

AN ORDINANCE 2011-06-23-0572

**AUTHORIZING THE ACQUISITION, THROUGH DONATION, NEGOTIATION AND/OR CONDEMNATION OF APPROXIMATELY 96.3 ACRES OF LAND LOCATED IN NCB 17150, NCB 14861, NCB 12176, CB 4005, AND CB 4006, IN CITY COUNCIL DISTRICTS 3, 8, 9, AND 10 ALONG LEON CREEK, SALADO CREEK, AND THE MEDINA RIVER FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON AFOREMENTIONED WATERWAYS TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") seeks to acquire 96.3 acres of land along Leon Creek, Salado Creek and the Medina River, either by donation, negotiation or condemnation for the development and completion of the Linear Creekways Development Project; and

**WHEREAS**, the acquisitions to these lands are necessary in order to connect to a larger system along Leon Creek, Salado Creek and the Medina River through which multi-use trails and related park improvements will be/have been constructed and are essential to the implementation of this voter-approved project; and

**WHEREAS**, this Ordinance authorizes the acquisition of 96.3 acres of land in eight parcels along Leon Creek, Salado Creek and the Medina River in City Council Districts 3, 8, 9 and 10, at fair market value through donation, negotiation or condemnation; and

**WHEREAS**, the funds in the amount of \$65,000,000.00 for the Parks Development and Expansion Venue Projects have been approved, the estimated appraised value of these properties is \$656,000.00, **NOW THEREFORE**;

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

**SECTION 1.** The Linear Creekways Development 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 by donation, negotiation and/or condemnation, if necessary, the fee simple title to certain privately owned real property, for the development and completion of the Linear Creekways Development Project and more particularly described as follows:

NCB	Estimated Acreage	Council District
<b>CB 4005</b>	<b>50</b>	<b>3</b>
<b>CB 4005</b>	<b>26</b>	<b>3</b>
<b>CB 4005</b>	<b>5</b>	<b>3</b>
<b>CB 4006</b>	<b>5</b>	<b>3</b>
<b>14861</b>	<b>0.20</b>	<b>8</b>
<b>17150</b>	<b>5</b>	<b>9</b>
<b>17150</b>	<b>4.0</b>	<b>9</b>
<b>12176</b>	<b>1.10</b>	<b>10</b>
<b>TOTAL</b>	<b>96.3</b>	

The properties are more specifically shown on the Site Maps affixed hereto as **Exhibits A through D** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

**SECTION 3.** Payment in the amount of the negotiated price of various parcels of land valued at approximately \$656,000.00 in SAP Fund 40005000, Park Improvements, is authorized to be encumbered and made payable for the acquisition of approximately 96.3 acres of land along Leon Creek, Salado Creek and the Medina River located in Bexar County, Texas from previously appropriated funds. Payment is limited to the available amounts budgeted in the projects listed below.

Project Number	Project Name
26-00055	Medina River Greenway (Acquisitions And Design)
26-00060	Leon creek greenway (Acquisitions)
26-00064	Salado creek greenway (Acquisitions)

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer 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 5.** 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, 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 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.

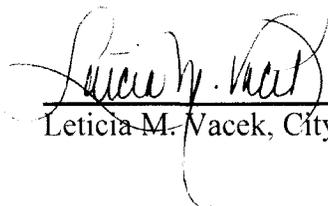
**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of any law firm selected by the City Attorney as special counsel, as may be needed from time to time, and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

**SECTION 7.** This Ordinance shall be effective immediately if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 23<sup>rd</sup> day of June, 2011.

  
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

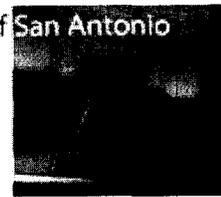
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

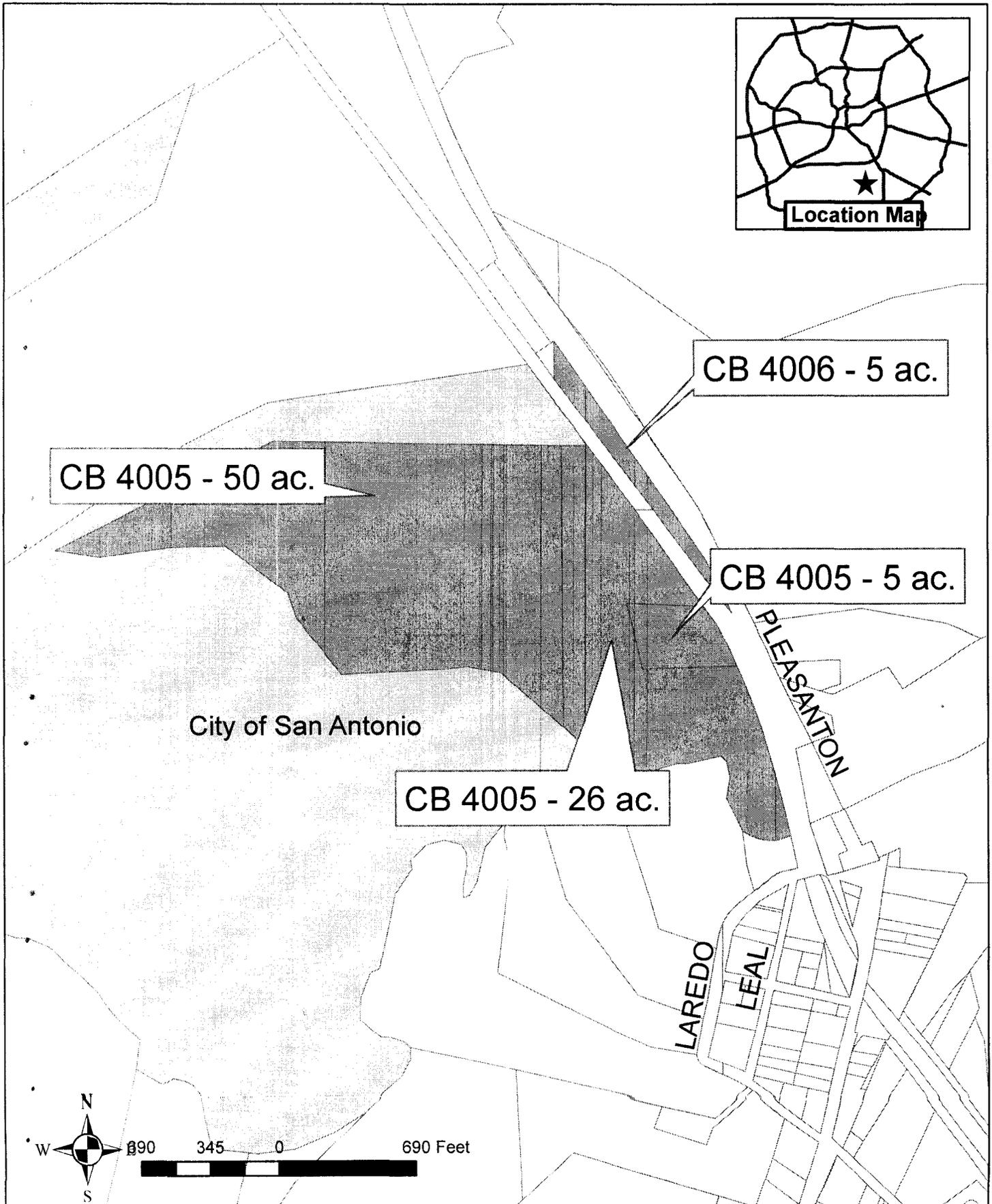
City of San Antonio



## Agenda Voting Results - 34

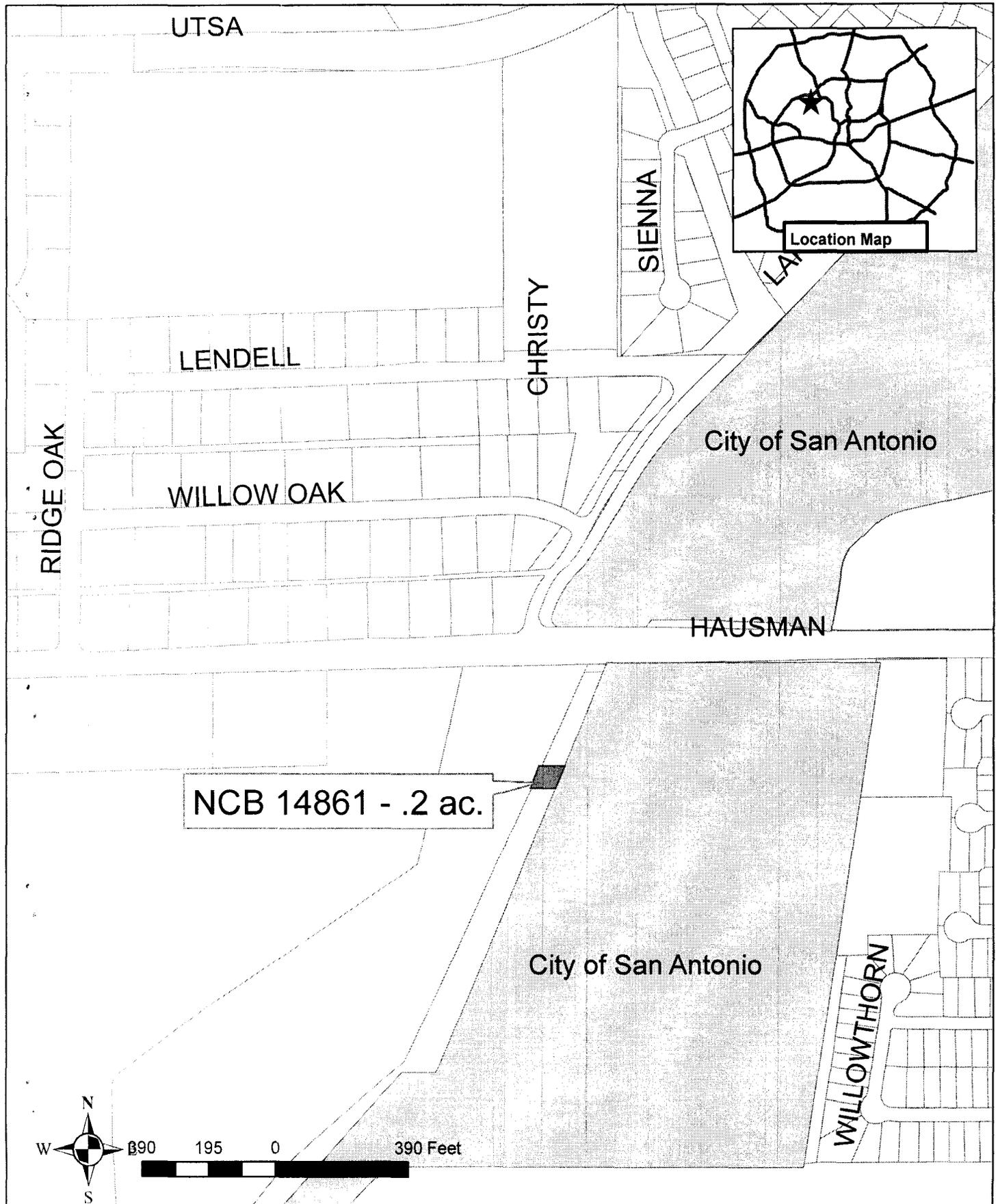
<b>Name:</b>	34						
<b>Date:</b>	06/23/2011						
<b>Time:</b>	10:18:11 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acquisition, through donation, negotiation and/or condemnation of approximately 96.3 acres of land located in NCB 17150, NCB 14861, NCB 12176, CB 4005, and CB 4006, in City Council Districts 3, 8, 9, and 10 along Leon Creek, Salado Creek, and the Medina River for the Linear Creekway Development Project, all properties being in the City of San Antonio, Bexar County, Texas; declaring the Linear Creekway Development Project on aforementioned waterways to be a public project; declaring a public necessity for the acquisition of privately owned real property; and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. [Sharon De La Garza, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

# Site Map: Proposed Land Acquisitions for Medina River Greenway Project: Council District 3



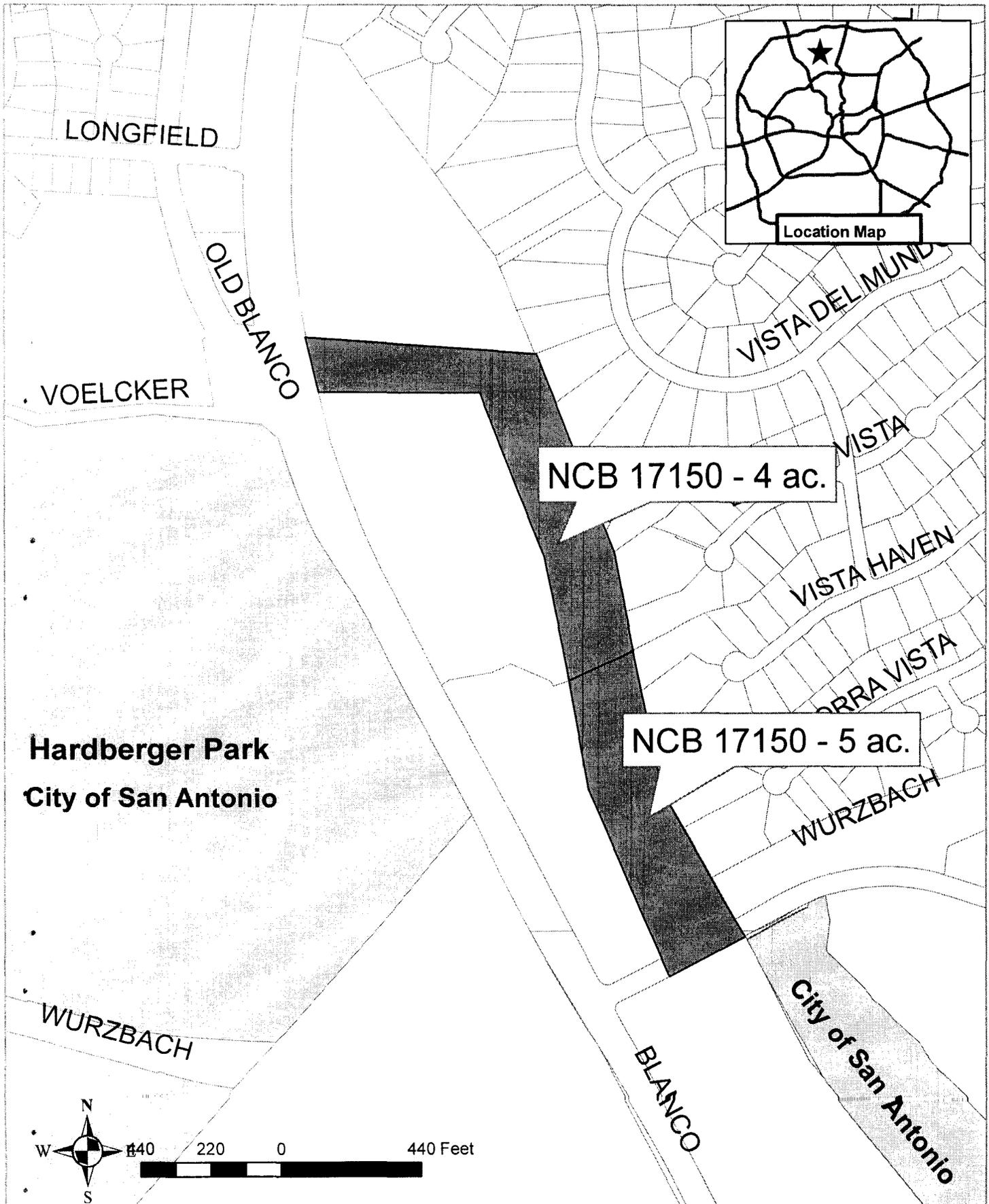
**EXHIBIT A**

# Site Map: Land Acquisitions for Leon Creek Greenway Project: Council District 8



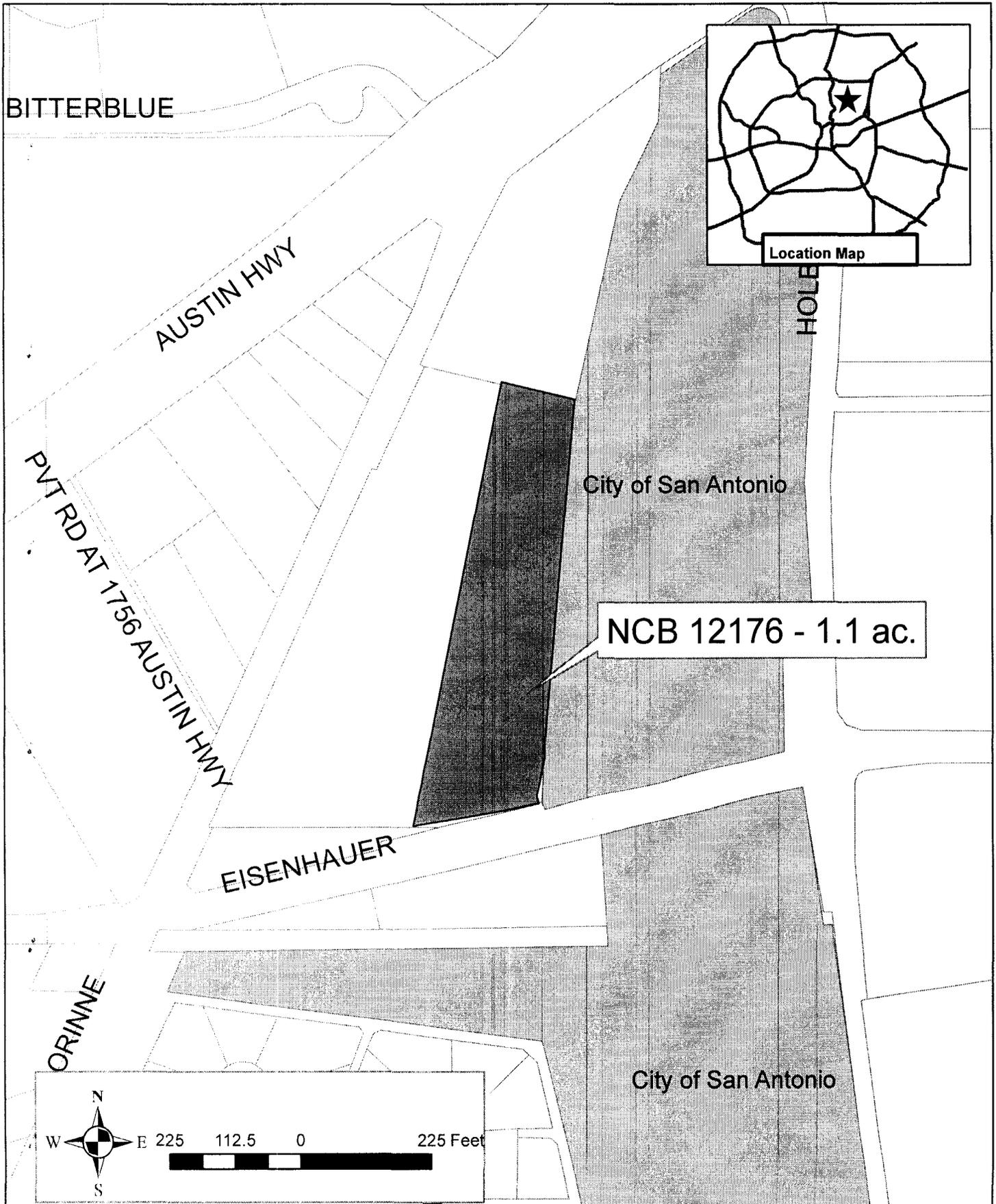
**EXHIBIT B**

# Site Map: Proposed Land Acquisitions for Salado Creek Greenway Project: Council District 9



**EXHIBIT C**

# Site Map: Land Acquisitions for Salado Creek Greenway Project: District 10



**EXHIBIT D**