be necessary.

**SECTION 7.** In the event that the City Manager or her designee is unable to acquire one or more tracts of the Property by negotiation by reason of the inability to agree with the owners thereof as to the value of the parcels, or the City Manager or her designee is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney, is hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property.

**SECTION 8.** 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, or the City Manager's designee,

WEW 6/29/2006

Item No. 4

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 9.** A copy of the respective documents shall be submitted to the City Attorney for approval under Section 54, Charter of the City of San Antonio.

**SECTION 10.** This Ordinance shall be effective on July, 9, 2006.

**PASSED AND APPROVED** this the 29<sup>th</sup> day of June, 2006.

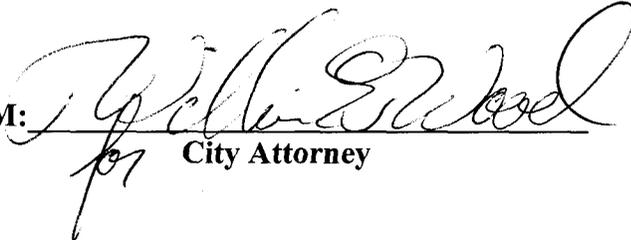
  
M A Y O R

ATTEST:

**PHIL HARBERGER**

  
CITY CLERK

APPROVED AS TO FORM:

  
for City Attorney

# Agenda Voting Results

**Name:** 4.

**Date:** 06/29/06

**Time:** 09:51:32 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance declaring the Voelcker Property Acquisition Project ("Project") to be a public project; declaring a public necessity for the acquisition of the fee simple title to certain privately owned real property, by negotiations and/or condemnation, if necessary, for use as a part of this Project; to wit: approximately 311 acres of real property out of the J. B. Thompson Survey No. 84, Abstract No. 740, and the P. Caldwell Survey No. 83, Abstract No. 124, New City Block 11672 and New City Block 17180, in the vicinity of Blanco Road, the Wurzbach Parkway and NW Military Hwy, City of San Antonio, Bexar County, Texas, for a public purpose as part of the Project; establishing just compensation for the property; appropriating funds for the Project and miscellaneous expenses associated with the project; authorizing the City Manager or her designee to negotiate with and to acquire the property from the owners on the approved terms; and authorizing the City Attorney to file eminent domain proceedings if the property can not be acquired on the approved terms. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]

| Voter                    | Group       | Status | Yes | No | Abstain |
|--------------------------|-------------|--------|-----|----|---------|
| ROGER O. FLORES          | DISTRICT 1  |        | x   |    |         |
| SHEILA D. MCNEIL         | DISTRICT 2  |        | x   |    |         |
| ROLAND GUTIERREZ         | DISTRICT 3  |        | x   |    |         |
| RICHARD PEREZ            | DISTRICT 4  |        | x   |    |         |
| PATTI RADLE              | DISTRICT 5  |        | x   |    |         |
| DELICIA HERRERA          | DISTRICT 6  |        | x   |    |         |
| ELENA K. GUAJARDO        | DISTRICT 7  |        | x   |    |         |
| ART A. HALL              | DISTRICT 8  |        | x   |    |         |
| KEVIN A. WOLFF           | DISTRICT 9  |        | x   |    |         |
| CHIP HAASS               | DISTRICT_10 |        | x   |    |         |
| MAYOR PHIL<br>HARDBERGER | MAYOR       |        | x   |    |         |

**EXHIBIT "A"**

**TRACT I**

~~Being a 151.1 acre (6,581,477 square feet) tract of land out of the J.B. Thompson Survey No. 84, Abstract No. 740 and the P. Caldwell Survey No. 83, Abstract No. 124, New City Block 11671, in the City of San Antonio, Bexar County, Texas; and being a portion of that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 151.1 acre tract of land being more particularly described by metes and bounds on Exhibit "A-I" attached hereto.~~

**TRACT II**

Being a 204.3 acre (8,898,872 square feet) tract of land out of the J.B. Thompson Survey No. 84, Abstract No. 740, and the P. Caldwell Survey No. 83, Abstract No. 124, New City Block 11672, in the City of San Antonio, Bexar County, Texas; and being a portion of that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official public Records of Real Property; said 204.3 acre tract of land being more particularly described by metes and bounds on Exhibit "A-II" attached hereto.

**TRACT III**

Being a 101.7 acre (4,431,216 square feet) tract of land out of the J.B. Thompson Survey No. 84, Abstract No. 740, and the P. Caldwell Survey No. 83, Abstract No. 124, New City Block 11672, in the City of San Antonio, Bexar County, Texas; and being a portion of that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 101.7 acre tract of land being more particularly described by metes and bounds on Exhibit "A-III" attached hereto.

**TRACT IV**

Being a 5.35 acre (232,817 square feet) tract of land out of the J.B. Thompson Survey No. 84, Abstract No. 740, and the P. Caldwell Survey No. 83, Abstract No. 124, New City Block 17180, in the City of San Antonio, Bexar County, Texas; and being a portion of that same tract of land described in deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 5.35 acre tract of land being more particularly described by metes and bounds on Exhibit "A-IV" attached hereto.

NOTE: The Company does not represent that any acreage or square footage calculations in the above description or in any exhibit attached hereto are correct.

**METES AND BOUNDS DESCRIPTION  
FOR A 204.3 ACRE TRACT OF LAND  
OUT OF THE J. B. THOMPSON SURVEY No. 84  
AND THE P. CALDWELL SURVEY No. 83,  
BEXAR COUNTY, TEXAS**

Being a 204.3 acre (8,898,872 square feet) tract of land out of the J. B. Thompson Survey No. 84 and the P. Caldwell Survey No. 83, Bexar County, Texas; and being that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 204.3 acre tract of land being more particularly described by metes and bounds as follows, with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone; distances may be converted to grid by dividing ground distances by 1.0001300:

**BEGINNING** at a found 1-inch pinch top iron pipe on the Northeasterly right-of-way line of N.W. Military Highway (60-feet wide right-of-way) for the South corner of the herein described tract of land; said point also being the West corner of a called 7.17 acre tract of land as conveyed to Ambassador VII LP by Deed Volume 6960, Page 861 of the Bexar County Official Public Records of Real Property; said beginning point has Texas State Plane Coordinates of:  $y = 13,748,765.46$ ,  $x = 2,118,056.16$ ;

**Thence** N 21° 25' 57" W, along the Northeasterly right-of-way line of N.W. Military Highway and the Southwest line of the herein described , at 527.89 feet, passing a found 1/2-inch iron rod, at 1527.96 feet, passing a Texas Department of Transportation aluminum disk in concrete, at 2527.89 feet, passing a Texas Department of Transportation aluminum disk in concrete, in all a distance of 2860.82 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner; said point being the West corner of the herein described tract of land and also being the South corner of the Jewish Community Campus Subdivision as recorded in Volume 9539, Page 157 & 158 of the Bexar County Deed and Plat Records;

**Thence** Along the North lines of the herein described tract of land and the South line of said Jewish Community Campus Subdivision as follows:

- N 39° 59' 41" E, 503.88 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 40° 52' 22" E, 506.20 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;



- N 42° 37' 22" E, 300.80 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 40° 10' 52" E, 370.80 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 41° 20' 52" E, 229.40 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 41° 49' 52" E, 282.00 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 49° 30' 51" E, 38.53 feet, to a set "X" in concrete, on the Southwesterly right-of-way line of Wurzbach Parkway (right-of-way varies) for corner; said point being the North corner of the herein described tract of land and also being the East corner of said Jewish Community Campus Subdivision;

Thence Along the Southwesterly right-of-way line of Wurzbach Parkway and the Northeasterly lines of the herein described tract of land as follows:

- Along the arc of a curve to the right, having a chord of S 77° 19' 57" E, 107.54 feet, a radius of 1663.00 feet and a central angle of 03° 42' 21", a distance of 107.56 feet, to a found Texas Department of Transportation aluminum disk in concrete, at a point of tangency for corner;
- S 75° 28' 47" E, 407.38 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 73° 59' 41" E, 721.28 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 69° 25' 15" E, 125.40 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 73° 59' 41" E, 534.73 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;



- S 75° 08' 18" E, 147.89 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 16° 00' 19" W, 5.00 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 75° 08' 18" E, 353.13 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 73° 59' 41" E, 150.30 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- N 13° 06' 47" E, 5.01 feet, to a found Texas Department of Transportation aluminum disk in concrete for corner;
- S 73° 59' 41" E, 110.84 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner at a point of curvature;
- Along the arc of a curve to the left, having a chord of S 77° 19' 42" E, 158.91 feet, a radius of 1366.42 feet and a central angle of 06° 40' 01", a distance of 159.00 feet, to a found 1/2-inch iron rod for the East corner of the herein described tract of land; said point also being the North corner of a called 52.2260 acre tract of land as conveyed to Edwin M. Lones in Deed Volume 7751, Page 5 of the Bexar County Official Public Records of Real Property;

Thence

S 41° 07' 01" W, along the Southeasterly lines of the herein described tract of land, at a called 586.75 feet, passing the West corner of said 52.2260 acre tract, at a called 1663.38 feet, passing a found 1/2-inch iron rod on the Northwest line of North Castle Hills Subdivision Unit 2 & 3, at a called 2288.15 feet, passing a found 1/2-inch iron rod on the Northwest line of North Castle Hills Subdivision Unit 2 & 3, at a called 2837.97 feet passing a found 1/2-inch iron rod on the Northwest line of North Castle Hills Subdivision Unit 2 & 3, at a called 2978.52 feet passing the West corner of said North Castle Hills Subdivision Unit 2 & 3 and the North corner of a portion of Lot 13, Block 2, New City Block 16160, as conveyed to Devonshire Condominiums by Deed Volume 8900, Page 215 of the Bexar County Official Public Records of Real Property, at a called 3596.66 feet, passing the West corner of said Devonshire Condominium Tract and the North corner a 15.769 acre tract as conveyed to CHC Honey



Page Four  
204.3 Acres

Creek LLC by Deed recorded in Volume 8381, Page 1382 of the Bexar County Official Public Records of Real Property, at a called 4168.51 feet, passing the West corner of said 15.769 acre tract and the North corner of a called 7.17 acre tract as conveyed to Ambassador VII LP, in all a distance of 4768.40 feet, to the POINT OF BEGINNING, containing 204.3 acres (8,898,872 square feet) of land, more or less.

V&A Job No. 1960-003-04A  
HL/mb/m&b204.3ac040504  
April 5, 2004

 *Hal B. Lane III* *04/08/04*  
Hal B. Lane III  
Registered Professional Land Surveyor  
Texas Registration Number 4690  
Vickrey & Associates, Inc.



# VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS

## EXHIBIT A - III

METES AND BOUNDS DESCRIPTION  
FOR A 101.7 ACRE TRACT OF LAND  
OUT OF THE J. B. THOMPSON SURVEY No. 84  
AND THE P. CALDWELL SURVEY No. 83,  
BEXAR COUNTY, TEXAS

Being a 101.7 acre (4,431,216 square feet) tract of land out of the J. B. Thompson Survey No. 84 and the P. Caldwell Survey No. 83, Bexar County, Texas; and being that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 101.7 acre tract of land being more particularly described by metes and bounds as follows, with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone; distances may be converted to grid by dividing ground distances by 1.0001300:

BEGINNING at a found Texas Department of Transportation (TX-DOT) aluminum disc in concrete on the Northerly right-of-way line of Wurzbach Parkway (variable width right-of-way) for the Southeast corner of the herein described tract of land; said point also being the West corner of a called 52.2260 acre tract of land as conveyed to Edwin M Lones Oil Company in Deed recorded in Volume 7751, Page 5 of the Bexar County Official Public Records of Real Property;

Thence along the South lines of the herein described tract of land and the Northerly right-of-way of Wurzbach Parkway as follows:

- Along the arc of a curve to the right, having a chord of N 89° 34' 03" West, 227.74 feet, a radius of 1667.08 feet and a central angle of 07° 50' 00", a distance of 227.92 feet, to a set cotton spindle for corner at a point of compound curvature;
- Along the arc of a curve to the right, having a chord of N 82° 33' 28" W, 155.39 feet, a radius of 1410.00 feet and a central angle of 06° 19' 03", a distance of 155.47 feet, to a found TX-DOT aluminum disc in concrete for corner;
- S 13° 06' 55" W, 5.01 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- Along the arc of a curve to the right, having a chord of N 76° 41' 52" W, 132.99 feet, a radius of 1415.50 feet and a central angle of 05° 23' 06", a distance of 133.04 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner at a point of tangency;



- N 73° 59' 41" W, 63.89 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 16° 00' 19" E, 5.00 feet, to a found wood hub for corner;
- N 73° 59' 41" W, 200.00 feet, to a found TX-DOT aluminum disc in concrete for corner;
- S 16° 00' 19" W, 5.00 feet, to a found TX-DOT aluminum disc in concrete for corner;
- N 73° 59' 41" W, 252.41 feet, to a found TX-DOT aluminum disc in concrete for corner;
- N 69° 25' 15" W, 125.40 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 73° 59' 41" W, 534.73 feet, to a found TX-DOT aluminum disc in concrete for corner;
- N 75° 08' 25" W, 500.10 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 73° 59' 41" W, 465.40 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 16° 00' 19" E, 5.00 feet, to a set "X" in concrete for corner;
- N 73° 59' 41" W, 106.97 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 16° 00' 19" W, 5.78 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 71° 04' 01" W, 82.48 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for the West corner of the herein described tract of land; said point also being the South corner of a 35-foot wide drainage easement as recorded by Plat of Voelcker Ranch Subdivision, Unit 3B in Volume 9528, Page 93 of the Bexar County Deed and Plat Records;



Page Four  
101.7 Acres

- Along the arc of a curve to the left, having a chord of S 18° 17' 08" E, 277.46 feet, a radius of 2694.93 feet and a central angle of 05° 54' 06", a distance of 277.59 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 32° 23' 00" E, 308.24 feet, to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 27° 56' 28" E, 741.95 feet, to a found 1/2-inch iron rod for the most Easterly corner of the herein described tract of land; said point also being the North corner of said 52.2260 acre tract of land;

Thence S 41° 07' 01" W, 927.19 feet, along the Northwesterly line of said 52.2260 acre tract and the Southeasterly line of the herein described tract of land, to the POINT OF BEGINNING, containing 101.7 acres (4,431,216 square feet) of land, more or less.

V&A Job No. 1960-003-04B  
HL/mb/m&b204.3ac040504  
April 5, 2004

*Hal B Lane III 04/05/04*  
Hal B. Lane III  
Registered Professional Land Surveyor  
Texas Registration Number 4690  
Vickrey & Associates, Inc.



METES AND BOUNDS DESCRIPTION  
FOR A 5.35 ACRE TRACT OF LAND  
OUT OF THE J. B. THOMPSON SURVEY No. 84  
AND THE P. CALDWELL SURVEY No. 83,  
BEXAR COUNTY, TEXAS

Being a 5.35 acre (232,817 square feet) tract of land out of the J. B. Thompson Survey No. 84 and the P. Caldwell Survey No. 83, Bexar County, Texas; and being that same tract of land described in Deed dated October 28, 1991, conveyed from Minnie A. Tomerlin Voelcker to The Minnie A. Tomerlin Voelcker Trust, and recorded October 31, 1991 in Volume 5189, Page 0535 of the Bexar County Official Public Records of Real Property; said 5.35 acre tract of land being more particularly described by metes and bounds as follows, with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone; distances may be converted to grid by dividing ground distances by 1.0001300:

BEGINNING at a set 1/2" iron rod with Vickrey & Associates property corner cap for corner for the Northeast corner of the herein described tract of land; said point also being on the common boundary line of a 101.72 acre tract out of the J.B. Thompson Survey No. 84 and the P. Caldwell Survey No. 83, Bexar County, Texas;

Thence: along the said common boundary line of the herein described tracts of land as follows:

- S 40°55'00" W, a distance of 230.47 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;

Thence: leaving said boundary line, N 81°04'31" W, a distance of 834.55 feet along the southerly boundary line of herein described tract and the northerly boundary line of Voelcker Ranch Unit 3-C recorded in Volume 9528 Page 199 to a set cotton spindle for corner;

Thence: 12.63 feet leaving said boundary line along the arc of a curve to the left having a radius of 194.56 feet a central angle of 3°43'12" and a chord bearing of N 12°45'47" E, a distance of 12.63 feet to a set cotton spindle for corner;

Thence: N 10°54'11" E, a distance of 104.46 feet to a set cotton spindle for corner;

Thence: 7.39 feet along the arc of a curve to the left having a radius of 75.00 feet a central angle of 5°38'41" and a chord bearing of N 08°04'51" E, a distance of 7.39 feet to a set cotton spindle for corner said point lying on the common boundary line of said herein tract and Voelcker Ranch Unit 4-D recorded in Volume 9530 Page 145;



Thence: along said common boundary line as follows

- S 72°40'16" E, a distance of 20.78 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 17°25'13" E, a distance of 37.77 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 72°38'26" E, a distance of 154.87 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 64°21'47" E, a distance of 212.54 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- N 73°06'32" E, a distance of 36.13 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner said point lying on the southerly right-of-way line of a variable width private road;

Thence: along said right-of-way as follows:

- S 12°36'00" E, a distance of 14.51 feet to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 43°59'00" E, a distance of 86.40 to a set 1/2" iron rod with Vickrey & Associates property corner cap for corner;
- S 84°29'00" E a distance of 89.25 to a set cotton spindle for a corner;
- S 64°45'09" E, a distance of 185.60 feet to a set mag nail on fence post for a corner;
- S 64°20'11" E, a distance of 79.89 feet to a set mag nail on fence post for a corner;
- S 66°22'40" E, a distance of 101.35 feet to a set mag nail on fence post for a corner;



Page Three  
5.35 Acres

- S 74°51'52" E, a distance of 64.15 feet to the POINT OF BEGINNING, containing 5.35 acres (232,817 square feet) of land, more or less.

V&A Job No. 1960-003-201  
HL/mb/m&b204.3ac042704  
April 27, 2004

*Hal B Lane III 4/28/04*

Hal B. Lane III  
Registered Professional Land Surveyor  
Texas Registration Number 4690  
Vickrey & Associates, Inc.



Agenda Item #4

**CITY OF SAN ANTONIO  
CITY MANAGER'S OFFICE  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council  
**FROM:** Sheryl Sculley, City Manager  
**SUBJECT:** Voelcker Property Acquisition Project  
**DATE:** June 29, 2006

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the expenditure of funds not to exceed \$47,761,421.00 for fee simple title and/or easement interest to three (3) parcels of privately owned real property and for other expenses associated with acquiring these properties authorized by Ordinance 2006-05-04-0530. The properties proposed for acquisition are located within Council District 9. The total proposed acquisition is approximately 311.35 acres. This ordinance authorizes City staff to acquire these properties by negotiation or condemnation, if necessary.

Staff recommends the approval of this ordinance.

**BACKGROUND INFORMATION**

On May 4, 2006, City Council authorized Ordinance 2006-05-04-0530 establishing the Voelcker Property Acquisition Project. This project authorizes the acquisition of approximately 311.35 acres of real property from the Max and Minnie Tomerlin Voelcker Fund. The land needed for use as part of Voelcker Property Acquisition Project consists of three tracts known as Tract II (204.3 acres), Tract III (101.7 acres), and Tract IV (5.35 acres).

The Voelcker Fund, requires that any land sale be purchased at fair market value, which has been determined to be \$47,468,421.00 by a MAI-certified appraiser. As per the trust agreement that established the Voelcker Fund, proceeds from sales transactions are to be distributed to charitable organizations. Specifically, ten percent of the sales proceeds are to be donated to San Antonio Children's Hospital and Boysville, with the remaining balance to be donated to organizations supporting medical research.

By approving this ordinance, the City Council of the City of San Antonio declares the public necessity of acquisition of fee simple title to these three parcels for parks and open space purposes, directs staff to acquire these properties by negotiation or condemnation, if necessary, and appropriates funds in an amount not to exceed \$47,761,421.00 for this acquisition and for miscellaneous expenses associated with this project.

The Planning Commission reviewed and approved this action at its May 24, 2006 meeting.

## **POLICY ANALYSIS**

The Voelcker Tracts are located in an area of San Antonio that is extremely deficient in public park space and is lacking in large urban parks (sites in excess of 50 acres). Currently, the area of the city where this property is located has 7.9 acres of parkland per 1,000 residents, well below the San Antonio (14.4 acres) and national (16 acres) average for large cities.

It is anticipated that the land will be acquired in two phases. The first phase would acquire approximately 107 acres within the next 90 days at a cost of approximately \$16.5 million, which the City will fund from proceeds derived from the issuance of Tax Anticipation Notes approved by the City Council on June 15, 2006. The purchase of the remaining property will occur after May of 2007. Funding in the amount of approximately \$31.3 million for the purchase of the remaining property is anticipated to be derived from the issuance of general obligation bonds, if approved through the general obligation bond election currently being planned for May 2007. The Director of Finance is authorized to identify funds as necessary pending reimbursement from debt proceeds or subsequent appropriations.

The Voelcker Property Acquisition Project is consistent with the recommendations outlined for the Far North Subarea in the Parks and Recreation System Plan, which recommends the acquisition of additional park acreage to meet service goals, especially in regards to large urban parks.

## **FISCAL IMPACT**

The amount of \$47,761,421.00 is authorized to be appropriated and is authorized to be encumbered and made payable for land acquisition and miscellaneous expenses. Approximately \$16.5 million will be funded from proceeds derived from the issuance of Tax Anticipation Notes, Series 2006. The remaining approximately \$31.3 million is anticipated to be funded with proceeds from the issuance of general obligation bonds, if approved through the bond election planned for May 2007.

## **COORDINATION**

This item has been coordinated with the Planning Commission, the Finance Department, the City Attorney's Office, and the Office of Management and Budget.

## **SUPPLEMENTARY COMMENTS**

If the aforementioned property is acquired through negotiations, the Discretionary Contracts Disclosure Form and Conflict of Interest Questionnaire are required, and will be signed by the seller(s) prior to closing.



Sheryl Sculley  
City Manager