

AN ORDINANCE 2007-02-15-0167

**DECLARING THE CULEBRA DRAINAGE #58, PHASE 2A, LOCATED IN DISTRICT 7, A 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT PROJECT A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 0.0917 OF AN ACRE (3,995 SQUARE FEET) OUT OF THE WEST ONE HALF OF LOT 2, BLOCK 3, NCB 12000, LIFSHUTZ SUBDIVISION NO. 8, SAN ANTONIO, TEXAS, FOR PUBLIC IMPROVEMENTS; APPROPRIATING FUNDS AND ANY MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT; AUTHORIZING CITY STAFF TO NEGOTIATE WITH AND ACQUIRE THE PROPERTY FROM THE OWNERS ON APPROVED TERMS AND IF NECESSARY, AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS**

\* \* \* \* \*

**WHEREAS**, it is necessary to acquire the fee simple title to approximately 0.0917 of an acre, being 3,995 square feet out of the West one half of Lot 2, Block 3, New City Block 12000, Lifshutz Subdivision No. 8 for the Culebra Drainage #58, Phase 2A Project located in District 7;

**WHEREAS**, the Culebra Drainage Project #58F originally consisted of channel improvements to Zarzamora Creek from Commerce Street to Culebra Road as well as reconstruction of Acme Road from Commerce Street north to Zarzamora Creek and Tellez Street from Acme Street to Laven Street; and

**WHEREAS**, during the scoping of the project it was discovered that there existed an abandoned landfill within the project limits generally located within Zarzamora Creek just north of Commerce Street and due to a limitation in funds, the project was divided into two phases; and

**WHEREAS**, Phase 1 provided for the removal and disposal of the municipal solid waste within the abandoned landfill, improvements to Zarzamora Creek from Commerce Street to Rubidoux Drive, and reconstruction of Acme from Commerce Street north to Zarzamora Street; and

**WHEREAS**, acquisition of the parcel described as the west one half of Lot 2, Block 3, NCB 12000, Lifshutz Subdivision No. 8, City of San Antonio, Bexar County, Texas, is necessary for completion of the first part (A) of Phase 2 of the project; and

**WHEREAS**, Bexar County is the owner of this parcel through a tax foreclosure and is unable to subdivide and sell the acreage needed for this project, thus, making it necessary for the City Attorney to institute eminent domain proceedings; and

**WHEREAS**, acquisition of property in connection with the Culebra Drainage #58, Phase 2A Project will be a continuation of City Council policy to complete previously approved 1999 General Obligation Drainage Improvement Bond Program projects; **NOW THEREFORE**,

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

**SECTION 1.** The Culebra Drainage #58, Phase 2A 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 Culebra Drainage #58, Phase 2A 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 being 3,995 square feet out of the West one half of Lot 2, Block 3, New City Block 12000, Lifshutz Subdivision No. 8.

**SECTION 4.** There is no fiscal impact with this Ordinance.

**SECTION 5.** The City staff is hereby directed to negotiate with Bexar County, the owner of the respective parcel for the acquisition of the Property at fair market value, to execute sales agreements purchasing the Property from Bexar County as 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 6.** This Ordinance shall be effective on the 25th day of February, 2007.

**PASSED AND APPROVED this the 15th day of February, 2007.**



M A Y O R

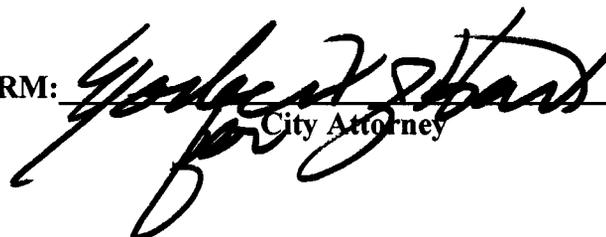
**PHIL HARDBERGER**

**ATTEST:**



**CITY CLERK**

**APPROVED AS TO FORM:**



**City Attorney**

# Agenda Voting Results

**Name:** Consent Agenda - Items 7-35D, except for 7, 16, 24, 25, 26, 30, and 33

**Date:** 02/15/07

**Time:** 11:02:33 AM

**Vote Type:** Multiple selection

**Description:**

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
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 HARDBERGER	MAYOR		x		

