

AN ORDINANCE 2013-08-15-0533

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF FEE SIMPLE TITLE TO THREE PARCELS OF PRIVATELY-OWNED REAL PROPERTY, CONTAINING A TOTAL OF APPROXIMATELY 37,500 SQUARE FEET (.8609 ACRES) LOCATED IN NCB 10580, FOR THE FIRE STATION #30 REPLACEMENT PROJECT, A 2012-2017 BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2; DECLARING IT TO BE A PUBLIC USE PROJECT FOR THE ACQUISITION AND AUTHORIZING EXPENDITURES IN THE AMOUNT OF \$425,000.00, PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.

* * * * *

WHEREAS, the public health, safety and best interest of the City and its citizens require the replacement of Fire Station No. 30 as part of the Fire Station #30 Replacement Project; and

WHEREAS, it is necessary to obtain and acquire fee simple title to all or a portion of privately owned real property in Council District 2 as part of the Project as further described in SECTION 2 below; and

WHEREAS, this acquisition will allow the San Antonio Fire Department to build a new fire station to accommodate the needs of a modern fire department and to replace the current location which is outdated; and

WHEREAS, authorizing the appropriation of \$425,000.00 for the acquisition of fee simple title and for other expenses associated with acquiring this property as authorized under the Fire Station #30 Replacement Project; and

WHEREAS, funds are available from 2012-2017 General Obligation Bonds included in the FY 2013-FY 2018 Capital Improvements Budget and authorized to be payable to the selected title company for land, litigation expenses and associated title fees; **NOW THEREFORE**,

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

SECTION 1. The Fire Station #30 Replacement Project is hereby declared to be a necessary public use project.

SECTION 2. The City Council of the City of San Antonio finds a public use necessity exists to acquire fee simple title to privately owned real property, by negotiation and/or condemnation, if necessary, as part of the Fire Station #30 Replacement Project, described as follows:

Parcel No.	Description
19044	All of Lot 55, NCB 10580
19043/19043A	All of Lot 17 consisting of two parcels – a 0.4980 acre tract and a 0.0249 acre tract, NCB 10580

The property for the Project is more specifically shown on the Site Map attached hereto as **Exhibit A** and further described by metes and bounds in **Exhibits B, C and D** incorporated herein for all purposes.

SECTION 3. Payment in the amount of \$425,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00416, Fire Station 30 Replacement, is authorized to be encumbered and made payable to the selected title company for land and associated fees that are involved in the acquisition 3 parcels of privately owned real property located in NCB 10580 for Fire Station #30 Replacement Project located in Council District 2 in Bexar County, Texas. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds 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 4. 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 allocations 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 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 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 the property 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 upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and **APPROVED** this 15th day of August, 2013.



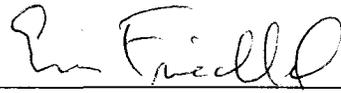
M A Y O R
Julián Castro

ATTEST:

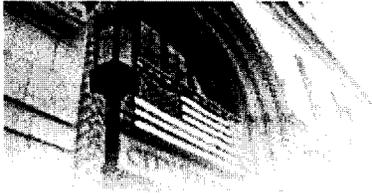


Leticia M. Vacek, City Clerk

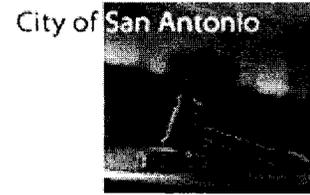
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



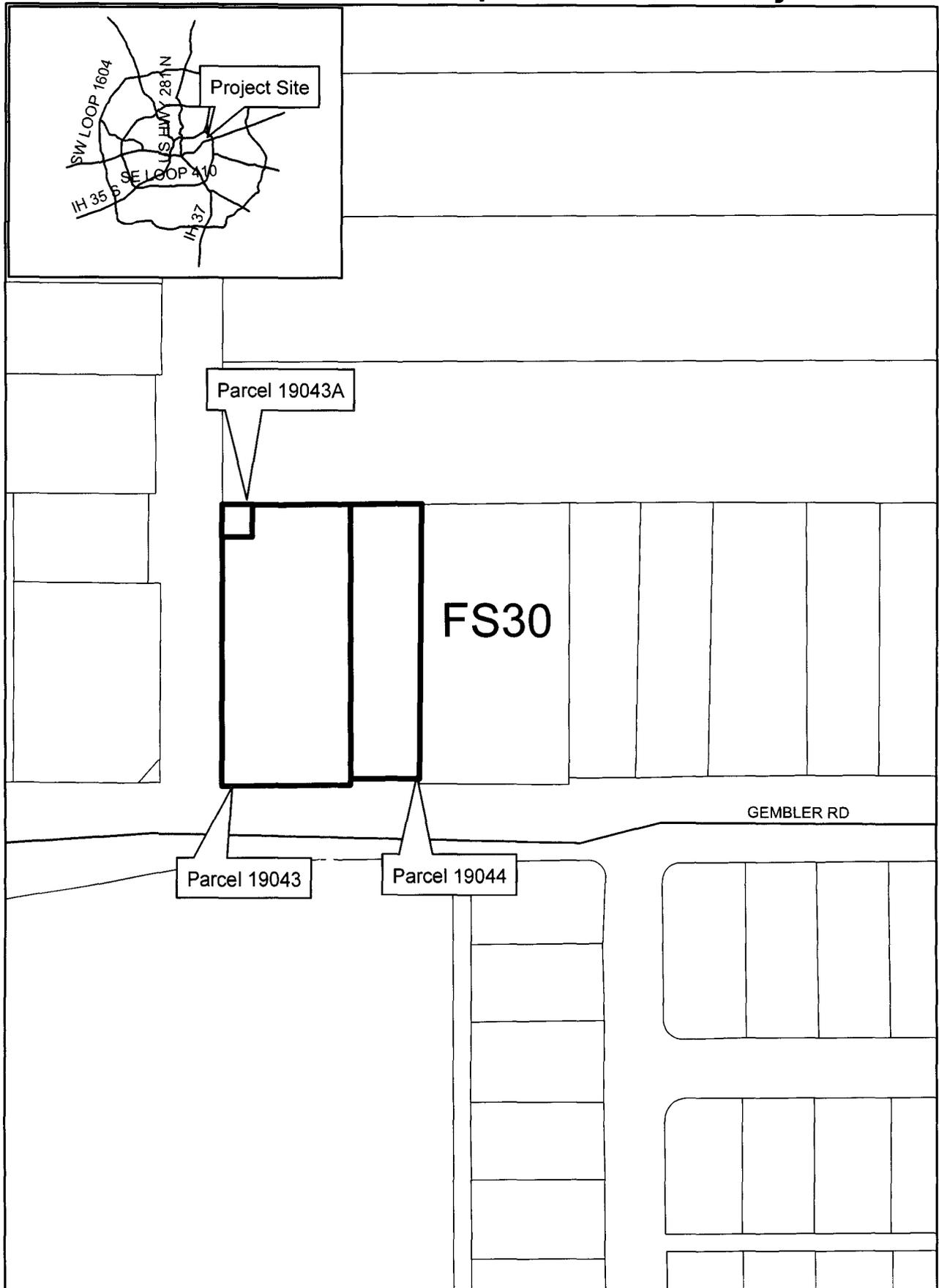
Request for
COUNCIL
ACTION



Agenda Voting Results - 9B

Name:	9A, 9B						
Date:	08/15/2013						
Time:	11:26:59 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition through negotiation or condemnation of fee simple title to three parcels of privately-owned real property, containing a total of approximately 37,500 square feet (.8609 acres) located in NCB 10580, for the Fire Station #30 Replacement Project, a 2012-2017 Bond Program funded Project, located in Council District 2; declaring it to be a public use project for the acquisition and authorizing expenditures in the amount of \$425,000.00, payable to the selected title company for land, litigation expenses and associated title fees.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

Fire Station #30 Replacement Project





METES AND BOUNDS

FOR

A 0.3128 acre, or 13,625 square feet tract of land being comprised of all of Lot 55 of the Creekview Subdivision, recorded in Volume 5140, Page 108 of the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas. Said 0.3128 acre tract being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

BEGINNING: At a found ½" iron rod at the south cutback of the intersection of the north right-of-way line of Gemblar Road, a variable width public right-of-way and the east right-of-way line of Creekview Drive, a 50-foot public right-of-way, an angle point in the north line of a called 15.5 foot right-of-way dedication, recorded in Volume 4486, Pages 1117-1120 of the Official Public Records of Bexar County, Texas;

THENCE: N 89°36'42" E, along and with the north right-of-way line of said Gemblar Road, a distance of 83.25 feet to a set ½" iron rod with cap marked "LNV-SA" on the east line of a called 0.543 acre tract described by instrument in Volume 4069, Pages 974-977 of the Official Public Records of Bexar County, Texas, the northeast corner of said 15.5 foot right-of-way dedication;

THENCE: N 00°10'57" E, along and with the east line of said 0.543 acre tract, a distance of 2.50 feet to a set ½" iron rod with cap marked "LNV-SA" at the southwest corner of said Lot 55 and the POINT OF BEGINNING of the herein described tract;

THENCE: N 00°10'57" E, along and with the east line of said 0.543 acre tract, the west line of said Lot 55, a distance of 221.03 feet to a set ½" iron rod with cap marked "LNV-SA" on the south line of Lot 16 of the Salado Irrigated Gardens subdivision, recorded in Volume 642, Page 177 of the Deed and Plat Records of Bexar County, Texas, the northeast corner of said 0.543 acre tract, the northwest corner of said Lot 55;

THENCE: N 89°36'42" E, along and with the north line of said Lot 55, the south line of said Lot 16, a distance of 63.40 feet to a point at the northeast corner of said Lot 55;

THENCE: S 01°05'42" W, departing the south line of said Lot 16, along and with the east line of said Lot 55, a distance of 221.10 feet to a set ½" iron rod with cap marked "LNV-SA" at the southeast corner of said Lot 55, the northeast corner of a called 18-foot right-of-way dedication as shown in said Creekview Subdivision, from which a found ½" iron rod bears S 01°05'42" W, a distance of 2.50 feet;



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THENCE: S 89°36'42" W, along and with the north right-of-way line of said Gemblar Road, a distance of 59.88 feet to the POINT OF BEGINNING and containing 0.3128 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.;

Prepared by: LNV Inc.
Job No.: 110187.180
File: S:\Projects\COSA\110187-On Call Svc- Civil Eng CIMS04003\180 - Fire Station 30 Survey\Survey\MB110187.180 - 1st Tract.docx
Date: August 2, 2013
TBPLS Firm No.: 10126502

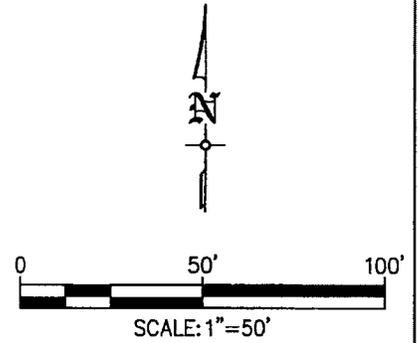


Brett Walker 8/6/13



NOTE:

1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.
3. ALL CORNERS ARE SET 1/2" IRON RODS WITH CAP MARKED "LNV SA" UNLESS STATED OTHERWISE.



LOCATION MAP
(NOT TO SCALE)

LEGEND

- ⊙ = FOUND IRON ROD
- = PROPERTY CORNER
- ⊖ = POWER POLE
- ⊕ = STORM MANHOLE
- x - = WIRE FENCE

O.P.R.= OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R.= DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS



I hereby certify that:

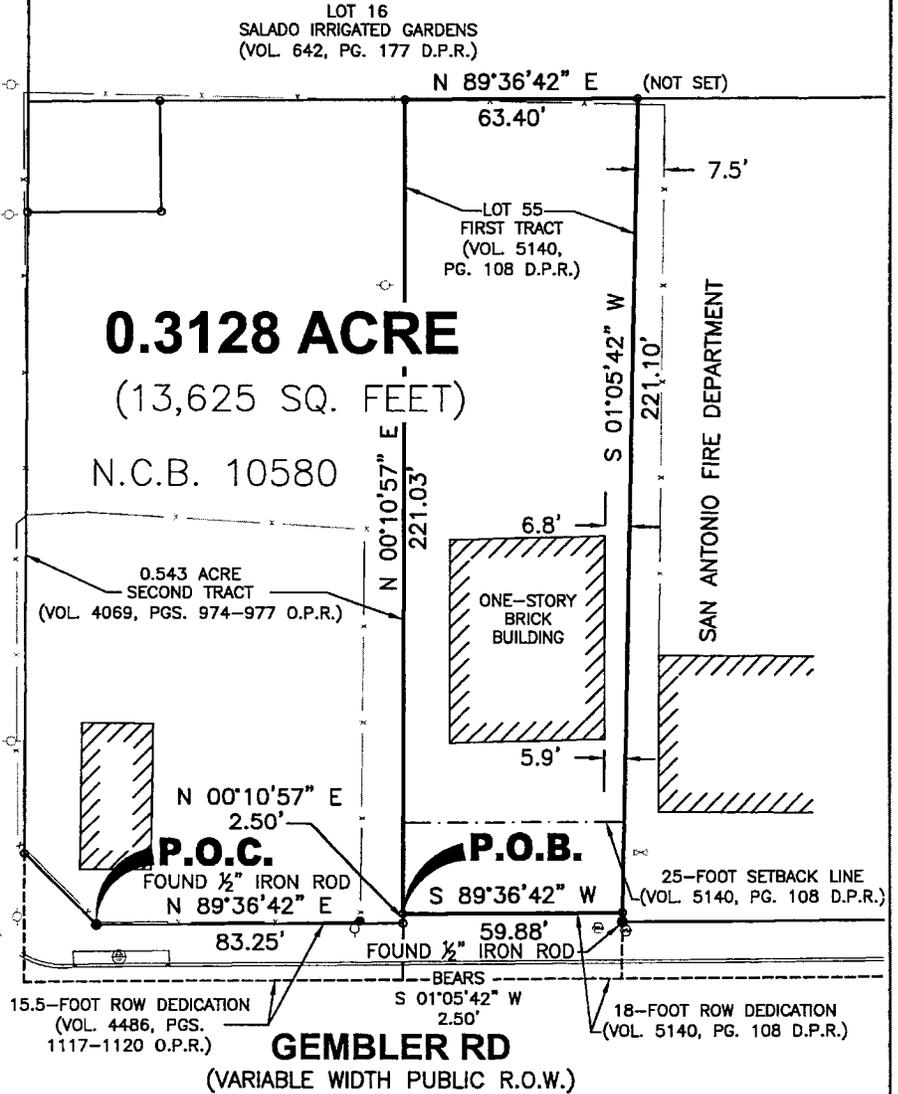
This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

This 2nd day of August, 2013 A.D.

Brett Walker

Brett Walker
Registered Professional Land Surveyor No. 6216

CREEKVIEW DR
(50 FOOT PUBLIC R.O.W.)



REVISED: 8-06-2013



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8918 TESORO DR., STE. 401
SAN ANTONIO, TEXAS 78217
TBPE FIRM NO. F-366

PH. (210) 822-2232
FAX (210) 822-4032
WWW.LNVINC.COM

LAND TITLE SURVEY
OF

A 0.3128 acre, or 13,625 square feet tract of land being comprised of all of Lot 55 of the Creekview Subdivision, recorded in Volume 5140, Page 108 of the Deed and Plat Records of Bexar County, Texas, in New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas

DRAWN BY: JMW
SCALE: 1"=50'
DATE: 8-2-2013
SHEET

1 OF 1



METES AND BOUNDS

FOR

A 0.4980 acre, or 21,693 square feet tract of land being out of a called 0.543 acre tract (second tract), described by instrument recorded in Volume 4069, Pages 974-977 the Official Public Records of Bexar County, Texas in New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas. Said 0.4980 acre tract also being out of Lot 17 of the Salado Irrigated Gardens subdivision, recorded in Volume 642, Page 177 of the Deed and Plat Records of Bexar County, Texas and being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

BEGINNING: At a found ½" iron rod at the south cutback of the intersection of the north right-of-way line of Gemblar Road, a variable width public right-of-way and the east right-of-way line of Creekview Drive, a 50-foot public right-of-way, an angle point in the north line of a called 15.5 foot right-of-way dedication, recorded in Volume 4486, Pages 1117-1120 of the Official Public Records of Bexar County, Texas;

THENCE: N 45°15'45" W, along and with said cutback, a northeast line of said right-of-way dedication, a distance of 27.83 feet to a set ½" iron rod with cap marked "LNV-SA" at the north end of said cutback;

THENCE: N 00°22'31" E, along and with the east right-of-way line of said Creekview Drive, the west line of said 0.543 acre tract, a distance of 173.92 feet to a set ½" iron rod with cap marked "LNV-SA", the southwest corner of a water tank reservation area, as mentioned in 0.543 acre tract description;

THENCE: N 89°40'58" E, departing the east right-of-way line, along and with a north line of said 0.543 acre tract, a distance of 36.50 feet to a set ½" iron rod with cap marked "LNV-SA" at the southeast corner of said water tank reservation area;

THENCE: N 00°46'02" W, along and with a west line of said 0.543 acre tract, a distance of 29.94 feet to a set ½" iron rod with cap marked "LNV-SA" at the northeast corner of said water tank reservation area, on the south line of Lot 16 of said Salado Irrigated Gardens subdivision;

THENCE: N 89°36'42" E, along and with the north line of said 0.543 acre tract, the south line of said Lot 16, a distance of 66.49 feet to a set ½" iron rod with cap marked "LNV-SA" at the northwest corner of Lot 55 of the Creekview Subdivision, recorded in Volume 5140, Page 108 of the Deed and Plat Records of Bexar County, Texas, the northeast corner of said 0.543 acre tract;



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THENCE: S 00°10'57" W, along and with the west line of said Lot 55, the east line of said 0.543 acre tract, passing at a distance of 221.03 feet a set ½" iron rod with cap marked "LNV-SA" at the southwest corner of said Lot 55, and continuing along and with the east line of said 0.543 acre tract for a distance of 2.50 feet for a total distance of 223.53 feet to a set ½" iron rod with cap marked "LNV-SA" on the north right-of-way line of said Gemblor Road, the northeast corner of aforementioned 15.5 foot right-of-way dedication;

THENCE: S 89°36'42" W, along and with the north right-of-way line of said Gemblor Road, the north line of said 15.5 foot right-of-way dedication, a distance of 83.25 feet to the POINT OF BEGINNING and containing 0.4980 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.;

Prepared by: LNV Inc.
Job No.: 110187.180
File: S:\Projects\COSA\110187-On Call Svc- Civil Eng CIMS04003\180 - Fire Station 30 Survey\Survey\MB110187.180 2nd Tract.docx
Date: August 2, 2013
Revised: August 6, 2013
TBPLS Firm No.: 10126502

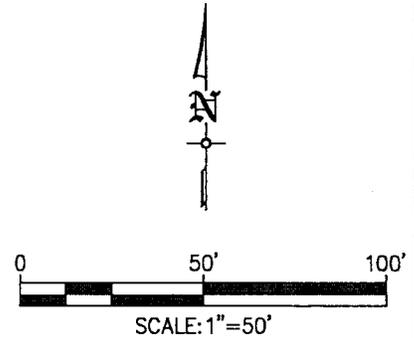


8/6/13
Brett Walker



NOTE:

1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.
3. CORNERS OF 1.500 ACRE TRACT ARE ALL SET 1/2" IRON RODS WITH CAP MARKED "LNV SA" UNLESS STATED OTHERWISE.



**LOCATION MAP
(NOT TO SCALE)**

LEGEND

- ⊙ = FOUND IRON ROD
- = PROPERTY CORNER
- = POWER POLE
- ⊙ = STORM MANHOLE
- x — = WIRE FENCE

O.P.R.= OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
 D.P.R.= DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS



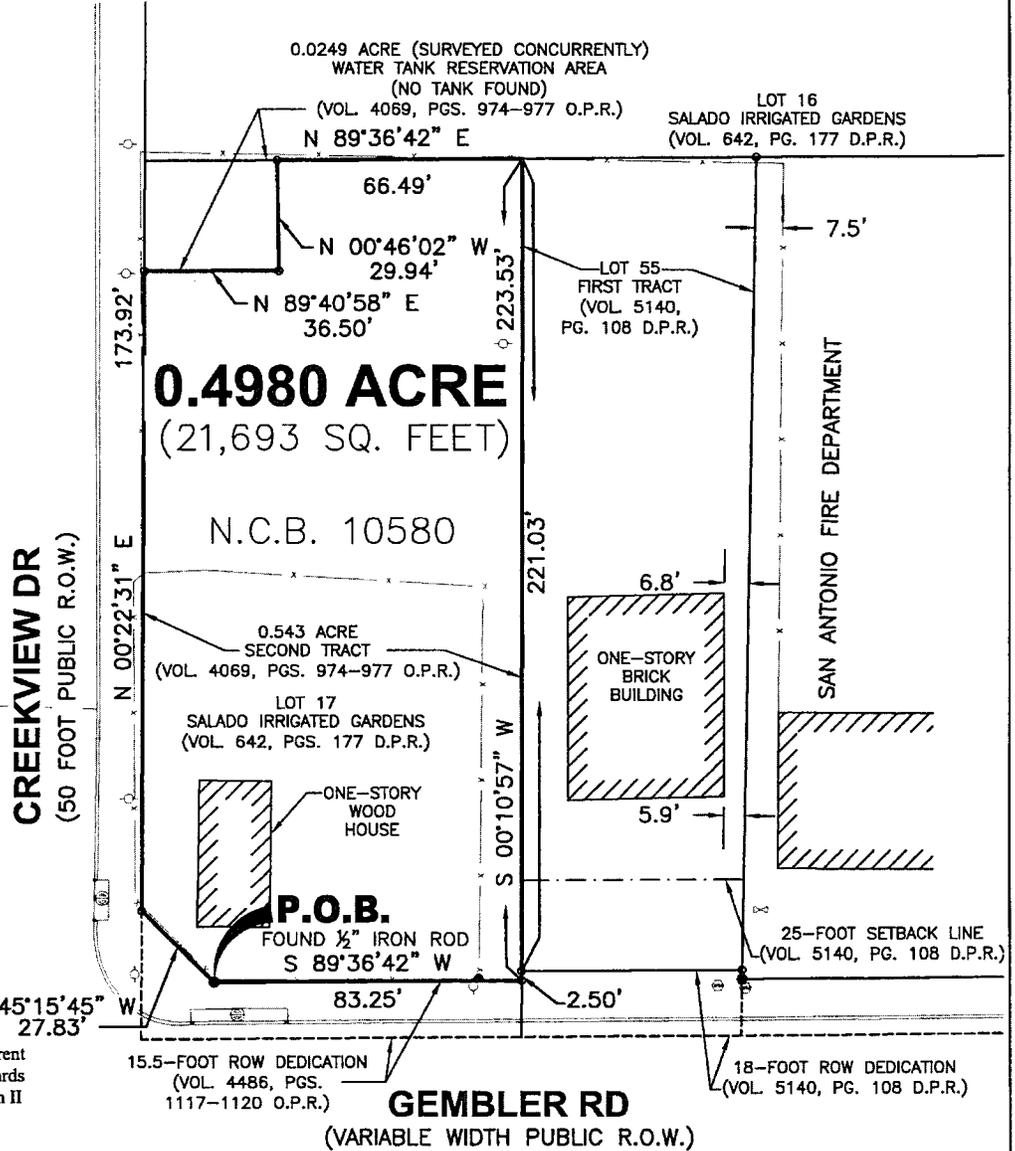
I hereby certify that:

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

This 2nd day of August, 2013 A.D.

Brett Walker

Brett Walker
 Registered Professional Land Surveyor No. 6216



<p>engineers architects contractors</p> <p>8918 TESORO DR., STE. 401 SAN ANTONIO, TEXAS 78217 TPBE FIRM NO. F-368</p>	<p>LAND TITLE SURVEY OF</p> <p>A 0.4980 acre, or 21,693 square feet tract of land being out of a called 0.543 acre tract (second tract), described by instrument recorded in Volume 4069, Pages 974-977 the Official Public Records of Bexar County, Texas in New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas. Said 0.4980 acre tract also being out of Lot 17 of the Salado Irrigated Gardens subdivision, recorded in Volume 642, Page 177 of the Deed and Plat Records of Bexar County, Texas</p>	REVISED: 8-06-2013
		DRAWN BY: JMW SCALE: 1"=50' DATE: 8-2-2013 SHEET

1 OF 1



METES AND BOUNDS
FOR

An 0.0249 acre, or 1,083 square feet tract of land being all of a water tank reservation area, originally reserved from conveyance by instrument recorded in Volume 868, Page 392-394 of the Deed Records of Bexar County, Texas and further evidenced by description recorded in Volume 4069, Pages 974-977 of the Official Public Records of Bexar County, Texas, all within New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas. Said 0.0249 acre tract also being out of Lot 17 of the Salado Irrigated Gardens subdivision, recorded in Volume 642, Page 177 of the Deed and Plat Records of Bexar County, Texas being more fully described as follows with bearings based on the North American Datum of 1983 (CORS 1996) from the Texas State Plane Coordinate System, Texas South Central Zone:

- COMMENCING: At a found ½" iron rod at the south cutback of the intersection of the north right-of-way line of Gembler Road, a variable width public right-of-way and the east right-of-way line of Creekview Drive, a 50-foot public right-of-way, an angle point in the north line of a called 15.5 foot right-of-way dedication, recorded in Volume 4486, Pages 1117-1120 of the Official Public Records of Bexar County, Texas;
- THENCE: N 45°15'45" W, along and with said cutback, a northeast line of said right-of-way dedication, a distance of 27.83 feet to a set ½" iron rod with cap marked "LNV-SA" at the north end of said cutback;
- THENCE: N 00°22'31" E, along and with the east right-of-way line of said Creekview Drive, the west line of a 0.543 acre tract described by instrument recorded in Volume 4069, Pages 974-977 of the Official Public Records of Bexar County, Texas, a distance of 173.92 feet to a set ½" iron rod with cap marked "LNV-SA" for the POINT OF BEGINNING of the herein described tract, a northwest corner of said 0.543 acre tract;
- THENCE: N 00°22'31" E, along and with the east right-of-way line of said Creekview Drive, the west line of said water tank reservation area, a distance of 29.89 feet to a set ½" iron rod with cap marked "LNV-SA" at the northwest corner of said water tank reservation area, the southwest corner of Lot 16 of said Salado Irrigated Gardens subdivision;
- THENCE: N 89°36'42" E, departing the east right-of-way line of said Creekview Drive, along and with the north line of said water tank reservation area, the south line of said Lot 16, a distance of 35.90 feet to a set ½" iron rod with cap marked "LNV-SA" at a northwest corner of said 0.543 acre tract, the northeast corner of said water tank reservation area;



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THENCE: S 00°46'02" E, along and with a west line of said 0.543 acre tract, the east line of said water tank reservation area, a distance of 29.94 feet to a set ½" iron rod with cap marked "LNV-SA" at a reentrant corner of said 0.543 acre tract, the southeast corner of said water tank reservation area;

THENCE: S 89°40'58" W, along and with a north line of said 0.543 acre tract, the south line of said water tank reservation area, a distance of 36.50 feet to the POINT OF BEGINNING and containing 0.0249 of an acre in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by LNV, Inc.;

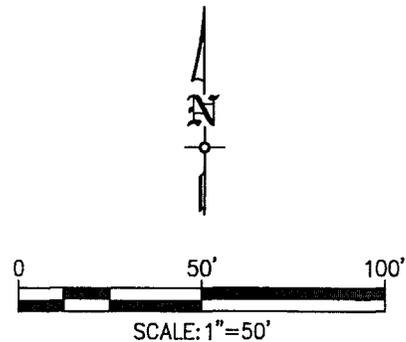
Prepared by: LNV Inc.
Job No.: 110187.180
File: S:\Projects\COSA\110187-On Call Svc- Civil Eng CIMS04003\180 - Fire Station 30 Survey\Survey\MB110187.180.docx
Date: July 16, 2013
Revised: August 6, 2013
TBPLS Firm No.: 10126502





NOTE:

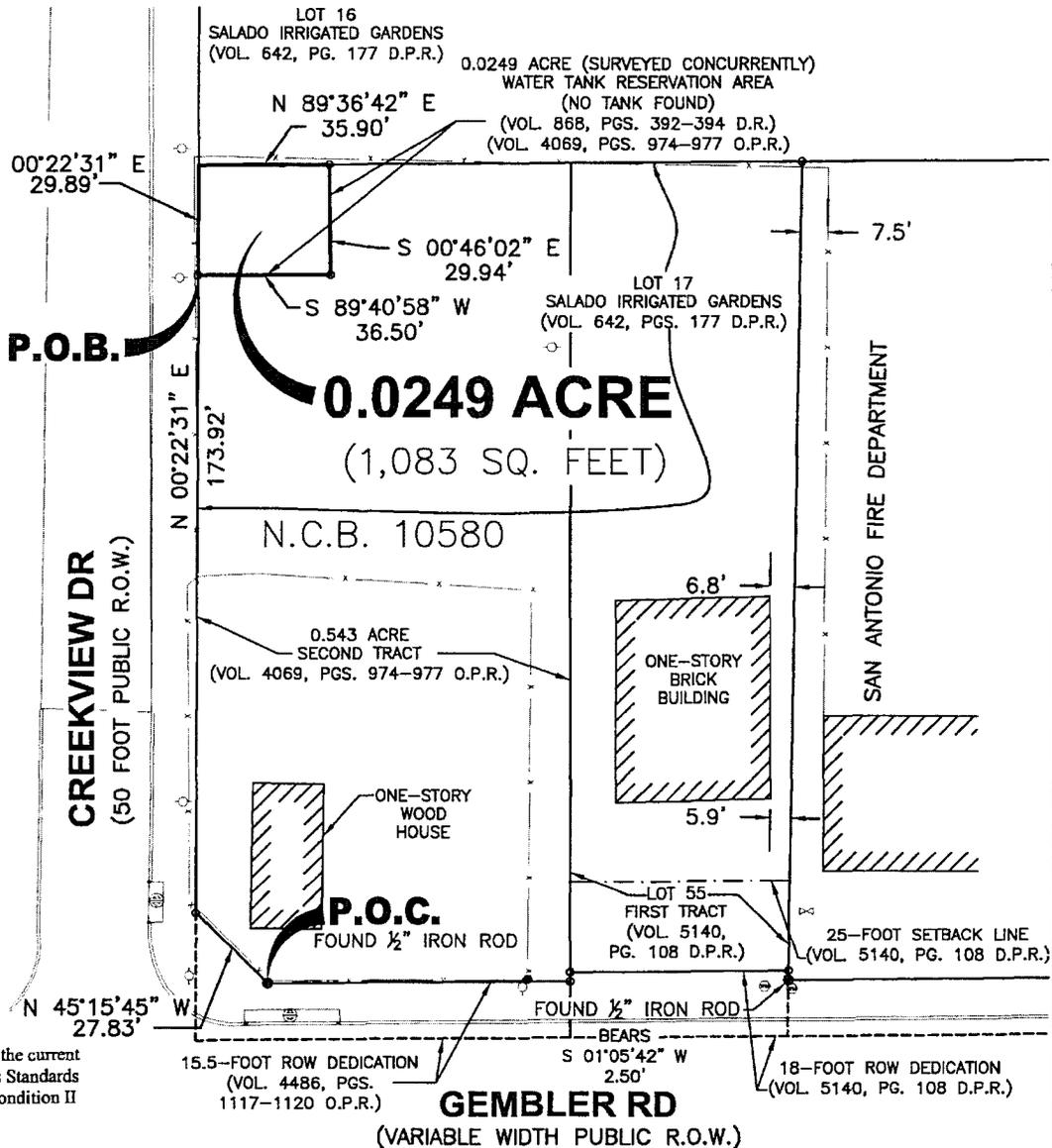
1. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983(CORS 1996), FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.
3. CORNERS OF 1.500 ACRE TRACT ARE ALL SET 1/2" IRON RODS WITH CAP MARKED "LNV SA" UNLESS STATED OTHERWISE.



LOCATION MAP
(NOT TO SCALE)

LEGEND

- ⊙ = FOUND IRON ROD
 - = PROPERTY CORNER
 - ⊖ = POWER POLE
 - ⊕ = STORM MANHOLE
- O.P.R.= OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
D.P.R.= DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
D.R.= DEED RECORDS OF BEXAR COUNTY, TEXAS



I hereby certify that:

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

This 17th day of July, 2013 A.D.

Brett Walker

Brett Walker
Registered Professional Land Surveyor No. 6216

REVISED: 8-06-2013



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8918 TESORO DR., STE. 401
SAN ANTONIO, TEXAS 78217
TBPE FIRM NO. F-366

PH. (210) 822-2232
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LAND TITLE SURVEY
OF

An 0.0249 acre, or 1,083 square feet tract of land being all of a water tank reservation area, originally reserved from conveyance by instrument recorded in Volume 868, Page 392-394 of the Deed Records of Bexar County, Texas and further evidenced by description recorded in Volume 4069, Pages 974-977 of the Official Public Records of Bexar County, Texas, all within New City Block (N.C.B.) 10580 of the City of San Antonio, Bexar County Texas. Said 0.0249 acre tract also being out of Lot 17 of the Salado Irrigated Gardens subdivision, recorded in Volume 642, Page 177 of the Deed and Plat Records of Bexar County, Texas

DRAWN BY: JMW

SCALE: 1"=100'

DATE: 7-16-2013

SHEET

1 OF 1