

AN ORDINANCE

2012-09-20-0730

**AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF APPROXIMATELY 8.986 ACRES OF LAND LOCATED ON W. MILITARY DRIVE IN NCB 11493 IN COUNCIL DISTRICT 6 ALONG LEON CREEK FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, A 2005 PROPOSITION 2 SALES TAX INITIATIVE FUNDED PROJECT; PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON AFOREMENTIONED WATERWAYS TO BE A PUBLIC PROJECT FOR PUBLIC USE; DECLARING 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”) desires to acquire fee simple title of privately owned real property in Council District 6 as part of the Linear Creekway Development Project; 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 fee simple title of privately owned real property as part of the Project as further described in SECTION 2 below;

**WHEREAS**, Ordinance No. 2011-12-15-1036 previously authorized by City Council for the acquisition through donation or good faith negotiations, have been unsuccessful to date, authority for condemnation is now being sought in order to proceed with the project; and

**WHEREAS**, this acquisition will be used for the preservation of flood plain property and riparian habitat along creekways in which a system of linear parks and/or greenways will be created; and

**WHEREAS**, this acquisition will allow for a future development and necessary connections to a larger system of which multi-use trails and related park improvements will be/have been constructed and without these connections, project will be incomplete due to gaps within the system; and

**WHEREAS**, the acquisition has been funded by sales tax initiatives and the adopted Parks and Recreation Strategic System Plan; **NOW THEREFORE**,

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

**SECTION 1.** A public use and necessity is hereby declared for the City of San Antonio to acquire fee simple title of privately owned real property in Council District 6, by condemnation, as part of the Leon Creekway Development Project. Said parcel of land is generally described as follows:

Lot P-52A, New City Block 11493

The property for the Project is more specifically shown on the Site Map attached hereto as **Exhibit A** and more particularly described by metes and bounds in **Exhibit B** and incorporated herein for all purposes. Collectively, the property may be referred to as the “Property.”

**SECTION 2.** The City Manager, or her designee, is hereby authorized to direct the City Attorney to institute and prosecute to conclusion all necessary proceedings to condemn such properties if the City of San Antonio is unable to acquire through negotiation by reason of its inability to agree with the owners thereof as to the value of such property, or for any other reason, and to take any other legal action deemed necessary by the City Attorney to accomplish these purposes.

**SECTION 3.** The prior actions and efforts of City officials to negotiate the purchase of the necessary rights and the steps taken to initiate and prosecute condemnation of the property are hereby ratified and affirmed.

**SECTION 4.** Payment in the amount of the estimated fair market value of land valued at approximately \$98,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00060, Leon Creek Greenway (Acq. Prop 3), is authorized to be encumbered and made payable for the acquisition of approximately 8.986 acres of land along Leon Creek on W. Military Drive in NCB 11493 in Council District 6 from previously appropriated funds.

Payments for services are contingent upon the availability of City of San Antonio, 2010 Sales Tax Venue funds in accordance with the adopted capital budget. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

**SECTION 5.** The acquisition of property for the City of San Antonio must be coordinated through the city’s Finance Department to assure the addition of these asset(s) to the City’s financial records and the proper accounting of these transactions.

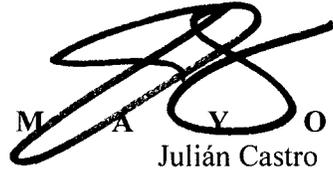
**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager’s designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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, 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.

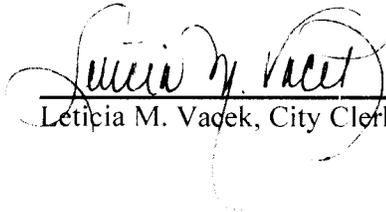
**SECTION 8.** In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby 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 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.

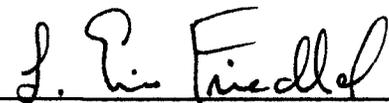
**PASSED and APPROVED** this 20 day of September, 2012.

  
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 - 22A

| <b>Name:</b>        | 22A  |             |     |     |         |        |        |
|---------------------|--|-------------|-----|-----|---------|--------|--------|
| <b>Date:</b>        | 09/20/2012   |             |     |     |         |        |        |
| <b>Time:</b>        | 01:55:20 PM  |             |     |     |         |        |        |
| <b>Vote Type:</b>   | Motion to Approve  |             |     |     |         |        |        |
| <b>Description:</b> | An Ordinance authorizing the acquisition through condemnation of approximately 8.986 acres of land located on W. Military Drive in NCB 11493 in Council District 6 along Leon Creek for the Linear Creekway Development Project, a 2005 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the Linear Creekway Development Project on aforementioned waterways to be a public project for public use; declaring 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. |             |     |     |         |        |        |
| <b>Result:</b>      | Passed   |             |     |     |         |        |        |
| Voter               | Group  | Not Present | Yea | Nay | Abstain | Motion | Second |
| Julián Castro       | Mayor  |             | x   |     |         |        |        |
| Diego Bernal        | District 1   |             | x   |     |         |        |        |
| Ivy R. Taylor       | District 2   |             | x   |     |         |        |        |
| Leticia Ozuna       | District 3   |             | x   |     |         |        |        |
| Rey Saldaña         | District 4   |             | x   |     |         |        |        |
| David Medina Jr.    | District 5   | x           |     |     |         |        |        |
| Ray Lopez           | District 6   |             | x   |     |         | x      |        |
| Cris Medina         | District 7   |             | x   |     |         |        |        |
| W. Reed Williams    | District 8   |             | x   |     |         |        |        |
| Elisa Chan          | District 9   |             | x   |     |         |        |        |
| Carlton Soules      | District 10  |             | x   |     |         |        | x      |





CIVIL ENGINEERING CONSULTANTS  
DON DURDEN, INC.  
SAN ANTONIO • LAREDO  
TEXAS FIRM REGISTRATION NUMBERS  
EXCISE NO. 00231 & 00232 (S) 09/10

October 20, 2011  
Job No.: S0242745

## EXHIBIT "B"

### DESCRIPTION OF AN 8.986 ACRE TRACT OF LAND

Being an 8.986 acre tract of land in New City Block 11493, out of a remaining portion of a 22.435 acre tract of land described in Volume 12195, Page 237, Official Public Records of Real Property, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a Texas Department of Transportation (TxDot) Type II right-of-way monument found on the southeast right-of-way line of Interstate Highway Loop 410 (R.O.W-Varies), at the common corner of said remaining portion of the 22.435 acre tract and Lot 41, shown on the Replat and Development Plat of Southwest Research Institute Phase XV, recorded in Volume 9618, Pages 110-121, Deed and Plat Records, Bexar County, Texas, the **POINT OF BEGINNING**, a northerly corner of this tract;

THENCE departing said right-of-way line coincident with the common line of a remaining portion of the 22.435 acre tract and said Lot 41, the following courses:

South 06°34'39" West, a distance of 95.90 feet to a 1/2" iron rod with a "Pape-Dawson" plastic cap found, an angle point of this tract;

South 39°04'12" West, a distance of 98.14 feet to a 1/2" iron rod with a "Pape-Dawson" plastic cap set, an angle point of this tract;

South 24°31'17" East, a distance of 77.35 feet to a 1/2" iron rod with a "Pape-Dawson" plastic cap found, an angle point of this tract;

South 01°49'24" East, a distance of 106.81 feet to a 1/2" iron rod with a "Pape-Dawson" plastic cap found, an angle point of this tract;

South 12°54'59" East, a distance of 184.51 feet to a 1/2" iron rod with a "Pape-Dawson" plastic cap found, an angle point of this tract;

South 02°55'43" West, a distance of 164.12 feet to a 1/2" iron rod with a "CEC" plastic cap set, a reentrant corner of this tract;

South 56°33'24" East, a distance of 116.91 feet to a 1/2" iron rod found, an angle point of this tract;

South 07°51'57" East, a distance of 68.47 feet to a 1/2" iron rod found, an easterly corner of this tract;

South  $03^{\circ}41'39''$  East, a distance of 164.46 feet to a 1/2" iron rod found, an angle point of this tract;

North  $86^{\circ}04'15''$  West, a distance of 91.37 feet to a 1/2" iron rod found, an angle point of this tract;

South  $74^{\circ}46'55''$  West, a distance of 83.75 feet to a 1/2" iron rod found, an angle point of this tract;

South  $59^{\circ}07'09''$  West, a distance of 111.27 feet to a 1/2" iron rod found, an angle point of this tract;

South  $29^{\circ}39'57''$  West, a distance of 123.59 feet to a 1/2" iron rod found, an angle point of this tract;

South  $04^{\circ}03'40''$  West, a distance of 146.24 feet to a 1/2" iron rod found, an angle point of this tract;

South  $29^{\circ}11'37''$  East, a distance of 145.84 feet to a 1/2" iron rod found, an angle point of this tract;

South  $12^{\circ}45'07''$  East, a distance of 104.10 feet to a 1/2" iron rod found, an angle point of this tract;

South  $28^{\circ}42'38''$  East, a distance of 91.01 feet to a 1/2" iron rod found, an angle point of this tract;

South  $04^{\circ}01'17''$  West, a distance of 94.34 feet to a 1/2" iron rod with a "CEC" plastic cap set at a common corner of said remaining portion of the 22.435 acre tract and a 208.287 acre tract described in Volume 5027, Page 123, Deed Records of Bexar County, Texas, an angle point of this tract;

THENCE South  $39^{\circ}44'53''$  West, coincident with the common line of the remaining portion of the 22.435 acre tract and said 208.287 acre tract, a distance of 315.36 feet to a 1/2" iron rod found on the northwest northerly right-of-way line of Military Drive West (R.O.W.-Varies), the beginning of a non-tangent curve, the most southerly corner of this tract;

THENCE curving to the left, coincident with the common line of a remaining portion of the 22.435 acre tract and said northeast right-of-way line, having a radius of 1,480.92 feet, an arc length of 101.24 feet, a central angle of  $03^{\circ}55'01''$ , a chord bearing of North  $52^{\circ}15'58''$  West, and a chord distance of 101.22 feet to a "POINT", a point of tangency;

THENCE North  $54^{\circ}17'33''$  West, continuing with said common line, a distance of 123.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, at a common corner of the remaining portion of the 22.435 acre tract, Lot 31, Block 1, shown on the plat of Loop 410 Military West Crossing Subdivision, recorded in Volume 9573, Pages 115-117, Deed and Plat Records, Bexar County Texas, the most southeasterly corner of this tract;

THENCE departing said right-of-way line, coincident with the common line of said remaining portion of the 22.435 acre tract and said Loop 410 Military West Crossing Subdivision, the following courses:

North  $35^{\circ}42'27''$  East, a distance of 111.75 feet to a 1/2" iron rod with a "CEC" plastic cap set, a reentrant corner of this tract;

North  $54^{\circ}18'05''$  West, a distance of 29.84 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $18^{\circ}26'42''$  West, a distance of 265.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $01^{\circ}58'53''$  West, a distance of 168.08 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $33^{\circ}46'38''$  East, a distance of 176.81 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $43^{\circ}46'06''$  East, a distance of 130.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $67^{\circ}18'15''$  East, a distance of 113.56 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $51^{\circ}41'56''$  East, a distance of 100.49 feet to a 1/2" iron rod with a "CEC" plastic cap set, a corner of this tract;

North  $27^{\circ}24'31''$  East, a distance of 72.71 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $11^{\circ}19'13''$  West, a distance of 195.76 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North  $29^{\circ}55'46''$  West, a distance of 129.34 feet to a 1/2" iron rod with a "CEC" plastic cap set, a corner of this tract;

North  $35^{\circ}43'59''$  East, a distance of 32.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, a corner of this tract;

South 66°41'56" East, a distance of 90.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North 83°56'54" East, a distance of 60.00 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North 26°25'24" East, a distance of 60.88 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North 17°34'02" West, a distance of 202.98 feet to a 1/2" iron rod with a "CEC" plastic cap set, an angle point of this tract;

North 05°36'02" West, a distance of 130.14 feet to a found 1/2" iron rod with a "MOY TRACT" plastic cap found, an angle point of this tract;

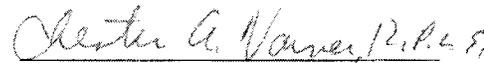
North 11°04'48" East, a distance of 146.91 feet to a found 1/2" iron rod with a "MOY TRACT" plastic cap found, an angle point of this tract;

North 54°06'10" West, a distance of 17.85 feet to a found 1/2" iron rod with a "MOY TRACT" plastic cap found, on the aforementioned southeast right-of-way of Loop 410, a corner of this tract;

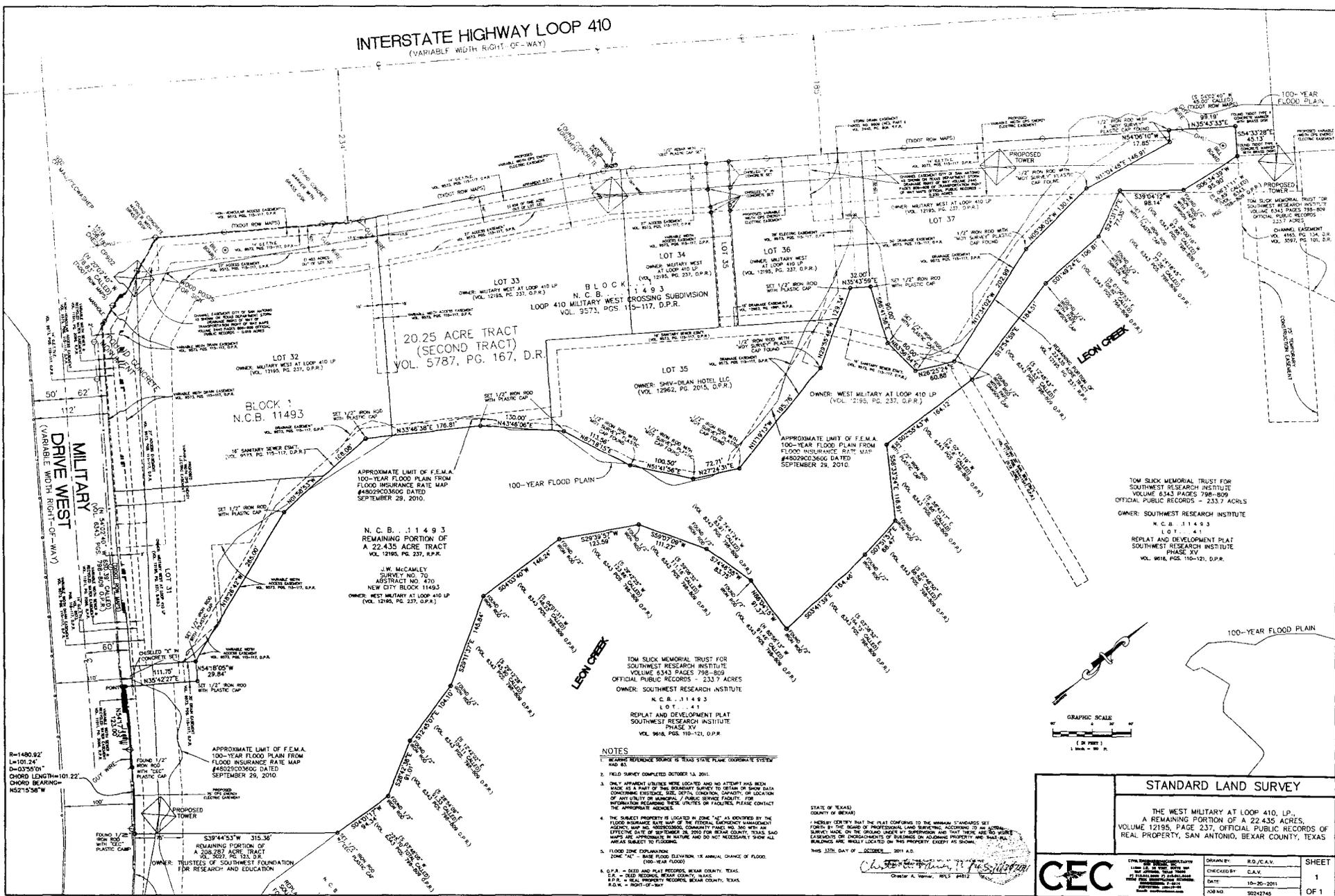
THENCE North 35°43'33" East, coincident with the common line of a remaining portion of the 22.435 acre tract and said southeast right-of-way line, a distance of 99.19 feet to a Texas Department of Transportation (TxDot) Type II right-of-way monument found a reentrant corner of the southeast right-of-way line, the most northerly corner of this tract;

THENCE South 54°33'28" East, continuing coincident with said common line a distance of 45.13 feet to the **POINT OF BEGINNING**, and containing 8.986 acres of land, more or less.

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 13th day of October, 2011.

  
Chester A. Varner, RPLS # 4812 10/20/2011

**INTERSTATE HIGHWAY LOOP 410**  
(VARIABLE WIDTH RIGHT-OF-WAY)



**20.25 ACRE TRACT (SECOND TRACT)**  
VOL. 5787, PG. 167, D.R.

**BLOCK 1**  
N.C.B. 11493

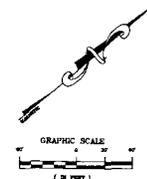
**N.C.B. 11493**  
REMAINING PORTION OF A 22.435 ACRE TRACT  
VOL. 12195, PG. 237, O.P.R.

J.W. McCAMLEY  
SURVEY NO. 70  
ABSTRACT NO. 470  
NEW CITY BLOCK 11493  
OWNER: WEST MILITARY AT LOOP 410 LP  
(VOL. 12195, PG. 237, O.P.R.)

**TOM SLICK MEMORIAL TRUST FOR**  
**SOUTHWEST RESEARCH INSTITUTE**  
VOLUME 6343 PAGES 798-809  
OFFICIAL PUBLIC RECORDS - 233.7 ACRES  
OWNER: SOUTHWEST RESEARCH INSTITUTE  
N.C.B. 11493  
LOT 41  
REPLAT AND DEVELOPMENT PLAT  
SOUTHWEST RESEARCH INSTITUTE  
PHASE XV  
VOL. 9616, PGS. 110-121, O.P.R.

- NOTES**
1. REARER REFERENCE SOURCE IS TEXAS STATE PLANE COORDINATE SYSTEM AND 43.
  2. FIELD SURVEY COMPLETED OCTOBER 13, 2011.
  3. ONLY APPARENT UTILITIES WERE LOCATED AND NO ATTEMPT WAS MADE TO LOCATE UTILITIES DEEPER THAN 6 FEET OR TO DETERMINE THEIR EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MANHOLE / POLE SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.
  4. THE SUBJECT PROPERTY IS LOCATED IN ZONE "AT" AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD INSURANCE RATE MAP NO. 48029C0360G DATED SEPTEMBER 29, 2010, SHOWS THE SUBJECT PROPERTY IS LOCATED IN ZONE "AT" AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD INSURANCE RATE MAP NO. 48029C0360G DATED SEPTEMBER 29, 2010, SHOWS THE SUBJECT PROPERTY IS LOCATED IN ZONE "AT" AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD INSURANCE RATE MAP NO. 48029C0360G DATED SEPTEMBER 29, 2010, SHOWS THE SUBJECT PROPERTY IS LOCATED IN ZONE "AT" AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
  5. FLOOD ZONE EXPLANATION:  
ZONE "AT" - BASE FLOOD ELEVATION 13' ANNUAL CHANCE OF FLOOD (100-YEAR FLOOD)
  6. O.P.R. - DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.  
E.F. - DEED RECORDS, BEXAR COUNTY, TEXAS.  
B.P.R. - REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS.  
R.O.W. - RIGHT-OF-WAY

**TOM SLICK MEMORIAL TRUST FOR**  
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REPLAT AND DEVELOPMENT PLAT  
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PHASE XV  
VOL. 9616, PGS. 110-121, O.P.R.



| STANDARD LAND SURVEY  |   |
|---|---|
| THE WEST MILITARY AT LOOP 410, LP,<br>A REMAINING PORTION OF A 22.435 ACRES,<br>VOLUME 12195, PAGE 237, OFFICIAL PUBLIC RECORDS OF<br>REAL PROPERTY, SAN ANTONIO, BEXAR COUNTY, TEXAS |   |
| STATE OF TEXAS<br>COUNTY OF BEXAR<br>I, <b>Charles W. Vetter</b> , Surveyor<br>My Comm. Expires 12/31/2011  | DRAWN BY: R.D./C.A.V.<br>CHECKED BY: C.A.V.<br>DATE: 10-26-2011<br>JOB NO: 50242745 |
| <b>CEC</b>  | SHEET<br>1<br>OF 1  |