

AN ORDINANCE      **2011-05-12-0375**

**AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION, DEDICATION, AND/OR CONDEMNATION OF UP TO 10 PARCELS OF PRIVATELY OWNED REAL PROPERTY LOCATED IN NCB 16523 AND NCB 16524 IN COUNCIL DISTRICT 6 FOR THE WESTWOOD VILLAGE DRAINAGE (PINN ROAD TO OLD HIGHWAY 90) 2007-2012 BOND PROGRAM PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$400,000.00 FROM THE 2007-2012 GENERAL OBLIGATION BOND PROGRAM FOR THE ACQUISITION.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio (“City”) desires to acquire up to 10 parcels of privately owned real property as part of the Westwood Village Drainage (Pinn Road to Old Highway 90) 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 interest to privately owned real property in Council District 6 as part of the Project as further described in SECTION 2 below; and

**WHEREAS**, the purpose of this project is to alleviate flooding in the area and along the channel wherein flooding on both commercial and residential properties have occurred due to the current inadequate sized drainage channel, poor current condition of the channel, and lack of adequate drainage improvements; and

**WHEREAS**, the project will include the design and construction of culvert and detention basin, right of way acquisitions for removal of properties from 100-year floodplain, and reconstruction of existing box culvert drainage system at Old Highway 90 to provide sufficient drainage improvements; and

**WHEREAS**, the project is scheduled to begin in December 2011 and estimated to be completed in June 2012; and

**WHEREAS**, there is a one-time capital improvement expenditure in the amount of \$400,000.00 which is included in the FY2011-2016 Capital Budget and in the project funding; funding available from 2007-2012 General Obligation Bonds and authorized to be made payable to the selected title companies for land, title, and closing costs. The values of these acquisitions are based on professional appraisals performed by Dugger, Canaday, Grafe Inc. between March 11 and March 16, 2011 project is approved and funded through the 2007-2012 General Obligation Bond Project; **NOW THEREFORE**,

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

**SECTION 1.** Westwood Village Drainage Project (Pinn Road to Old Highway 90) 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 a fee simple interest in privately owned real property, by negotiation, dedication, and/or condemnation, if necessary, as part of the Westwood Village Drainage Project (Pinn Road to Old Highway 90), of the following:

PARCEL NO.	LEGAL DESCRIPTION
18814	Lot 7, Block 13, NCB 16523
18815	Lot 8, Block 13, NCB 16523
18817	Lot 10 & 11, Block 13, NCB 16523
18818	Lot 12 & 13, Block 13, NCB 16523
18819	Lot 14, Block 13, NCB 16523
18820	Lot 15, Block 13, NCB 16523
18821	Lot 16, Block, NCB 16523
18822	Lot 17, Block 13, NCB 16523
18823	Lot 18, Block 13, NCB 16523
18824	Lot 19, Block 14, NCB 16524

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

**SECTION 3.** Payment in the amount of \$400,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00068, Westwood Village Drainage, is authorized to be encumbered and made payable to the selected title company for the acquisition of 10 parcels of privately owned real property located in NCB 16523 and NCB 16524 in Bexar County, Texas.

**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 owners 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 Chief Financial Officer 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 if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

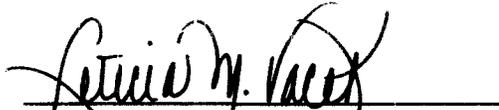
**PASSED AND APPROVED** this the 12<sup>th</sup> day of May, 2011.



M A Y O R  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**



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

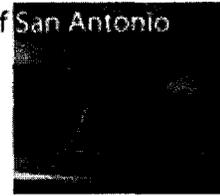


for \_\_\_\_\_  
Michael D. Bernard, City Attorney



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

City of San Antonio

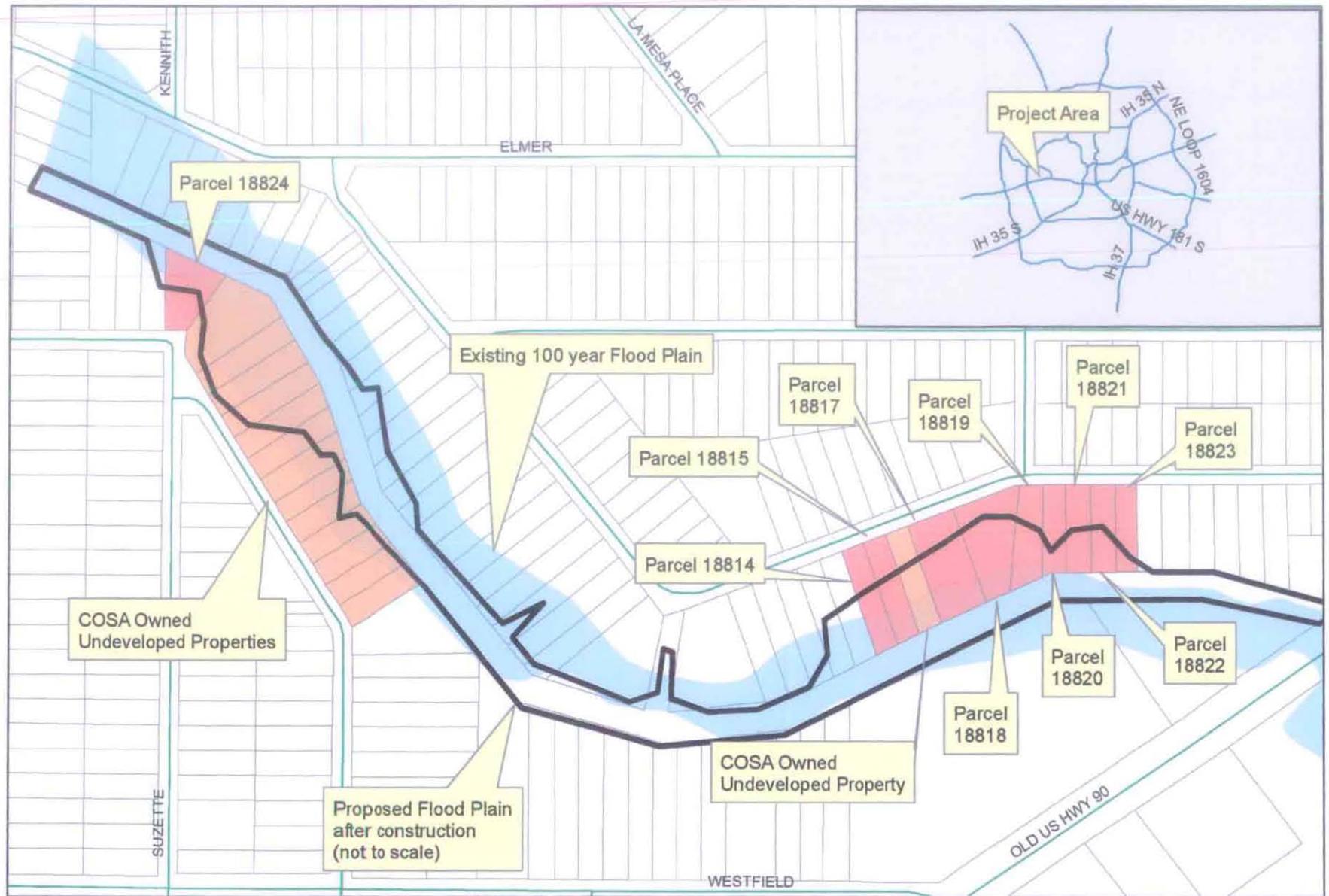


## Agenda Voting Results - 12

<b>Name:</b>	6, 9, 10, 11, 12, 16, 17, 20, 21, 23A, 23B, 24, 26A, 26B, 27, 28, 29, 30						
<b>Date:</b>	05/12/2011						
<b>Time:</b>	10:52:02 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acquisition through negotiation or friendly condemnation of up to 10 parcels of privately owned real property located in NCB 16523 and NCB 16524 in Council District 6 for the Westwood Village Drainage (Pinn Road to Old Highway 90) 2007-2012 Bond Program Project; declaring it to be a public project and a public necessity for the acquisition; and authorizing the expenditure of \$400,000.00 from the 2007-2012 General Obligation Bond Program for the acquisition. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Capital Improvements Management Services]						
<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				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	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				x
John G. Clamp	District 10		x				

# Westwood Village Drainage Project (Pinn Road to Old Highway 90)

EXHIBIT A



# Westwood Village Drainage

EXHIBIT B

