

**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, Peter Zanoni, Milo Nitschke, Andrew Martin, Steve Hodges, File

SUBJECT: Ordinance authorizing procurement of right-of-way for an additional sum of \$154,099 in the Loop 410 at Nacogdoches Drainage Improvement Project

DATE: September 9, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes additional funds in the amount of \$154,099, payable to Gerry Rickhoff, County Clerk, for acquisition of fee simple title to one variable width construction easement, one variable width sanitary sewer easement, and one variable width drainage easement (\$152,494), and Court Costs (\$1,605), in connection with the Loop 410 at Nacogdoches Drainage Improvements project, for the defendants in Condemnation Cause No. 2004-ED-0004, City of San Antonio vs. Guaranty Center, Ltd., A Texas limited partnership. This is a 2001 Certificates of Obligation authorized project. This project is located in Council District 10.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

City Ordinance No. 97550, dated May 1, 2003, authorized the filing of eminent domain action to obtain fee simple title to one variable width construction easement, one variable width sanitary sewer easement, and one variable width drainage easement in the Loop 410 at Nacogdoches Drainage Improvement Project. As part of the right of entry agreement, funds in the amount of \$495,000, representing the appraised value, were previously deposited with the Registry of the Court on April 14, 2004. At a Special Commissioners Hearing held on August 10, 2004, Mr. Don Canaday, the City's Contract Appraiser, presented evidence as to his opinion of the value of the property, which was appraised at \$495,000. After hearing testimony from both parties, Special Commissioners then established the compensation of \$647,494 for the acquisition cost of these three easements. Both the City and the Owner have appealed this Award.

There are three signed instruments and six condemned parcels in the nine-parcel project. Advertisement is scheduled for December 2004 by the Texas Department of Transportation, with construction to begin in March 2005, and scheduled to be completed in March 2007. The City of San Antonio is providing all right of way and 80% of the construction costs and the Texas Department of Transportation is providing the remaining 20%. The scope of this project includes widening and deepening the existing drainage easement along the subject site from I.H. 410 just west of Nacogdoches to Haskins.

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 \$154,099 are available from 2001 Certificates of Obligation funds and authorized payable to Gerry Rickhoff, County Clerk.

COORDINATION

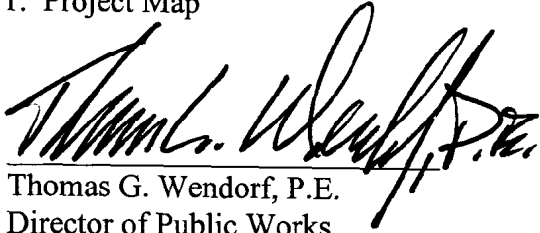
This ordinance was coordinated with the City Attorney's Office, the Office of Management and Budget, the Finance Department, and the Texas Department of Transportation.

SUPPLEMENTARY COMMENTS

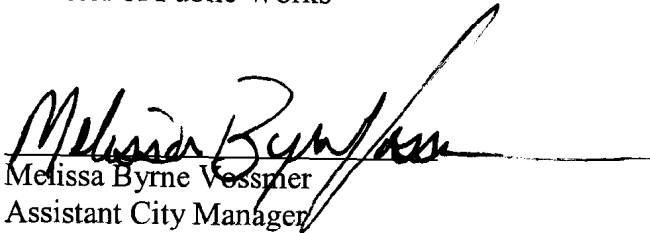
The Discretionary Contracts Disclosure form is not required for this ordinance.

ATTACHMENTS

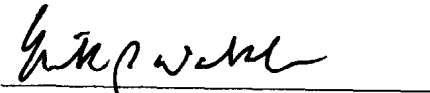
1. Project Map


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

9/2/04


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

**Project Name: LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS
PROJECT**
Council District 10

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$154,099 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2001 Drainage Certificates of Obligation.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$4,414,368.

2001 Certificates of Obligation	\$4,000,000
Subsequent budget approvals	\$ 414,368
Total approved budget-to-date	\$4,414,368

FACT SHEET
LOOP 410 AT NACOGDOCHES
DRAINAGE IMPROVEMENT PROJECT
FOR
PARCELS 16872E, 16873E AND 16874E
FEE SIMPLE TITLE – CONSTRUCTION EASEMENT,
SANITARY SEWER EASEMENT AND DRAINAGE EASEMENT

Appraised Value	\$ 495,000.00
Property Owners' Appraised Value	\$1,522,839.00
COSA Final Offer	\$ 495,000.00
Special Commissioners' Award	\$ 647,494.00
Difference between COSA Final Offer & Award	\$ 152,494.00
Additional Costs:	
• Court Costs (Bill of Costs)	\$ 1,605.00

REASON FOR CONDEMNATION:

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

Loop 410 @ Nacogdoches Drainage Improvements

