

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
PARKS AND RECREATION DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Malcolm Matthews, Director, Parks and Recreation Department

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

**COPIES:** Melissa B. Vossmer; Finance; Management and Budget; Legal; File

**SUBJECT:** Ordinance Approving and Accepting Compensation from the Texas Department of Transportation for Access Rights for Watson Road Adjacent to Medina River Park and Accepting Low Bid by VW Brooks Incorporated to Perform Construction Work in Connection with the Medina River Park

**DATE:** September 18, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance approves and accepts compensation of \$196,406.00 from the Texas Department of Transportation for Access Rights for Watson Road adjacent to Medina River Park in City Council District 4; amends the Medina River Park Improvements Project budget to appropriate these funds; accepts the low bid with bid alternates 1 through 5 by VW Brooks Incorporated to perform construction work in connection with the Medina River Park Improvements Project for a total contract cost of \$749,000.00; authorizes the execution of a standard construction contract, allocates \$46,556.00 for construction contingency, \$37,200.00 for architect/engineering contingency, \$25,000.00 for building relocation expenses and \$9,000.00 for park materials; and provides for payment.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

On August 9, 2001, City Council approved donations of properties from the San Antonio Water System (SAWS) and the San Antonio Parks Foundation (SAPF) to establish the Medina River Park along the Medina River, located at 15890 State Highway 16 South in City Council District 4. At the same time, City Council approved acceptance of a grant from the Texas Parks and Wildlife Department (TPWD) for a Region Park Grant of \$750,000.00 and a donation of \$151,350.00 from SAPF for the development of the park. This regionally significant project will provide opportunities to experience the natural resources of a virtually pristine segment of the Medina River and its riparian corridor.

One of the roads adjacent to the park is Watson Road (State Spur 66), which leads to the proposed Toyota plant location. The Texas Department of Transportation has requested to restrict access points along this road as part of its redesigning and construction of the road. The area consists of 1,535.67 feet of frontage along Watson Road. TXDOT will allow only one entrance and exit from the park onto Watson Road, which can be integrated into the park plans. As compensation, TXDOT has offered to pay the appraised value of \$196,406.00 for the property value damages to the park property. These funds will help supplement the existing Medina River Park Improvements Project budget.

In August 2001, the engineering firm of Carter-Burgess Inc. was selected to design an overall Master Plan for Medina River Park development, then prepare construction plans and bid documents for the first phase of improvements. The current base construction project will include park entry roads and signage, parking facilities, hiking trails of various levels of accessibility, a large pavilion, restroom buildings (north and south of the river), picnic units, fencing, a group camping area, way-finding signage and interpretive signage. Bid alternates that will also be constructed include cedar screen fencing, stone masonry enhancements, clearing of two trails and trail limestone stabilization.

The construction bid was advertised on June 30, 2003 and July 7, 2003 in the Commercial Recorder, San Antonio Informer and La Prensa De San Antonio. Seven bids were received. VW Brooks Incorporated had the lowest base bid of \$691,000.00 and the overall lowest bid with bid alternates 1, 2, 3, 4 and 5 of \$749,000.00. A standard construction contract will be executed. A summary of the bids is shown on Exhibit 1. It is anticipated the construction work will begin in October 2003 and will be completed in March 2004.

In addition to the construction contract, a 600 sq. ft. building that is currently stored on Eisenhower Park property will be moved to Medina River Park to be utilized as office space for maintenance and Park Police personnel. The park construction crew or small outside contractors will renovate the building.

The ordinance will also allocate additional funding for Architectural/Engineering Contingency expenses, due to additional requirements from the Texas Historical Commission. Archeological surveys had been accomplished at the site ten years ago that staff and the consultant had understood would be sufficient; however, the entire area was required to be re-surveyed to assure that development does not occur on significant sites.

### **POLICY ANALYSIS**

This action is consistent with the long-standing City policy of participating with State or Federal agencies in the development and improvement of public facilities and infrastructure. Development of the park meets TPWD requirements for the Regional Park Grant, accepted by City Council through Ordinance 94320 on August 9, 2001. This is also consistent with the City's Parks and Recreation System Plan, which was adopted by the City Council by Ordinance 89162, passed and approved on January 29, 1999.

### **FISCAL IMPACT**

In addition to previous funding of \$750,000.00 from the TPWD Regional Park Grant and \$151,350.00 from the SAPF (appropriated by Ordinance 94320 on August 9, 2001), the ROW compensation of \$196,406.00 from TXDOT will be added, for a total project budget of \$1,097,756.00. The additional funding will be allocated for Architectural/Engineering Contingency (\$37,200.00), Construction (\$79,650.00 – total Construction will be \$749,000.00), Construction Contingency (\$46,556.00 – total Construction Contingency will be \$112,446.00 or 15%), Building Relocation Expenses (\$25,000.00) and Park Materials (\$9,000.00).

As anticipated, this new park property will require maintenance and security support from the General Fund budget. It is anticipated that annual General Fund operation, maintenance, security and utility expenses for Medina River Park will be approximately \$203,000.00, which is in the current proposed FY04 General Fund budget.

### **COORDINATION**

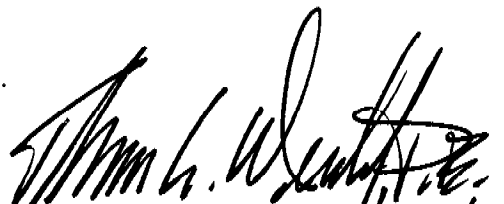
This project has been reviewed by the Public Works Department, San Antonio Parks Foundation, Texas Parks and Wildlife Department, Historical Design and Review Commission, Texas Historical Commission, Texas Department of Transportation, City Planning Commission, Friends of Medina River, Parks and Recreation Advisory Board, San Antonio Water System, Alamo Area Council of Governments and the Open Space Advisory Board and Bexar County.

### **SUPPLEMENTARY COMMENTS**

A Discretionary Contracts Disclosure Form is not required.

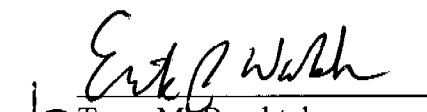


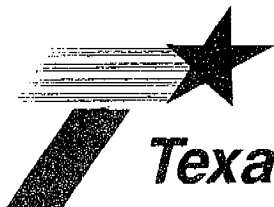
Malcolm Matthews,  
Director of Parks and Recreation

  
Tom Wendorf, P.E.  
Director of Public Works 9/11/03

Melissa B. Vossmer,  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager



# **Texas Department of Transportation**

P.O. BOX 29928 • SAN ANTONIO, TEXAS 78229-0928 • (210) 615-1110

July 17, 2003

Contact: DRA

Account No. 8015-1-74  
Parcel No. 5AC  
C.S.J. No. 0915-12-411  
Spur 66/Watson Road  
Bexar County

City of San Antonio  
Attention: Mr. Christopher J. Brady  
Assistant City Manager  
100 Military Plaza, 1<sup>st</sup> Floor  
San Antonio, Texas 78205

Dear Mr. Brady:

In acquiring right of way for the highway systems of Texas, the Texas Department of Transportation follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As explained by the State's negotiator, Mr. Mark Sanford, a portion of your property being a Control of Access Line delineating a denial of access to the transportation facility from the adjacent property along the common boundary of Spur 66, formally known as Watson Road (County right of way), and the 241.758 acre tract out of the Ignacio Perez Survey No. 15, Abstract 13, County Block 4297, and being described in deed to the City of San Antonio, recorded in Volume 4991, Page 1906, of the Real Property Records of Bexar County, Texas, is required for the redesigning and construction of State Spur 66 from State Highway 16 to Applewhite Road.

We believe at this stage of the purchase procedure it is mutually beneficial to confirm that based on an appraisal made by a qualified appraiser and an analysis by the appraisal review staff in this office, the State is authorized to offer you \$196,406.00 for your property. This amount is the total amount of just compensation as determined in accordance with State law for the Access Rights. The total offer of \$196,406.00 represents \$0.00 as value for the property to be purchased and \$196,406.00 as payment for damages to your remaining property.

In accordance with law, it is the policy of the Department to negotiate with the owner of the land with the understanding that you will in turn negotiate with any lessees or others who may own any interest in the land or improvements except for utility easements and advertising sign leases. All utility easements and advertising sign leases will be handled separately by the Department.

In the event the condition of the property should change for any reason, the State shall have the right to withdraw this offer.

City of San Antonio  
Attention: Mr. Christopher J. Brady  
Assistant City Manager

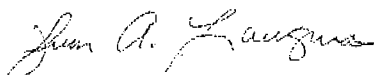
July 17, 2003

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review should you believe that the Department failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form on which to request review of a claim; however, it must be filed with the District Office within six months after you are notified of the Department's determination on any claim for reimbursement.

You may be entitled to additional payment and services under the State's Relocation Assistance Program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate from and in addition to this transaction. You will receive a brochure entitled "*Relocation Assistance*" which will advise you of eligibility requirements, payments and services that are available.

Attached is a copy of the Texas Department of Transportation booklet entitled "*Right of Way Purchase*" which we trust will give you a better understanding of the procedures followed by the Department in purchasing right of way. Should you have any questions regarding the details as to the type of highway to be built or concerning the purchase transaction, please do not hesitate to ask Mr. Sanford at (210) 615-5902.

Sincerely,



Juan A. Zaragosa, SR/WA  
District Right of Way Administrator

JAZ:kmc  
Attach. a/s



# Texas Department of Transportation

P.O. BOX 29928 - SAN ANTONIO, TEXAS 78229-0928 - (210) 615-1110

July 25, 2003

Contact DRA

Account No. 8015-1-74  
Parcel No. 5AC  
C.S.J. No. 8915-12-411  
Spur 66/Watson Road  
Bexar County

**COURIER**

City of San Antonio  
Attn: Mr. Christopher J. Brady  
Assistant City Manager  
100 Military Plaza  
1<sup>st</sup> Floor  
San Antonio, Texas 78205

Dear Mr. Brady:

The Texas Department of Transportation has completed the appraisal of the above captioned parcel. This parcel is necessary for the construction of the Spur 66/Watson Road project. The State will be purchasing the City of San Antonio's access rights to this parcel which consists of 1,435.67 feet of frontage along Watson Road. Please note that the maximum number of access points allowed for traffic greater than or equal to 45 mph will be one access point every 1,320 feet. The City of San Antonio will be eligible for one access point on this parcel due to this limitation.

We have enclosed for your review and consideration the following:

1. A "Right of Way Purchase Booklet."
2. One copy of the parcel field notes (property description).
3. One State offer letter dated July 17, 2003.
4. One copy of the appraisal report prepared by Richard L. Dugger, MAI, CRE.
5. One Acknowledgment of Receipt of Appraisal Report.
6. One copy of Old Republic National Title Insurance Company's Title Commitment.

We ask that you sign the Acknowledgement of Receipt of Appraisal Report for the parcel and return it to us in the self-addressed, stamped envelope.

*An Equal Opportunity Employer*

City of San Antonio  
Attn: Mr. Christopher Brady

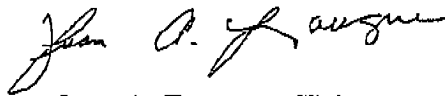
July 25, 2003

Mr. Sanford is available to answer any questions on the acquisition procedures to be used. He may be contacted by calling (210) 615-5902 or by writing to the Texas Department of Transportation (Right of Way Section), PO Box 29928, San Antonio, Texas 78229-0928

We hope this offer is satisfactory to the City of San Antonio and we look forward to completing this transaction as soon as possible.

As a reminder, the District is still committed to a October 2003 letting for this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Juan A. Zaragosa". The signature is fluid and cursive, with the first name "Juan" being more prominent.

Juan A. Zaragosa, SR/WA  
District Right of Way Administrator

MMS  
Attachment a/s

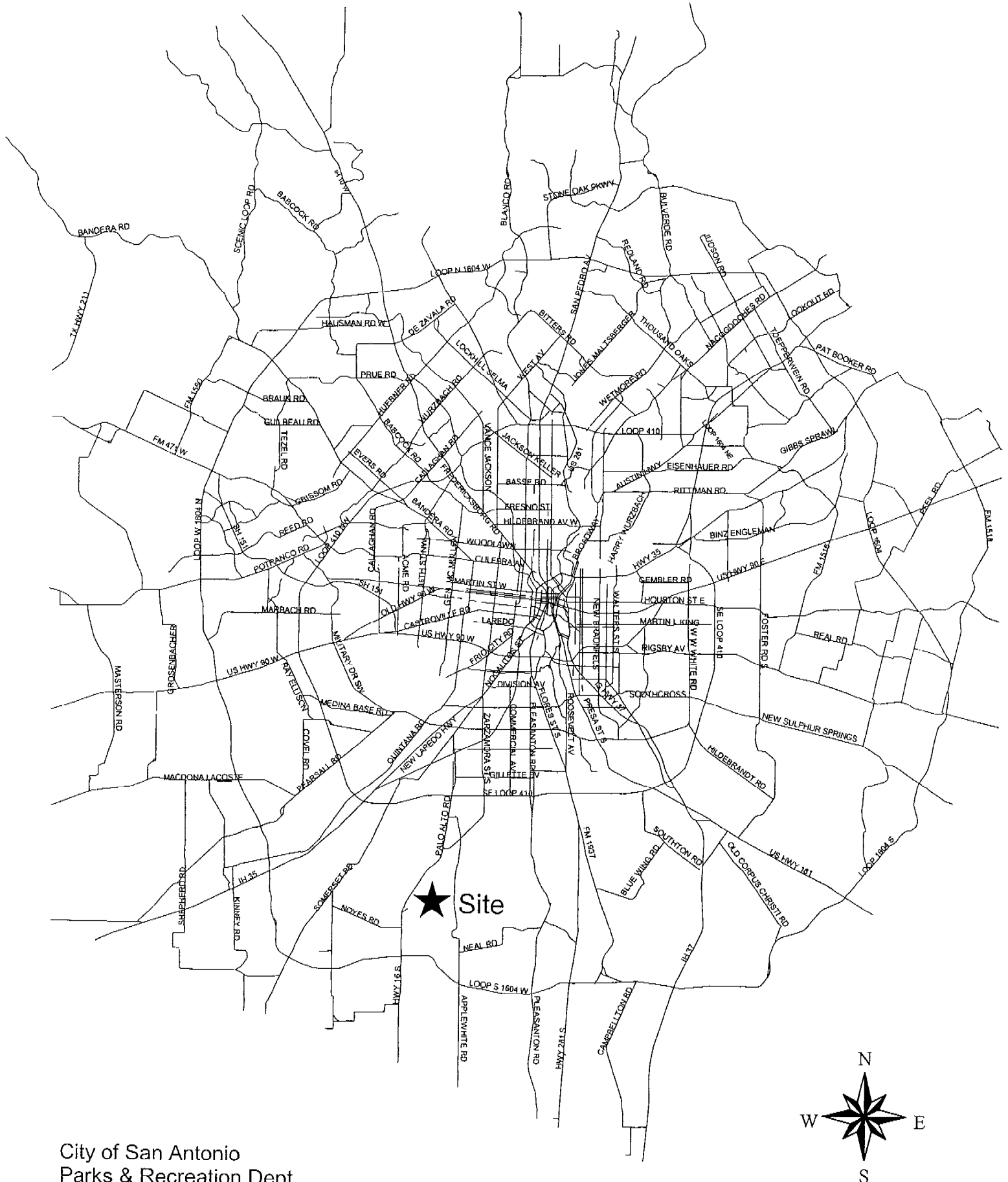
Exhibit I  
Construction Bids  
Medina River Park Improvements Project

	<u>Bidder</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Alt 5</u>	<u>Total</u>
1	V W Brooks	\$ 691,000.00	\$ 3,500.00	\$ 24,000.00	\$ 4,500.00	\$ 13,000.00	\$ 13,000.00	\$ 749,000.00
2	Davila Construction	\$ 747,850.00	\$ 7,176.00	\$ 17,790.00	\$ 9,452.00	\$ 12,082.00	\$ 13,586.00	\$ 807,936.00
3	G G & G Construction	\$ 741,600.00	\$ 4,850.00	\$ 44,650.00	\$ 6,200.00	\$ 14,650.00	\$ 22,750.00	\$ 834,700.00
4	CA Landry	\$ 777,900.00	\$ 8,850.00	\$ 26,700.00	\$ 6,650.00	\$ 15,600.00	\$ 13,800.00	\$ 849,500.00
5	Charlie & Co.	\$ 879,000.00	\$ 8,000.00	\$ 22,000.00	\$ 7,000.00	\$ 17,000.00	\$ 27,000.00	\$ 960,000.00
6	Pronto Sandblasting	\$ 977,000.00	\$ 4,500.00	\$ 20,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,700.00	\$1,021,200.00
7	Ram Building	\$1,041,578.00	\$ 2,162.00	\$ 53,710.00	\$ 93,734.00	\$ 113,963.00	\$ 113,435.00	\$1,418,582.00

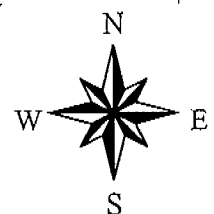


# Site Map

## Medina River Park



# Site Map Medina River Park



## Attachment I

## Medina River Park Project

Fund 26-052038

<u>Index Code:</u>	<u>Description:</u>	<u>Current Budget:</u>	<u>Revisions:</u>	<u>Revised Budget:</u>
REVENUES:				
038349	TPWD Regional Parks Grant	\$750,000.00	0	\$750,000.00
038497	San Antonio Parks Foundation Donation	\$151,350.00	0	\$151,350.00
new	TXDOT Access Rights Payment	\$0.00	196,406.00	\$196,406.00
	Total:	\$901,350.00	\$196,406.00	\$1,097,756.00
090712	Property Donation	\$598,650.00	0	\$598,650.00
EXPENDITURES:				
299313	Architectural/Engineering Fees	\$147,614.00	\$0.00	\$147,614.00
299321	Architectural/Engineering Contingency	\$7,996.00	\$37,200.00	\$45,196.00
299339	Construction	\$670,350.00	\$78,650.00	\$749,000.00
299347	Construction Contingency	\$65,890.00	\$46,556.00	\$112,446.00
299354	Bid Advertisement/Printing	\$3,500.00	\$0.00	\$3,500.00
299289	Appraisal Fees	\$6,000.00	\$0.00	\$6,000.00
new	Building Relocation Expenses	\$0.00	\$25,000.00	\$25,000.00
new	Park Materials	\$0.00	\$9,000.00	\$9,000.00
	Total:	\$901,350.00	\$196,406.00	\$1,097,756.00
801852	Value of Property	\$598,650.00	\$0.00	\$598,650.00