

AN ORDINANCE 2008-08-21-0721

AUTHORIZING THE CITY TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH MEDICAL CENTER ALLIANCE AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTERESTS TO TWENTY FOUR (24) PARCELS FOR THE SOUTH TEXAS MEDICAL CENTER INTERSECTION IMPROVEMENTS PROJECT; AND DECLARING IT A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE PRIVATELY OWNED REAL PROPERTY LOCATED IN THE FOLLOWING NCBS: 17060, 12816, 13663, 17108, 11609, 16783, 13666, 13667, 17171, 16350, 17102, 17488 AND 17253, COUNCIL DISTRICT 8, BY NEGOTIATION AND/OR CONDEMNATION; AND AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND APPROPRIATING FUNDS.

* * * * *

WHEREAS, the City of San Antonio ("City") seeks to acquire 24 parcels either by negotiation or condemnation for the South Texas Medical Center Intersection Improvement Projects; and

WHEREAS, these property interests are required in order for the Medical Center Alliance to provide the right-of-way and design for the proposed intersection improvements; and

WHEREAS, the South Texas Medical Center Intersection Improvement Project includes the reconstruction of the following 2007 Bond projects; Medical Drive at Babcock, Wurzbach at Ewing Halsell, and Hamilton Wolfe at Floyd Curl; and the reconstruction of the following Certificate of Obligation projects; Medical at Wurzbach, and Hamilton Wolfe at Babcock and Ewing Halsell; all in the Medical Center Area of the City of San Antonio; and

WHEREAS, the Project also includes parkway improvements such as new curbs, sidewalks, and driveway approaches, new signage and necessary drainage and utility improvements; and

WHEREAS, this Ordinance authorizes the City to enter into a Reimbursement Agreement with the Medical Center Alliance to reimburse the City funds in the amount of \$750,000.00; **NOW THEREFORE**,

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

SECTION 1. The South Texas Medical Center Intersection Improvement 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 proposed intersection improvements and more particularly described as follows:

Parcel No.	New City Block	Intersection
17946	16060	Wurzbach & Medical
17948	12816	Wurzbach & Medical
17952-A	13663	Wurzbach & Ewing Halsell
18131	17108	Babcock & Medical
18132	11609	Babcock & Medical
18133	16783	Babcock & Medical
18135	13666	Babcock & Medical
18169	13667	Hamilton Wolfe & Floyd Curl
18251	13663	Hamilton Wolfe & Floyd Curl
18252	13667	Hamilton Wolfe & Floyd Curl
18253	13667	Hamilton Wolfe & Floyd Curl
18254	13667	Hamilton Wolfe & Floyd Curl
18255	13667	Hamilton Wolfe & Floyd Curl
18256	13663	Hamilton Wolfe & Ewing Halsell
18257	17171	Hamilton Wolfe & Floyd Curl
18258	17171	Hamilton Wolfe & Floyd Curl
18259	16350	Hamilton Wolfe & Floyd Curl
18260	17102	Hamilton Wolfe & Ewing Halsell
18261	13667	Hamilton Wolfe & Babcock
18262	13667	Hamilton Wolfe & Babcock
18263	13666	Hamilton Wolfe & Babcock
18264	17488	Hamilton Wolfe & Babcock
18265	17488	Hamilton Wolfe & Babcock
18266	17253	Hamilton Wolfe & Floyd Curl

The properties are more specifically shown on the Site Maps affixed hereto as **Exhibits A** incorporated herein for all purposes. Collectively, the properties may be referred to as the "Property."

SECTION 3. The City Manager or her designee is authorized to enter into a Reimbursement Agreement with the Medical Center Alliance to reimburse the City of San Antonio \$750,000.00 for the Medical Center Intersections Improvement Program. A copy of the Reimbursement Agreement is attached hereto and incorporated herein as **Exhibit B**.

SECTION 4. Funds are authorized to be received from Medical Center Alliance, to fund 45099000, SAP Project Definition 40-00022, Medical Center Intersection Improvements Ph IV-VII, shall be revised by increasing WBS element 40-00022-90-11, entitled Medical Center Alliance, SAP GL Account 4502280 – Contribution from other Agencies, by the amount of \$750,000.00.

SECTION 5. The amount of \$750,000.00 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00022, Medical Center Intersection Improvements Ph IV-VII, SAP WBS Element 40-00022-03-02-04-01, entitled Medical Alliance/TX DOT Acquisitions, SAP GL Account 5201110.

SECTION 6. 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 7. 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.

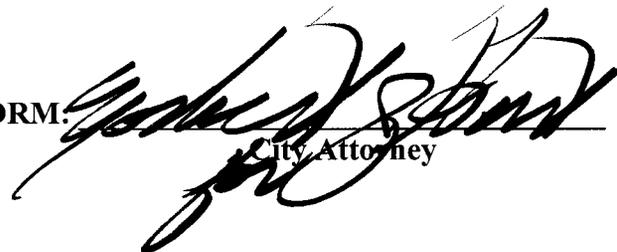
SECTION 8. In the event that the City negotiations fail and staff is unable to acquire one or more parcels from the property owner by negotiation or for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to acquire the property through eminent domain proceedings.

SECTION 9. This Ordinance shall be effective ten days after passage.

PASSED AND APPROVED this the 21st day of **August, 2008.**


M A Y O R
PHIL HARDBERGER

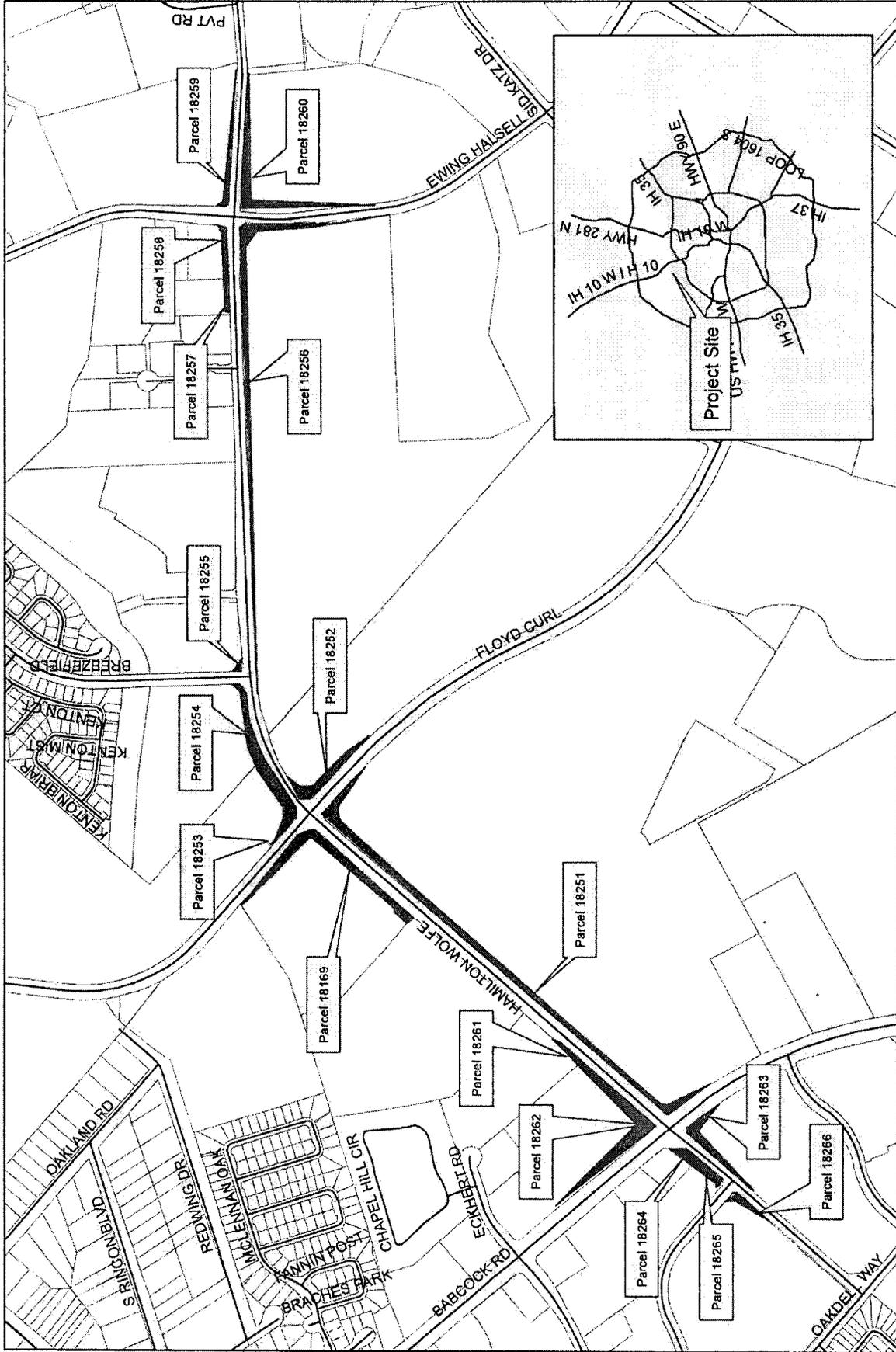
ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
City Attorney

Agenda Item:	16 (in consent vote: 5, 9, 12, 13, 14, 15, 16, 17, 20, 21, 23, 25, 26, 27B)						
Date:	08/21/2008						
Time:	09:45:18 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the City to enter into a reimbursement agreement with Medical Center Alliance authorizing the acquisition of fee simple title and/or easement interests to twenty four (24) parcels for the South Texas Medical Center Intersection Improvements Project; and declaring it a public project; declaring a public necessity for the acquisition of the privately owned real property located in the following NCBs: 17060, 12816, 13663, 17108, 11609, 16783, 13666, 13667, 17171, 16350, 17102, 17488 and 17253, Council District 8, by negotiation and/or condemnation, if necessary; and authorizing the City Attorney and/or designated special counsel to file Eminent Domain proceedings, if necessary, and appropriating funds. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	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				
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			x	
John G. Clamp	District 10		x				

EXHIBIT "A"

South Texas Medical Center Intersection Improvements Project



NOT TO SCALE

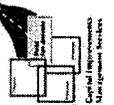
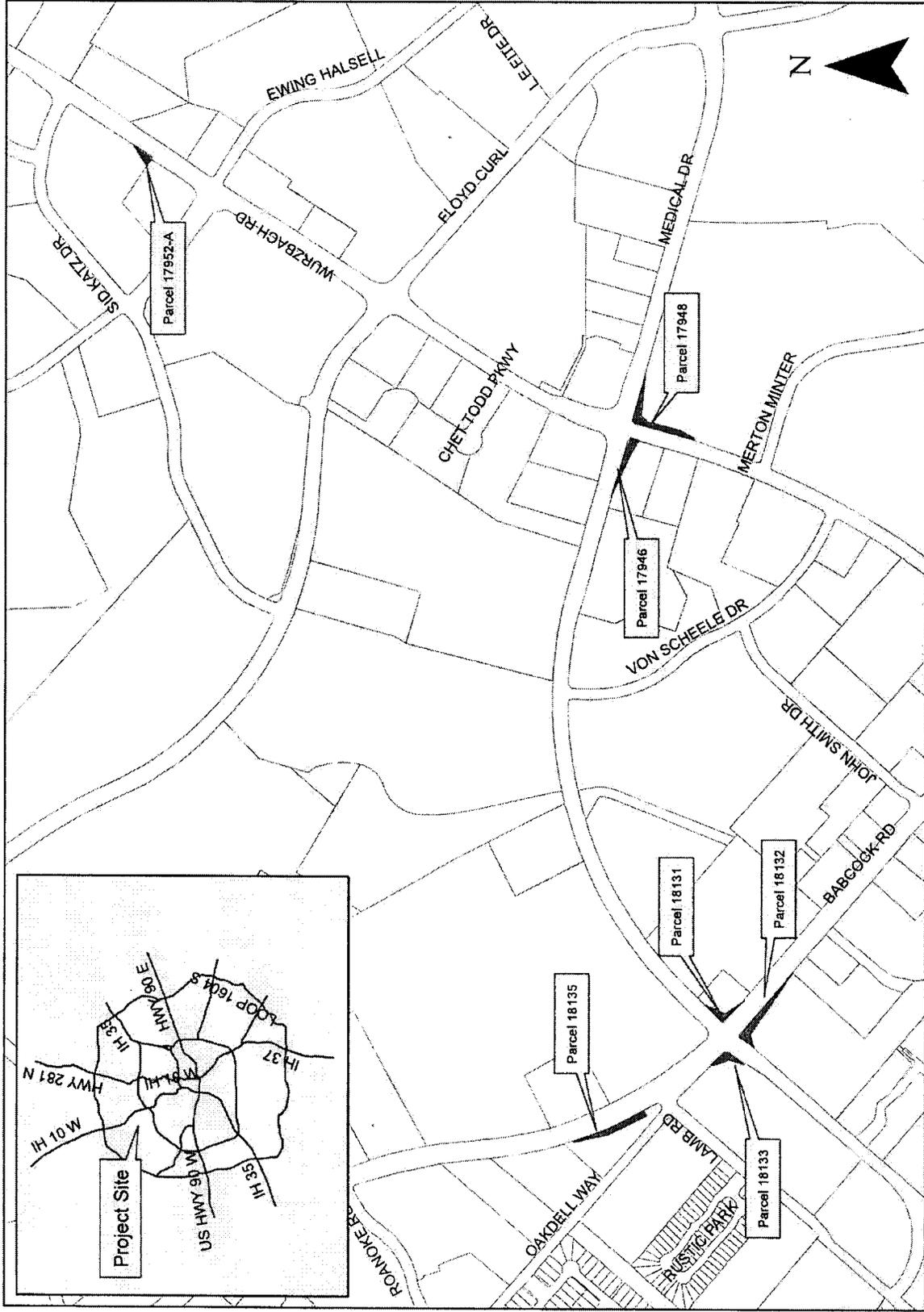


Exhibit A

South Texas Medical Center Intersection Improvements Project



NOT TO SCALE

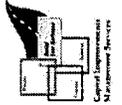


Exhibit A



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 16
Council Meeting Date: 8/21/2008
RFCA Tracking No: R-3687

DEPARTMENT: Capital Improvements
Management Services

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICT(S) IMPACTED:
Council District 8

SUBJECT:
Real Estate Acquisition for the Medical Center Intersection Improvements Project

SUMMARY:

This ordinance declares the South Texas Medical Center Intersection Improvements Project a public project for the acquisition by negotiation and/or condemnation of property (24 parcels of real property) located in Council District 8, and authorizes the City Attorney to file eminent domain proceedings, if necessary. This ordinance also authorizes the execution of a reimbursement agreement with Medical Center Alliance and appropriates funds.

BACKGROUND INFORMATION:

There are 24 parcels to be acquired as part of the Medical Center Intersection Improvement projects (see attachment). As part of a long-standing agreement between the City of San Antonio and the Medical Center Alliance (MCA), the MCA will provide the right-of-way and design for the proposed intersection improvements. The scope of work includes the reconstruction of the following 2007 Bond projects; Medical Drive at Babcock, Wurzbach at Ewing Halsell, and Hamilton Wolfe at Floyd Curl; and the reconstruction of the following Certificate of Obligation projects; Medical at Wurzbach, and Hamilton Wolfe at Babcock and Ewing Halsell; all in the Medical Center Area of the City of San Antonio. The projects will include parkway improvements such as new curbs, sidewalks, and driveway approaches. New signage and necessary drainage and utility improvements will also be provided.

The Reimbursement Agreement is effective September 1, 2007 in order for the Medical Center Alliance to reimburse the City for any costs associated with acquisition work completed from that date.

ISSUE:

The acquisition of certain property is necessary for the Medical Center Intersection Improvements project. Funds will be appropriated for the right-of-way acquisition through the reimbursement agreement with the Medical Center Alliance. Staff is requesting that City Council authorize the reimbursement agreement with the Medical Center Alliance and authorize the acquisition of these properties by condemnation in the event the City is not able to acquire them through friendly negotiation.

ALTERNATIVES:

The alternative to approval of this item would be that the Medical Center Intersections Improvement Program would not be completed in accordance with the master plan. Also, acquisition could be delayed if the negotiations are not successful.

FISCAL IMPACT:

This is a one-time capital improvement expenditure of \$750,000.00 to be reimbursed to the City by a Reimbursement Agreement signed by the Medical Center Alliance. The Reimbursement Agreement is attached for reference.

RECOMMENDATION:

Staff recommends approval to declare a public project the South Texas Medical Center Intersection Improvements Project and purchase property for the proposed improvements and right-of-way acquisition.

ATTACHMENT(S):

File Description	File Name
H:\South Texas Medical Center Intersections\RFCA Items\Exhibit A map.pdf	Exhibit A map.pdf
H:\South Texas Medical Center Intersections\RFCA Items\Exhibit B Parcels to be acquired.doc	Exhibit B Parcels to be acquired.doc
H:\South Texas Medical Center Intersections\RFCA Items\Reimbursement Agreement.PDF	Reimbursement Agreement.PDF
Voting Results	
Ordinance/Supplemental Documents	200808210721.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Debbie Sittre Assistant Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Penny Postoak Ferguson Assistant City Manager