

AN ORDINANCE

89791

**AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACQUIRE FEE SIMPLE TITLE TO A 5.28 ACRE TRACT FOR USE AS A STORMWATER DETENTION FACILITY ON WEIDNER ROAD, NORTH OF SCHERTZ ROAD AND NORTHEAST OF I-35, FOR THE SUM OF \$400,000.00 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR DARREN CASEY INTERESTS, INCORPORATED; AUTHORIZING \$100,000 FOR ENGINEERING SERVICES TO BEGIN THE DESIGN OF THE WEIDNER ROAD DETENTION FACILITY; AND APPROPRIATING \$500,000.00 FROM THE STORMWATER DETENTION FEE-IN-LIEU FUND TO PAY THESE EXPENSES.**

\* \* \* \* \*

**WHEREAS**, this ordinance authorizes the City Manager or his designee to acquire fee simple title to approximately five acres of land in North San Antonio to be used as a stormwater detention facility, and

**WHEREAS**, this ordinance authorizes payment of the \$400,000.00 purchase price for the aforesaid acreage to the escrow agent for the seller; and

**WHEREAS**, this ordinance authorizes the appropriation of \$100,000.00 for engineering services to begin the design of the aforesaid stormwater detention facility, and

**WHEREAS**, this facility will facilitate development of a large area as commercial property in north San Antonio, and

**WHEREAS**, funds are available for this acquisition and the design of the facility from the Stormwater Detention Fee-in-Lieu Fund, and

**WHEREAS**, approval of this ordinance will be a continuation of Council policy to resolve drainage problems through construction of regional detention ponds and other flood mitigation projects.

**NOW THEREFORE:**

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

**SECTION 1.** This ordinance authorizes the expenditure of \$400,000.00 to obtain fee simple title for certain real property for use as a stormwater detention facility.

**SECTION 2.** The real property consists of a 5.28 acre tract on Weidner Road, north of Schertz Road, northwest of IH-35 described as follows:

5.28 acres out of NCB 15911, City of San Antonio, Bexar County, Texas, out of a 71.678 acre tract recorded in Volume No. 6175, Page No. 1465 of the official Real Property Records of Bexar County.

**SECTION 3.** The aforesaid purchase price will be paid to Lawyers Title of San Antonio as escrow agent for the seller, Darren Casey Interests, Incorporated.

**SECTION 4.** This ordinance additionally authorizes the expenditure of \$100,000.00 for engineering services to begin the design of the Weidner Road Detention Facility.

**SECTION 5.** Funds are hereby appropriated, budgeted, or approved for payment as follows:

Section 1: The budget in Fund 29-023000 (Miscellaneous Special Revenue Fund-Stormwater Operating Fund), Index Code 925750 entitled Transfer To Capital Projects: Detention Pond Projects, is reduced by \$500,000.00.

A.: The budget in Fund 29-023001 (Miscellaneous Special Revenue Fund-Stormwater Detention Project), Index Code 918797 entitled Transfer To 40-006015 Weidner Road Detention Facility, is increased by \$500,000.00.

B.: Funds in the amount of \$500,000.00 are authorized to be transferred from Fund 29-023001, Index Code 918797.

C.: Funds in the amount of \$500,000.00 are authorized to be received and the budget adjusted in Fund 40-006015 (Weidner Road Detention Facility) Index Code 111328 entitled Transfer From 29-023001.

D.: Funds in the amount of \$400,000.00 are appropriated and encumbered in Fund 40-006015 Index Code 622803 entitled Land Purchase: Detention Facility and payment in that amount is authorized to Lawyers Title of San Antonio as escrow agent for fee simple title to a 5.28 acre tract.

E.: Funds in the amount of \$100,000.00 are appropriated and encumbered in Fund 40-006015 Index Code 622811 entitled Engineering Services and payment in that amount is authorized to a contingency vendor.

**SECTION 6.** A copy of the purchase instrument shall be submitted to the City Attorney for approval under Section 54, Charter of the City of San Antonio. If the instrument is

approved by the City Attorney, then the City of San Antonio accepts title to the respective parcel upon closing of the transaction.

**SECTION 7.** This ordinance shall take effect ten days from the date of passage.

**PASSED AND APPROVED** this 20<sup>th</sup> day of May, 1999.



**M A Y O R**

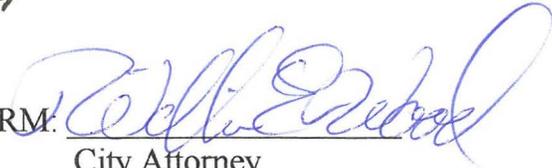
Howard W. Peak

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

**99 - 21**



**CITY OF SAN ANTONIO**  
Interdepartmental Correspondence Sheet

TO: Mayor and City Council

FROM: John L. German, P.E., Director of Public Works

COPIES TO: Gabriel Perez, Capital Programs Manager

SUBJECT: Ordinance Authorizing Procurement of Right-of-Way and Appropriating the amount of \$500,000.00 for Fee Simple Title to a 5.28 acre tract for use as a Stormwater Detention Pond and related engineering services

DATE: May 13, 1999

**SUMMARY AND RECOMMENDATION:**

This Ordinance authorizes the City Manager or his designee to acquire fee simple title to a 5.28 acre tract for use as a stormwater detention facility on Weidner Road, north of Schertz Road and northwest of I.H. 35, for the sum of \$400,000.00, payable to Lawyers Title of San Antonio as escrow agent for Darren Casey Interests, Incorporated; authorizes \$100,000 for engineering services to begin the design of the Weidner Road Detention Facility; and appropriates \$500,000 from the Stormwater Detention Fee-in-Lieu Fund to pay these expenses.

This department recommends favorable action by Council.

**BACKGROUND INFORMATION:**

For several months, the City has been negotiating with Darren Casey of Darren Casey Interests, and AMTEK, a supplier of computer equipment to locate a plant and assembly facility in San Antonio. The plant is to be located on Wurzbach Parkway near Crosswinds Boulevard and O'Connor Road. The new development adds considerable more runoff into the Perrin-Beitel Creek, a tributary to Salado Creek that saw considerable flooding in the October, 1998 flood. Briarglen is one example of that flooding.

To assist Darren Casey and Amnitek, the local consortium, in building the facility, the City agreed during the negotiation to acquire a 5.28 acre site from Mr. Casey, and to build a detention pond designed to control the stormwater runoff from the Amnitek site and surrounding property so as to avoid increased downstream flooding. In fact, the proposed Weidner Lane Detention Pond will reduce the flood levels currently experienced in the Clear Springs and Briarglen areas.

The 5.28 acre site for the proposed detention pond has been appraised at ~~\$391,000~~, but the City staff has agreed with Darren Casey that the City will pay ~~\$400,000~~ for the property. The City in the future will invest up to \$1.0 million to elevate Weidner Road out of the 100-year flood plain; use that elevated roadway to serve as a dam for the detention pond; and construct a detention facility which reduces downstream flood levels.

Darren Casey will build the new facility for Amnitek, the related street and drainage facilities, and put in utility lines to serve the facility at his cost. The primary drainage channel will be constructed at a later date, but in conjunction with the proposed detention pond and adjacent commercial development.

**POLICY ANALYSIS:**

This purchase is consistent with the City's plan to resolve drainage problems through construction of regional detention ponds and other flood mitigation projects. This facility will be located on a 5.28 acre site on Weidner Road in the Beitel Creek Watershed, a tributary of Salado Creek. When constructed, this detention pond will serve a large area that is developing as commercial property near Wurzbach Parkway, O'Connor Road, and IH-35.

New development will be facilitated, and the fees-in-lieu paid by those developers will help to offset the cost of the detention pond over the next 5-10 years. Downstream, flooding of residential areas will be diminished, and some vacant land now in the flood plain will become developable.

**FINANCIAL IMPACT:**

The total sum to be expended in this Ordinance is \$500,000. This provides \$400,000 for acquisition of 5.28 acres of land for the proposed Weidner Road Stormwater Detention Pond, and \$100,000 for engineering services to design the facility. These funds are available from the Stormwater Detention Fee-in-Lieu Fund. The firm providing engineering services will be selected within 60 days, and brought to the Council for consideration of a separate professional services contract.

**COORDINATION:**

This ordinance was coordinated with the City Manager's Office, Economic Development, City Attorney, Budget and Finance Departments. This item is a companion to an item related to tax phase-in for this project.

**SUPPLEMENTAL COMMENTS:**

This expenditure of funds authorized by this Request for Ordinance does not require an Ethics Disclosure Form.



John L. German, P.E.  
DIRECTOR OF PUBLIC WORKS

APPROVED:



CHRISTOPHER J. BRADY  
ASSISTANT TO THE CITY MANAGER

Alexander E. Briseño  
CITY MANAGER

JLG/cma