

AN ORDINANCE 2007-02-15-0168

**DECLARING THE VALLEY VIEW ACRES BUYOUTS PROJECT IN DISTRICT 8 TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO CERTAIN PRIVATELY OWNED REAL PROPERTY, BY NEGOTIATIONS AND/OR CONDEMNATION, FOR PUBLIC IMPROVEMENTS AS A PART OF THIS PROJECT; TO-WIT: ALL OR PORTIONS OF THE PROPERTIES DESCRIBED AS FOLLOWS:**

PARCEL	LOT(S)	BLK	NCB
18089	W 50 ft of 7	2	14448
18071	SE 1/2 of 3	6	15660
18072	NW 1/2 of 3	6	15660
18074	SE 1/2 of 2	6	15660
18076	NW 1/2 of 2	6	15660
18073	1	7	15661
18073A	1	7	15661
18095	E 1/2 of 5	7	15661
18078	2	8	15662
18075	S 1/2 of 3	8	15662
18077	N 1/2 of 3	8	15662

**ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$635,000.00 FUNDED FROM PREVIOUS AUTHORIZED PROJECT APPROPRIATIONS FOR THE PROJECT AND MISCELLANEOUS ASSOCIATED EXPENSES; AUTHORIZING CITY STAFF TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS AND IF NECESSARY; AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") desires to acquire certain properties as part of the Valley View Acres (Huesta Creek) Project which are located within or in close proximity to the 100 year flood plain; and

**WHEREAS**, these properties, once acquired, will be returned to a natural flood plain state and will mitigate any future catastrophic losses to property during heavy rain events; and

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

**WHEREAS**, Phase I of this Project has acquired 47 properties that were located in the 100-year floodplain areas; and

**WHEREAS**, it is necessary to obtain and acquire the fee simple title and/or an easement interest in ten parcels of land for use as part of the Valley View Acres (Huesta Creek) Phase II Project and the properties to be acquired are 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 in the amount of \$635,000.00 is available for title fees, funded from previous authorized project appropriations, for fee simple title to certain privately owned real property and other miscellaneous expenses associated with the Valley View Acres Buyouts (Huesta Creek) Phase II project, an authorized 2003-2007 Storm Water Revenue Bond project; **NOW THEREFORE**,

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

**SECTION 1.** Valley View Acres (Huesta Creek) 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(s) in certain privately owned real property, by negotiation and/or condemnation, if necessary, in order to return the parcels of land back to a natural flood plain state as part of the Valley View Acres (Huesta Creek) Project.

**SECTION 3.** A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the property more specifically described as follows:

<b>PARCEL</b>	<b>LOT(S)</b>	<b>BLK</b>	<b>NCB</b>
18089	W 50 ft of 7	2	14448
18071	SE 1/2 of 3	6	15660
18072	NW 1/2 of 3	6	15660
18074	SE 1/2 of 2	6	15660
18076	NW 1/2 of 2	6	15660
18073	1	7	15661
18073A	1	7	15661
18095	E 1/2 of 5	7	15661
18078	2	8	15662

18075	S 1/2 of 3	8	15662
18077	N 1/2 of 3	8	15662

Collectively, the properties may be referred to as the "Property".

**SECTION 4.** That just compensation (fair market value) for the property in the amount set out has been considered and approved as shown in **Attachment I** affixed hereto and incorporated herein for all purposes.

**SECTION 5.** The following financial adjustments are hereby authorized to affect this Ordinance:

- a) The amount of \$635,000.00 is appropriated in fund 48001000, 2003 Municipal Drainage Utility System, WBS RB-00077-01-01-10 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00123-90-03. The amount of \$635,000.00 is authorized to be transferred to fund 48099000.
- b) The budget in fund 48099000, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), shall be revised by increasing WBS element 23-00123-90-03 entitled Trf Fr RB-00077-01-01-10, GL account 6101100 – Interfund Transfer In, by the amount \$635,000.00.
- c) The amount of \$541,000.00 is appropriated in fund 48099000, Municipal Drainage Capital Projects, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), WBS element 23-00123-03-02-04, entitled Acquisition, G/L Account 5209010, and is authorized to be encumbered and made payable to the selected title company.
- d) The amount of \$10,000.00 is appropriated in fund 48099000, Municipal Drainage Capital Projects, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), WBS element 23-00123-03-02-03, entitled Legal, G/L Account 5201050, and is authorized to be encumbered and made payable to the selected title company.
- e) The amount of \$30,000.00 is appropriated in fund 48099000, Municipal Drainage Capital Projects, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), WBS element 23-00123-03-02-02, entitled Appraisals, G/L Account 5201160, and is authorized to be encumbered and made payable to the selected title company.
- f) The amount of \$8,000.00 is appropriated in fund 48099000, Municipal Drainage Capital Projects, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), WBS element 23-00123-03-02-01, entitled Title, G/L Account 5209010, and is authorized to be encumbered and made payable to the selected title company.
- g) The amount of \$46,000.00 is appropriated in fund 48099000, Municipal Drainage Capital Projects, Project Definition 23-00123, Valley View Acres Buyouts(Huesta Creek), WBS element 23-00123-03-02-05, entitled Miscellaneous, G/L Account 5209010, and is authorized to be encumbered and made payable to the selected title company.

**SECTION 6.** 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 7.** 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 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 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 on the 25th day of February, 2007.

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



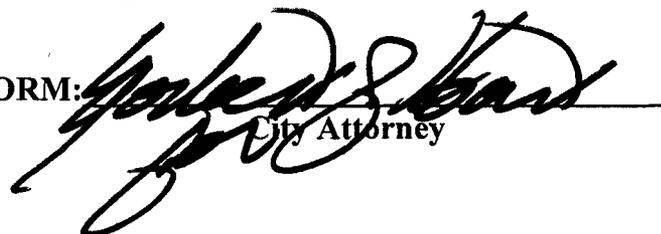
M A Y O R

ATTEST:

  
CITY CLERK

PHIL HARDBERGER

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		

## ATTACHMENT I

### VALLEY VIEW ACRES BUYOUTS (HUESTA CREEK) PROJECT

<b>COSA PARCEL</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>NCB</b>	<b>MARKET VALUE</b>
18089	W 50 ft of 7	2	14448	\$48,000
18071	SE 1/2 of 3	6	15660	\$56,000
18074	SE 1/2 of 2	6	15660	\$45,000
18076	NW 1/2 of 2	6	15660	\$30,000
18072	NW 1/2 of 3	6	15660	\$56,000
18073	1	7	15661	\$102,500
18073A				Inc. w/18073
18095	E 1/2 of 5	7	15661	\$57,500
18075	S 1/2 of 3	8	15662	\$38,000
18077	N 1/2 of 3	8	15662	\$40,000
18078	2	8	15662	\$68,000

