

AN ORDINANCE 2009-06-11-0496

AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF FEE SIMPLE TITLE TO THREE PARCELS OF PRIVATELY OWNED PROPERTY LOCATED WITHIN THE BEACON HILL NEIGHBORHOOD AREA IN COUNCIL DISTRICT 1 FOR THE BEACON HILL LINEAR PARK PROJECT; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING THE EXPENDITURE OF \$100,000.00 FOR THE ACQUISITION.

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WHEREAS, property interests to three parcels of privately owned land are required for the Beacon Hill Linear Park Project; and

WHEREAS, this acquisition will allow for a future development of a linear park through the Beacon Hill Neighborhood area to include walking trails and sports courts; and

WHEREAS, this Ordinance authorizes the acquisition of three parcels of land located in the Beacon Hill Neighborhood area in Council District 1 at a fair market value through negotiation or condemnation; and

WHEREAS, this Ordinance authorizes the appropriation of \$100,000.00 for the acquisition of fee simple title and for other expenses associated with acquiring these properties; **NOW THEREFORE**,

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

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee simple title to three parcels of privately owned real property located in the Beacon Hill Neighborhood area in Council District 1 for the Beacon Hill Linear Park Project. Said parcels of land are generally described as follows:

Parcel No. 18315 -- Lots 21, 22 and 23, Block 2, New City Block 3103

Parcel No. 18316 -- Lots 39,40 and 41, Block 2, New City Block 3103

Parcel No. 18317 -- Lots 5 and 6, Block 8, New City Block 3109

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. The following financial adjustments are hereby approved:

The previously appropriated amount of \$100,000.00 in SAP Fund 43099000, Certificates of Obligation Capital Projects, SAP Project Definition 40-00205, Property Acquisition for Open Space-District 1, is authorized to be encumbered and made payable for land, due diligence and closing costs related to the acquisition of three parcels of land located in Bexar County, Texas.

SECTION 5. 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.

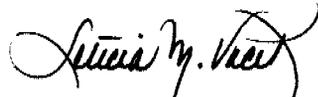
SECTION 6. This Ordinance shall be effective on the tenth day after passage hereof.

PASSED AND APPROVED this the 11th day of June, 2009.



M A Y O R
JULIÁN CASTRO

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney

Agenda Item:	19						
Date:	06/11/2009						
Time:	10:54:57 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition, through negotiation and/or condemnation of fee simple title to three parcels of privately owned property located within the Beacon Hill Neighborhood area in Council District 1 for the Beacon Hill Linear Park Project; declaring it to be a public project; declaring a public necessity for the acquisition; and authorizing the expenditure of \$100,000.00 for the acquisition. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julian Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				x
Diane G. Cibrian	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

Beacon Hill Linear Park Project

