

AN ORDINANCE 2008-06-19-0582

**DETERMINING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION AND/OR CONDEMNATION OF APPROXIMATELY 48.686 ACRES OF LAND LOCATED IN DISTRICT 7 ALONG LEON CREEK WEST OF TIMBER CREEK ESTATES SUBDIVISION; AND BETWEEN CULEBRA AND INGRAM FOR THE LINEAR CREEKWAY PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT BEING FIVE PARCELS OF REAL PROPERTY: 15.036 ACRES OUT OF LOT P-4 AND P-66, NCB 18560; 4.15 ACRES OUT OF LOT P-9A AND P-141, NCB 15004; 21.00 ACRES OUT OF LOT P-8, NCB 15004; 3.00 ACRES OUT OF LOT P-12D AND P-134, NCB 15004; AND 5.5 ACRES OUT OF LOT P-100, NCB 15328.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") seeks to acquire five properties either by negotiation or condemnation for the development and completion of the Linear Creekway Parks Development Project; and

**WHEREAS**, property interests are required for the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project and property acquisitions of approximately 48.686 acres more or less and is a necessary step in implementing this Project; and

**WHEREAS**, the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project is a proposed acquisition of properties along Leon Creek located in City Council District 7 which are completely within the 100-year FEMA flood plain and are necessary for the Linear Creekways Development; and

**WHEREAS**, this Ordinance authorizes the acquisition of five tracts of land along Leon Creek at a 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 were approved in the FY 2008-2013 Adopted Annual Capital Budget, **NOW THEREFORE;**

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

**SECTION 1.** The Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion 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 Linear Creekway Parks Development Project and more particularly described as follows:

No.	BCAD No.	Acreage	Legal Description
1	706323	15.036 acres	Lot P-4 and P-66, NCB 18560
2	565509	4.15 acres	Lot P-9A and P-141, NCB 15004
3	565504	21 acres	Lot P-8, NCB 15004
4	565514	3 acres	Lot P-12D and P-134, NCB 15004
5	574910	5 acres	Lot P-100, NCB 15328

The properties are more specifically described in the Bexar CAD Data Sheets as well as Site Maps affixed hereto as **Exhibits A through G** and incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

**SECTION 3.** Payment in the amount up to \$348,808.50 is authorized for payment for negotiation from project 26-00060 Leon Ck Greenway (Acq. Prop 3) and should be encumbered with a purchase order and made payable to the respective land owner.

**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.

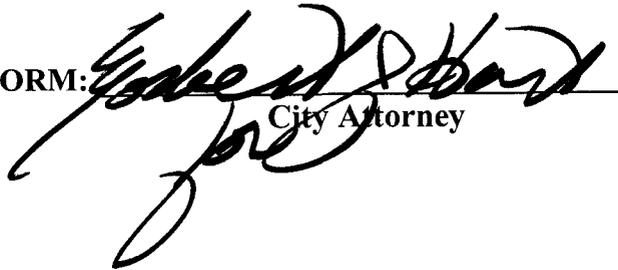
**PASSED AND APPROVED** this the 19th day of **June, 2008.**

  
M A Y O R  
**PHIL HARDBERGER**

**ATTEST:**

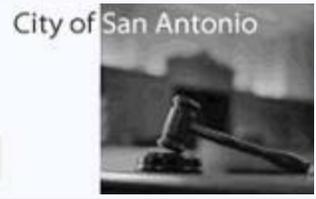
  
CITY CLERK

**APPROVED AS TO FORM:**

  
City Attorney



Request for  
**COUNCIL  
ACTION**



**Agenda Voting Results - 42**

<b>Name:</b>	9, 16, 17, 18, 19, 21, 24, 25, 26, 27, 31, 32, 33, 34, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 55, 56A, 56B, 57, 58, 59, 61, 62, 66, 68, 69, 70, 72, 73, 75, 76, 78, 80, 81A, 81B, 81C, 81D, 81E, 81F, 81G, 81H, 81I, 81J
<b>Date:</b>	06/19/2008
<b>Time:</b>	02:48:38 PM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance determining the necessity for and authorizing the acquisition and/or condemnation of approximately 48.686 acres of land located in District 7 along Leon Creek west of Timber Creek Estates Subdivision and between Culebra and Ingram for the Linear Creekway Parks Land Acquisition and Park Expansion Project being five parcels of real property: 15.036 acres out of Lot P-4 and P-66, NCB 18560; 4.15 acres out of Lot P-9A and P-141, NCB 15004; 21.00 acres out of Lot P-8, NCB 15004; 3.00 acres out of Lot P-12D and P-134, NCB 15004; and 5.5 acres out of Lot P-100, NCB 15328. [Frances A. Gonzalez, Assistant City Manager; Malcolm Matthews, Director, Parks and Recreation]
<b>Result:</b>	Passed

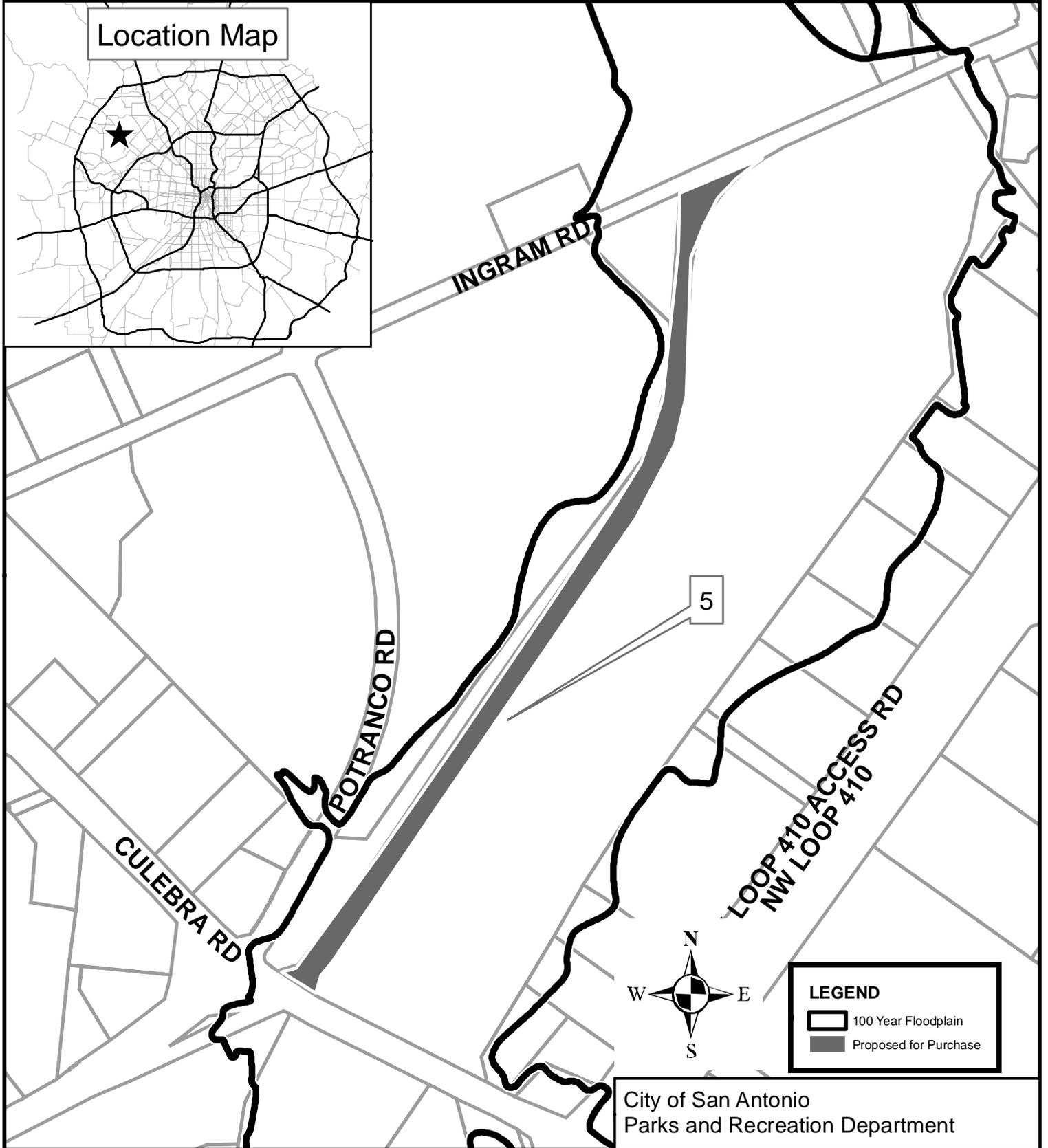
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					

# Site Map

## Leon Creek Greenway Central

(100 Year Floodplain Shown)

5.5 Acre Tract



City of San Antonio  
Parks and Recreation Department

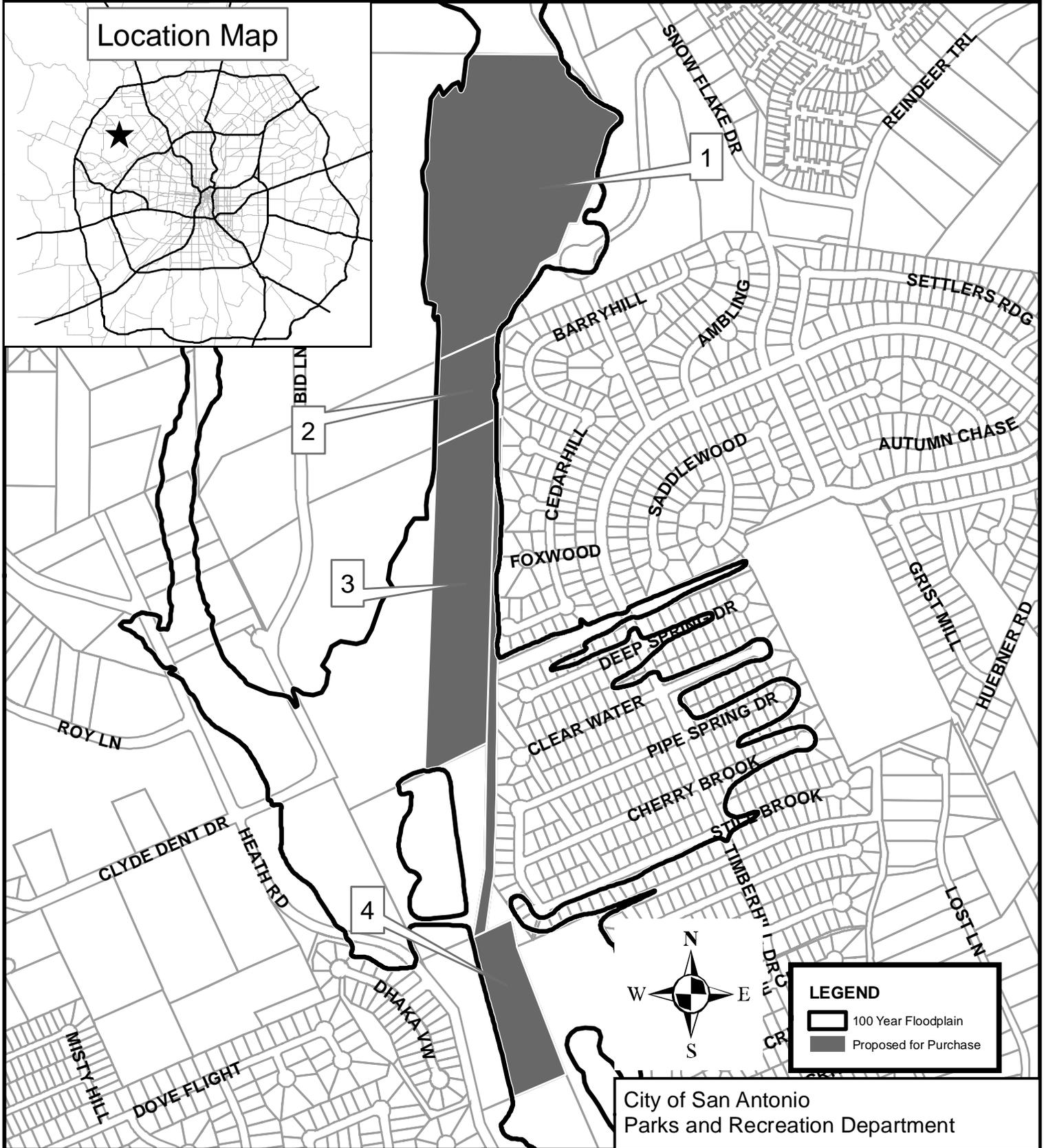
# Site Map

## Leon Creek Greenway Central

(100 Year Floodplain Shown)

- 1. 15.036 acre tract
- 2. 4.15 acre tract

- 3. 21 acre tract
- 4. 3 acre tract



City of San Antonio  
Parks and Recreation Department

**Bexar CAD**

**Property Search Results > Property ID 706323 MESA EQUIPMENT CO INC for Year 2008**



Map Image	Legend	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> dynField2PROP_ID</li> <li><input type="checkbox"/> dynProperty</li> <li><input checked="" type="checkbox"/> PropHighlight</li> <li><input type="checkbox"/> Flood</li> <li><input type="checkbox"/> City</li> <li><input type="checkbox"/> School Districts</li> <li>NCB Number</li> <li>Lot Numbers 2</li> <li>Lot Numbers 1</li> <li>Export</li> <li>Parcels</li> <li>Current Parcel</li> <li>Streets</li> </ul>	<p style="font-size: 2em;">1</p>

**Property Details**

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**Account**

Property ID: 706323  
 Geo. ID: 18560-000-0043  
 Type: Real  
 Legal Description: NCB 18560 P-4 (19.227AC) & P-66 (35.1915AC)

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**Location**

Address: LOW BID LN  
 Neighborhood: NORTHSIDE METRO AC #1  
 Mapsco: 579E2  
 Jurisdictions: 06, 08, 09, 10, 11, 21, 56, CAD

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**Owner**

Name: MESA EQUIPMENT CO INC  
 Address: 10120 BRAUN RD  
 SAN ANTONIO, TX 78254-9507

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**Property**

Appraised Value: \$128,850

Website version: 1.2.1.2

Database last updated on: 6/15/2008 11:09 PM

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**EXHIBIT "A"**

**Bexar CAD**

**Property Search Results > Property ID 565509 HEATH ROY Q for Year 2008**



Map Image	Legend	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> dynField2PROP_ID</li> <li><input type="checkbox"/> dynProperty</li> <li><input checked="" type="checkbox"/> PropHighlight</li> <li><input type="checkbox"/> Flood</li> <li><input type="checkbox"/> City</li> <li><input type="checkbox"/> School Districts</li> <li>NCB Number</li> <li>Lot Numbers 2</li> <li>Lot Numbers 1</li> <li>Export</li> <li>Parcels</li> <li>Current Parcel</li> <li>Streets</li> </ul>	<p style="font-size: 2em;">2</p>

**Property Details**

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**Account**

Property ID: 565509  
 Geo. ID: 15004-000-0092  
 Type: Real  
 Legal Description: NCB 15004 P-9A (.718AC) & P-141 (10.235AC) ( MISTY OAKS ANNEX )

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**Location**

Address: 6740 LOW BID LN TX  
 Neighborhood: NBHD code15030  
 Mapsco: 579E3  
 Jurisdictions: 06, 08, 09, 10, 11, 21, 56, CAD

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**Owner**

Name: HEATH ROY Q  
 Address: PO BOX 682008  
 SAN ANTONIO, TX 78268

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**Property**

Appraised Value: \$68,240

Website version: 1.2.1.2

Database last updated on: 6/15/2008 11:09 PM

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**EXHIBIT "B"**

Bexar CAD

Property Search Results > Property ID 565504 HEATH R Q LP for Year 2008



Map Image	Legend	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> dynField2PROP_ID</li> <li><input type="checkbox"/> dynProperty</li> <li><input checked="" type="checkbox"/> PropHighlight</li> <li><input type="checkbox"/> Flood</li> <li><input type="checkbox"/> City</li> <li><input type="checkbox"/> School Districts</li> <li>NCB Number</li> <li>Lot Numbers 2</li> <li>Lot Numbers 1</li> <li>Export</li> <li>Parcels</li> <li>Current Parcel</li> <li>Streets</li> </ul>	<p style="font-size: 2em;">3</p>

**Property Details**

**Account**

Property ID: 565504  
 Geo. ID: 15004-000-0080  
 Type: Real  
 Legal Description: NCB 15004 BLK LOT P-8 ( MISTY OAKS ANNEX )

**Location**

Address: LOW BID LN  
 Neighborhood: NBHD code15030  
 Mapsco: 579D3  
 Jurisdictions: 06, 08, 09, 10, 11, 21, 56, CAD

**Owner**

Name: HEATH R Q LP  
 Address: PO BOX 682008  
 SAN ANTONIO, TX 78268-2008

**Property**

Appraised Value: \$125,000

**EXHIBIT "C"**

Bexar CAD

Property Search Results > Property ID 565514 ELKINS HARTZELL B for Year 2008



Map Image	Legend	
	<ul style="list-style-type: none"> <li><input type="checkbox"/> dynField2PROP_ID</li> <li><input type="checkbox"/> dynProperty</li> <li><input checked="" type="checkbox"/> PropHighlight</li> <li><input type="checkbox"/> Flood</li> <li><input type="checkbox"/> City</li> <li><input type="checkbox"/> School Districts</li> <li><input type="checkbox"/> NCB Number</li> <li><input type="checkbox"/> Lot Numbers 2</li> <li><input type="checkbox"/> Lot Numbers 1</li> <li><input type="checkbox"/> Export</li> <li><input type="checkbox"/> Parcels</li> <li><input type="checkbox"/> Current Parcel</li> <li><input type="checkbox"/> Streets</li> </ul>	<p style="font-size: 2em;">4</p>

**Property Details**

**Account**

Property ID: 565514  
 Geo. ID: 15004-000-0124  
 Type: Real  
 Legal Description: NCB 15004 BLK LOT P-12D 5.159 AC & P-134 2.434 AC ( MISTY OAKS ANNEX )

**Location**

Address: HEATH RD  
 Neighborhood: NBHD code15030  
 Mapsco: 579E4  
 Jurisdictions: 06, 08, 09, 10, 11, 21, 56, CAD

**Owner**

Name: ELKINS HARTZELL B  
 Address: 2508 RIVER FOREST DR  
 BRYAN, TX 77802-2827

**Property**

Appraised Value: \$45,340

**EXHIBIT "D"**

Bexar CAD

Property Search Results > Property ID 574910 ITHACA INVESTMENTS LTD for Year 2008



Map Image	Legend	
	<ul style="list-style-type: none"> <li>dynField2PROP_ID</li> <li>dynProperty</li> <li>PropHighlight</li> <li>Flood</li> <li>City</li> <li>School Districts</li> <li>NCB Number</li> <li>Lot Numbers 2</li> <li>Lot Numbers 1</li> <li>Export</li> <li>Parcels</li> <li>Current Parcel</li> <li>Streets</li> </ul>	<p style="font-size: 2em;">5</p>

**Property Details**

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**Account**

Property ID: 574910  
 Geo. ID: 15328-000-0571  
 Type: Real  
 Legal Description: NCB 15328 LOT P- 57 (DRAIN ESMT) & P-100 (ABANDONED ROW)

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**Location**

Address: CULEBRA RD  
 Neighborhood: NBHD code11000  
 Mapsco: 579F8  
 Jurisdictions: 06, 08, 09, 10, 11, 21, 56, CAD

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**Owner**

Name: ITHACA INVESTMENTS LTD  
 Address: 4515 SAN PEDRO AVE  
 SAN ANTONIO, TX 78212

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**Property**

Appraised Value: \$1,000

Website version: 1.2.1.2

Database last updated on: 6/15/2008 11:09 PM

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**EXHIBIT "E"**

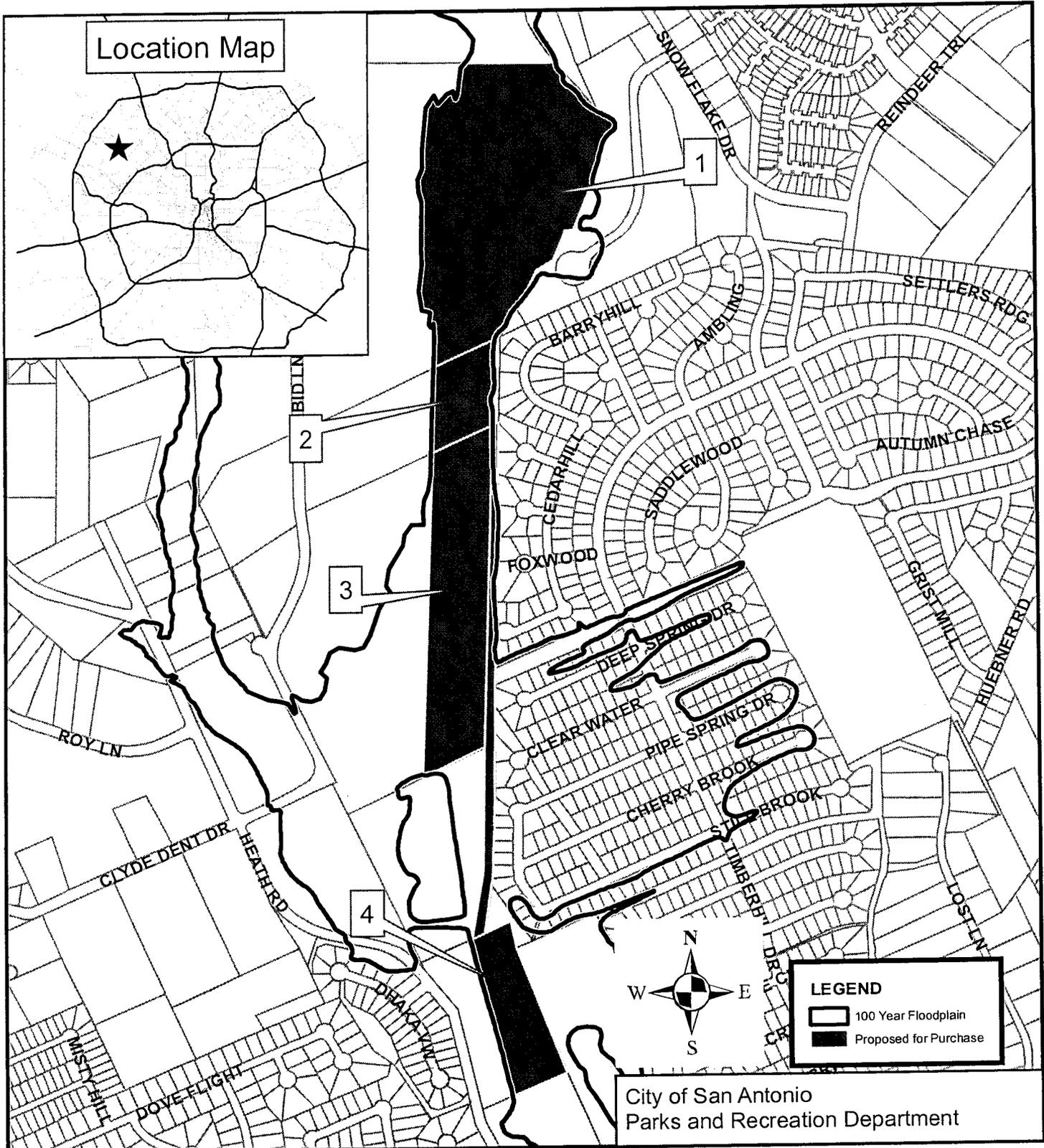
# Site Map

## Leon Creek Greenway Central

(100 Year Floodplain Shown)

- 1. 15.036 acre tract
- 2. 4.15 acre tract

- 3. 21 acre tract
- 4. 3 acre tract



**EXHIBIT "F"**

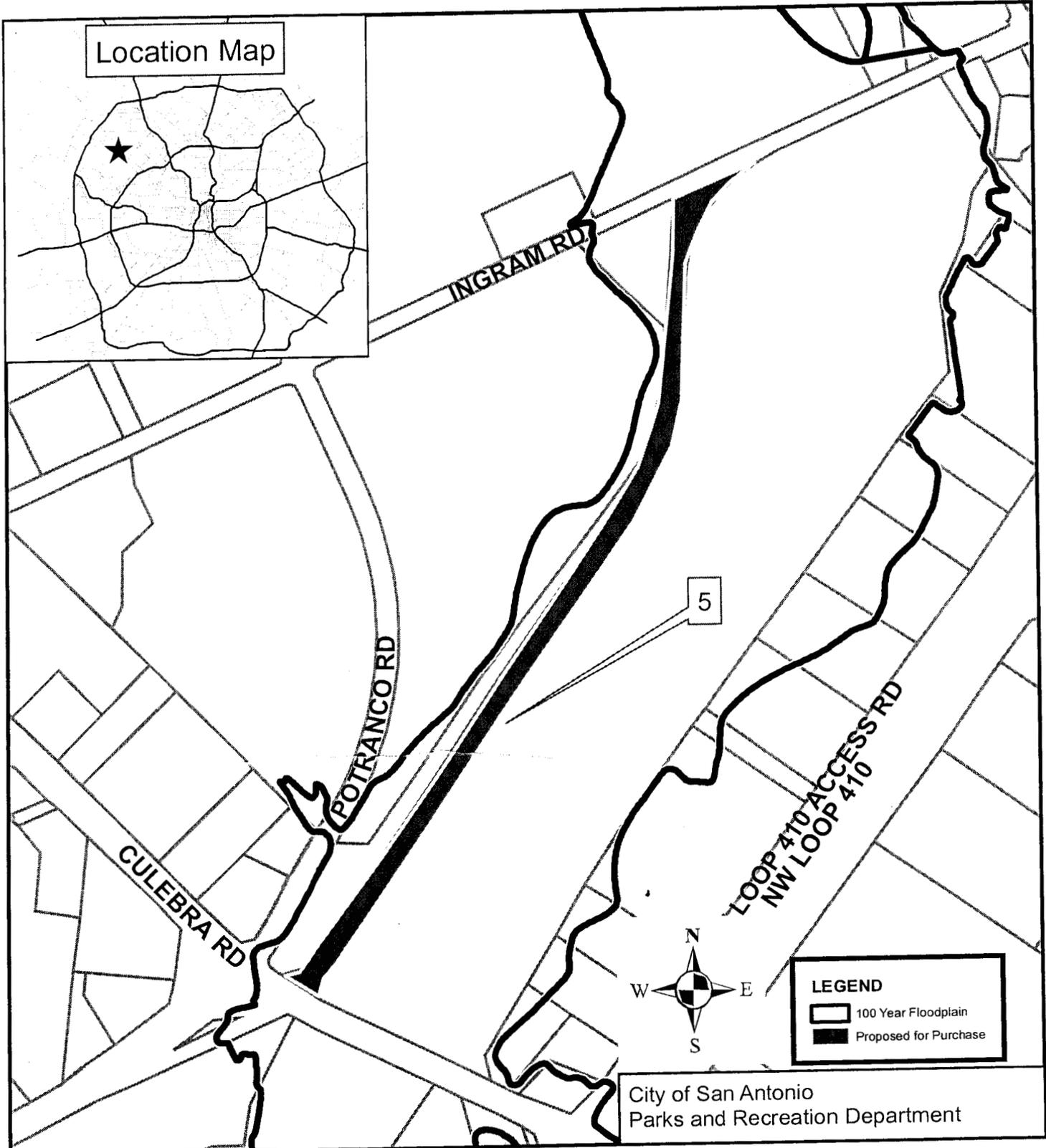
City of San Antonio  
Parks and Recreation Department

# Site Map

## Leon Creek Greenway Central

(100 Year Floodplain Shown)

5.5 Acre Tract



City of San Antonio  
Parks and Recreation Department

EXHIBIT "G"



**CITY OF SAN ANTONIO**  
**Request for Council Action**

Agenda Item # 42  
Council Meeting Date: 6/19/2008  
RFCA Tracking No: R-3488

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**DEPARTMENT:** Parks & Recreation

**DEPARTMENT HEAD:** Malcolm Matthews

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 7

**SUBJECT:**  
Property Acquisition for Linear Creekways Development Project

**SUMMARY:**

This ordinance authorizes the acquisition of five tracts of land along Leon Creek in City Council District 7 at a fair market value by negotiation or condemnation, and authorizes the City Attorney to file eminent domain proceedings, if necessary.

**BACKGROUND INFORMATION:**

This ordinance will authorize the purchase through negotiation or condemnation, if good faith negotiations fail, of 48.686 acres of land in 5 parcels depicted on the attached site map. All parcels are along Leon Creek in City Council District 7, completely within the 100-year FEMA flood plain and are necessary for the Linear Creekways Development Project.

The properties under consideration are owned by multiple landowners. This ordinance authorizes acquisition of five tracts of land along Leon Creek in City Council District 7 at fair market value by negotiation or condemnation, and authorizes the City Attorney to file eminent domain proceedings, if necessary, as part of the development of the Linear Creekway Parks Development Project.

**ISSUE:**

These acquisitions are consistent with policy adopted by the City Council for the acquisition of properties along Leon Creek as funded by sales tax initiatives and the Parks and Recreation Strategic System Plan. The acquisition is also consistent with Natural Resource and Urban Design Goals of the San Antonio Master Plan Policies.

**ALTERNATIVES:**

These acquisitions are necessary connections to a larger creekway trail system along the Salado Creek, Leon Creek, and the Medina River through which multi-use trails and related park improvements will be constructed and are essential to the implementation of this voter-approved project. If these acquisitions are not approved, the project will be delayed and costs for improvements will be increased.

**FISCAL IMPACT:**

A total of \$65,000,000.00 for Parks Development and Expansion Venue Projects were approved by the voters in 2000 and 2005. Funds for property acquisitions along Leon Creek have been approved through previous City Council action. This project has been approved in the FY 2008-2013 Adopted Annual Capital Budget. The five parcels being recommended with this action have an estimated appraised value of \$348,808.50.

The 48.686 acres of land is part of the approved Linear Creekways project which is currently budgeted.

**RECOMMENDATION:**

Staff recommends approval of the acquisition of five tracts of land along Leon Creek in City Council District 7 at fair market value by negotiation or condemnation, and authorizes the City Attorney to file eminent domain proceedings, if necessary.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Site Map # 1 for Leon Creek Greenway</a>	Site Map #1 for Leon Creek Greenway - 6-19-08.pdf
<a href="#">Site Map #2 for Leon Creek Greenway</a>	Site Map #2 for Leon Creek Greenway - 6-19-08.pdf
<a href="#">Voting Results</a>	
<a href="#">Ordinance/Supplemental Documents</a>	200806190582.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Janet Martin Assistant Director Parks & Recreation

**APPROVED FOR COUNCIL CONSIDERATION:**

Frances A. Gonzalez Assistant City Manager