

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

APPROVING THE ACQUISITION THROUGH NEGOTIATION OR CONDEMNATION, OF INTERESTS IN PERMANENT AND TEMPORARY PARCELS OF LAND SUFFICIENT FOR PROJECT PURPOSES OF PRIVATELY-OWNED REAL PROPERTY AND DECLARING THE 2022 BOND PROGRAM PROJECT BROOKSIDE OUTFALL (ESMA ROADWAY AREA PHASE 2), TO BE PUBLIC USE PROJECT AND A PUBLIC NECESSITY FOR THE ACQUISITIONS OF SEVEN (7) PRIVATE PROPERTIES, WHICH INCLUDE THREE (3) PERMANENT FEE SIMPLE PARCELS AND FOUR (4) DRAINAGE EASEMENTS LOCATED WITHIN THE BROOKSIDE OUTFALL (ESMA ROADWAY AREA (PAHSE 2), LOCATED IN COUNCIL DISTRICT 3.

* * * * *

WHEREAS, the Public Works Department has determined that the acquisition of the Easements located in Bexar County, Texas is necessary and desirable for the expansion and operation in connection with the construction, operation and maintenance of the Project, which includes the repair of an existing sewer line located in Bexar County, along the general alignment marked **EXHIBIT A-1** attached hereto and made a part hereof; and

WHEREAS, employees, agents and attorneys acting for the City of San Antonio, are in the process of negotiating for the acquisition of such property on behalf of the City of San Antonio; and

WHEREAS, finding that the acquisition of the privately-owned property for the Project is necessary for the public health, safety, welfare, and best interests of the citizens of the City and the surrounding region; and **NOW THEREFORE**,

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

SECTION 1. The above caption and recitals are incorporated herein for all purposes.

SECTION 2. Public necessity for public use requires that the City of San Antonio acquire the Easement, either through purchase or by the process of eminent domain for the public purpose and public use of the expansion and operation, in connection with the construction, operation and maintenance of the Project, as described and depicted in **EXHIBITS A-1 AND A-2** attached hereto and made a part hereof and to take all other lawful action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights. The City Council further finds that the public purpose and public use to be served in and addressed by this ordinance is paramount to any private or public uses that may be encountered in the location, the privately-owned property for which eminent domain proceedings may be instituted expressly include, to the extent deemed necessary or desirable, any covenants, conditions and restrictions of record (the "Restrictions") that affect the use of the Easement.

SECTION 3. The Easement which are the subject of Section 2 required for are located along the general alignment depicted in **EXHIBIT A-1** and described in **EXHIBIT A-2** and in the New City Block(s) listed in **EXHIBIT A-2** attached to and made a part of this Ordinance for all purposes.

SECTION 4. The City Manager of the City of San Antonio or the President/CEO of the System or their respective designees, acting by and through their attorneys, are hereby authorized to institute and prosecute to conclusion all necessary proceedings to condemn the property described in Sections 2 and 3 of this Ordinance, expressly including any Restrictions, and to acquire such interests in land as the System is unable to acquire through negotiation by reason of its inability to agree with the owners of the land or beneficiaries of any the Easements as to the value of such interest in land or other terms, or the of the legal inability of the owners to convey the Easements, and to take any other legal action necessary or incidental to such acquisitions or eminent domain proceedings to investigate, survey, specify, define and secure the necessary property rights.

SECTION 5. All acts and proceedings done or initiated by the employees, agents and attorneys of the System for the acquisition of such Easements rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

SECTION 6. Severability: If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 7. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED and APPROVED this _____ day of _____, 2025.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie-Racca-Sittre, City Clerk

Andrew Segovia, City Attorney