

**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:** Ordinance authorizing procurement of right-of-way for an additional sum of \$11,637.50 in the Salado Creek Greenway (Hike & Bike) Project Phase I

**DATE:** November 6, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes additional funds in the amount of \$11,637.50, payable to Gerry Rickhoff, County Clerk, for acquisition of Fee Simple Title to one parcel in connection with the Salado Creek Greenway (Hike & Bike) Phase I project, for the defendants in Condemnation Cause No. 2002-ED-0006, City of San Antonio vs. Mission Petroleum, Inc., Et Al. This is a 1999 Flood Control with Park Improvement Bond authorized city-wide project.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

Ordinance No. 96300, dated September 5, 2002, appropriated funds in the amount of \$6,650.00 payable to Gerry Rickhoff, for the Special Commissioners Award on acquisition of Fee Simple Title to one parcel in connection with Condemnation Cause 2002-ED-0006, City of San Antonio vs. Mission Petroleum Carriers, Inc., Et Al. Funds were deposited with the Registry of the Court. Defendants did not appear at the Special Commissioners' hearing but filed Objections to the Award. In lieu of going to trial and incurring additional costs, a settlement between the parties was reached at a hearing held on July 16, 2003 for an additional \$9,637.50.

As a result of subsequent discussions it was also agreed by both parties that Mission Petroleum Carriers, Inc. would deed that portion of land occupied by a SAWS easement, which is approximately 10-feet by 75-feet, to the City for the additional sum of \$2,000.00, bringing the total additional settlement amount to \$11,637.50, for a full and final settlement of \$18,287.50. The Defendants were asking for \$451,200.00.

There are 8 signed instruments and two condemned parcels in the 25-parcel project. The Real Estate Section is assigned to acquire 10 of the fee simple title parcels and Pape-Dawson Engineers, Inc. has been contracted for the acquisition of the 15 permanent easement parcels. Advertisement is scheduled for May 2004, with construction to begin in July 2004, and scheduled to be completed in July 2005. The scope of work for this project includes constructing a hike and bike trail from Willow Springs Golf Course to Comanche Park.

### **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 included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$11,637.50 are available from 1999 Flood Control with Park Improvement Bonds and authorized payable to Gerry Rickhoff, County Clerk.

### **COORDINATION**

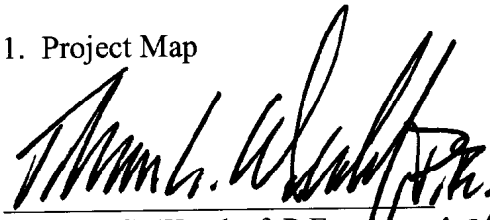
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the City Attorney's Office, and the Parks & Recreation Department.

### **SUPPLEMENTARY COMMENTS**


This ordinance does not require a Discretionary Contracts Disclosure Form.


ATTACHMENTS

1. Project Map

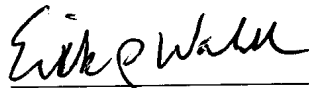
  
Thomas G. Wendorf, P.E.  
Director of Public Works

10/29/03

  
Malcolm Matthews  
Director of Parks and Recreation

  
Melissa Byrne Yossner  
Assistant City Manager

Approved:

f   
Terry M. Brechtel  
City Manager

## **ATTACHMENT 1**

### **FISCAL DATA**

**Project Name: SALADO CREEK GREENWAY (HIKE & BIKE) PHASE I PROJECT**  
Council District – City Wide

**Budget Information:**

This is a one-time capital improvement expenditure.

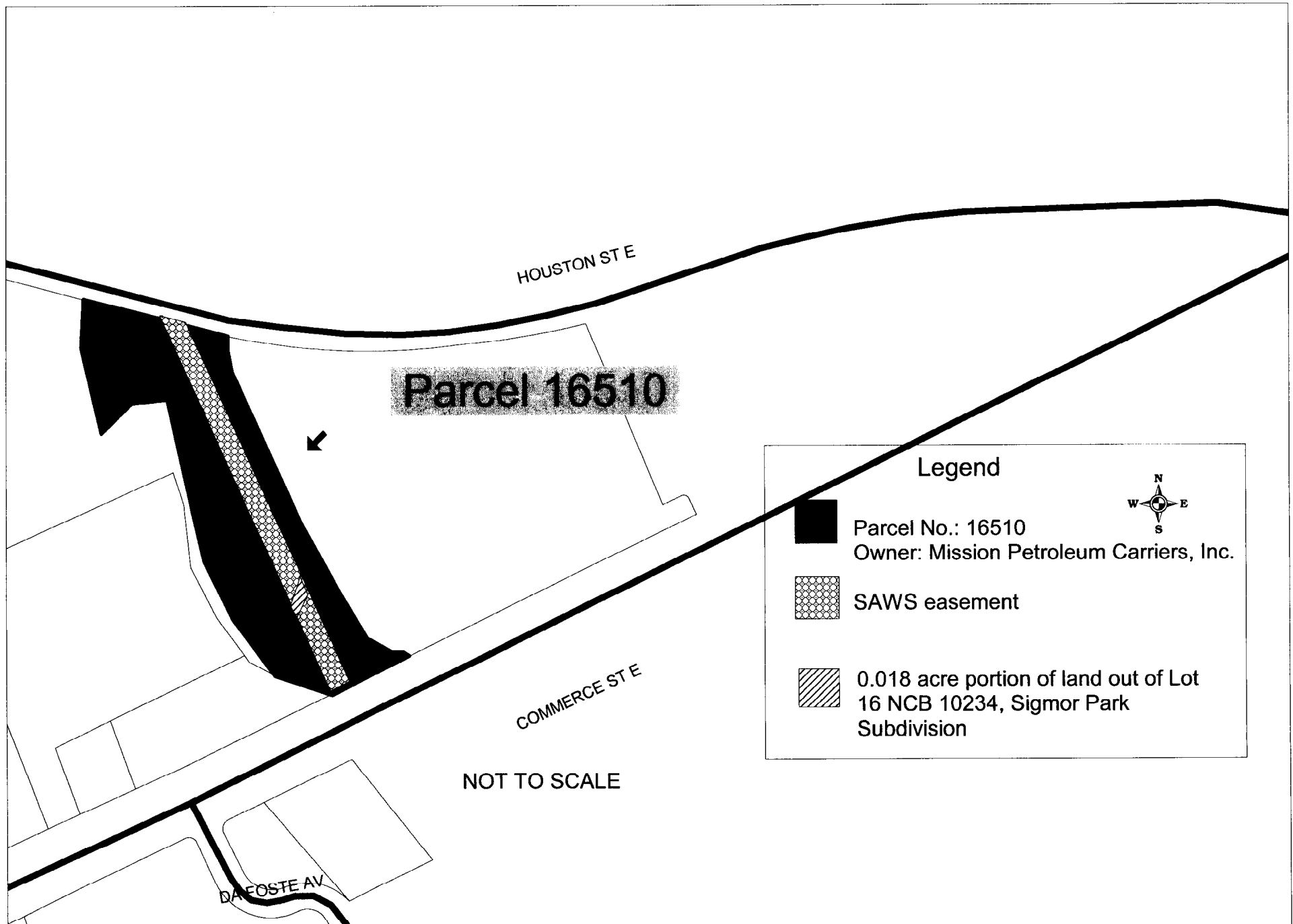
Funds in the amount of \$11,637.50 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1999 Flood Control with Park Improvement Bonds transferred to Fund 45-959004, Index Code 626473.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,224,079.

# SALADO CREEK GREENWAY (HIKE AND BIKE) PHASE I



## **FACT SHEET FOR PARCEL 16510**

### **SALADO CREEK GREENWAY (HIKE & BIKE) PHASE I PROJECT**

**Appraised Value** \$ 6,650.00

**Property Owner's Appraised Value** \$451,200.00

**COSA Final Offer** \$ 6,650.00

**Special Commissioners' Award** \$ 6,650.00

- Settlement - 3.787 acre tract \$9,637.50

- Additional - 0.018 acre portion of land \$2,000.00

**\$ 11,637.50**

**TOTAL FOR PROPERTY** \$ 18,287.50

**Difference between COSA Final Offer  
& Settlement** \$ 11,637.50

#### **Additional Costs:**

- Court Costs (Bill of Costs) \$ 904.00

#### **REASON FOR CONDEMNATION:**

Property owner felt property was worth more than City was offering.