

AN ORDINANCE 2011-03-03-0169

AUTHORIZING THE ACQUISITION BY NEGOTIATION, DEDICATION OR CONDEMNATION OF A DRAINAGE EASEMENT OF ONE PARCEL OF PROPERTY LOCATED AT 526 RUNNELS AVENUE IN COUNCIL DISTRICT 2, N.C.B. 1214, FOR THE CONSTRUCTION OF AN EARTHEN DRAINAGE DITCH TO PROVIDE DRAINAGE RELIEF; DECLARING IT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR SERVICE ASSOCIATED WITH ACQUIRING THE EASEMENT TITLE; AND AUTHORIZING THE EXPENDITURE OF \$400.00 FOR TITLE SERVICES ASSOCIATED WITH ACQUIRING THE EASEMENT.

* * * * *

WHEREAS, the City of San Antonio (“City”) desires to acquire all or a portion of privately owned real property as part of the Runnels Avenue and June Street Drainage 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 a permanent drainage easement interest 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, the project includes the design and construction of a 15-foot top width earthen drainage channel at 526 Runnels Avenue that will capture runoff water and convey into earthen drainage channel on Walters Street to help alleviate localized flooding; and

WHEREAS, project is approved and funded through the Storm Water Regional Facility Fund; **NOW THEREFORE**,

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

SECTION 1. Runnels Avenue and June Street Drainage 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 a permanent drainage easement in privately owned real property, out of the former June Street right-of-way between NCB 1215B and NCB 1214, by negotiation, dedication, and/or condemnation, if necessary, as part of the Runnels Avenue and June Street Drainage 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. Funding in the amount of \$400.00 for this ordinance is available in Fund 29070000, Cost Center 2304070001, General Ledger 5209010, as part of the Fiscal Year 2011 Budget.

SECTION 4. Payment not to exceed the budgeted amount is authorized and should be encumbered with a purchase order.

SECTION 5. The acquisition of surplus property must be coordinated through the city's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 6. 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 7. 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 8. 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.

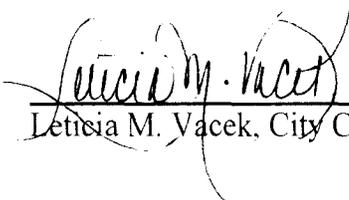
SECTION 9. This Ordinance shall be effective immediately if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this the 3rd day of March, 2011.

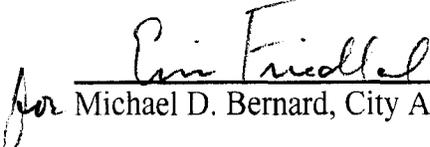

M A Y O R
Julián Castro

ATTEST:

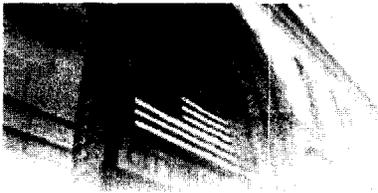
APPROVED AS TO FORM:



Leticia M. Vacek, City Clerk

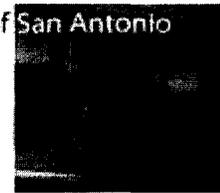


for Michael D. Bernard, City Attorney



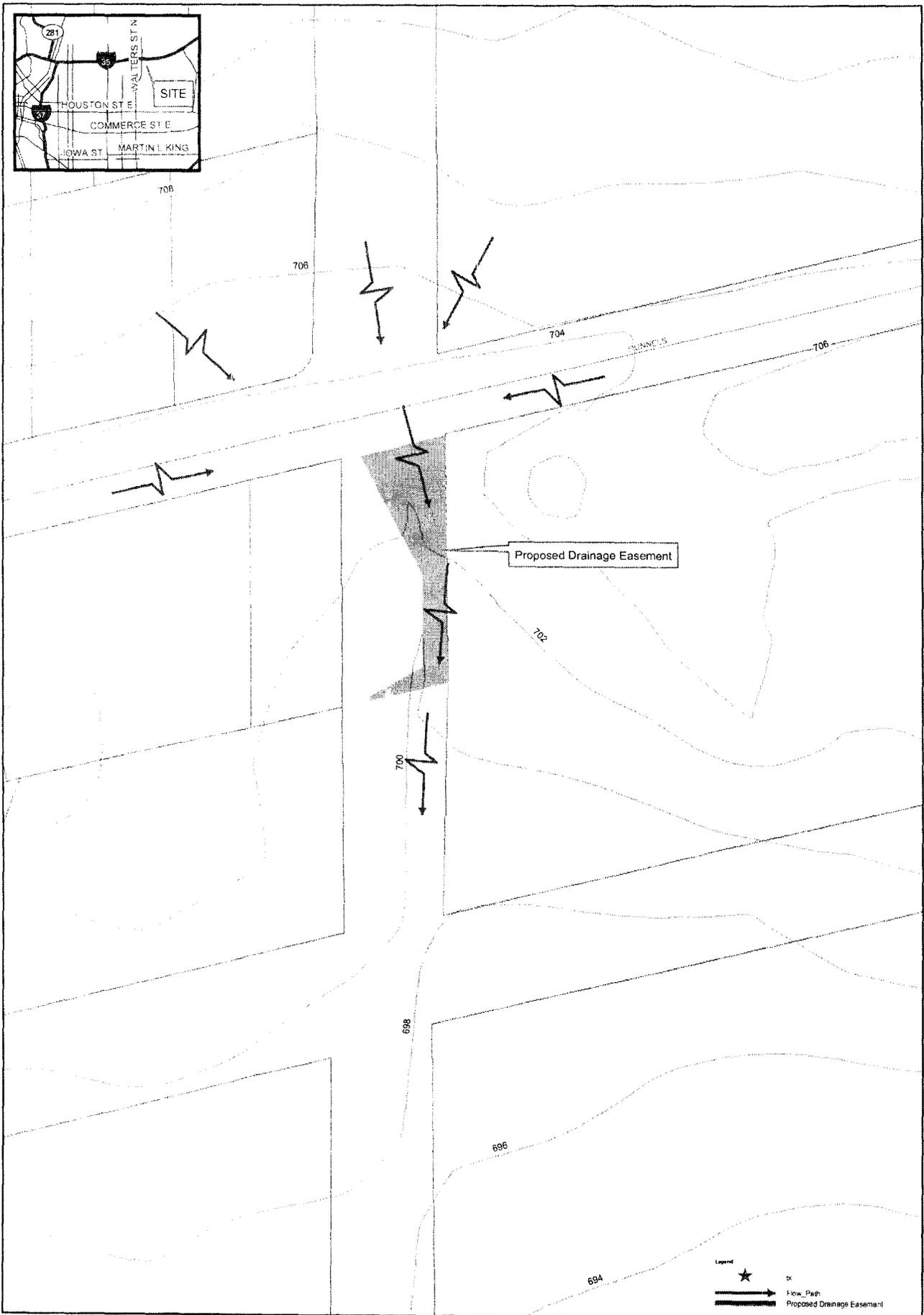
Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 22

Name:	6, 7, 8, 10, 11, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 26, 27, 28, 29, 30, 31						
Date:	03/03/2011						
Time:	03:14:19 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the acquisition by negotiation, dedication or condemnation of a drainage easement of one parcel of property located at 526 Runnels Avenue in Council District 2, N.C.B. 1214, for the construction of an earthen drainage ditch to provide drainage relief; declaring it to be a public project; declaring a public necessity for service associated with acquiring the easement title; and authorizing the expenditure of \$400.00 for title services associated with acquiring the easement. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, 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				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				



City of Dallas
Public Works Department
Storm Water Engineering

Map created by: Martin Hernandez, 08/26/2010 10:30 AM
Location: 526 Runnels, 11222 W. Engineering St., Houston, TX 77042
Reference: "Proposed" Water, Volume 31 1942E Stormwater
Date created: 10/1/2010

City of Dallas
Public Works Department
Storm Water Engineering

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**526 Runnels
Drainage Easement Requirements**

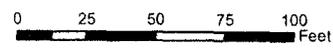
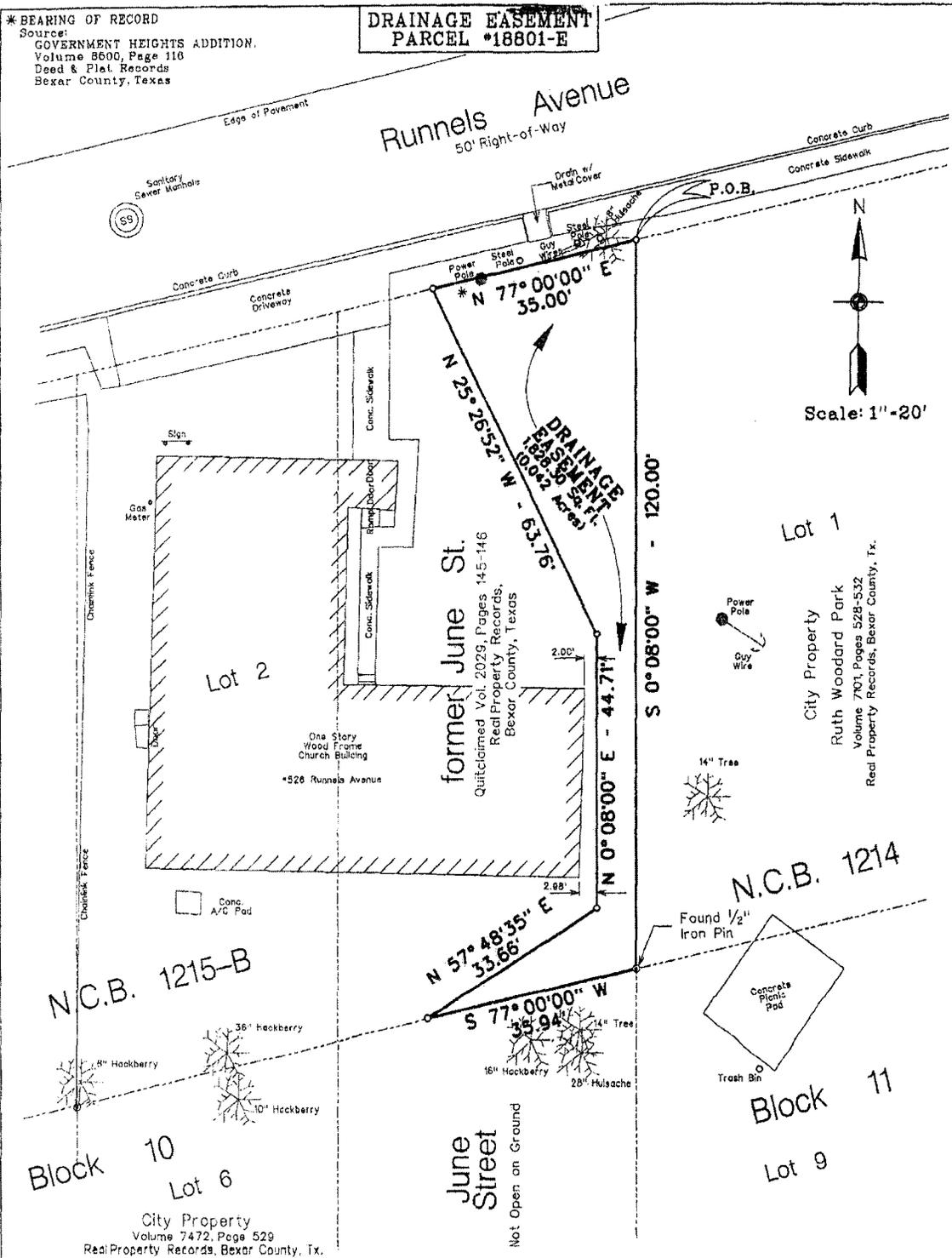


EXHIBIT A

* BEARING OF RECORD
 Source:
 GOVERNMENT HEIGHTS ADDITION.
 Volume 8600, Page 110
 Deed & Plat Records
 Bexar County, Texas

**DRAINAGE EASEMENT
 PARCEL #18801-E**



NOTE:
 1/2" Iron Pin with Orange Plastic
 Cap marked CO3A GMS set at
 each corner, except as shown.

STATE OF TEXAS
 COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT
 IS TRUE AND CORRECT ACCORDING TO AN
 ACTUAL SURVEY MADE ON THE GROUND
 UNDER MY SUPERVISION AND THAT THERE
 ARE NO VISIBLE ENCROACHMENTS OR
 EASEMENTS EXCEPT AS SHOWN.

THIS 24TH DAY OF SEP., 2010.

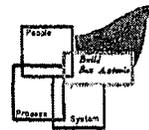
Razi Hosseini

RAZI S. HOSSEINI
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 8174



SURVEY OF:

A DRAINAGE EASEMENT CONTAINING 1,828.30
 SQ. FT. (0.042 ACRES) BEING OUT OF THE
 FORMER JUNE STREET R.O.W. BETWEEN N.C.B.
 1215-B AND N.C.B. 1214, CITY OF SAN ANTONIO,
 BEXAR COUNTY, TEXAS



CITY OF SAN ANTONIO
 CAPITAL IMPR. MGMT. SERV. DEPT.
 TECHNICAL SERVICES DIVISION
 DATE: SEPTEMBER 24, 2010
 SURVEYOR: N. DEL VALLE, BK. #86

EXHIBIT B

**DRAINAGE EASEMENT
PARCEL #18801-E**

Field notes for a Drainage Easement containing 1,828.30 square feet (0.042 Acres) being out of the former June Street right-of-way quitclaimed by the City of San Antonio to the Prince of Peace Baptist Church in instrument recorded in Volume 2029, Pages 145-146, Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as surveyed as follows:

BEGINNING: at a ½" iron pin with an orange plastic cap marked COSA CIMS set at the southeast intersection of the former June Street and Runnels Avenue, said point also being the northwest corner of Lot 1, Block 11, N.C.B. 1214 and said corner also being the northeast corner of that portion of June Street quitclaimed by the City of San Antonio to the Prince of Peace Baptist Church in instrument recorded in Volume 2029, Pages 145-146, Real Property Records of Bexar County, Texas for the northeast corner of this easement;

THENCE: S 0°08'00" W with the west boundary line of Lot 1, Block 11, N.C.B. 1214 and the east boundary line of the former June Street right-of-way a distance of 120.00 feet to a ½" iron pin found at the southeast corner of the June Street right-of-way quitclaimed for the southeast corner of this easement;

THENCE: S 77°00'00" W with the south boundary line of the former June Street right-of-way quitclaimed a distance of 35.94 feet to a ½" iron pin with an orange plastic cap marked COSA CIMS set for the southwest corner of this easement;

THENCE: N 57°48'35" E a distance of 33.66 feet to a ½" iron pin with an orange plastic cap marked COSA CIMS set for a corner of this easement;

THENCE: N 0°08'00" E a distance of 44.71 feet to a ½" iron pin with an orange plastic cap marked COSA CIMS set for a corner of this easement;

THENCE: N 25°26'52" W a distance of 63.76 feet to a ½" iron pin set along the south right-of-way line of Runnels Avenue, said point also being along the north boundary line of that portion of June Street quitclaimed by the City of San Antonio to the Prince of Peace Baptist Church for the northwest corner of this easement;

THENCE: N 77°00'00" E a distance of 35.00 feet to the POINT OF BEGINNING for this Drainage Easement containing 1,828.30 square feet (0.042 Acres), more or less.

9124/10

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