

CONSENT AGENDA  
ITEM NO. 17

**CITY OF SAN ANTONIO  
PARKS AND RECREATION DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

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

**SUBJECT:** Ordinance Authorizing the Acquisition of a 6.816 Acre Tract

**DATE:** November 4, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the acquisition of a 6.816 acre tract located at the southwest corner of Hausman Road and Woller Road, located in City Council District 8, from Mary Lorraine Van De Walle for the amount of \$593,802.00, which will be designated for park land, appropriates \$605,725.00 in 2003-2007 Park Bond Funds and encumbers \$11,923.00 for land acquisition expenses.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

The City currently owns property (17.293 acres) near the intersection of Hausman Road and Woller Road that has been designated for the Hausman Road Branch Library and Park Project. An adjacent property of 6.816 acres is needed to complete the master plan of the area, which includes sports fields, a library, parking and park amenities. RVK Architects, Inc. was selected to design the overall project, which is underway and is being coordinated by the Public Works Department.

Park Bond Funds were approved in 2003 for the Hausman Road Park Land Acquisition and Development Project in City Council District 8. The project includes purchasing the adjacent 6.816 acre tract that will become part of the park. The property will be purchased from Mary Lorraine Van De Walle for the amount of \$593,802.00, an amount higher than the appraised value of \$371,000.00. The appraisal was based upon other comparable sales in the area for properties zoned for residential development, the property's current designation. The property has been determined to be a critical component to the development of the existing property. Also, the parcel is outside of the 100-year floodplain and is relatively flat; therefore, it is appropriate for development of practice sports fields associated with the Regional Youth Sports Facility Project, which was also approved for this area in the 2003 Bond Issue. This property includes an existing open area where the play fields can be situated, in addition to heritage oaks that will be saved.

On July 28, 2004, the Planning Commission reviewed a resolution for this acquisition and amended the resolution to say that the purchase price should not be more than 10% above the appraised value of \$371,000.00, which is \$408,100.00. The Planning Commission's role is to review the land use, location and accessibility issues associated with City purchases, not to recommend sales amounts. Ms. Van De Walle would not accept an offer of \$408,100.00. The site is in a very desirable location for residential development and because of the future widening of Hausman Road and the extension of Kyle Seale Parkway, both bordering the subject property, it potentially could be rezoned to commercial, thereby increasing its long term value. Staff reviewed the option of condemnation because of the price. However, based upon the time associated with condemnation (12-18 months), the owner's position that the property will be worth a significant amount once the roadways are added by the City and the amount the City will spend on attorneys' fees, it is recommended that the asking price of \$593,802.00 be paid. Council District 8 concurred with the staff assessment and recommendation to the City Council.

RVK Architects, Inc. is presently working on the overall design for the library and park development. This parcel has been included in the design, in anticipation of its purchase. The library and park construction is scheduled to commence in April 2006, with completion in June 2007.

### **POLICY ANALYSIS**

This acquisition is consistent with the adopted San Antonio Parks and Recreation System Plan published in 1999 that identified the need to acquire property in District 8 for park land. On July 28, 2004, the Planning Commission reviewed a resolution for this acquisition and amended the purchase price as presented.

### **FISCAL IMPACT**

The 2003 Park Bond Issue approved \$650,000.00 for Hausman Road Park Land Acquisition and Development in City Council District 8 and \$5,800,000.00 for Regional Youth Sports Facility Improvements, of which \$150,000.00 has been designated for Hausman Road Park.

The amount of \$605,725.00 will be appropriated in this ordinance. The amount of \$593,802.00 is for land acquisition, \$2,000.00 is for appraisal/environmental study fees, \$4,000.00 is for title fees/closing costs and \$5,923.00 is for survey fees. The amount of \$26,300.00 has previously been appropriated for consultant fees, for a current park project budget of \$632,025.00. Remaining approved funds will be appropriated at the time of the construction contract award.

### **COORDINATION**

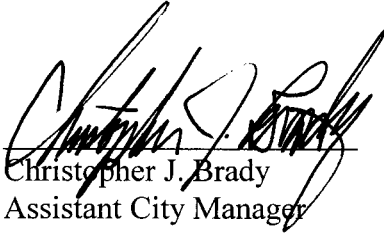
The Planning Commission, the Public Works Department (Real Estate Division and Architect's Office), Finance Department and Office of Management and Budget have assisted with this action.

**SUPPLEMENTARY COMMENTS**

A Discretionary Contracts Disclosure Form is not required.



Malcolm Matthews  
Director of Parks and Recreation



Christopher J. Brady  
Assistant City Manager



J. Rolando Bono  
Interim City Manager

Ks/07/22/04

Parcel No.: 17762  
Project: Hausman Road/Woller  
Road Park Land  
Acquisition

**SALES AGREEMENT**

\* \* \* \* \*

STATE OF TEXAS        }  
                              }  
COUNTY OF BEXAR     }

**KNOW ALL MEN BY THESE PRESENTS:**

THAT, **MARY LORRAINE VAN DE WALLE**, a single woman, hereinafter referred to as "**SELLER**", for and in consideration of the agreed purchase price of **FIVE HUNDRED NINETY THREE THOUSAND EIGHT HUNDRED TWO AND 00/100 (\$593,802.00) DOLLARS**, (the "Purchase Price") and upon the terms and conditions hereof, contracts to **GRANT, SELL and CONVEY** by General Warranty Deed to the City of San Antonio, hereinafter referred to as "**PURCHASER**"; a good, marketable, and indefeasible fee simple title, free and clear of all liens and encumbrances of every kind (except liens for current taxes and assessments), to the following described premises (the "Premises") in the City of San Antonio, Bexar County, Texas, to-wit:

A 6.816 acre tract of land (296,901 square feet), out of the Mathis Cooper Survey No. 344, Abstract 162, New City Block 14615, in the City of San Antonio, Bexar County, Texas, being the same tract of land described in a Warranty Deed filed for record in Volume 6849, Page 1294, Real Property Records of Bexar County, Texas; said 6.816 acre tract of land being more particularly described by attached Exhibit "A" hereto and made a part hereof.

together with all improvements and other things incident or belonging thereto, including all right, title and interest in or to all adjoining streets or alleys.

The above consideration includes payment for trees and/or landscaping and any other personal property and fixtures within the above described real estate.

**SPECIAL CONDITIONS:** The Warranty Deed will state that Purchaser accepts and takes the property in its present "As Is" condition with all latent and patent defects and that there is no warranty by Seller that the property is fit for any particular purpose. Buyer acknowledges that Seller has made no express or implicit warranties of fitness, suitability, liability, or any other conditions of the property

**SELLER** hereby agrees to furnish **PURCHASER** a Release of Lien or Partial Release of Lien, if applicable.

The agreed purchase price includes full accord, satisfaction and compensation for all demands and damages to the remaining premises of the **SELLER**, if any.

**Alamo Title Company** shall act as escrow agent and the **SELLER**, upon demand by the **PURCHASER**, agrees to deliver such deed duly executed to the escrow agent at its San Antonio office, and to surrender possession of the Premises to **PURCHASER** not later than 10 days after the date of the delivery of such deed, unless **PURCHASER** has already taken possession pursuant to the provisions hereof.

The Purchase Price is payable at the time of the delivery of such deed.

Until title has been conveyed to the **PURCHASER**, loss or damage to the Premises by fire or other casualty shall be at the risk of the **SELLER** and the amount thereof shall be deducted from the Purchase Price. In the event this sale fails to close through no fault of **SELLER** and **PURCHASER** does not proceed to condemnation, **PURCHASER** shall repair any damage caused by **PURCHASER'S** entry on the Premises.

The **PURCHASER**, without expense to the **SELLER**, shall prepare the deed and shall bear the expense of all closing costs.

At or before closing, **SELLER** shall pay all taxes on the Premises, including those assessed or to be assessed for the current year; provided that current taxes are to be prorated as of the date of the delivery of the deed. Current rents are to be prorated as of the date of the delivery of the deed.

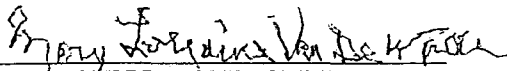
This contract shall not be binding upon either party until it is accepted by the **PURCHASER**, acting by and through its City Manager or other designated official. This contract contains the entire consideration for the sale and conveyance of the Premises; it being agreed and understood that there is no valid other written or parole agreement regarding the Premises between **SELLER** and the City, or any officer or employee of the City.

If examination of title or any other source discloses any defects in the title to the Premises which, in the opinion of the **PURCHASER**, cannot be cured in a reasonable time or which negatively impact the value of the Premises, then the **PURCHASER**, in lieu of completing the purchase of the Premises, may proceed to acquire the same by condemnation. The **SELLER** agrees, as an independent stipulation, to such condemnation upon payment of "just compensation". "Just compensation" shall be deemed and is the purchase price above stated, which price the **SELLER** hereby declares be the fair market value of her interest in the Premises.

EXECUTED this the 23 day of July, A.D., 2004.

WITNESS:



BY:   
MARY CORRAINE VAN DE WALLE,  
A SINGLE WOMAN

ACCEPTED:

CITY OF SAN ANTONIO

OWNER'S ADDRESS:

3410 Elm Hollow  
San Antonio, Texas 78230

BY:

STEVEN F. HODGES  
REAL ESTATE MANAGER  
REAL ESTATE SECTION

ADDRESS OF THE PREMISES:

13345 Woller Road  
San Antonio, Texas

**EXHIBIT "A"**

Van DeWalle 6.816 acres

A metes and bounds description of a 6.816 acre (296,901 sq. ft.) tract of land situated in San Antonio, Bexar County, Texas, out of the Mathis Cooper Survey No. 344, said 6.816 acres being the same tract described in the Warranty Deed recorded in Volume 6849, Page 1294, of the Bexar County Real Property Records:

Beginning at an iron pin found for the most northerly northeast corner of the herein described tract, said corner also being the northwest end of a cutback at the intersection of the south right-of-way line of Hausman Road and the west right-of-way line of Woller Road;

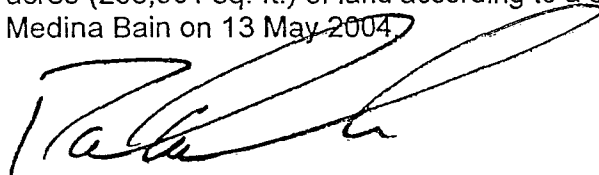
Thence S 45° 05' 06" E, 28.34 feet, along the above mentioned cutback to an iron pin found for the most southerly northeast corner of the herein described tract, the south end of the cutback and a point on the west right-of-way line of Woller Road;

Thence S 00° 11' 16" W, 716.18 feet, along the east line of the herein described tract and along the west right-of-way line of Woller Road to an iron pin with a WFC cap found for the southeast corner of the herein described tract, said iron pin also being a northeast corner of a 17.239 acre tract of land belonging the City of San Antonio and described in a Warranty Deed recorded in Volume 3875, Page 80, of the Bexar County Real Property Records;

Thence N 89° 52' 11" W, 400.92 feet, along the south line of the herein described tract and along the line of the 17.239 City of San Antonio property to a Mark Kemper iron pin found for the southwest corner of the herein described tract an a reentrant corner of the City of San Antonio property;

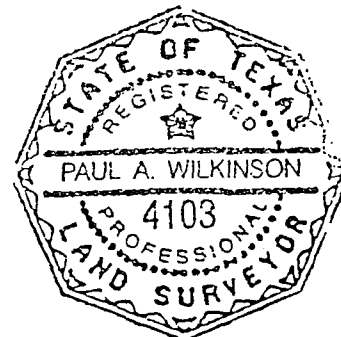
Thence N 00° 13' 13" W, 736.35 feet, along the west line of the herein described tract and along the line of the City of San Antonio property to a Mark Kemper marker attached to a wood fence corner post found for the northwest corner of the herein described tract, a northeast corner of the City of San Antonio property and a point on the south right-of-way line of Hausman Road;

Thence S 89° 50' 31" E, 386.03 feet, to the point of beginning and containing 6.816 acres (296,901 sq. ft.) of land according to a survey conducted on the ground by Bain Medina Bain on 13 May 2004.



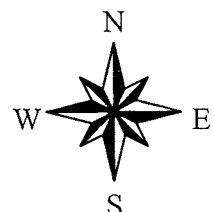
Paul A. Wilkinson  
Reg. Prof. Land Surveyor No. 4103  
Project: S-4753

A corresponding survey plat of even date herein accompanies this metes & bounds



THIS METES & BOUNDS IS THE PROPERTY OF BAIN MEDINA BAIN, INC. AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF BAIN MEDINA BAIN, INC.; BAIN MEDINA BAIN, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS METES & BOUNDS FOR ANY PURPOSE AFTER SIX MONTHS FROM THE DATE INDICATED ON THIS METES & BOUNDS. ALL RIGHTS RESERVED. COPYRIGHT 2001. BAIN MEDINA BAIN, INC.

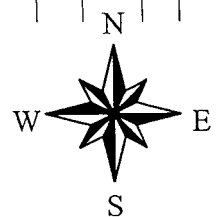
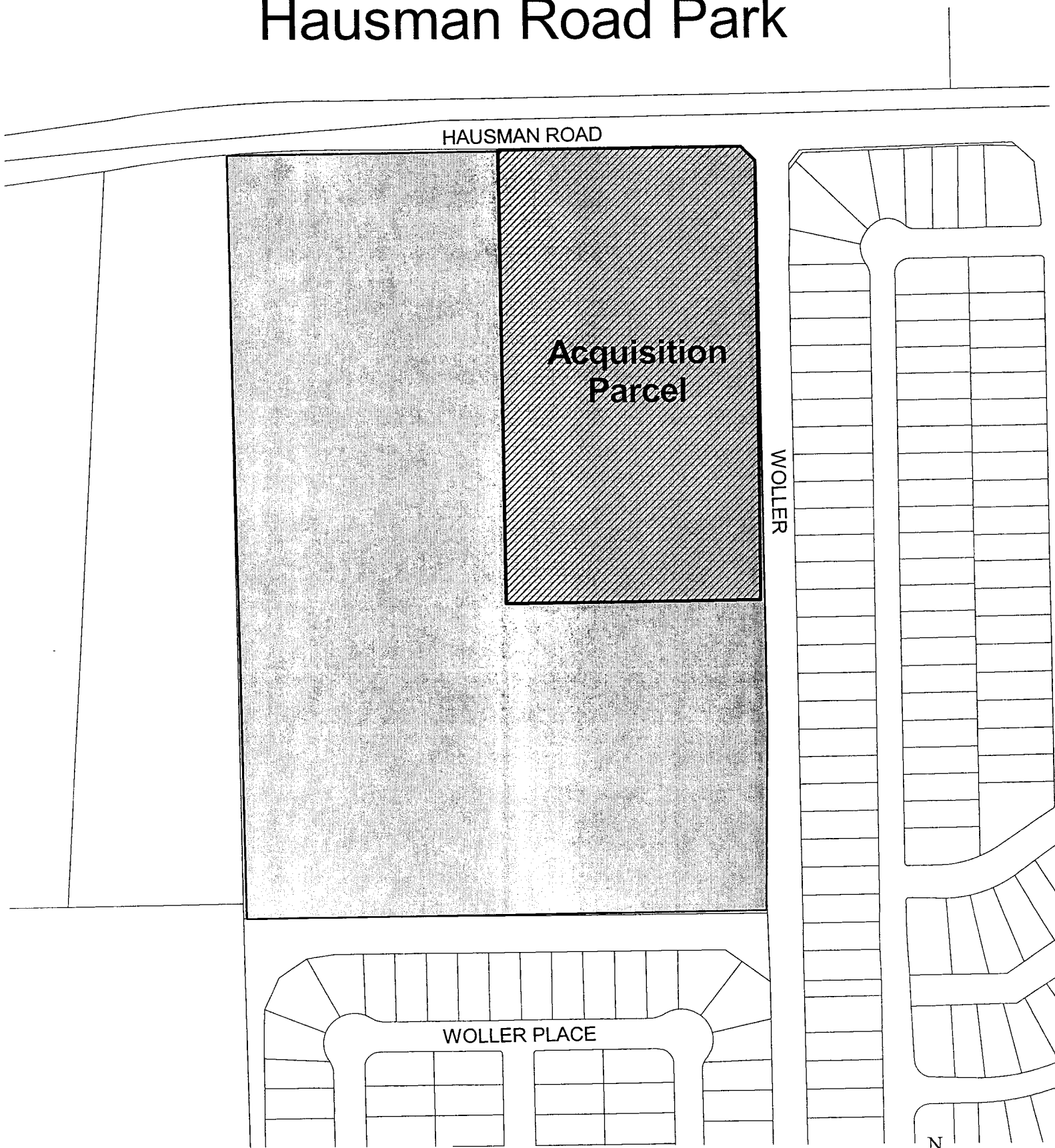
## Site ★



City of San Antonio  
Parks & Recreation Dept.

# Site Map

## Hausman Road Park





## AN ORDINANCE

AUTHORIZING THE PURCHASE OF A 6.816 ACRE TRACT FROM MARY LORRAINE VAN DE WALLE FOR THE AMOUNT OF \$593,802.00, LOCATED AT THE SOUTHWEST CORNER OF HAUSMAN ROAD AND WOLLER ROAD IN CITY COUNCIL DISTRICT 8; APPROPRIATING \$605,725.00 IN 2003-2007 PARK BOND FUNDS; AMENDING THE PROJECT BUDGET AND ALLOCATING \$11,923.00.00 FOR LAND ACQUISITION EXPENSES

\* \* \* \* \*

**WHEREAS**, Park Bond Funds were approved in 2003 for the Hausman Road Park Land Acquisition and Development Project in City Council District 8; and

**WHEREAS**, the City currently owns property (17.293 acres) near the intersection of Hausman Road and Woller Road that has been designated for the Hausman Road Branch Library and Park Project; and

**WHEREAS**, RVK Architects, Inc. was selected to design the overall project, which is underway and is being coordinated by the Public Works Department; and

**WHEREAS**, an adjacent parcel of 6.816 acres is needed to complete the master plan of the area, which includes sports fields, a library, parking and park amenities; and

**WHEREAS**, the property has been determined to be a critical component to the development of the existing property, is outside of the 100-year floodplain and is relatively flat; therefore, it is appropriate for development of practice sports fields associated with the Regional Youth Sports Facility Project, which was also approved for this area in the 2003 Bond Issue; and

**WHEREAS**, Mary Lorraine Van De Walle has agreed to sell the property for the amount of \$593,802.00, an amount higher than the appraised value of \$371,000.00; and

**WHEREAS**, said acquisition has been reviewed by the City's Planning Commission, who recommended that the purchase price should not be more than 10% above the appraised value of \$371,000.00, which is \$408,100.00; and

**WHEREAS**, based upon the time associated with condemnation (12-18 months), the owner's position that the property will be worth a significant amount once adjacent roadways are added by the City and the amount the City will spend on attorneys' fees if condemnation is pursued, it is recommended that the asking price of \$593,802.00 be paid; and

**WHEREAS**, said acquisition requires a survey, an appraisal, closing costs and environmental site assessment; and

**WHEREAS**, it is now necessary to approve the purchase of said property, amend the project budget, authorize the appropriation of 2003 Park Bond Funds into the project budget, authorize payment of associated costs for this property acquisition and approve funds for closing costs and fees; **NOW THEREFORE**:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The City of San Antonio hereby authorizes the purchase of approximately 6.816 acres of land out of the Mathis Cooper Survey No. 344, Abstract 162, NCB 14615, in the City of San Antonio, Bexar County, Texas, being the same tract of land described in a Warranty Deed filed for record in Volumn 6849, Page 1294, Real Property Records of Bexar County, Texas for the amount of \$593,802.00 for use as public park land. The City Manager, Deputy City Manager, or any Assistant City Manager is hereby authorized to take the necessary actions to execute documents for the purchase of said property.

**Section 2.** The total amount of \$605,725.00 is hereby encumbered for the Hausman Road Park Development Project and City staff is hereby authorized to adjust line items within the budget of Fund 45-804016 through the normal budget adjustment process.

**Section 3.** The amount of \$593,802.00 is appropriated in Fund 45-804016, in Index Code xxxxxx, entitled Land Acquisition, and is authorized to be encumbered and made payable to Mary Lorraine Van De Walle (or XXX title company).

**Section 4.** The amount of \$2,000.00 is appropriated in Fund 45-804016, in index code \_\_\_\_\_, entitled Appraisal/Environmental Study and is authorized to be encumbered and made payable for appraisal and environmental assessment fees.

**Section 5.** The amount of \$4,000.00 is appropriated in Fund 45-804016, in index code \_\_\_\_\_, entitled Title Fees/Closing Costs and is authorized to be encumbered and made payable for other closing costs and fees in connection with the land acquisition.

**Section 6.** The amount of \$5,923.00 is appropriated in Fund 45-804016, in index code \_\_\_\_\_, entitled Survey Fees and is authorized to be encumbered and made payable for survey expenses.

**Section 7.** This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this \_\_\_\_ day of October 2004.

M      A      Y      O      R

ATTEST:

City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney