

ORDINANCE

AUTHORIZING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION OF INTERESTS IN LAND SUFFICIENT FOR PROJECT PURPOSES OF PRIVATELY-OWNED REAL PROPERTY AND DECLARING THE FOLLOWING A PROPOSITION 2 SALES TAX INITIATIVE PROJECTS TO BE PUBLIC USE PROJECTS AND A PUBLIC NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 1.321 ACRES IN NCB 34760 LOCATED ON LOCATED ALONG LEON CREEK NEAR COUNCIL DISTRICT 8 FOR THE LEON CREEK GREENWAY (RIM TO RAYMOND RUSSELL COUNTY PARK) PROJECT.

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WHEREAS, the City of San Antonio (“City”) desires to acquire the parcels as part of the Leon Creek Greenway (Rim to Raymond Russell County Park) Project for the purpose of constructing a new roadway improvements to include sidewalks drainage, bicycle facilities, and other improvements; and

WHEREAS, the property will be utilized to will construct a new roadway Leon Creek Greenway (Rim to Raymond Russell County Park); 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 the fee simple title and/or an easement interest in the parcels of land as part of the Project as further described in **SECTION 2** below; and

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City’s staff of the Real Estate Section of the Capital Improvements Management Services Department and a fair market value determined for the Property; and

WHEREAS, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; **NOW THEREFORE**,

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

SECTION 1. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easements in privately owned real property, by negotiation and/or condemnation, if necessary, as part of the Leon Creek Greenway (Rim to Raymond Russell County Park) Project.

The properties are more specifically shown on the Metes and Bounds attached hereto as **Exhibit A** and incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property.”

SECTION 2. Payment is authorized to be encumbered and made payable to the selected title companies for land, title and closing costs. Funding is provided by the Proposition 2 Sales Tax Initiative Program and is budgeted in the FY 2024 - FY 2029 Adopted annual Capital Budget. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and General Ledger Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. 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 5. 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 6. 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 _____ day of _____, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney