

CONSENT AGENDA  
ITEM NO. 21

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
PUBLIC WORKS DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Melissa B. Vossmer; Steven F. Hodges; File

**SUBJECT:** Ordinance authorizing payment of court costs in the total sum of \$1,652.00 in the Babcock Road/Leon Creek Improvements-Hausman to DeZavala Project

**DATE:** April 17, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$1,652.00 payable to Gerry Rickhoff, County Clerk, for court costs incurred in Condemnation Cause No. 2000-ED-0018, City of San Antonio vs. The Bertetti Family Limited Partnership, Et Al in connection with the Babcock Road/Leon Creek Improvements – Hausman to DeZavala project, an authorized 1994 General Obligation Drainage Improvement Bonds project located in Council District 8.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

City Ordinance No. 91759, dated May 11, 2000, authorized the filing of eminent domain action to obtain a fee simple title to this property in the Babcock Road/Leon Creek Improvements – Hausman to DeZavala Project. At a Special Commissioners Hearing held on February 4, 2003, Mr. Don Canaday, the City's Contract Appraiser, presented evidence as to his opinion of the value of the property, which was initially appraised at \$20,971.00. After hearing testimony from both parties, Special Commissioners then established the compensation of \$621,000.00 for the acquisition cost of this parcel. This ordinance is for payment of the court costs only, as The City will appeal the Special Commissioners award.

On September 25, 1997 by Ordinance No. 86711, the City declared the drainage of the City to be a "Public Utility" and re-established the 100-year flood plain previously issued by the Federal Emergency Management Agency (FEMA) on February 16, 1996. FEMA accepted the engineering study from Pape-Dawson Engineers, Inc. referred to in Ordinance No. 86711. As a result of the Engineering Study there was a change in the 100-year flood plain across the property which reduced the size of usable land. The property owner has claimed additional damages because of an increased flood plain area due to the 1997 ordinance.

There are 23 signed instruments and one condemned parcel in the 25-parcel project. The remaining parcel has been submitted to the City Attorney's Office to begin condemnation proceedings. This project has completed construction. The scope of this project included the reconstruction of Babcock Road from Hausman to Nickle and from DeZavala to a point west of Spring Rain to a typical 44-foot width. This project also constructed the new location of Babcock Road from Nickle to a point west of Spring Rain to a typical 44-foot width. It also included the construction of new bridges at Huesta and Leon Creeks and new curbs, sidewalks, and driveways.

### **POLICY ANALYSIS**

The acquisition of this property is necessary to complete the real estate transaction of this project.

### **FISCAL IMPACT**

This is a one-time capital improvement expenditure. Funds in the amount of \$1,652.00 are included in the Capital Improvement Program Budget. Funds are available from 1994 General Obligation Drainage Improvement Bonds. This item is within budget and represents a portion of a total estimated City project cost of \$7,743,167.79. Funds in the amount of \$1,652.00 are authorized payable to Gerry Rickhoff, County Clerk.

### **COORDINATION**

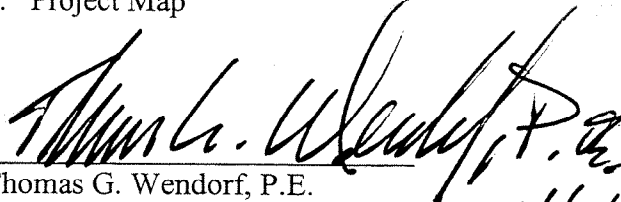
This ordinance was coordinated with the City Attorney's Office, the Office of Management and Budget, and the Finance Department.

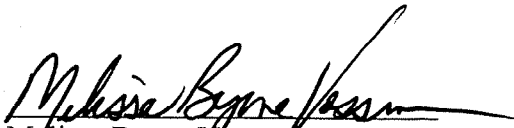
### **SUPPLEMENTARY COMMENTS**

This ordinance does not require a Discretionary Contracts Disclosure Form.

ATTACHMENTS

1. Project Map

  
Thomas G. Wendorf, P.E.  
Director of Public Works  
4/4/08

  
Melissa Byrne Yossmer  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

**ATTACHMENT 1**

**FISCAL DATA**

**Project Name: BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO  
DeZAVALA PROJECT  
Council District 8**

**Budget Information:**

This is a one-time capital improvement expenditure.

Funds in the amount of \$1,652.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds transferred to Fund 45-746013.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$7,743,167.79.

# BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO DeZAVALA PROJECT

