

**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 Byrne Vossmer, Lou Lendman, Milo Nitschke, Andrew Martin, Steven F. Hodges, and File

SUBJECT: Compromise and Settlement Agreement with Javier A. Flores and Maria G. Flores, Et Al

DATE: August 7, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes additional funds in the amount of \$1,750.00, payable to Gerry Rickhoff, County Clerk, for one permanent easement and one temporary easement, in connection with the Escalon Drainage Project #1008, a 1994 General Obligation Drainage Bond authorized project, for the defendants in Condemnation Cause No. 2000-ED-0023, City of San Antonio vs. Javier A. Flores and Maria G. Flores, Et Al. This project is located in Council District 3.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Ordinance No.92580, dated September 28, 2000, appropriated funds in the amount of \$22,400.00 payable to Gerry Rickhoff, for the Special Commissioners Award on acquisition of a permanent easement interest in a 0.134 acre parcel of land, and a temporary easement interest in a 0.056 acre parcel of land in connection with Condemnation Cause 2000-ED-0023, City of San Antonio vs. Javier A. Flores and Maria G. Flores, Et Al. Funds were deposited with the Registry of the Court. In addition, the Flores' filed a claim alleging the City and its contractor TSC, did not confine its construction work within the Permanent Easement property and Temporary Easement property, both for the storage of materials as well as the ingress, egress, and use of its vehicles and equipment. The City and the Flores' desire to compromise and settle all claims, and in lieu of going to trial and incurring additional costs, a Settlement and Compromise Agreement was reached and agreed to by all parties. The City will pay \$1,750.00, and the City's contractor, TSC, will pay \$1,750.00 for a combined amount of \$3,500.00 for a total sum of \$25,900.00 to settle all claims and disputes. The City's contractor, TSC, has already paid their portion of \$1,750.00 to Javier A. Flores and Maria G. Flores.

POLICY ANALYSIS

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

FISCAL IMPACT

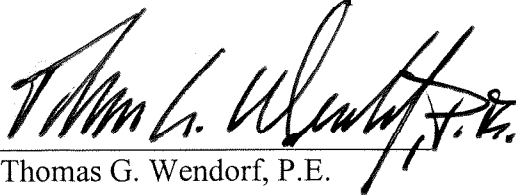
This is a one-time capital improvement expenditure within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$1,750.00 are available from 1994 General Obligation Drainage Improvement Bonds and authorized payable to Gerry Rickhoff, County Clerk, Bexar County. This item represents a portion of a total estimated City project cost of \$1,962,868.00.

COORDINATION

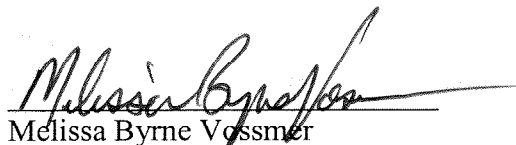
This ordinance was coordinated with the City Attorney's Office, the Office of Management and Budget, and the Finance Department.

SUPPLEMENTARY COMMENTS

This ordinance does not require a Discretionary Contracts Disclosure Form.



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: ESCALON STREET DRAINAGE PROJECT #1008
Council District 3

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$1,750.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds fund balance from 45-460 for 45-460008, Index Code 488585.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,962,868.00.

Additional funding is available from Fund 45-460008 by cancellation of \$1,750.00 in an encumbrance in Index Code 419127, CP42127Q and transferring \$1,750.00 from Index Code 419127 to Index Code 488585.

ESCALON DRAINAGE PROJECT #1008 - Parcel 14815

