

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

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

SUBJECT: Ordinance authorizing procurement of right-of-way and payment of court costs in the total sum of \$15,360 in the Western Avenue Drainage Project #74, Phase III B&C

DATE: November 18, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$15,360 payable to Gerry Rickhoff, County Clerk, for acquisition of one parcel (\$9,050), a temporary easement (\$5,040) and court costs (\$1,270), in connection with the Western Avenue Drainage Project #74, Phase III B & C, for the defendants in Condemnation Cause No. 2004-ED-0009, City of San Antonio vs. Carmen Molina, Et Al. This project is located in Council District 9.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

City Ordinance No. 85389, dated January 9, 1997, authorized the filing of eminent domain action to obtain fee simple title to one parcel and one temporary easement in the Western Avenue Drainage Project #74, Phase III B & C. At a Special Commissioners Hearing held on September 13, 2004, Mr. Don Canaday, the City's Contract Appraiser, presented evidence as to his opinion of the value of the property, which was initially appraised at \$13,250. After hearing testimony from both parties, Special Commissioners then established the compensation of \$9,050 for the acquisition cost of this parcel, and \$5,040 for the temporary easement for a total award of \$14,090.

There are 17 signed instruments and eight condemned parcels in the 25-parcel project. Construction on this project is complete. The scope of this project included the construction of a concrete drainage channel through Northern Boulevard at the existing low water crossing, which resulted in the permanent closure of Northern Boulevard. A cul-de-sac was built on Northern Boulevard at the west side of the drainage channel and guardrails were installed on the east side of the proposed channel.

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 FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$15,360 are available from 1985 General Obligation Drainage Improvement Bonds and authorized payable to Gerry Rickhoff, Bexar County Clerk

COORDINATION

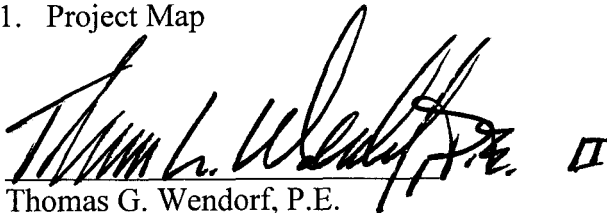
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

SUPPLEMENTARY COMMENTS

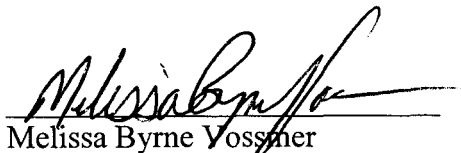
This Ordinance does not require a Discretionary Contracts Disclosure Form.

ATTACHMENTS

1. Project Map



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



Melissa Byrne Vossmer
Assistant City Manager



J. Rolando Bono
Interim City Manager

**FACT SHEET FOR PARCEL 10571 and 10575TE
FEE SIMPLE & TEMPORARY EASEMENT**

WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C

Appraisal Value

Fee Simple Parcel	\$3,836.00	
Temporary Easement	\$1,723.00	\$ 5,559.00

COSA Final Offer	\$ 5,559.00
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Special Commissioners' Award	\$ 14,090.00
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Difference between COSA Final Offer & Award	\$ 8,531.00
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Additional Costs:

• Court Costs (Bill of Costs)	\$ 1,270.00
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REASON FOR CONDEMNATION:

Property owner did not wish to sell at appraised fair market value.



SCALE: 1" = 30'

(SEE SIMPLE)
PARCEL 10371
ACRES: 0.035
SQ. FT. = 1554

CURVE DATA

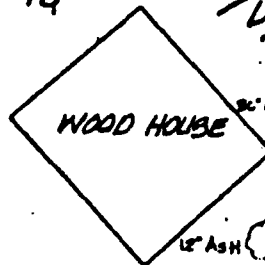
"A" { R=267.07' Δ=02°17'12" T=6.50' L=12.99'	"C" { R=267.07' Δ=01°39'39" T=3.68' L=7.35'
"B" { R=10.00' Δ=78°04'01" T=8.11' L=13.62'	"D" { R=267.07' Δ=01°44'03" T=4.01' L=8.08'

LOT 71

ROLLIN N.C.B. ACRES 11966
BLOCK 2
N 57°30'19"W - 224.00'
N 57°30'19"W - 217.95'
N 57°30'19"W - 213.62'

LOT 69

LOT 70



(TEMP. EASY)
PARCEL 10571
ACRES: .060
SQ. FT. = 2154

PLYMOUTH AVE.
(60' R.A.W.)

RECEIVED
MAY 10 1995
ROW ACQUISITION

N 09°50'00"W - 128.15'

(SEE SIMPLE)
PARCEL 10571
ACRES: .0003
SQ. FT. = 13

P.O.B.
N.W. CORNER OF
WOLFE RD. AND
PLYMOUTH AVE.

RM 5-1195

BEING 0.035 Acres (1554 sq. ft.) out of
Lot 70, Block 2, N.C.B. 11966, City of
San Antonio, Bexar County, Texas.



STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS
AN ACTUAL SURVEY MADE ON THE GROUND BY PEOPLE
WORKING UNDER MY DIRECT SUPERVISION AND THE
DRAWING CONFORMS TO THE MINIMUM STANDARDS OF
SURVEY PRACTICES AS SET OUT BY THE TEXAS BOARD
OF LAND SURVEYING AS OF THIS DATE.

THIS 25TH DAY OF MARCH, 1994 A.

KEVIN CONROY

R.P.L.S. NO. 41



✓ = 1/2" IRON ROD SET
REVISED: 6/2/84

Reference: Volume 980, Page 339

BASIS OF BEARING IS SUBDIVISION PLAT

REVISED: 5-7-15

JOB NO. 0563-08