

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

CONSENT AGENDA

ITEM NO. 19

TO: Mayor and City Council

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

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Lou Lendman, Milo Nitschke, Andrew Martin, Steve Hodges, File

SUBJECT: Ordinance authorizing procurement of right-of-way and payment of court costs in the total sum of \$22,535 in the Sunset Phase II – Teak to Broadway MPO Project

DATE: October 16, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$22,535, from 1983 General Obligation Drainage Improvement Bond funds, payable to Gerry Rickhoff, County Clerk, for acquisition of Fee Simple Title to two parcels (\$21,670) and court costs (\$865) in connection with the Sunset Phase II – Teak to Broadway, a Metropolitan Planning Organization (MPO) project, for the defendants in Condemnation Cause No. 2003-ED-0005, City of San Antonio, Texas vs. Edgar K. Markwardt and Maxine M. Markwardt, Et Al. This project is located in Council District 9.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

City Ordinance No. 95959, dated June 20, 2002, authorized the filing of eminent domain action to obtain fee simple title to this property in the Sunset Phase II – Teak to Broadway Metropolitan Planning Organization Project. At a Special Commissioners Hearing held on September 12, 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 \$21,670. After hearing testimony from both parties, Special Commissioners then established the compensation of \$21,670 for the acquisition cost of these parcels.

There are 25 signed instruments and two condemned parcels in the 28 parcel project. One parcel has been submitted to the City Attorney's Office for condemnation proceedings. This project is currently under final design. Advertisement is scheduled for December 2007 by the Texas Department of Transportation, with construction to begin in March 2008, and scheduled to be completed in June 2009. The scope of work for this project includes the reconstruction to widen the existing roadway to 44-feet with curbs, four-foot sidewalks at curb, driveway approaches, and necessary drainage.

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 within budget and included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$22,535 are available from 1983 General Obligation Drainage Improvement Bond funds and authorized payable to Gerry Rickhoff, County Clerk.

COORDINATION

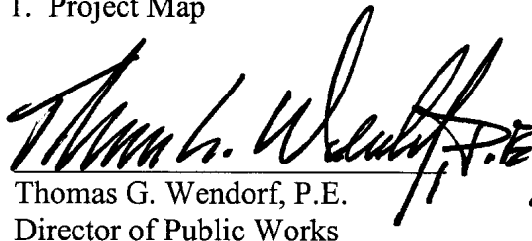
This ordinance was coordinated with the City Attorney's Office, the Office of Management and Budget, the Finance Department, and the Texas Department of Transportation.


SUPPLEMENTARY COMMENTS

The Discretionary Contracts Disclosure form is not required for this ordinance.

ATTACHMENTS

1. Project Map


Thomas G. Wendorf, P.E.
Director of Public Works


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

Project Name: SUNSHINE PHASE II – TEAK TO BROADWAY (MPO) PROJECT
Council District 9

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$22,535 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1983 General Obligation Drainage Improvement bonds transferred to Fund 43-617079, Index Code 683532 and 683938.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$738,677.

**FACT SHEET FOR PARCELS 1-14663 AND 15-14665
FEE SIMPLE TITLE**

SUNSET PHASE II – TEAK TO BROADWAY MPO PROJECT

Appraised Value	13-14663	\$ 9,194.00	\$ 21,670.00
	15-14665	\$12,476.00	

Property Owners' Appraised Value	\$ 21,670.00
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COSA Final Offer	\$ 21,670.00
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Special Commissioners' Award	\$ 21,670.00
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Difference between COSA Final Offer & Award	\$ 0.00
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Additional Costs:

• Court Costs (Bill of Costs)	\$ 865.00
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REASON FOR CONDEMNATION:

Property Owner had concerns the project would affect overall drainage and cause damage to property.

Sunset Phase II - Teak to Broadway

