

AN ORDINANCE **9 9 4 9 0**

AMENDING ORDINANCE NO. 97550, PASSED AND APPROVED ON MAY 1, 2003, TO AUTHORIZE PAYMENT OF THE ADDITIONAL SUM OF \$185,833.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2004-ED-0003, CITY OF SAN ANTONIO V. WATTS INVESTMENTS, A FLORIDA LIMITED PARTNERSHIP, FOR THE ACQUISITION OF ONE VARIABLE WIDTH SANITARY SEWER EASEMENT, ONE VARIABLE WIDTH DRAINAGE EASEMENT AND A TEMPORARY VARIABLE WIDTH CONSTRUCTION EASEMENT; AND PAYMENT OF THE AMOUNT OF \$2,032.00 FOR COURT COSTS IN CONNECTION WITH THE LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT, LOCATED IN COUNCIL DISTRICT 10, FOR THE TOTAL AMOUNT OF \$187,865.00 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

WHEREAS, the City of San Antonio proceeded in Condemnation Cause No. 2004-ED-0003, *City of San Antonio, Texas vs. Watts Investments, a Florida limited partnership*, to acquire fee simple title to a 0.1747 acre tract of land being a variable width construction easement (Parcel 16869(TE), a 0.1113 acre tract of land being a variable width sanitary sewer easement (Parcel 16870E), and a 0.2092 acre tract of land being a variable width drainage easement (Parcel 16871(E) out of New City Block 11868, City of San Antonio, Bexar County, Texas; and

WHEREAS, the Special Commissioners met on July 8, 2004 and awarded the owners the sum of \$383,950.00 for fee simple title to these three easements; and

WHEREAS, the City must pay \$2,032.00 for court costs as part of this legal proceeding; and

WHEREAS, this ordinance amends Ordinance 97550 by appropriating the additional sum of \$185,833.00 as additional compensation to the owner of the property; and

WHEREAS, funds are available to acquire the necessary parcels; **NOW THEREFORE:**

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

SECTION 1. Ordinance No. 97550, dated May 1, 2003 in the amount of \$198,177.00 is hereby amended to increase the amount appropriated for the acquisition of the property to the amount of

\$383,950.00 for the property described below, and more particularly described in the Field Notes attached hereto and incorporated herein for all purposes as Attachment I:

- (a) A 0.1747 acre tract of land being a variable width construction easement out of that tract conveyed to Watts Investments described in instrument recorded in Volume 7256, Pages 1148-1155 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 5, in New City Block 11868 of the City of San Antonio in the 8.029 Acre (Busby Property) Subdivision recorded in Volume 5300, Page 141 of the Deed and Plat Records of Bexar County, Texas, and out of the Remainder of Lot 4, in New City Block 11868 of the City of San Antonio in the 8.029 Acre Subdivision and the 14.188 Acre Subdivision recorded in Volume 5580, Page 157 of the Deed and Plat Records of Bexar County, Texas (Parcel 16869TE), and
- (b) A 0.113 acre tract of land being a variable width sanitary sewer easement, 16-foot minimum, out of that tract conveyed to Watts Investments, described in instrument recorded in Volume 7256, Pages 1148-1155 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 5, in New City Block 11868 of the City of San Antonio in the 8.029 Acre (Busby Property) Subdivision recorded in Volume 5300, Page 141 of the Deed and Plat Records of Bexar County, Texas (Parcel 16870E), and
- (c) A 0.2092 acre tract of land being a variable width drainage easement out of that tract conveyed to Watts Investments, described in instrument recorded in Volume 7256, Pages 1148-1155 of the Official Public Records of Real Property of Bexar County, Texas, out of Lot 5, in New City Block 11868 of the City of San Antonio in the 8.029 acre (Busby Property) Subdivision recorded in Volume 5300, Page 141 of the Deed and Plats Records of Bexar County, Texas (Parcel 16871E)

SECTION 2. The budget in Fund 43-161095, 2001 Drainage Improvements, shall be revised by reducing Index Code 695718, entitled Unallocated Appropriations, in the amount of \$187,865.00.

SECTION 3. The amount of \$185,833.00 is appropriated in fund 43-161005, 2001 Drainage Improvements, in index code 784264, entitled Easements, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for easements in connection with the Loop 410 at Nacogdoches Drainage Improvement Project.

SECTION 4. The amount of \$2,032.00 is appropriated in fund 43-161005, 2001 Drainage Improvements, in index code 784405, entitled Court Costs, and is authorized to be encumbered and made payable to Gerry Rickhoff, County Clerk, for court costs in connection with the Loop 410 at Nacogdoches Drainage Improvement Project.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager

or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 8th day of August, 2004.

PASSED AND APPROVED this the 29th day of July, 2004.

ATTEST:

Lucinda M. West
CITY CLERK

Ed D. Garza
M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM:

William E. Reed
for City Attorney

FACT SHEET