

AN ORDINANCE

2011-06-09-0478

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF 3.252 ACRES OF ONE PARCEL OF PRIVATELY OWNED VACANT REAL PROPERTY LOCATED WITHIN NCB 13808 IN COUNCIL DISTRICT 10, FOR THE RANDOLPH-WEIDNER DRAINAGE IMPROVEMENTS PHASE II PROJECT; DECLARING IT TO BE A PUBLIC PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITION; AND AUTHORIZING THE EXPENDITURE OF \$24,500.00 FOR THE ACQUISITION, AVAILABLE FROM AUTHORIZED STORM WATER REGIONAL FACILITIES FUNDS.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire all or a portion of privately owned real property as part of the Randolph-Weidner Drainage Improvements Phase II 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 interest to all, or a portion of, privately owned real property in Council District 10 as part of the Project as further described in SECTION 2 below; and

WHEREAS, the project includes the widening and realigning of the South Weidner roadway between Moongrove Pass and the Bexar County limits and also will enlarge a storm water detention pond to improve local flood control to minimize flood risk to people and properties in the general project vicinity and downstream areas; and

WHEREAS, the project also includes the elimination of a current sharp roadway curve condition and constructing new roadway culverts to eliminate a current low water crossing condition; and

WHEREAS, this project is a Storm Water Regional Facilities funded project and is included in the FY 2011- FY 2016 Capital Improvement Plan; **NOW THEREFORE**,

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

SECTION 1. Randolph-Weidner Drainage Improvements Phase II 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 interest to all, or a portion of, privately owned real property, out of NCB 13808, by negotiation or condemnation, if necessary, as part of the Randolph-Weidner Drainage Improvements Phase II Project.

The properties are more specifically shown on the Site Map attached hereto as **Exhibit A** and more particularly described by survey and field notes as **Exhibit B** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

SECTION 3. Payment in the amount of the \$24,500.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01192, Randolph Weidner Drainage Detention Phase II, is authorized to be encumbered and made payable for land, title, due diligence and closing costs related to the acquisition of 3.252 acres of one parcel of privately owned vacant real property located within NCB 13808 in Council District 10.

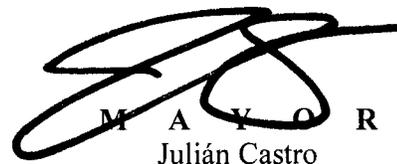
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers 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.

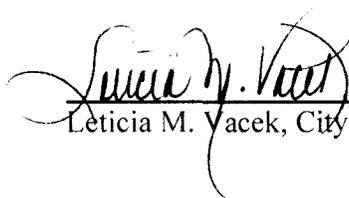
SECTION 6. In the event that the City negotiations fail and staff is unable to acquire the property from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized 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 9th day of June, 2011.

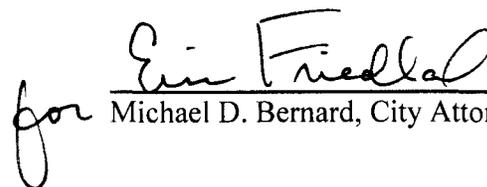

M A Y O R
Julián Castro

ATTEST:

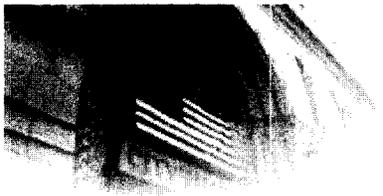


Leticia M. Yacek, City Clerk

APPROVED AS TO FORM:

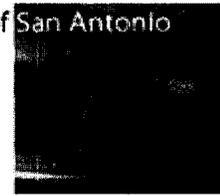


for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 9

| | | | | | | | |
|------------------------|---|--------------------|------------|------------|----------------|---------------|---------------|
| Name: | 6, 7, 9, 10, 11, 12A, 12B, 12C, 13, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K, 15L, 15M, 15N, 15O, 16, 17, 19A, 19B, 21, 24 | | | | | | |
| Date: | 06/09/2011 | | | | | | |
| Time: | 09:31:23 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | An Ordinance authorizing the acquisition through negotiation or condemnation of 3.252 acres of one parcel of privately owned vacant real property located within NCB 13808 in Council District 10, for the Randolph-Weidner Drainage Improvements Phase II Project; declaring it to be a public project and a public necessity for the acquisition; and authorizing the expenditure of \$24,500.00 for the acquisition, available from authorized Storm Water Regional Facilities Funds. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Capital Improvements Management Services] | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Julián Castro | Mayor | | x | | | | |
| Mary Alice P. Cisneros | District 1 | | x | | | x | |
| Ivy R. Taylor | District 2 | | x | | | | |
| Jennifer V. Ramos | District 3 | | x | | | | |
| Rey Saldaña | 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 |
| Carlton Soules | District 10 | | x | | | | |

Randolph - Weidner Drainage Improvements Phase II Project Council District 10

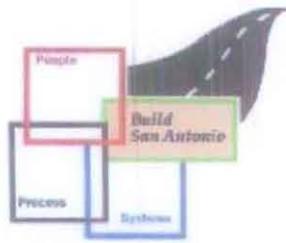
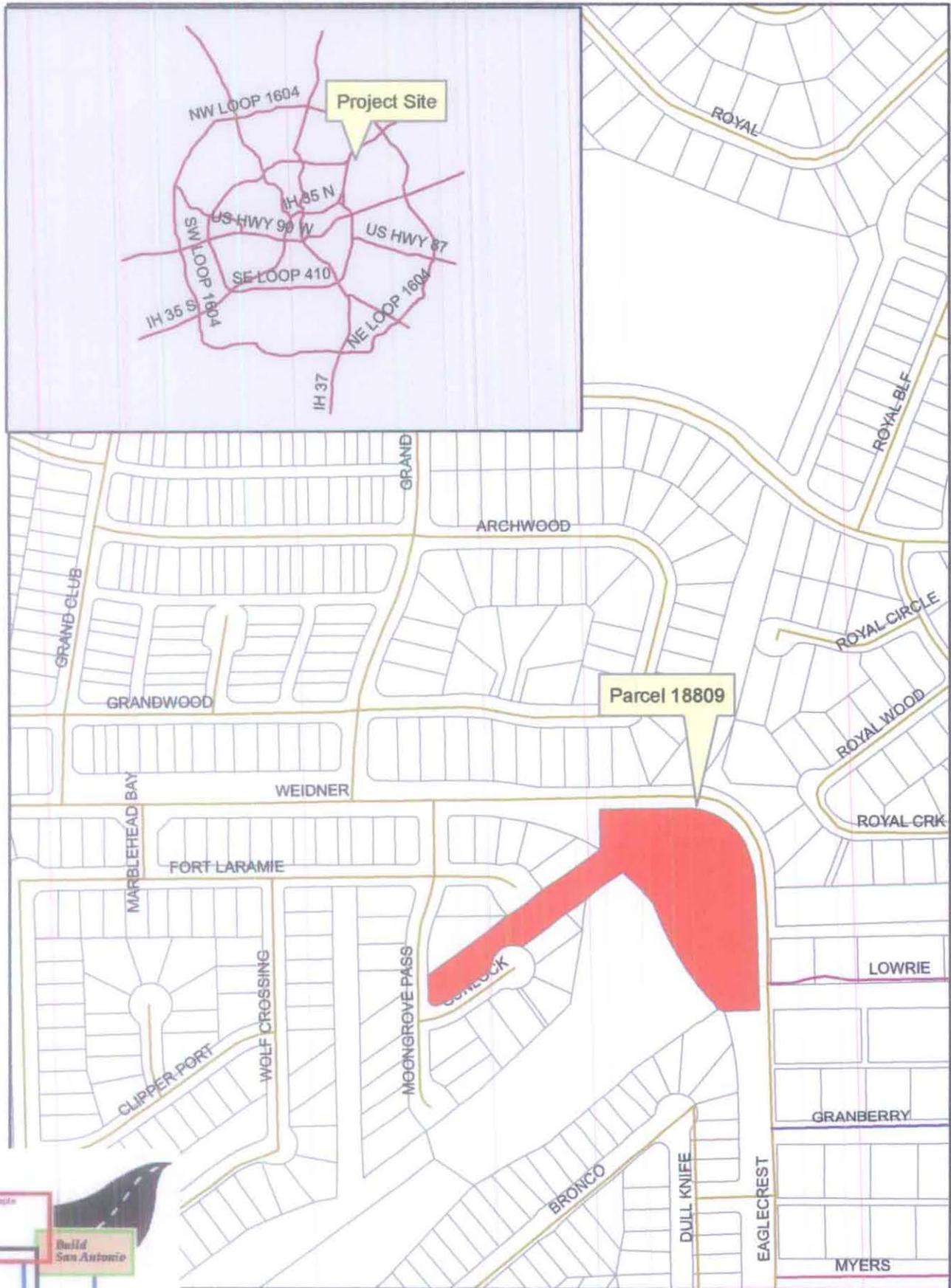


EXHIBIT A

Northstar Land Surveying, Inc.
9033 Aero St., Suite 105
San Antonio, Texas 78217
(210) 826-6228

**FIELD NOTES FOR
PARCEL NUMBER 18809**

A 3.252 ACRE TRACT OF LAND, BEING THE SAME TRACT AS RECORDED IN VOLUME 11687, PAGE 2118, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS; BEING OUT OF NEW CITY BLOCK 13808, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At a found ½ inch iron rod with 'Castella & Assoc' plastic cap on the west right-of-way line of Eaglecrest Blvd., the northeast corner of Cheyenne Valley Subdivision, Unit 3, as recorded in Volume 9560, Page 29, Deed and Plat Records of Bexar County, Texas, the southeast corner of the herein described tract;

THENCE: South 88 degrees 35 minutes 16 seconds West (bearings are based on the Texas State Plane Coordinate System Grid), 48.97 feet coincident with the north line of the aforementioned Cheyenne Valley Subdivision, Unit 3, to a set ½ inch iron rod, the north corner of Lot 6, Block 14, New City Block 13808, of the aforementioned Cheyenne Valley Subdivision, Unit 3, an angle;

THENCE: South 72 degrees 42 minutes 48 seconds West, 60.26 feet coincident with the north line of the aforementioned Lot 6, to a found PK nail on the southeast line of a 15-foot sanitary sewer easement as recorded in Volume 6653, Page 158, Deed Records of Bexar County, Texas, and a variable width drain right-of-way as shown on plat of Cheyenne Valley Subdivision, Unit 4, as recorded in Volume 9563, Pages 130-131, Deed and Plat Records of Bexar County, Texas, an angle of Lot 6, an angle;

THENCE: North 53 degrees 47 minutes 06 seconds East, 39.42 feet coincident with the southeast line of the aforementioned 15-foot sanitary sewer easement and variable width drain right-of-way, to a set ½ inch iron rod, the east corner of the variable width drain right-of-way, a corner;

THENCE: North 36 degrees 12 minutes 54 seconds West, 15.00 feet coincident with the northeast line of the variable width drain right-of-way, the southwest line of the 15-foot sanitary sewer easement, to a found set ½ inch iron rod, the beginning of a curve to the right;

Continued

EXHIBIT B

THENCE: 273.98 feet with the aforementioned curve to the right, coincident with the northeast line of the variable width drain right-of-way, the southwest line of the 15-foot sanitary sewer easement, concave to the northeast, having a central angle of 23 degrees 11 minutes 14 seconds, a radius of 677.00 feet, a chord bearing a length of North 32 degrees 01 minutes 12 seconds West, 272.11 feet to a set ½ inch iron rod, the end of this curve;

THENCE: North 52 degrees 10 minutes 49 seconds West, 108.11 feet coincident with the northeast line of the variable width drain right-of-way, to a set ½ inch iron rod, a corner;

THENCE: South 53 degrees 46 minutes 17 seconds West, 288.00 feet coincident with the northwest line of the aforementioned variable with drainage right-of-way, a variable width drain right-of-way way and Lot 8, Block 26, New City Block 13808, Cheyenne Valley Subdivision Unit 2, as recorded in Volume 9565, Pages 206-207, Deed and Plat Records of Bexar County, Texas, to a found ½ inch iron rod on the northwest right-of-way line of Gunlock Cove, a corner;

THENCE: With the northwest right-of-way line of Gunlock Cove the following:

93.00 feet with the curve to the left, concave to the southeast, having a central angle of 106 degrees 34 minutes 13 seconds, a radius of 50.00 feet, a chord bearing a length of South 60 degrees 29 minutes 16 seconds West, 80.16 feet to a found ½ inch iron rod, the end of this curve and the beginning of a curve to the right;

24.38 feet with the curve to the right, concave to the northwest, having a central angle of 46 degrees 34 minutes 03 seconds, a radius of 30.00 feet, a chord bearing a length of South 30 degrees 29 minutes 12 seconds West, 23.72 feet to a found ½ inch iron rod, the end of this curve;

South 53 degrees 46 minutes 13 seconds West, 91.06 feet to a found ½ inch iron rod, the beginning of a curve to the right;

45.32 feet with the curve to the right, concave to the northwest, having a central angle of 14 degrees 50 minutes 15 seconds, a radius of 175.00 feet, a chord bearing a length of South 61 degrees 11 minutes 21 seconds West, 45.19 feet to a found ½ inch iron rod, the end of this curve and the beginning of a curve to the right joining the northwest right-of-way line of Gunlock Cove and the east right-of-way line of Moongrove Pass;

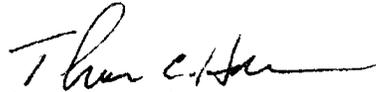
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- THENCE:** 28.81 feet with the aforementioned curve to the right, concave to the northeast, joining the northwest right-of-way line of Gunlock Cove and the east right-of-way line of Moongrove Pass, having a central angle of 110 degrees 02 minutes 41 seconds, a radius of 15.00 feet, a chord bearing a length of North 56 degrees 22 minutes 11 seconds West, 24.58 feet to a found ½ inch iron rod on the east right-of-way line of Moongrove Pass, the end of this curve;
- THENCE:** North 01 degrees 20 minutes 51 seconds West, 56.18 feet coincident with the east right-of-way line of Moongrove Pass to a found ½ inch iron rod, the southwest corner of Lot 2, Block 25, New City Block 13808, of the aforementioned Cheyenne Valley Subdivision Unit 2, an angle;
- THENCE:** North 53 degrees 46 minutes 12 seconds East, 490.15 feet coincident with the southeast line of the aforementioned Lot 2, Block 25, New City Block 138085, the southeast right-of-way line of Ft. Laramie, and the southeast line of Lot 5, Block 24, New City Block 13808, of the aforementioned Cheyenne Valley Subdivision Unit 2, to a set ½ inch iron rod, an angle;
- THENCE:** North 00 degrees 36 minutes 59 seconds West, 94.81 feet to a set ½ inch iron rod on the south right-of-way line of Weidner Road, the northwest corner of the herein described tract;
- THENCE:** North 89 degrees 23 minutes 01 seconds East, 208.15 feet coincident with the south right-of-way line of Weidner Road, to a set ½ inch iron rod, the beginning of a curve to the right;
- THENCE:** 233.97 feet coincident with the curved right-of-way line joining south right-of-way line of Weidner Road with the west right-of-way line of Eaglecrest Blvd. and the curve to the right, concave to the southwest, having a central angle of 89 degrees 12 minutes 15 seconds, a radius of 150.28 feet, a chord bearing a length of South 46 degrees 00 minutes 51 seconds East, 211.05 feet to a set ½ inch iron rod on the west right-of-way line of Eaglecrest Blvd., the end of this curve;

Continued

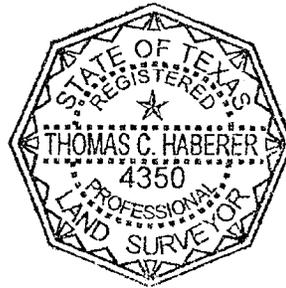
THENCE: South 01 degrees 24 minutes 44 seconds East, 317.59 feet coincident with the west right-of-way line of Eaglecrest Blvd., to the **POINT OF BEGINNING**, containing 3.252 acres.

These Field Notes are based on a survey made on the ground and a survey map prepared by employees of Northstar Land Surveying, Inc. who were working under my supervision.



Thomas C. Haberer
Registered Professional Land Surveyor #4350

October 21, 2010
Revised February 18, 2011
Job No. 9-10-0056(3.252 ACS)



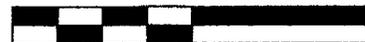
| CURVE | ANGLE | LENGTH | RADIUS | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|---------|---------------|--------------|
| C1 | 106°34'13" | 93.00' | 50.00' | S 60°29'16" W | 80.16' |
| C2 | 46°34'03" | 24.38' | 30.00' | S 30°29'12" W | 23.72' |
| C3 | 14°50'15" | 45.32' | 175.00' | S 61°11'21" W | 45.19' |
| C4 | 110°02'41" | 28.81' | 15.00' | N 56°22'11" W | 24.58' |
| C5 | 23°11'14" | 273.98' | 677.00' | N 32°01'12" W | 272.11' |

| LINE | DISTANCE | BEARING |
|------|----------|---------------|
| L-1 | 48.97 | S 88°35'16" W |
| L-2 | 60.26 | S 72°42'48" W |
| L-3 | 39.42 | N 53°47'06" E |
| L-4 | 15.00 | N 36°12'54" W |
| L-5 | 108.11 | N 52°10'49" W |
| L-6 | 91.06 | S 53°46'13" W |
| L-7 | 94.81 | N 00°36'59" W |
| L-8 | 56.18 | N 01°20'51" W |

PARCEL NUMBER 18809

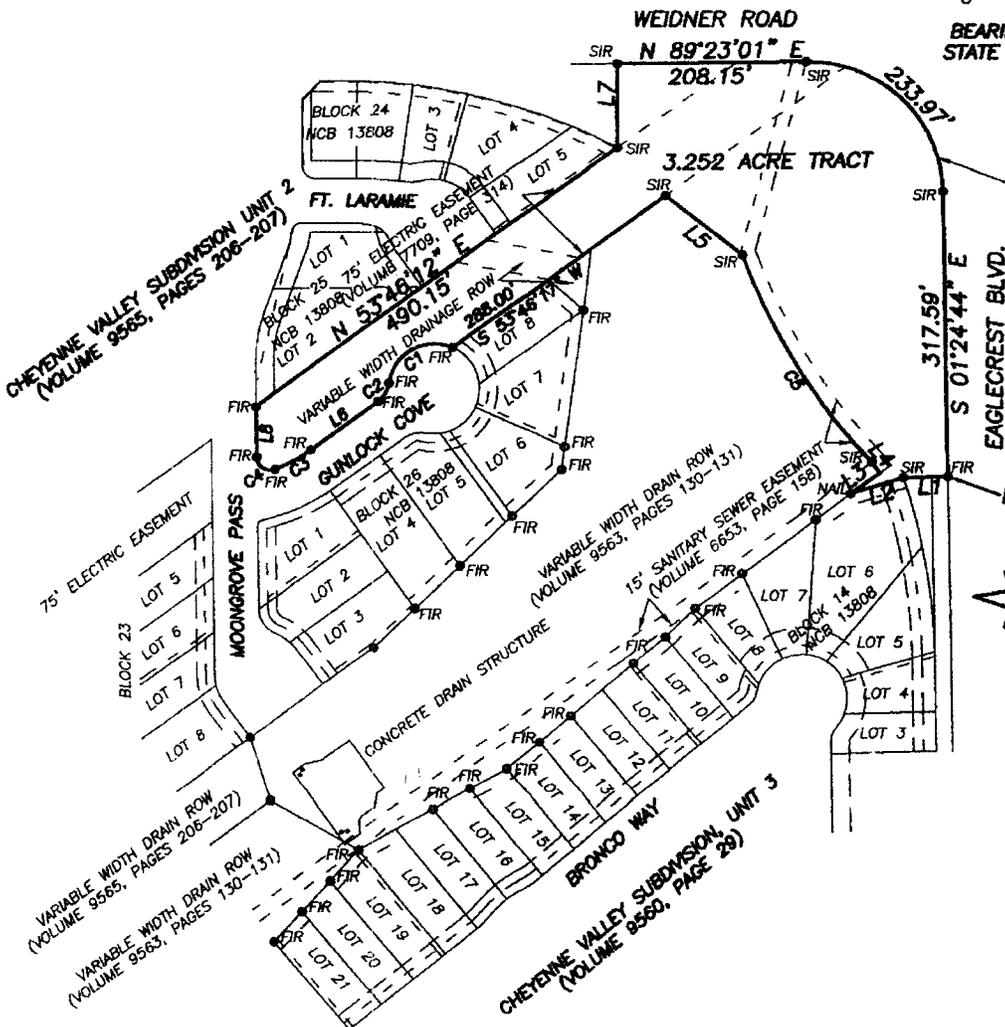


SCALE 1" = 200'



0' 100' 200' 400'

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID



CURVE DATA

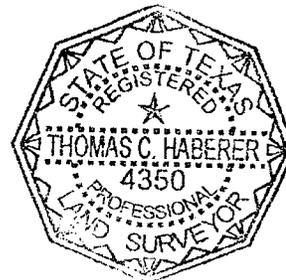
| | |
|---------------|---------------|
| CENTRAL ANGLE | 89°12'15" |
| RADIUS | 150.28' |
| CURVE LENGTH | 233.97' |
| CHORD BEARING | S 46°00'51" E |
| CHORD LENGTH | 211.05' |

LEGEND

FIR FOUND 1/2" IRON ROD
SIR SET 1/2" IRON ROD

POINT OF BEGINNING

NORTHSTAR LAND SURVEYING, INC.
9033 AERO ST., SUITE 105
SAN ANTONIO, TEXAS 78217
(210) 826-6228



A SURVEY OF
PARCEL NUMBER 18809

A 3.252 ACRE TRACT OF LAND, BEING THE SAME TRACT AS RECORDED IN VOLUME 11687, PAGE 2118, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS; BEING OUT OF NEW CITY BLOCK 13808, SAN ANTONIO, BEXAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.

THIS 21st DAY OF OCTOBER 2010 A.D.
REVISED FEBRUARY 18, 2011

Thomas C. Haberer
THOMAS C. HABERER
REGISTERED PROFESSIONAL LAND SURVEYOR #4350

THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.

JOB NO. 9-10-0056