

AN ORDINANCE

2009-12-10-1019

**AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATION AND/OR CONDEMNATION OF APPROXIMATELY 57 ACRES OF LAND LOCATED IN NCB 16515, NCB 16931, AND NCB 18083, IN CITY COUNCIL DISTRICTS 6 AND 7 ALONG LEON CREEK FOR THE LINEAR CREEKWAY DEVELOPMENT PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; DECLARING THE LINEAR CREEKWAY DEVELOPMENT PROJECT ON LEON CREEK TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") seeks to acquire 57 acres of land along Leon Creek either by donation, negotiation or condemnation for the development and completion of the Linear Creekway Development Project; and

**WHEREAS**, the acquisitions to these lands are necessary in order to connect to a larger system along Leon Creek through which multi-use trails and related park improvements will be constructed and are essential to the implementation of this voter-approved project; and

**WHEREAS**, this Ordinance authorizes the acquisition of 57 acres of land along Leon Creek at fair market value through negotiation or condemnation; and

**WHEREAS**, the funds in the amount of \$65,000,000.00 for the Parks Development and Expansion Venue Projects have been approved, the estimated appraised value of these properties is \$140,000.00, **NOW THEREFORE;**

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

**SECTION 1.** The Leon Creek Linear Creekway Development 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 by negotiation and/or condemnation, if necessary, the fee simple title to certain privately owned real property, for the development and completion of the Leon Creek Linear Creekway Development Project and more particularly described as follows:

PROPERTY ACQUISITIONS			
Site Map No.	City Council District	Approximate Acreage	Legal Description
1	6 & 7	55.5	NCB 16931 and 18083
2	6	1.5	NCB 16515
Total		57.00	

The properties are more specifically shown on the Site Maps affixed 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 the negotiated price of land valued at approximately \$140,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00060, Leon Ck Greenway (Acq. Prop 3), is authorized to be encumbered and made payable for acquisition of 57 acres of land along Leon Creek from previously appropriated funds.

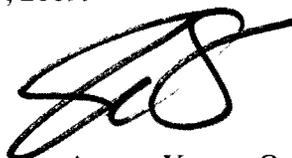
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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 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.

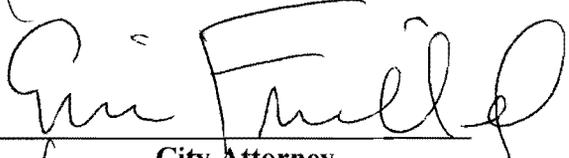
**SECTION 6.** In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby 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 if it receives eight affirmative votes, otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this the 10<sup>th</sup> day of **December, 2009.**

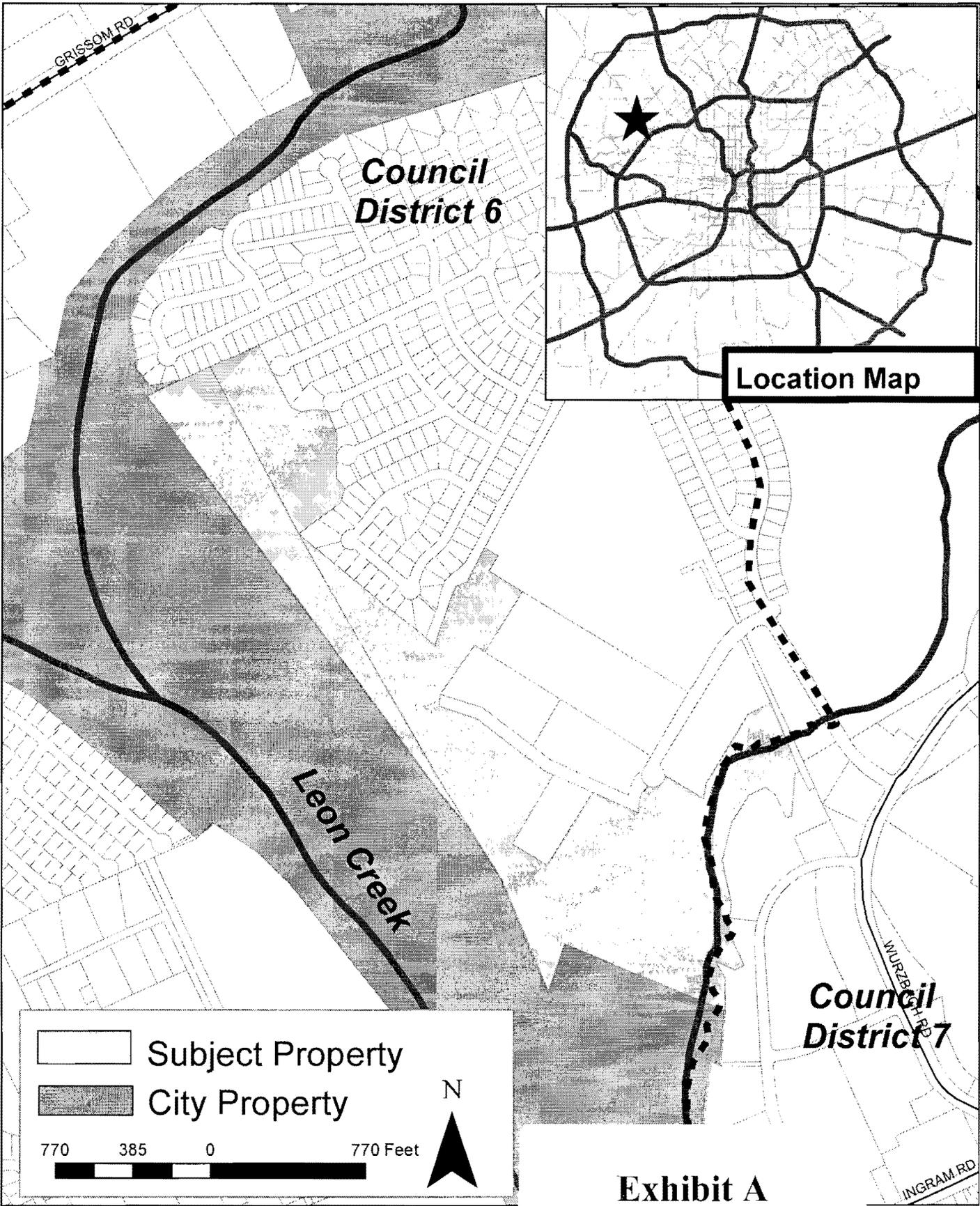
  
M A Y O R  
**JULIÁN CASTRO**

**ATTEST:**   
CITY CLERK

**APPROVED AS TO FORM:**   
for City Attorney

<b>Agenda Item:</b>	25						
<b>Date:</b>	12/10/2009						
<b>Time:</b>	02:37:45 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the acquisition, through negotiation and/or condemnation of approximately 57 acres of land located in NCB 16515, NCB 16931, and NCB 18083, in City Council Districts 6 and 7 along Leon Creek for the Linear Creekway Development Project, all properties being in the City of San Antonio, Bexar County, Texas; declaring the Linear Creekway Development Project on Leon Creek to be a public project; declaring a public necessity for the acquisition of privately owned real property and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. [Sharon De La Garza, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]						
<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			x	
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

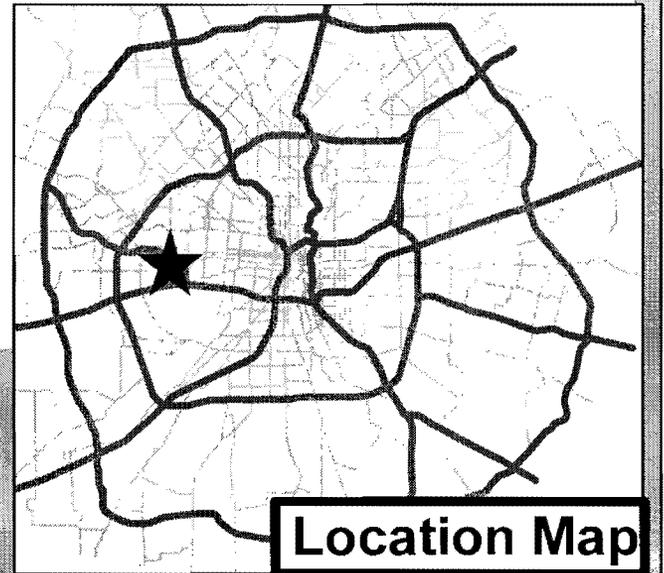
**Site Map #1**  
**Proposed Leon Creek Greenway Land Acquisition**  
**55.5 acres in District 6 and 7**



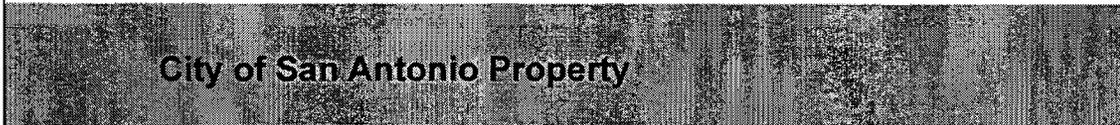
**Exhibit A**

Site Map #2  
Proposed Leon Creek Greenway Land Acquisition  
1.5 acres in District 6

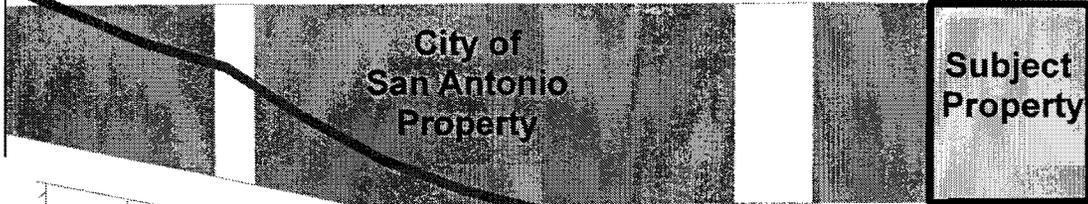
**Council  
District 6**



**Location Map**



City of San Antonio Property



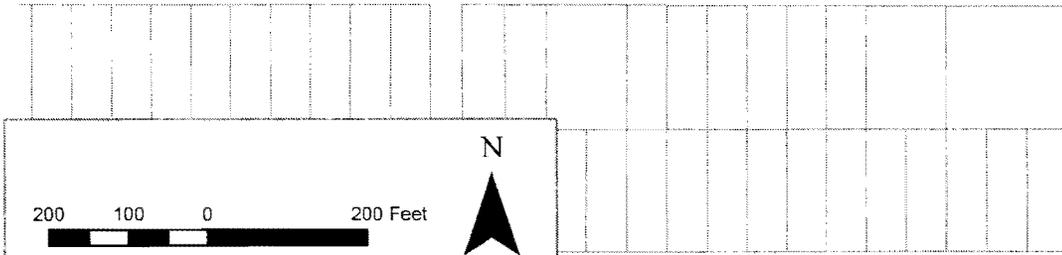
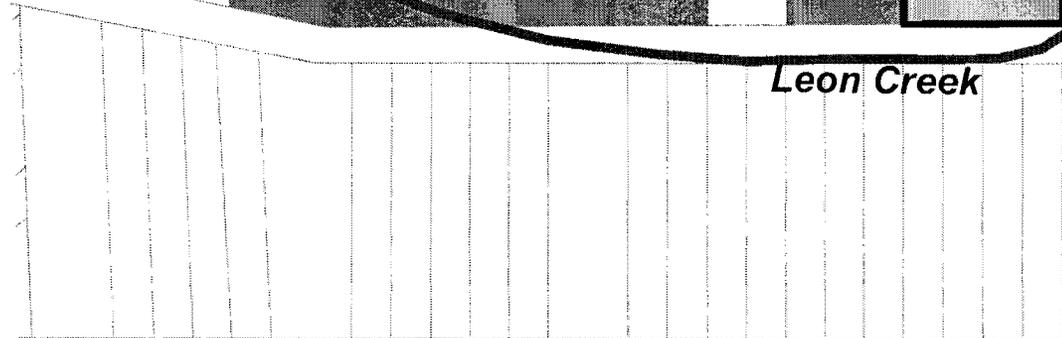
City of  
San Antonio  
Property

Subject  
Property

Rodriguez County Park

Leon Creek

EXHIBIT "B"



200 100 0 200 Feet

N

OLD HWY 90 W