EF/mb
08/13/15
Item No. 9.

AN ORDINANCE 2015-08-13-0689

FOR THE MAINLAND AND BANDERA INTERSECTION IMPROVEMENTS PROJECT, AN ADVANCED TRANSPORTATION DISTRICT FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7, AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY OF APPROXIMATELY 3,603 SQUARE FEET THROUGH NEGOTIATION OR CONDEMNATION FOR INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES IN A PORTION OF TWO PARCELS OF PRIVATELY-OWNED REAL PROPERTY; AND DECLARING IT A PUBLIC USE PROJECT AND AUTHORIZING EXPENDITURES NOT TO EXCEED $100,000.00 TO THE SELECTED TITLE COMPANY, FOR LAND, RELOCATION, LITIGATION EXPENSES AND ASSOCIATED TITLE FEES.

* * * * *

WHEREAS, the City of San Antonio ("City") requires the acquisition of Right-of-Way of approximately 3,603 square feet of privately-owned real property by negotiation or condemnation, if necessary, for the construction of the Mainland and Bandera Intersection Improvements 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 the privately owned real property as part of the Project as further described in SECTION 1 below; and

WHEREAS, the acquisitions of these parcels are necessary in order to complete the Mainland and Bandera Intersection Improvements Project that will provide dual right turn lane, median installation, signal modifications, and ADA compliant sidewalks and wheelchair ramps; and

WHEREAS, this is an ATD funded project and funds are in included in the FY 2014-2018 Infrastructure Management Program for the property acquisitions; **NOW THEREFORE,**

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

SECTION 1. A public use and necessity is hereby declared for the City of San Antonio to acquire Right-of-Way of approximately 3,603 square feet of privately owned real property in Council District 7, by negotiation or condemnation, as part of the Mainland and Bandera Intersection Improvements Project.

Parcel Number	Legal Description
19421	1,548 square feet out of Lot 3, Block 2, New City Block 18572, Phillips-Bandera Subdivision
19423	2,055 square feet out of Lot 4, Block 2, New City Block 18572, Sanchez-Bugg Subdivision

The Project is depicted in **Exhibit A** and more particularly described by metes and bounds in **Exhibits B and C** and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

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. Payment in the amount of the $100,000.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01385, ATD FY 2014 Intersection Improvements, is authorized to be encumbered and made payable to the selected title company for land, relocation, litigation expenses and associated title fees of 2 parcels of privately owned real property located in NCB 18572 in Council District7 in Bexar County, Texas.

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 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 upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and **APPROVED** this 13 day of August, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

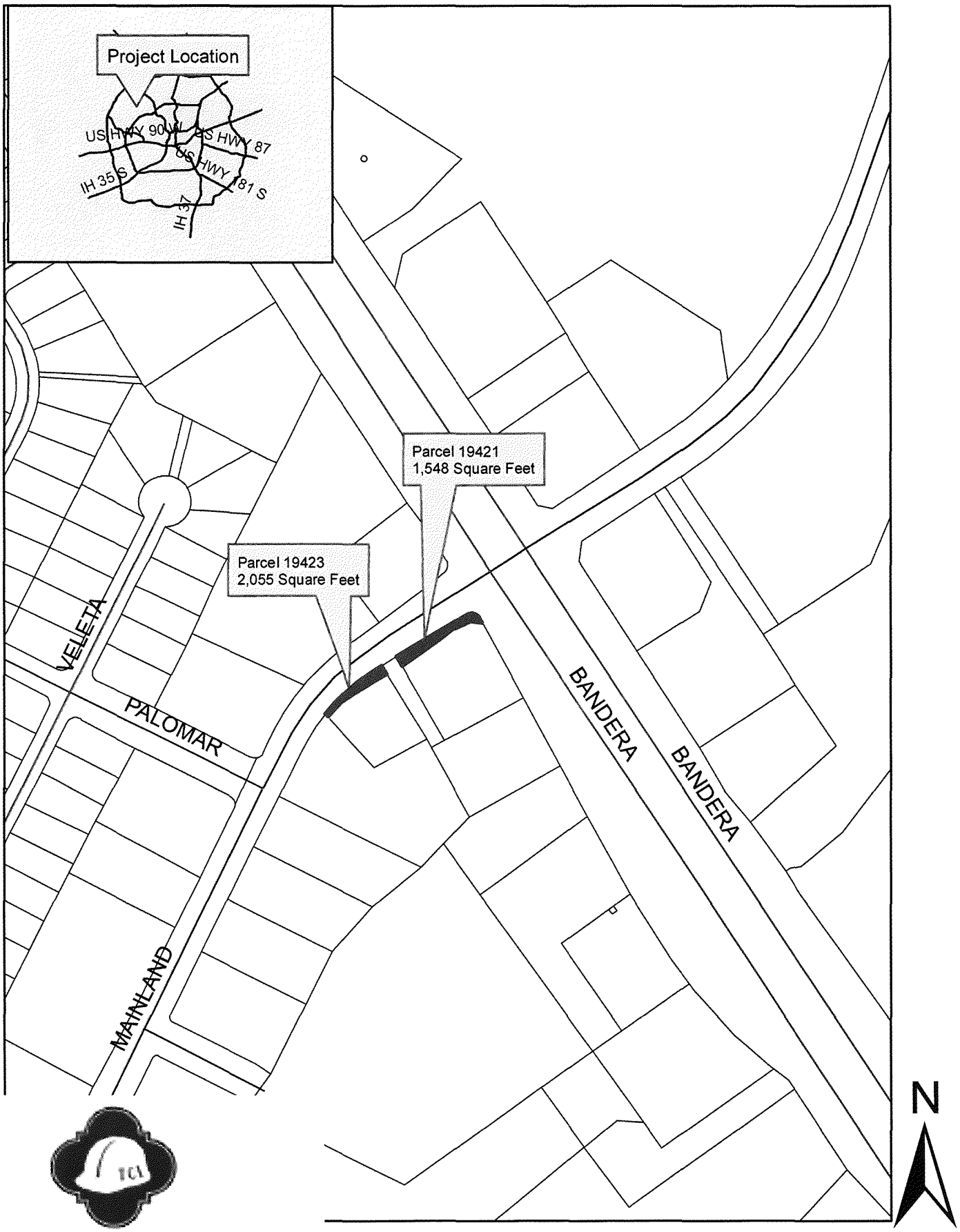
APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	9
Date:	08/13/2015
Time:	01:42:44 PM
Vote Type:	Motion to Approve
Description:	An Ordinance for the Mainland and Bandera Intersection Improvements Project authorizing the acquisition of approximately 3,603 square feet of privately owned real property, through negotiation or condemnation; declaring it be a public use project and authorizing expenditures not to exceed $100,000.00 to the selected title company, for land, relocation, litigation expenses and associated title fees, an Advanced Transportation District funded project located in Council District 7. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Mainland and Bandera Intersection Improvements Project



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

Property to be acquired (NTS)

EXHIBIT "A"

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213

Maverick Land Surveying Co.

Tel. 210-342-9455 • Fax 210-342-9524
www.mavericklandsurveying.com

Job No. 51254-00
November 12, 2014
2 pages

1,548 Square Foot Parcel
(RIGHT-OF-WAY ACQUISITION, Parcel 19421)

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE DESCRIPTION of a 1,548 square foot tract of land (Right-Of-Way Acquisition, Parcel 19421) situated within the corporate limits of the City of San Antonio, Bexar County, Texas, and being a portion of Lot 3, Block 2, New City Block 18572, as shown by plat of Phillips-Bandera Subdivision recorded in Volume 9515, Page 205, Deed and Plat Records, said County and State, as conveyed unto V & E Management Corp. by Warranty Deed recorded in Volume 12339, Page 1599, Real Property Records, said County and State, in all said 1,548 square foot tract of land being more particularly described as follows:

BEGINNING at a ½" iron rod found on the southeast R.O.W. line of Mainland Dr. (a variable width public Right-Of-Way, 60' minimum) as shown by plat of Bandera Landing Subdivision, Unit-1 recorded in Volume 9500, Page 174, said Deed and Plat Records, same being a north corner of said Lot 3 and this parcel, same being at the beginning of a non-tangent curve to the right whose radius point bears South 33° 29' 06" East, 15.00 feet,

THENCE, east along said R.O.W. line and with the arc of said curve through a central angle of 95° 00' 32", a chord bearing and distance of South 75° 58' 50" East, 22.12 feet, and an arc length of 24.87 feet to a ½" iron rod found on the southwest R.O.W. of State Highway 16 (Bandera Rd., a 180' minimum R.O.W.) as shown on TXDoT Map 291-10-20) for a north corner of said Lot 3, same being the east corner of this parcel;

THENCE, across said Lot 3 the following courses:

North 75° 57' 36" West, 11.59 feet to ½" iron rod set at the beginning of a non-tangent curve to the left whose radius point bears South 16° 47' 48" East, 23.88 feet,

Southwest along the arc of said curve through a central angle of 14° 00' 26", a chord bearing and distance of South 66° 11' 59" West, 5.82 feet, and an arc length of 5.84 feet to a ½" iron rod set at the beginning of a tangent reverse curve to the right with a radius of 341.61 feet,

Southwest along the arc of said reverse curve through a central angle of 00° 58' 37", a chord bearing and distance of South 59° 41' 05" West, 5.82 feet, and an arc distance of 5.82 feet to a ½" iron rod set,

South 60° 10' 23" West, 29.69 feet to ½" iron rod set at the beginning of tangent curve to the left with a radius of 191.25 feet,

Southwest along the arc of said curve through a central angle of 06° 48' 52", a chord bearing and distance of South 56° 45' 57" West, 22.73 feet, and an arc distance of 22.75 feet to a ½" iron rod set,

EXHIBIT "B"

South 53° 21' 31" West, 52.43 feet to a mag nail with a washer stamped "MLS Co. RPLS 4612" set in a concrete driveway at the beginning of a tangent curve to the right with a radius of 316.75 feet,

And southwest along the arc of said curve through a central angle of 04° 39' 15", a chord bearing and distance of South 55° 41' 08" West, 25.72 feet, and an arc distance of 25.73 feet to a ½" iron rod set on the common southwest line of said Lot 3 and the northeast line of Lot 4, Block 2, New City Block 18572 as shown by plat of Sanchez-Bugg Subdivision recorded in Volume 9520, Page 101, said Deed and Plat Records for the south corner of this parcel;

THENCE, along said common line, North 28° 27' 31" West, 17.56 feet to an "X" found in a concrete apron on the southeast R.O.W. line of said Mainland Dr. for the common north corner of said Lot 4, and the west corner of said Lot 3, for the west corner of this parcel;

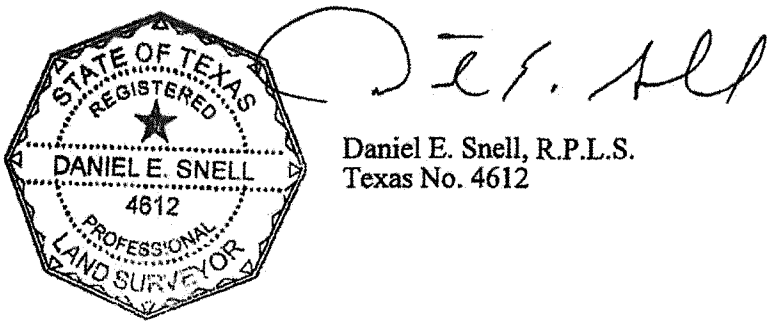
THENCE, along said R.O.W line, North 60° 42' 24" East, 133.70 feet (Bearing Basis, said Volume 9515, Page 205) to the POINT OF BEGINNING.

Containing in all, 1,548 square feet of land, more or less.

Surveyed on this 12th day of November 2014. (See attached Exhibit)

All ½" iron rods set are with an orange plastic cap stamped "MLS Co., RPLS 4612"

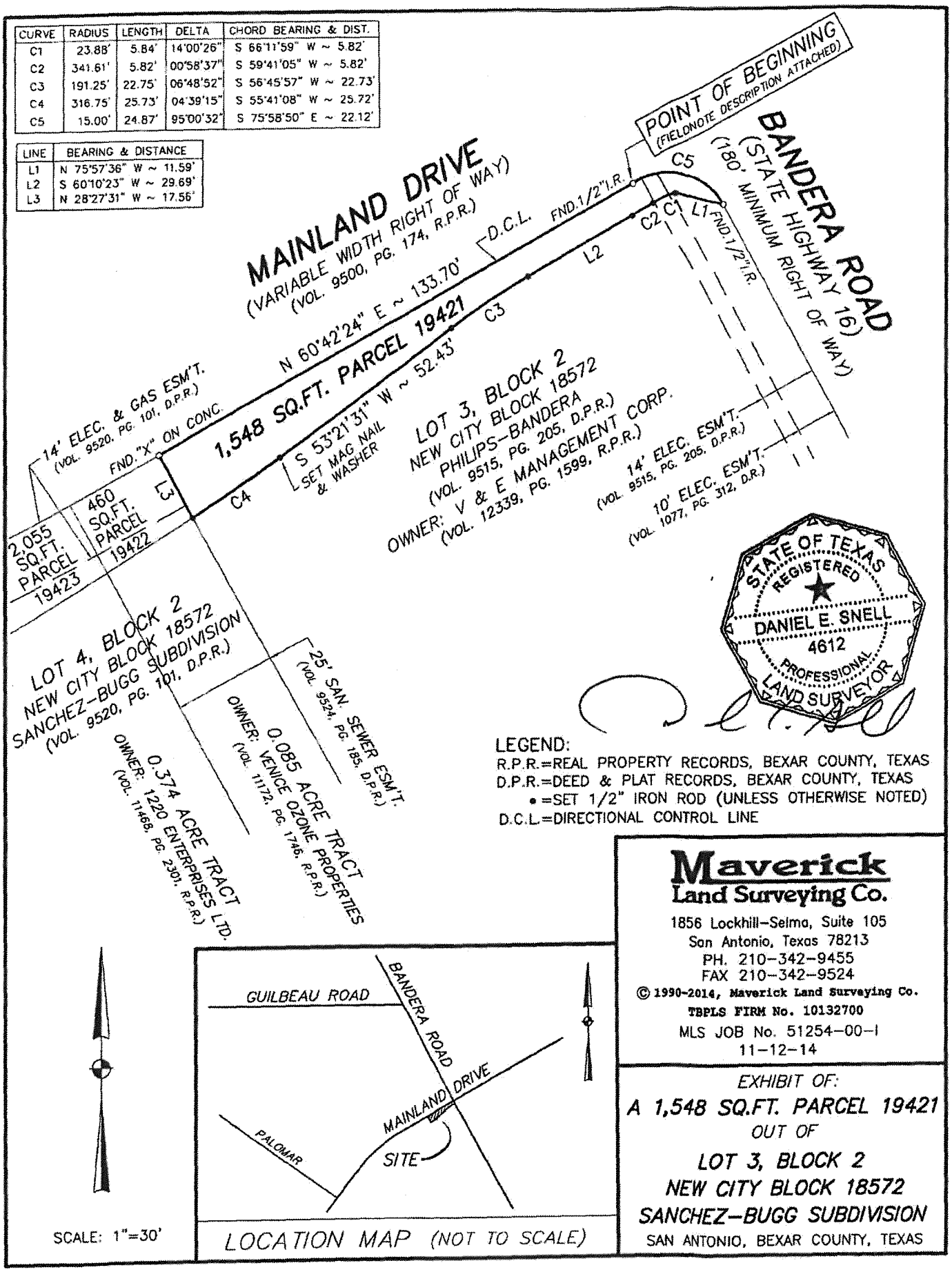
MAVERICK LAND SURVEYING CO.



Daniel E. Snell, R.P.L.S.
Texas No. 4612

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING & DIST.
C1	23.88'	5.84'	14°00'26"	S 66°11'59" W ~ 5.82'
C2	341.61'	5.82'	00°58'37"	S 59°41'05" W ~ 5.82'
C3	191.25'	22.75'	06°48'52"	S 56°45'57" W ~ 22.73'
C4	316.75'	25.73'	04°39'15"	S 55°41'08" W ~ 25.72'
C5	15.00'	24.87'	95°00'32"	S 75°58'50" E ~ 22.12'

LINE	BEARING & DISTANCE
L1	N 75°57'36" W ~ 11.59'
L2	S 60°10'23" W ~ 29.69'
L3	N 28°27'31" W ~ 17.56'



Maverick Land Surveying Co.

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213
PH. 210-342-9455
FAX 210-342-9524

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TBPLS FIRM No. 10132700

MLS JOB No. 51254-00-I
11-12-14

EXHIBIT OF:

A 1,548 SQ.FT. PARCEL 19421

OUT OF

LOT 3, BLOCK 2
NEW CITY BLOCK 18572
SANCHEZ-BUGG SUBDIVISION

SAN ANTONIO, BEXAR COUNTY, TEXAS

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213

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Job No. 51254-00
November 12, 2014
2 Pages

2,055 Square Foot Parcel
(RIGHT-OF-WAY ACQUISITION, Parcel 19423)

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE DESCRIPTION of a 2,055 square foot tract of land (Right-Of-Way Acquisition, Parcel 19423) situated within the corporate limits of the City of San Antonio, Bexar County, Texas, and being a portion of a 0.374 acre tract of land out of Lot 4, Block 2, New City Block 18572, as shown by plat of Sanchez-Bugg Subdivision recorded in Volume 9520, Page 101, Deed and Plat Records, said County, and State, as conveyed unto 1220 Enterprises Ltd. by Warranty Deed recorded in Volume 11468, Page 2301, Real Property Records, said County and State, in all, said 2,055 square foot tract of land being more particularly described as follows:

COMMENCING at a ½" iron rod found on the southeast R.O.W line of Mainland Dr. (a variable width public Right-Of-Way, 60' minimum) as shown by plat of Bandera Landing Subdivision, Unit-1 recorded in Volume 9500, Page 174, said Deed and Plat Records, same being the north corner of Lot 3, Block 2, New City Block 18572, as shown by plat of Phillips-Bandera Subdivision recorded in Volume 9515, Page 205, said Deed and Plat Records, and the north corner of a 1,548 square foot tract of land (R.O.W. acquisition, Parcel 19421, surveyed this same day);

THENCE, along said R.O.W. line and with the northwest line of said Lot 3 and Parcel 19421, South 60° 42' 24" West, (Bearing Basis, said Volume 9515, Page 205) 133.70 feet to an "X" found on a concrete apron for the common west corner of said Lot 3, and Parcel 19421, and the north corner of said Lot 4, same being the north corner of a 0.085 acre tract conveyed unto Venice Ozone Properties by Warranty Deed recorded in Volume 11172, Page 1746, said Real Property Records, same being a 460 square foot tract of land (Right-Of-Way Acquisition, Parcel 19422, surveyed this same day);

THENCE, continuing along said southeast R.O.W. line, South 61° 47' 51" West, 25.11 feet (deed = South 61° 38' 19" West, 24.99 feet) to the common west corner of said 0.085 acre tract, Parcel 19422, and the north corner and POINT OF BEGINNING of this parcel;

THENCE, along the common southwest line of said 0.085 acre tract, and the northeast line of said 0.374 acre tract, South 28° 26' 44" East, 19.08 feet to a mag nail set at the south corner of Parcel 19422 for the east corner of this parcel;

THENCE, southwest across said 0.374 acre tract the following courses:

> South 58° 21' 31" West, 32.93 feet to a mag nail set at the beginning of a tangent curve to the left with a radius of 530.52 feet,
>
> Southwest along the arc of said curve through a central angle of 5° 57' 26", a chord bearing and distance of South 55° 22' 48" West, 55.13 feet, and an arc distance of 55.16 feet to a mag nail set at the beginning of a tangent compound curve to the left with a radius of 291.25 feet,

EXHIBIT "C"

and Southwest along the arc of said compound curve through a central angle of 8° 24' 00", a chord bearing and distance of South 48° 12' 05" West, 42.66 feet, and an arc distance of 42.70 feet to a mag nail set on the common southwest line of said Lot 4 and the northeast line of Lot 7, Block 2, New City Block 18572 as shown by plat of Econo Subdivision recorded in Volume 9539, Page 51, said Deed and Plat Records, same being the east corner of a 435 square foot tract of land (R.O.W. acquisition, Parcel 19424, surveyed this same day) for the south corner of this parcel;

THENCE, along said common line, North 42° 25' 41" West (plat record, North 42° 22' 48" West), 8.36 feet to a 5/8" iron rod found on the southeast R.O.W. line of said Mainland Dr. for the common north corner of said Lot 7, said Parcel 19424, and the west corner of said Lot 4 and this parcel, same being on a curve concave to the southeast whose radius point bears South 51° 45' 51" East, 370.00 feet;

THENCE, along said R.O.W line, and with the arc of said curve through a central angle of 18° 03' 04", a chord bearing and distance of North 47° 15' 41" East, 116.09 feet, and an arc distance of 116.57 feet (plat record, arc = 116.20 feet) to an "X" found on a concrete apron;

THENCE, continuing along said R.O.W. line, North 61° 47' 51" East, 18.73 feet (plat record, North 60° 42' 24" East, 18.99 feet) to the POINT OF BEGINNING.

Containing in all, 2,055 square feet of land, more or less.

Surveyed on this 12th day of November 2014. (See attached Exhibit)

All mag nails set are with a washer stamped "MLS Co., RPLS 4612".

MAVERICK LAND SURVEYING CO.

Daniel E. Snell, R.P.L.S.
Texas No. 4612

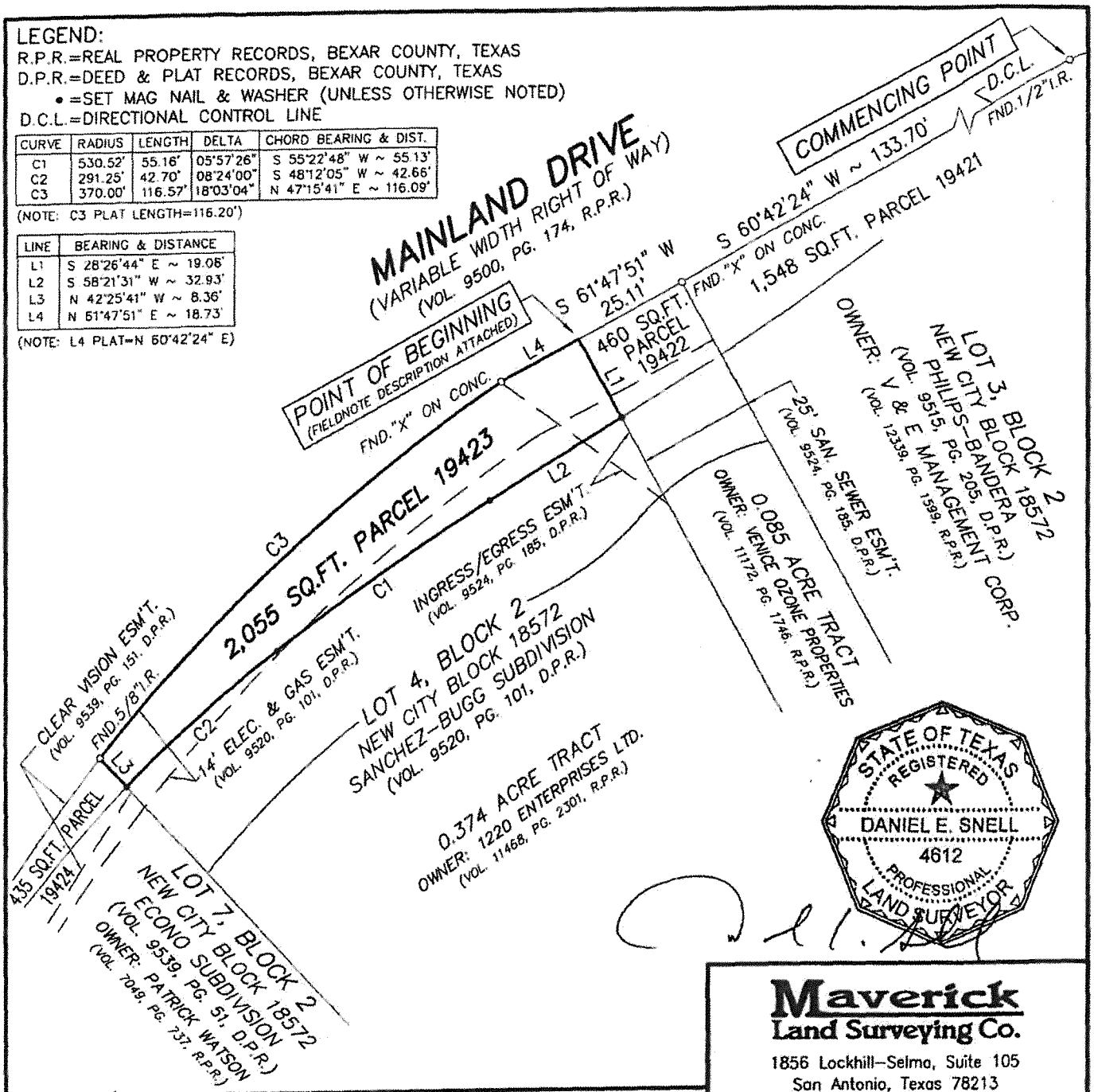
LEGEND:
R.P.R.=REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS
D.P.R.=DEED & PLAT RECORDS, BEXAR COUNTY, TEXAS
• =SET MAG NAIL & WASHER (UNLESS OTHERWISE NOTED)
D.C.L.=DIRECTIONAL CONTROL LINE

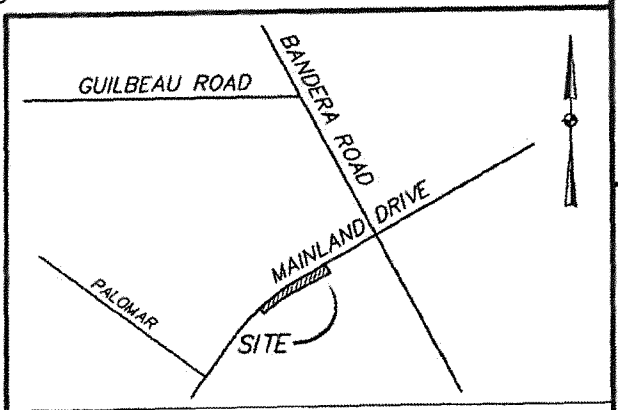
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING & DIST.
C1	530.52'	55.16'	05°57'26"	S 55°22'48" W ~ 55.13'
C2	291.25'	42.70'	08°24'00"	S 48°12'05" W ~ 42.66'
C3	370.00'	116.57'	18°03'04"	N 47°15'41" E ~ 116.09'

(NOTE: C3 PLAT LENGTH=116.20')

LINE	BEARING & DISTANCE
L1	S 28°26'44" E ~ 19.08'
L2	S 58°21'31" W ~ 32.93'
L3	N 42°25'41" W ~ 8.36'
L4	N 61°47'51" E ~ 18.73'

(NOTE: L4 PLAT=N 60°42'24" E)





LOCATION MAP (NOT TO SCALE)

SCALE: 1"=30'

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TBPLS FIRM No. 10132700
MLS JOB No. 51254-00-III
11-12-14

EXHIBIT OF:
A 2,055 SQ.FT. PARCEL 19423
OUT OF
A 0.374 ACRE TRACT
OUT OF
LOT 4, BLOCK 2
NEW CITY BLOCK 18572
PHILIPS-BANDERA
SAN ANTONIO, BEXAR COUNTY, TEXAS