

AN ORDINANCE 2009-10-08-0810

AUTHORIZING THE ACCEPTANCE, ACQUISITION, AND/OR CONDEMNATION OF ONE PARCEL OF PRIVATELY OWNED REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WESTOVER HILLS BLVD. AND HUNT LANE IN NCB 18820 IN COUNCIL DISTRICT 6 FOR THE DISTRICT 6 PEDESTRIAN MOBILITY TRAFFIC CALMING INITIATIVES PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$16,100.00 FOR THE ACQUISITION, AVAILABLE FROM AUTHORIZED 2007-2012 GENERAL OBLIGATION BONDS.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire certain property as part of the District 6 Pedestrian Mobility Traffic Calming Initiatives Project for the purpose of construction of turning lanes at southeast corner of Westover Hills Boulevard and Hunt Lane as part of the 2007-2012 General Obligation Bond; and

WHEREAS, this property, once acquired, will be to accommodate a right turn lane and sidewalk and will alleviate excessive traffic buildup and allow pedestrian access at the intersection; and

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

WHEREAS, it is necessary to obtain and acquire the fee simple title and/or an easement interest in this parcel as part of the District 6 Pedestrian Mobility Traffic Calming Initiatives Project and the property to be acquired are described in SECTION 2 below; and

WHEREAS, an appraisal for 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, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare the 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 for acquisition in the amount of \$16,100.00 from the 2007-2012 General Obligation Bond, for fee simple title to certain privately owned real property and other miscellaneous expenses associated with the District 6 Pedestrian Mobility Traffic Calming Initiatives Project; **NOW THEREFORE**,

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

SECTION 1. District 6 Pedestrian Mobility Traffic Calming Initiatives 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 easements in privately owned real property, by negotiation

and/or condemnation, if necessary, as part of the District 6 Pedestrian Mobility Traffic Calming Initiatives Project. The property is more generally described as follows:

PARCEL	LOT(S)	BLK	NCB
18343	Survey No. 403, Abstract 100	4419	18820

The property is more specifically shown on the Site Map and further described by metes and bounds and survey map attached hereto as **Exhibits A, B and C** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

SECTION 3. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00011, District 6 Area Pedestrian Mobility Prog, shall be revised by decreasing SAP WBS Element 40-00011-05-02-01 entitled City Construction, SAP GL account 5201140, by the amount of \$16,100.00.

SECTION 4. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00011, District 6 Area Pedestrian Mobility Prog, shall be revised by increasing SAP WBS Element 40-00011-03-02-04 entitled Acquisition, SAP GL Account 5209010, by the amount of \$16,100.00 and is authorized to be encumbered and made payable to Alamo Title Company.

SECTION 5. 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, 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 6. The City staff is hereby directed to negotiate with the owner(s) of the respective parcel 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 owners 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 whoever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Acting Director of Finance is directed to disburse funds in accordance herewith.

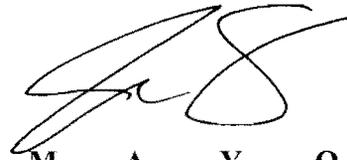
SECTION 7. The City Manager and her designee, severally, are authorized and directed to accept on behalf of the City a dedication of an easement over the real property described in **EXHIBIT B**, and referenced below. The City Manager and her designee, severally, are further authorized and directed to all other actions reasonably necessary or convenient to effectuate the transaction, including agreeing to the form of conveyance and executing and delivering ancillary documents and instruments conducive to effectuating the transaction.

From Westover Hills Development Partners, L.P., a Texas Limited Partnership, approximately 3,945 square feet (0.0906 acres), out of **Survey No. 403, Abstract 100, Block 4419, NCB 18820**, San Antonio, Bexar County, Texas.

SECTION 8. That in the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or 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.

SECTION 9. This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this the 8th day of October, 2009.



M A Y O R

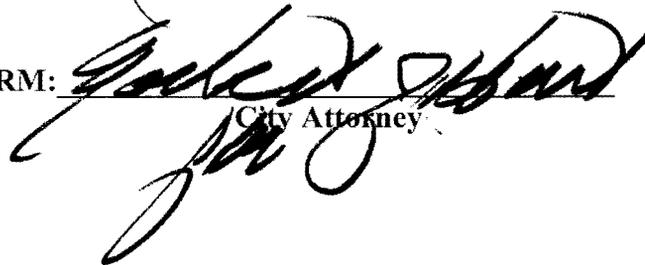
JULIAN CASTRO

ATTEST:



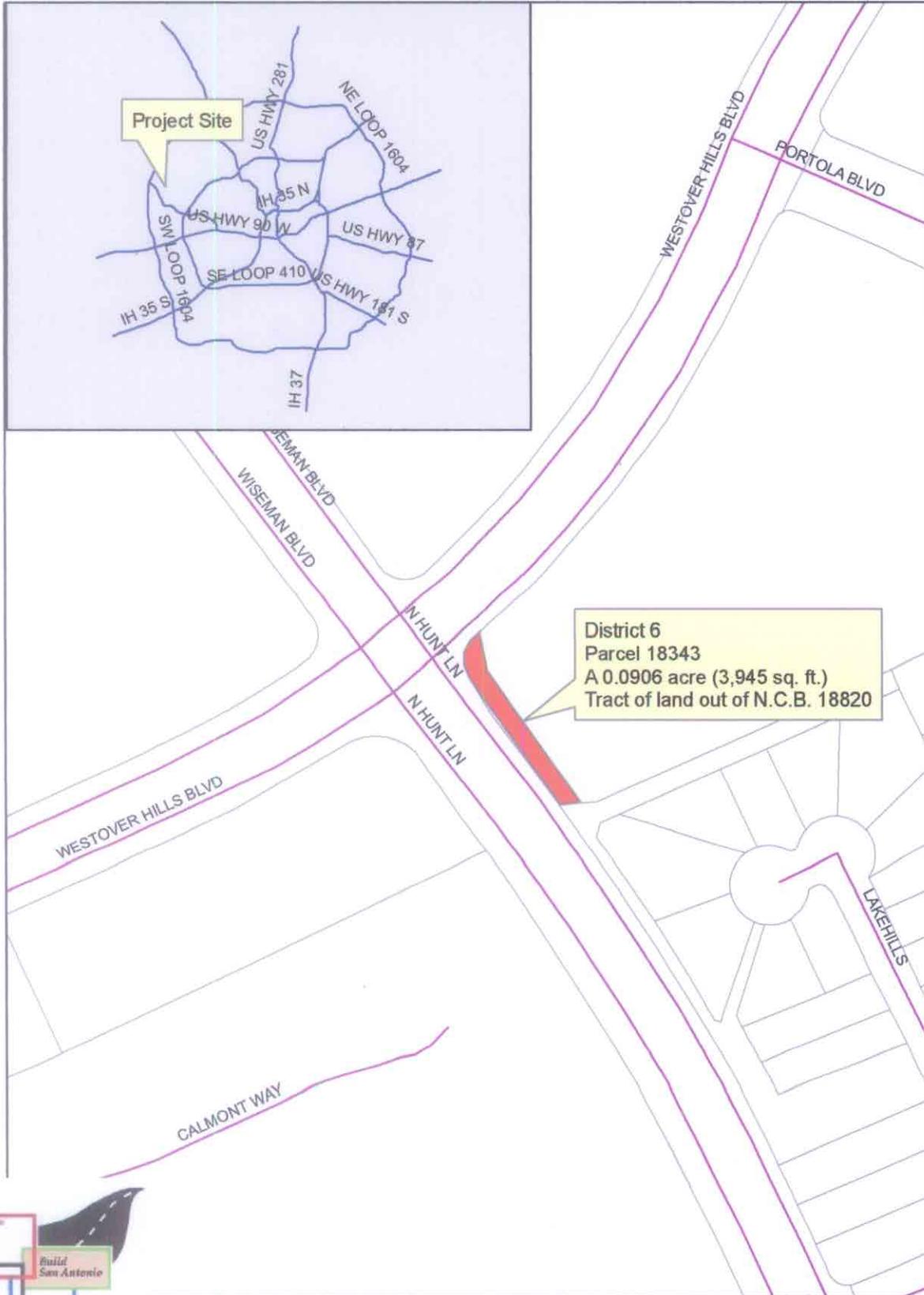
CITY CLERK

APPROVED AS TO FORM:



City Attorney

District 6 Pedestrian Mobility Traffic Calming Initiatives



Capital Improvements
Management Services

EXHIBIT A

VICKREY & ASSOCIATES, Inc.

CONSULTING ENGINEERS

Parcel No.: 18343

Project Name: District 6 Pedestrian Mobility Traffic Calming Initiatives

Project Number: 40-00011

Owner's Name: Westover Hills Development Partners, L.P.

Page 1 of 3

FIELD NOTES

DESCRIPTION OF A 0.0906-ACRE (3945 sq. ft.) TRACT OUT OF THE REMAINING PORTION OF 37.416 ACRES NEW CITY BLOCK 18820, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS

Being 0.0906 of an acre (3945 square feet) of land out of the B.B.B. & C.R.R. Co. Survey No. 403, Abstract No. 100, County Block 4419, New City Block 18820, in the City of San Antonio, Bexar County, Texas, out of the remaining portion of 37.416-acre tract conveyed from Charles R. Wiseman and Mary Ann Simpson to Westover Hills Development Partners, L.P., a Texas Limited Partnership, recorded in Volume 5191, Page 963, Official Public Records of Real property of Bexar County, Texas. Said 0.0906-acre tract being more particularly described as follows, with bearings being referenced to North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone (4202):

BEGINNING at a found ½" iron rod with cap stamped "PAPE DAWSON," at the most northerly point of a curve return at the southeast intersection of Hunt Lane (110' R.O.W.-Volume 9524, Page 162, Deed and Plat Records of Bexar County, Texas) and Westover Hills Blvd. (110-R.O.W.-Volume 9511, Page 44, Deed and Plat Records of Bexar County, Texas), said point also being on the common line of said Westover Hills Blvd. and said 37.416-acre tract, for the most northerly corner of the herein described tract;

Thence; departing said common line, into and across said remaining portion of 37.416-acre tract, and along the proposed new northeast R.O.W. line of Hunt Lane, the following three (3) courses:

S08°31'52"E, a distance of 45.17 feet to a set 1/2" iron rod with cap stamped "VICKREY PROP. COR.," for a corner of the herein described tract;

S36°40'37"E, a distance of 141.70 feet to a set 1/2" iron rod with cap stamped "VICKREY PROP. COR.," at a tangent point of curvature for a curve to the right, for a corner of the herein described tract;

along said curve to the right, a distance of 77.24 feet on closure, with a radius of 3213.53 feet, a central angle of 01°22'38" on closure, and a chord bearing and distance of S35°59'18"E, 77.23 feet to a set ½" iron rod with cap stamped "VICKREY PROP. COR.," on the common line of a 10-foot wide Drain R.O.W., recorded in Volume 9552, Page 42, Deed and Plat Records of Bexar County, Texas and said remaining portion of 37.416-acre tract, for the southeast corner of the herein described tract;

EXHIBIT B

S:\2245-0015\m&b\0.0906-ac 3,945-sf M&B.rtf



Parcel No.: 18343
Project Name: District 6 Pedestrian Mobility Traffic Calming Initiatives
Project Number: 40-00011
Owner's Name: Westover Hills Development Partners, L.P.

Page 2 of 3

Thence; S65°19'50"W, along said common line, a distance of 15.26 feet to a found 1/2" iron rod with cap stamped "PAPE DAWSON" at a non-tangent point of curvature of a curve to the left on the common line of said remaining portion of 37.416-acre tract and said existing Hunt Lane R.O.W., same point also being the southwest corner of said remaining portion of 37.416-acre tract and northwest corner of said 10-foot wide Drain R.O.W., for the southwest corner of the herein described tract;

Thence; along said common line of 37.46-acre tract and existing Hunt Lane R.O.W., the following two (2) courses:

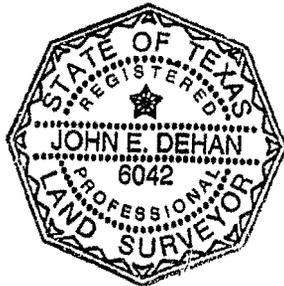
along said curve to the left, a distance of 74.06 feet, with a radius of 3198.53 feet, a central angle of 01°19'36", and a chord bearing and distance of N36°00'49"W, 74.06 feet to a set 1/2" iron rod with cap stamped "VICKREY PROP. COR.," for a corner of the herein described tract;

N36°40'37"W, a distance of 141.70 feet to a set 1/2" iron rod with cap stamped "VICKREY PROP. COR.," at a tangent point of curvature of a curve to the right, for a corner of the herein described tract;

Thence; along said curve to the right, a distance of 59.13 feet, with a radius of 40.00 feet, a central angle of 84°42'14", and a chord bearing and distance of N05°40'30"E, 53.89 feet to the **POINT OF BEGINNING**, containing 0.0906 acres (3,945 square feet), more or less.

This description was prepared from a survey made on the ground by employees of Vickrey & Associates, Inc.

A survey plat of even survey date accompanies this metes and bounds description.

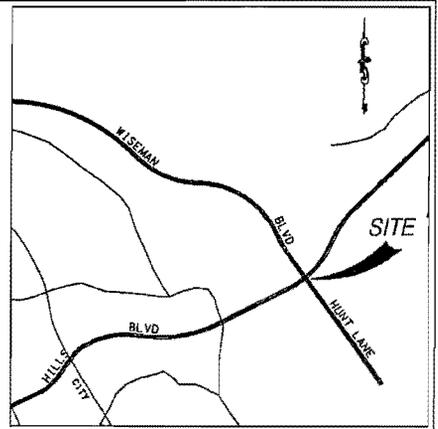


 8-06-09
John E. DeHan R.P.L.S. # 6042

Project No.: 40-00011
Parcel No.: 18343
Page 2 of 3



PARCEL NO: 18343
 PROJECT NAME: DISTRICT 6 PEDESTRIAN MOBILITY TRAFFIC CALMING INITIATIVES
 PROJECT NUMBER: 40-00011
 OWNER NAME: WESTOVER HILLS DEVELOPMENT PARTNERS, L.P.



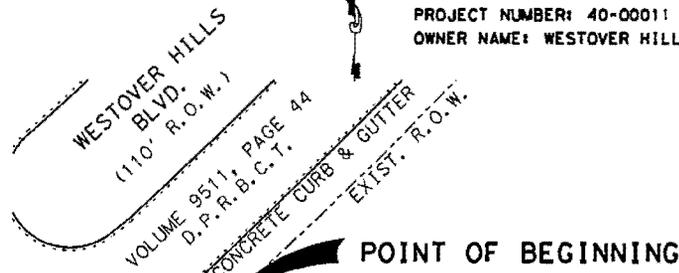
LOCATION MAP
 N. T. S.

LEGEND

- FOUND 1/2" IRON ROD W/ CAP STAMPED "PAPE DAWSON"
- ⊙ SET 1/2" IRON ROD W/ CAP STAMPED "VICKREY PROP. COR."
- ⊕ UTILITY POLE
- D. P. R. B. C. T. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- O. P. R. R. P. B. C. T. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS

NOTES:

1. A 1/2" REBAR WITH CAP STAMPED "VICKREY PROP. COR." WAS SET AT EACH CORNER, UNLESS OTHERWISE NOTED.
2. ALL BEARINGS AND DISTANCES HEREON ARE BASED ON NAD 83(93) TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
3. FIELD SURVEY COMPLETED ON JULY 25, 2009.
4. ONLY VISIBLE UTILITIES WERE LOCATED AND NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/ PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES. PLEASE CONTACT THE APPROPRIATE AGENCIES.
5. A DESCRIPTION OF EVEN SURVEY DATE ACCOMPANIES THIS SURVEY PLAT.



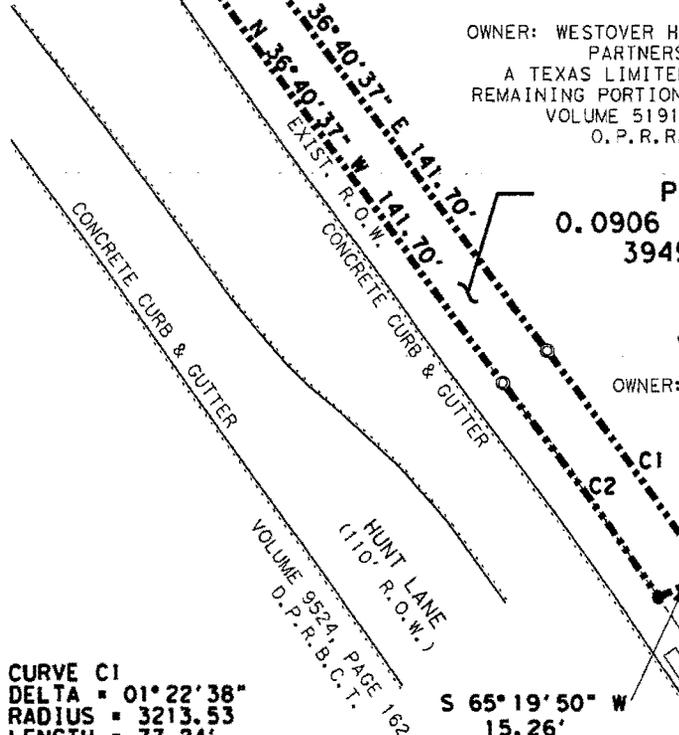
CURVE C3
 DELTA = 84° 42' 14"
 RADIUS = 40.00
 LENGTH = 59.13'
 CHORD = 53.89'
 N 05° 40' 30" E

PROPOSED NEW R.O.W.

OWNER: WESTOVER HILLS DEVELOPMENT PARTNERS, L.P.,
 A TEXAS LIMITED PARTNERSHIP
 REMAINING PORTION OF 37.416 ACRES
 VOLUME 5191, PAGE 963
 O. P. R. R. P. B. C. T.

PARCEL
 0.0906 - ACRE TRACT
 3945 SQ. FT.

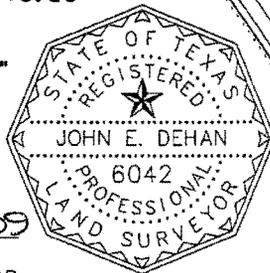
10' DRAIN R.O.W.
 VOL. 9552, PG. 42
 D. P. R. B. C. T.
 OWNER: CITY OF SAN ANTONIO



CURVE C1
 DELTA = 01° 22' 38"
 RADIUS = 3213.53
 LENGTH = 77.24'
 CHORD = 77.23'
 S 35° 59' 18" E

CURVE C2
 DELTA = 01° 19' 36"
 RADIUS = 3198.53
 LENGTH = 74.06'
 CHORD = 74.06'
 N 36° 00' 49" W

S 65° 19' 50" W
 15.26'



JOHN E. DEHAN, R.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6042

SCALE: 1"=50'	
0	12.5 25 50
PROJ NO. 2245-001-104	
DATE: 07/29/2009	
SHEET	OF
3	3

EXHIBIT OF
 0.0906 OF AN ACRE OUT
 OF 37.416 ACRES RECORDED
 IN VOL. 5191, PG. 963,
 O.P.R.R.P.B.C.T.

NEW CITY BLOCK 18820
 CITY OF SAN ANTONIO,
 BEXAR COUNTY, TX



VICKREY & ASSOCIATES, INC.
 CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216
 Telephone: (210)349-3271

DRAWN	MIH
CHECKED	RA
APPROVED	JD
FILE	
NO:	2245-001-104
FILE	
LOCATION:	S: 2245-0015

COPYRIGHT: 2009

EXHIBIT C

Agenda Item:	9 (in consent vote: 5, 9, 10, 12, 13, 15, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 18)						
Date:	10/08/2009						
Time:	09:26:58 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition and/or condemnation of one parcel of privately owned real property located at the southeast corner of Westover Hills Blvd. and Hunt Lane in NCB 18820 in Council District 6 for the District 6 Area Pedestrian Mobility Project; declaring it to be a public project; declaring a public necessity for the acquisition; and authorizing the expenditure of \$16,100.00 for the acquisition, available from authorized 2007-2012 General Obligation Bonds. [Penny Post oak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				x
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				