

AN ORDINANCE 2010-05-06-0383

AUTHORIZING THE ACQUISITION, THROUGH DONATION, NEGOTIATION AND/OR CONDEMNATION OF APPROXIMATELY 167.2 ACRES OF LAND LOCATED IN COUNCIL DISTRICTS 3, 4, 6, 7, 8, 9, 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 (CB 4005, CB 4006, NCB 15613, NCB, 13951, NCB 15332, NCB 13942, NCB 18917, NCB 16931, NCB 14868, NCB 13134, NCB 13156, NCB 14855, NCB 12059, NCB 8644, NCB 11790, NCB 12065 AND NCB 13500); DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT 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 167.2 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 constructed and are essential to the implementation of this voter-approved project; and

WHEREAS, this Ordinance authorizes the acquisition of 167.2 acres of land along Leon Creek, Salado Creek and the Medina River 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 \$600,000.00, **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
CB 4006	4	3
CB 4005	4	3
8644	100	4
18917	5.9	6
16931	3.45	6
15613	7.86	6
15332 and 13942	0.1	7
14868	1	7
13951	6.72	8
13942	0.15	8
13500	6	9
13134, 13156, 14855	3	9
12065	21	9
12059	3	9
11790	1	10
TOTAL	167.2	

The properties are more specifically shown on the Site Maps affixed hereto as **Exhibits A through J** 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 \$600,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00060, Leon Creek Greenway, SAP Project Definition 26-00064, Salado Creek Greenway and SAP Project Definition 26-00055, Medina River Greenway, is authorized to be encumbered and made payable for acquisition of approximately 167.2 acres of land along Leon Creek, Salado Creek and the Medina River from previously appropriated funds.

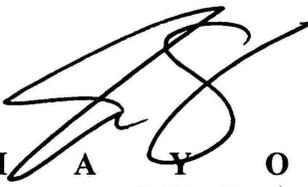
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project 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.

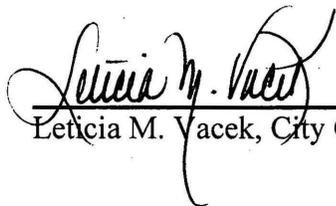
SECTION 6. In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby 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 6th day of May, 2010.


M A Y O R
Julián Castro

ATTEST:

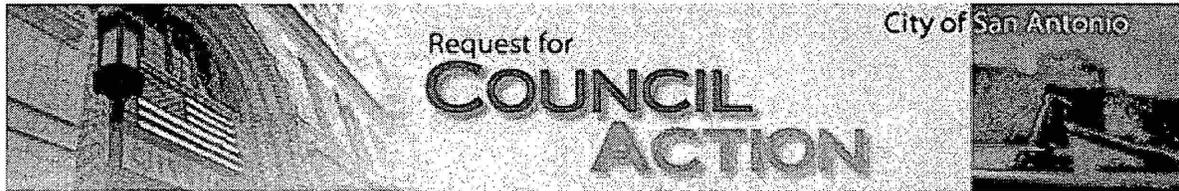


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney



Agenda Voting Results - 11

Name:	7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22						
Date:	05/06/2010						
Time:	07:17:24 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through donation, negotiation and/or condemnation of approximately 167.2 acres of land located in Council Districts 3, 4, 6, 7, 8, 9, 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 (CB 4005, CB 4006, NCB 15613, NCB, 13951, NCB 15332, NCB 13942, NCB 18917, NCB 16931, NCB 14868, NCB 13134, NCB 13156, NCB 14855, NCB 12059, NCB 8644, NCB 11790, NCB 12065 and NCB 13500); declaring the Linear Creekway Development Project 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]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				x
Jennifer V. Ramos	District 3		x			x	
Leticia Cantu	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

Site Map

Medina River Greenway

Proposed Land Acquisition for Linear Creekway Parks

1. 15667 Pleasanton Rd. CB 4005 (4 Ac.) 2. Pleasanton Rd. CB 4006 (4 Ac. Total)

Council District 3

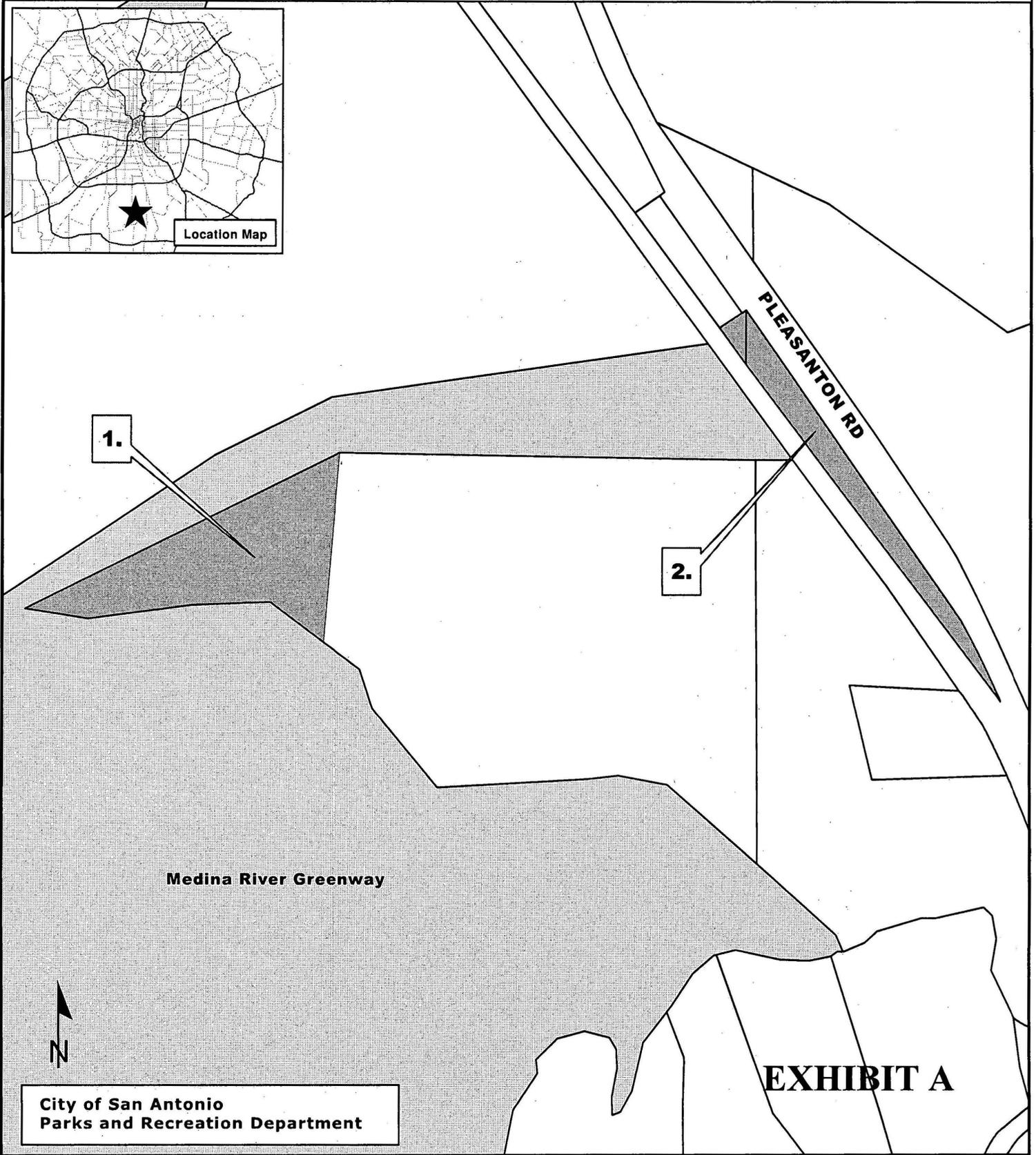
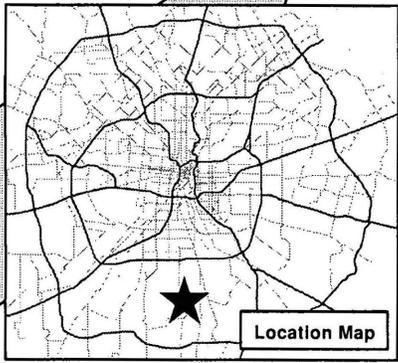


EXHIBIT A

City of San Antonio
Parks and Recreation Department

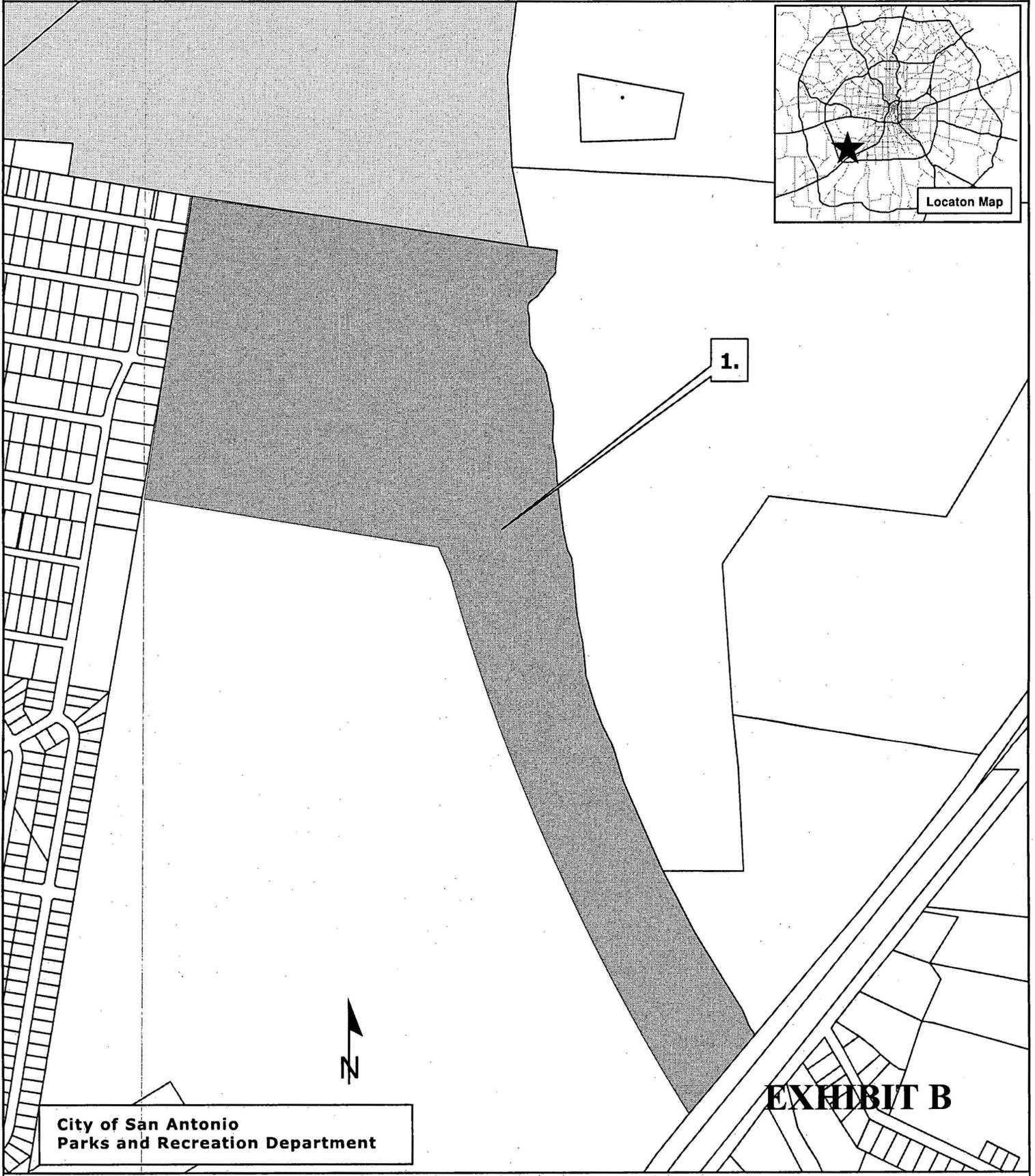
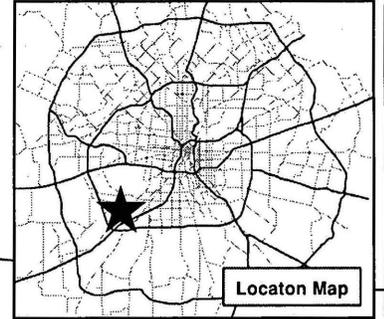
Site Map

Leon Creek South

Proposed Land Acquisition for Linear Creekway Parks

1. 7907 Clegg Dr. NCB 15613 (100 Ac.)

Council District 4



City of San Antonio
Parks and Recreation Department

EXHIBIT B

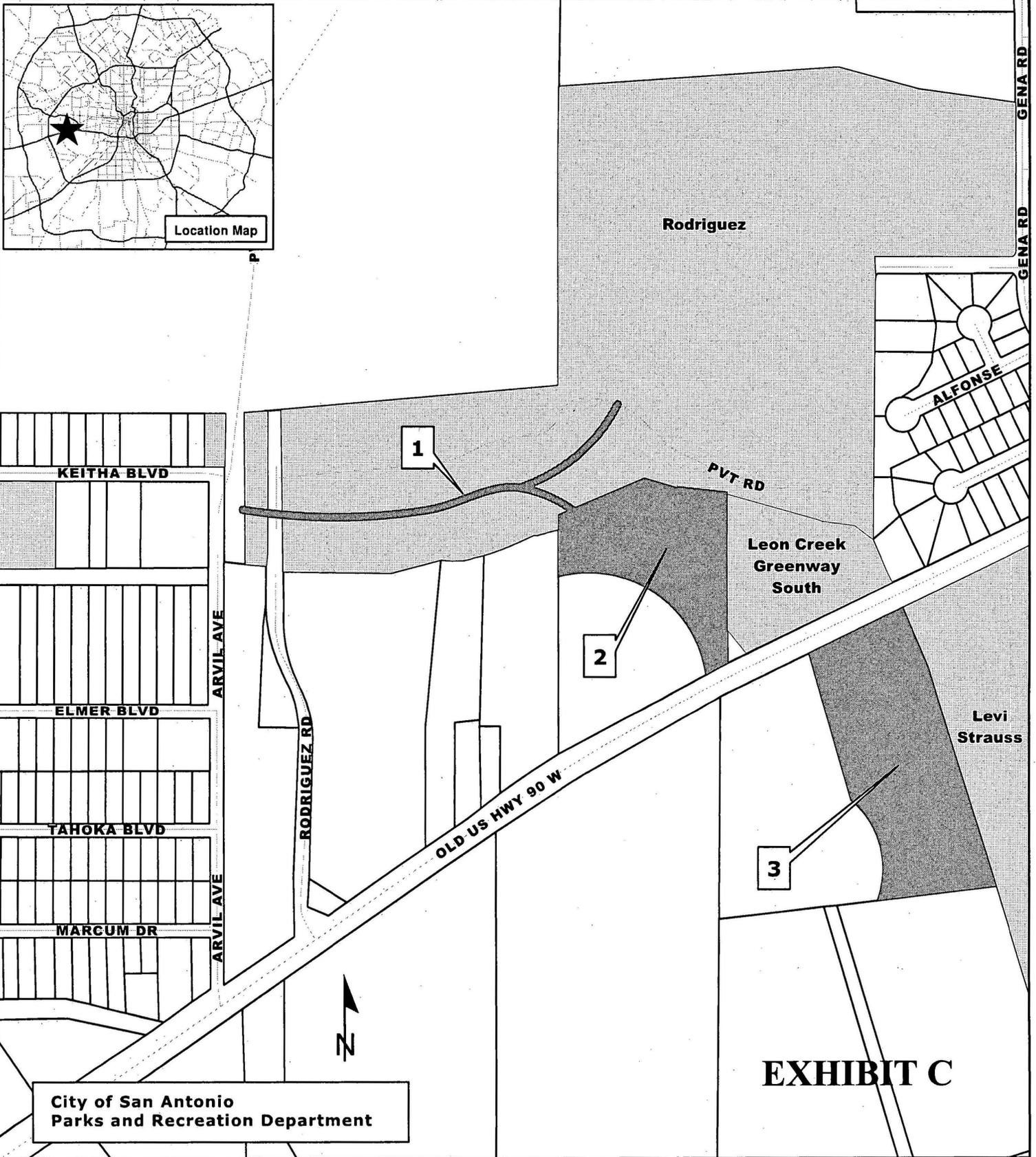
Site Map

Leon Creek South

Proposed Land Acquisition for Linear Creekway Parks

1. Bexar County Easement NCB 15332 and NCB 13942 (7.86 Ac.)
2. 6123 W Old Hwy 90 NCB 13942 (3.45 Ac.)
3. 6112 W Old Hwy 90 NCB 13951 (5.90 Ac.)

Council District 6



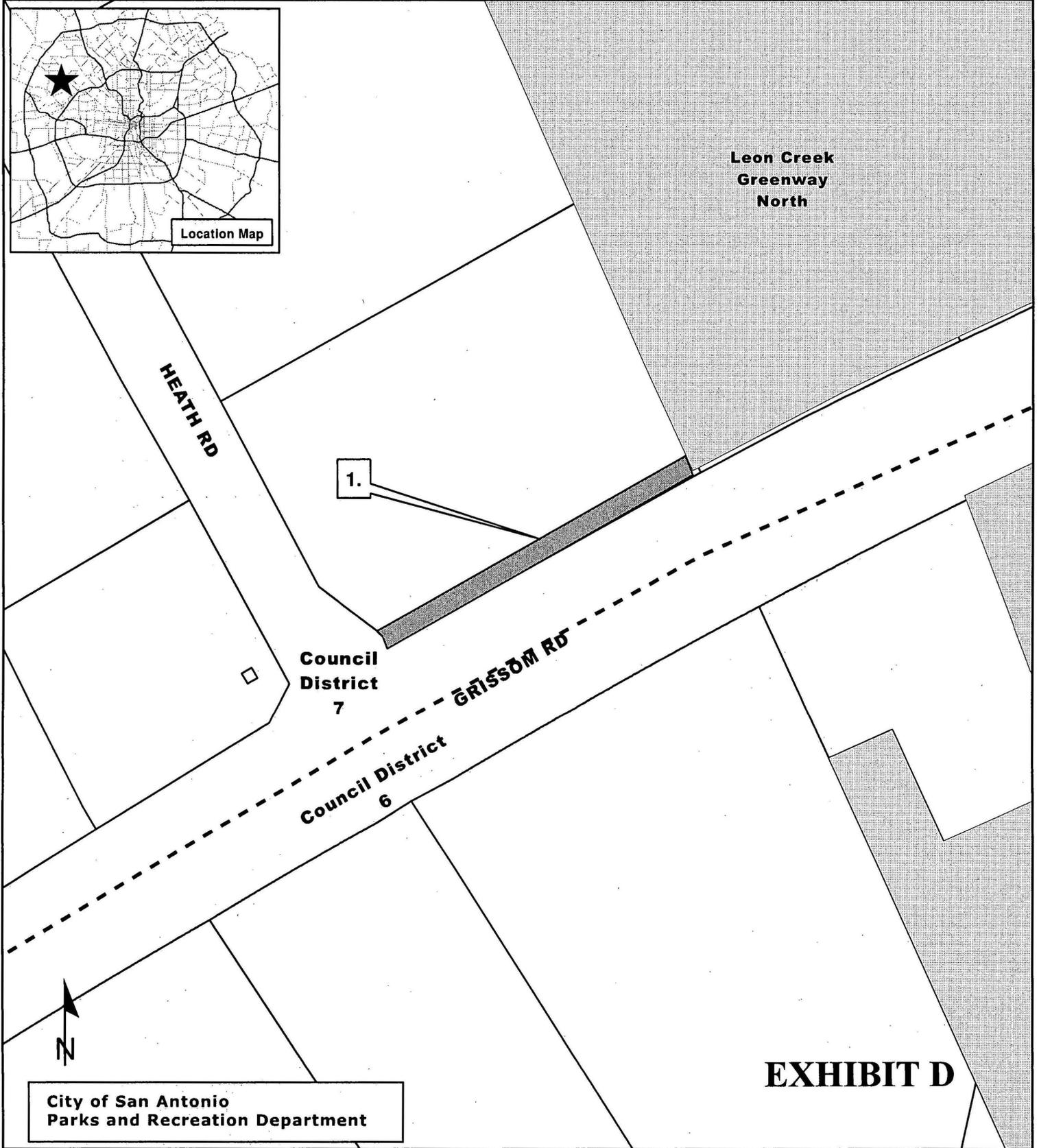
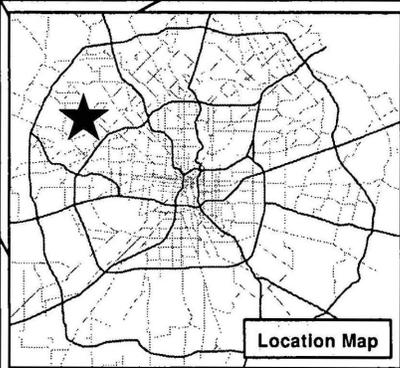
Site Map

Leon Creek North

Proposed Land Acquisition for Linear Creekway Parks

1. Grissom Rd. NCB 18917 (0.10 Ac.) Water Line Easement

Council District 7



Leon Creek
Greenway
North

HEATH RD

1.

Council
District
7

Council
District
6

GRISSOM RD



EXHIBIT D

City of San Antonio
Parks and Recreation Department

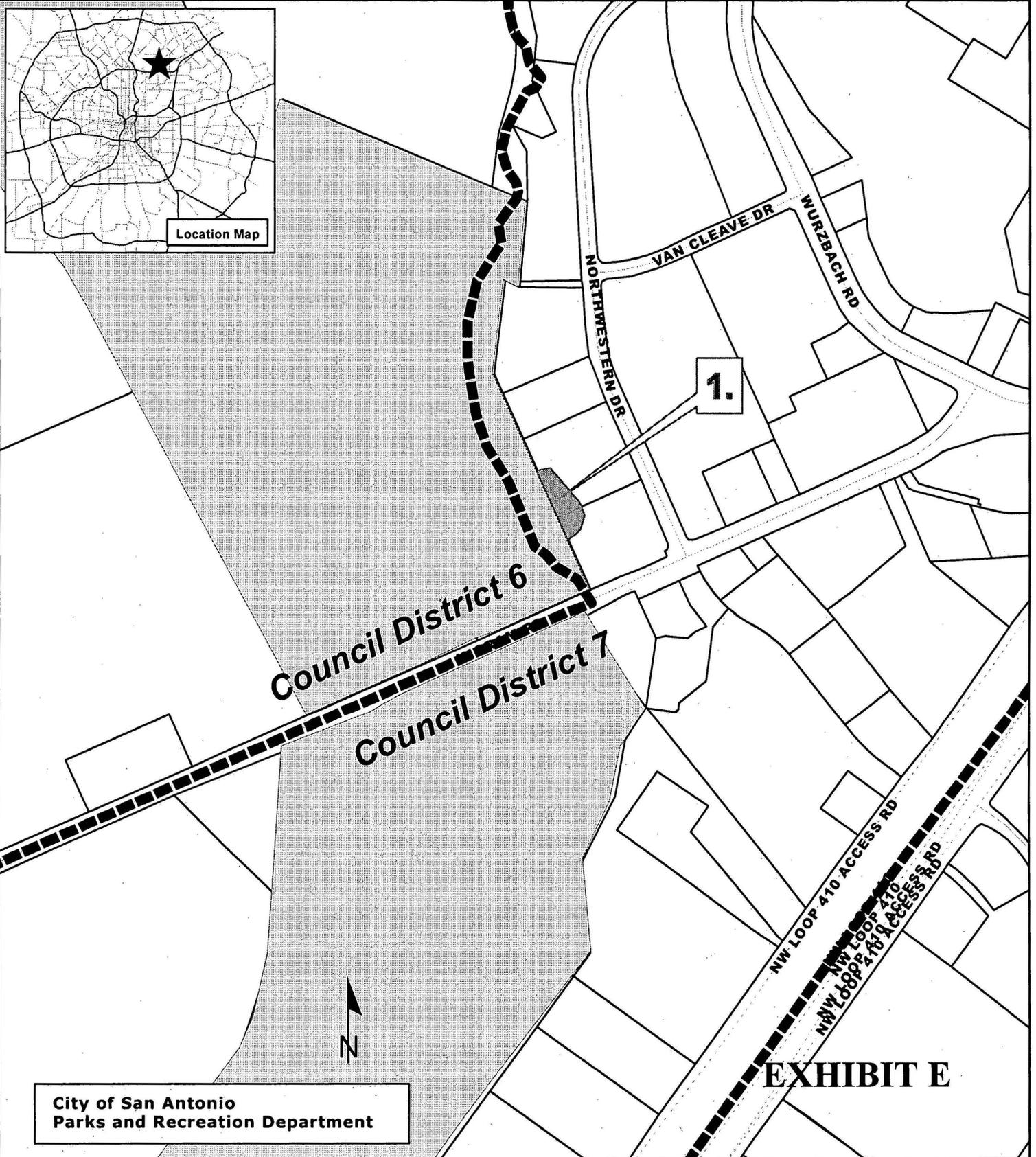
Site Map

Salado Creek Greenway Central

Proposed Land Acquisition for Linear Creekway Parks

1. Northwestern Drive NCB 16931 (1 Ac.)

Council District 7



City of San Antonio
Parks and Recreation Department

EXHIBIT E

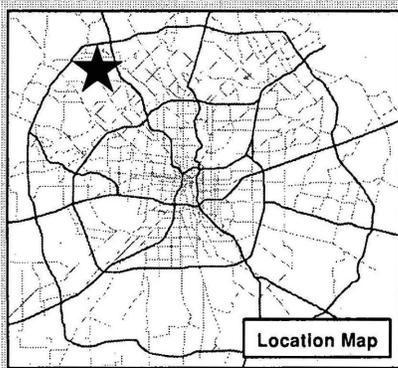
Site Map

Leon Creek North

Proposed Land Acquisition for Linear Creekway Parks

1. Old Babcock Rd. NCB 14868 (6.721 Ac.)

Council District 8



Bamberger

1

OLD BABCOCK RD

OLD BABCOCK RD

ABBAY GARDEN

ABBAY FALLS

ABBAY PARK

BABCOCK RD

Leon Creek
Greenway
North

EXHIBIT F

Rohde

City of San Antonio
Parks and Recreation Department



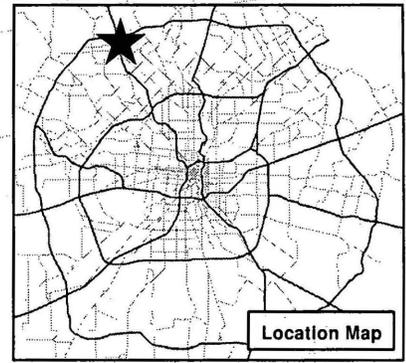
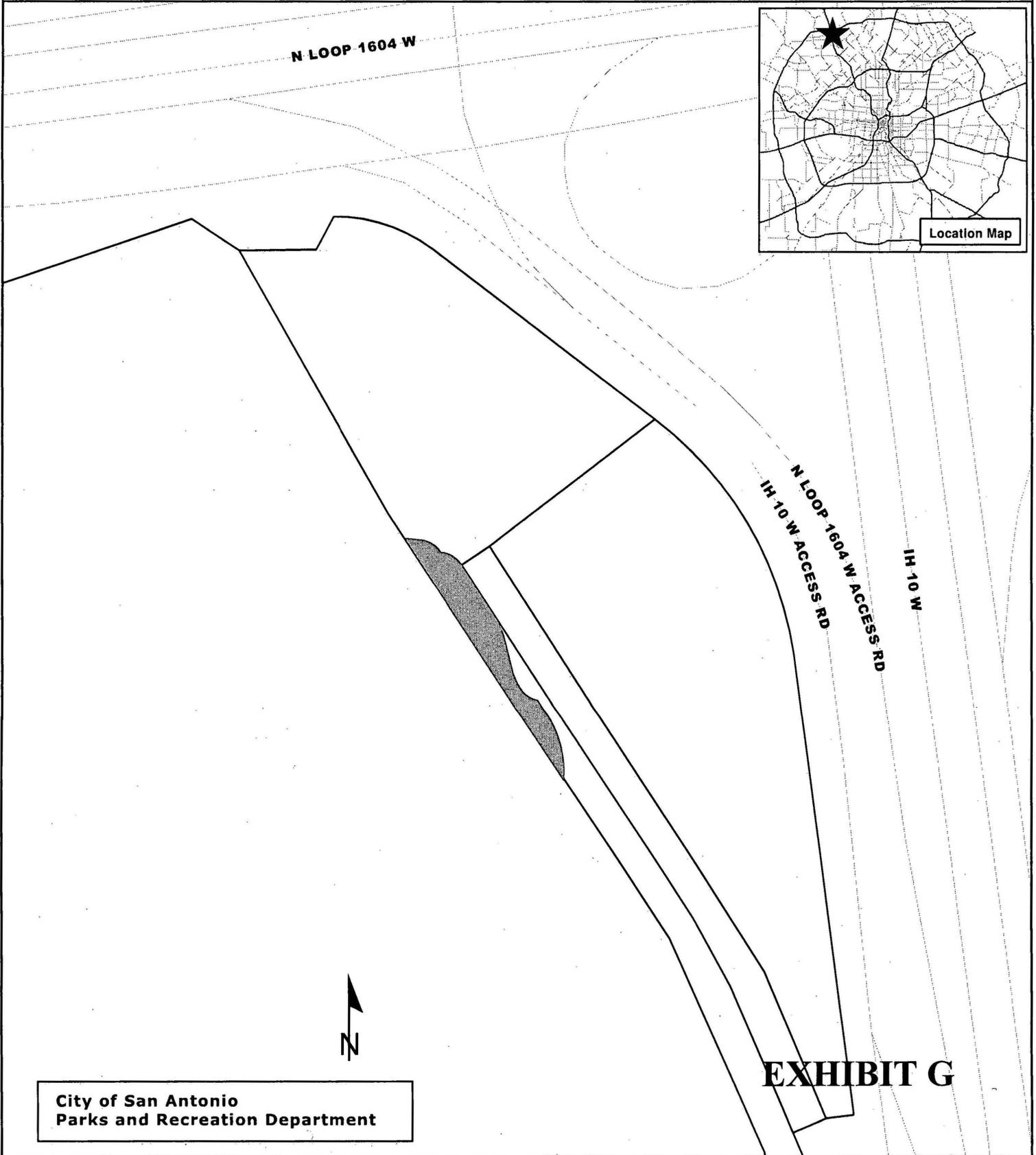
Site Map

Leon Creek North

Proposed Land Acquisition for Linear Creekway Parks

1. 15806 IH 10 West NCB 13134 and NCB 13156 and NCB 14855 (0.15 Ac.)

Council District 8



N LOOP 1604 W ACCESS RD
IH 10 W ACCESS RD
IH 10 W

EXHIBIT G

City of San Antonio
Parks and Recreation Department

Site Map

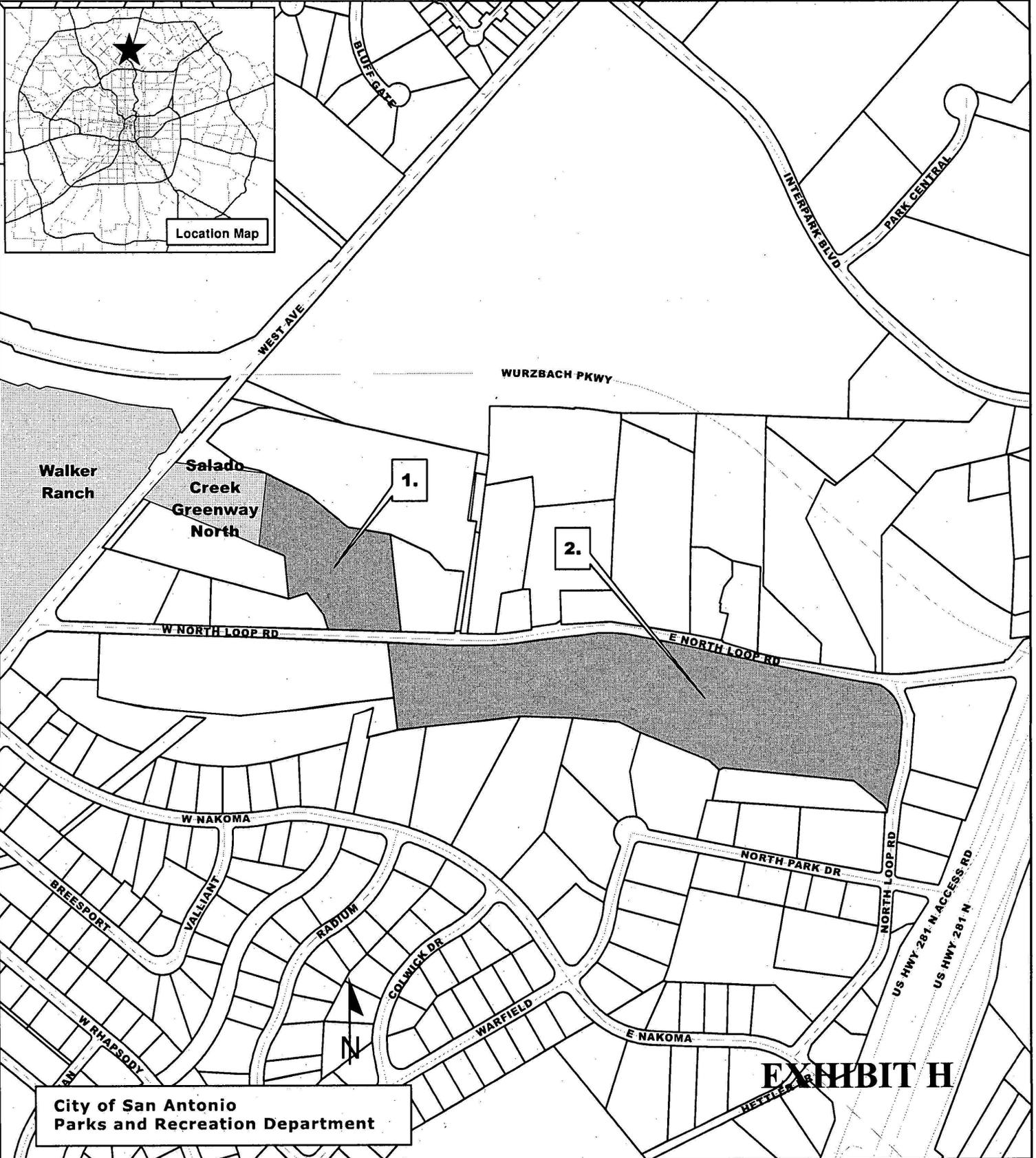
Salado Creek North

Proposed Land Acquisition for Linear Creekway Parks

1. 215 North Loop Rd NCB 12059 (6 Ac.)

2. North Loop Rd NCB 11790 (21 Ac.)

Council District 9



City of San Antonio
Parks and Recreation Department

EXHIBIT H

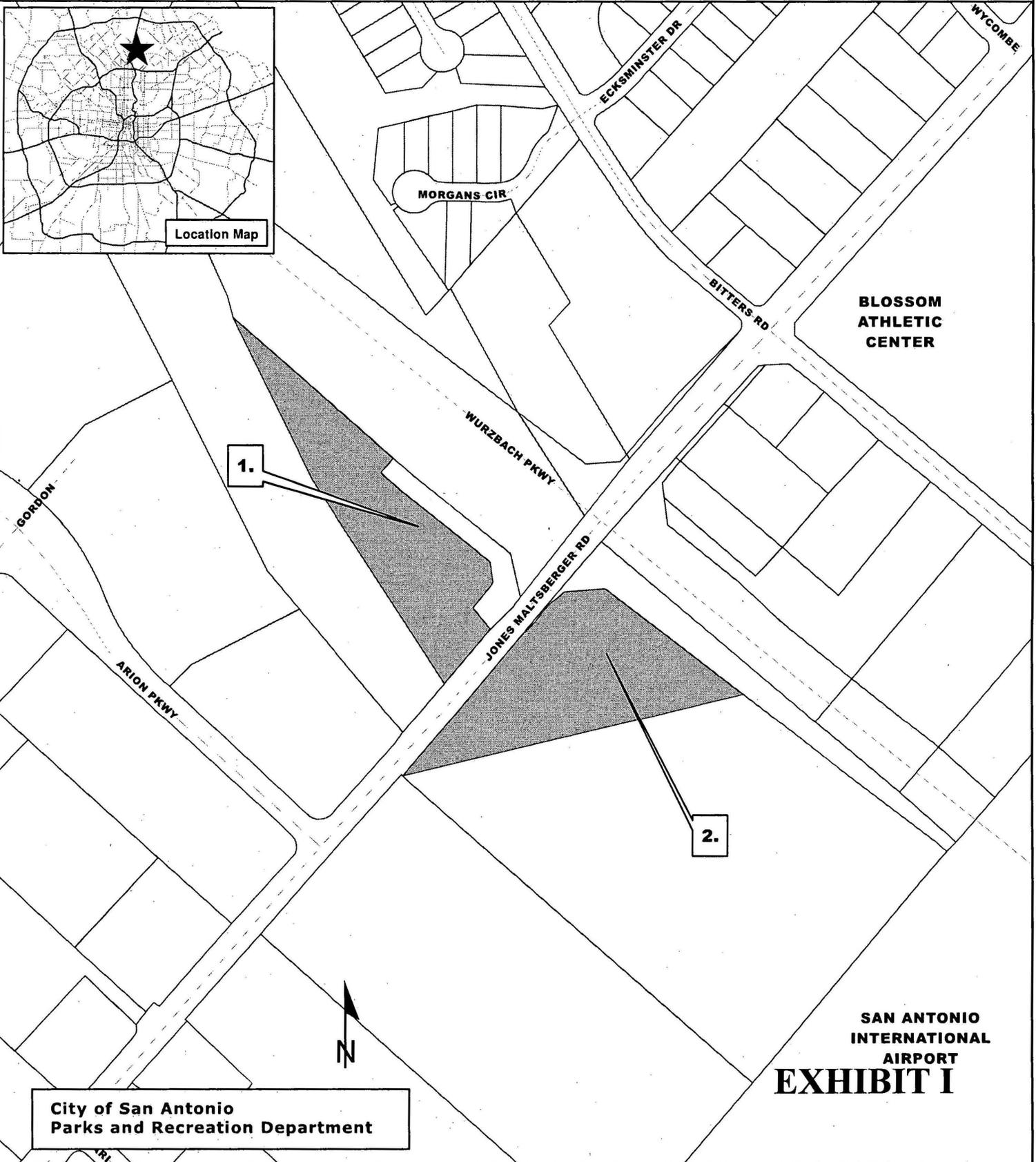
Site Map

Salado Creek North

Proposed Land Acquisition for Linear Creekway Parks

1. Jones Maltberger Rd NCB 12065 (3 Ac.)
2. Jones Maltberger Rd NCB 8644 (3 Ac.)

Council District 9



**BLOSSOM
ATHLETIC
CENTER**

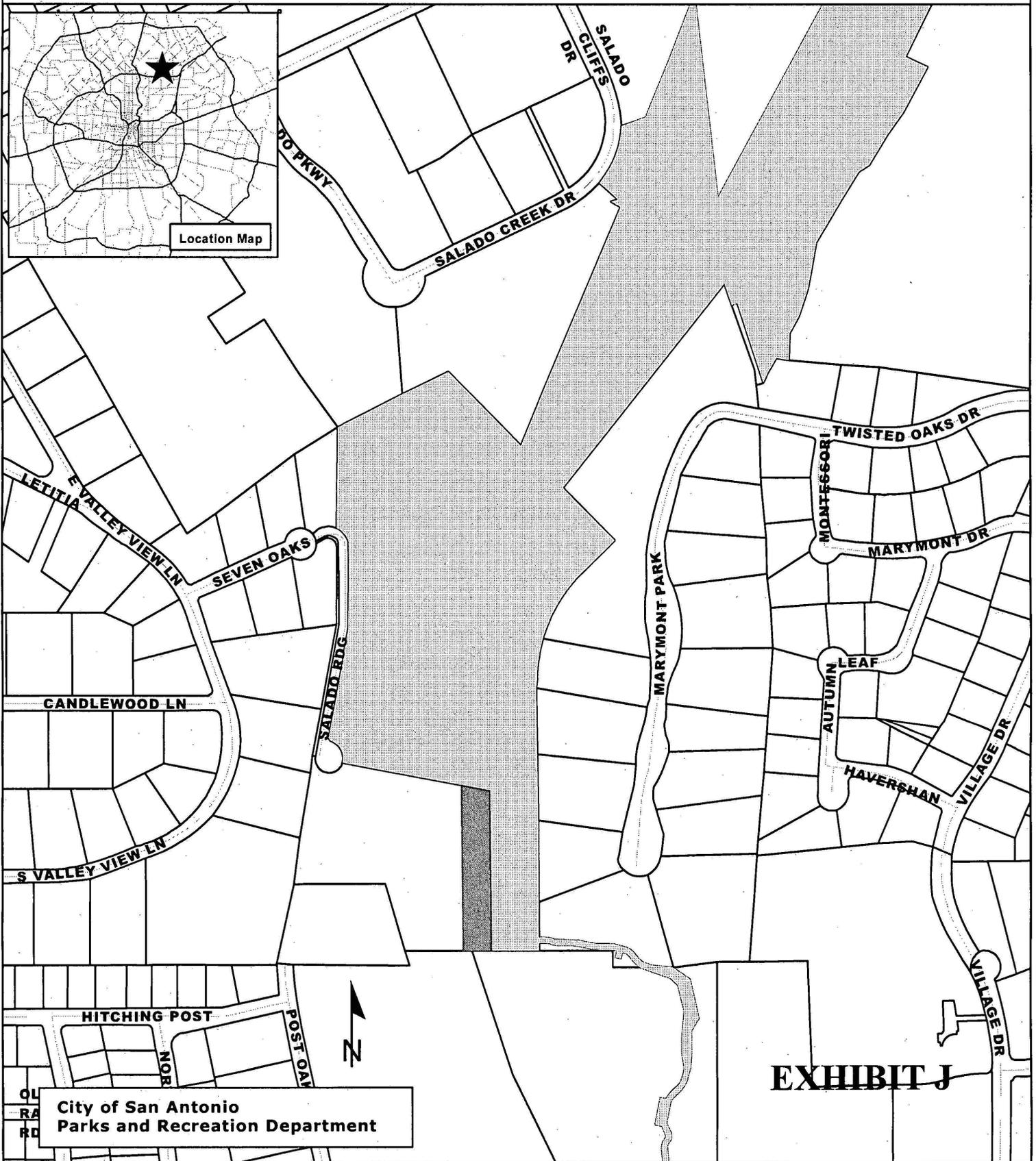
**SAN ANTONIO
INTERNATIONAL
AIRPORT
EXHIBIT I**

**City of San Antonio
Parks and Recreation Department**

Site Map

Salado Creek Greenway Central

1.5 Salado Ridge (1 Ac.) NCB 13500
Council District 10



City of San Antonio
Parks and Recreation Department

EXHIBIT J