

**CITY OF SAN ANTONIO
PLANNING DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Jelynn LeBlanc Burley, Assistant City Manager

SUBJECT: Ordinance adopting a Relocation Assistance Program and appropriating funds for Rights of Entry

DATE: January 20, 2005

SUMMARY AND RECOMMENDATION

This Ordinance adopts a Relocation Assistance Program for residents and businesses actually displaced by the City's Program to acquire the real property necessary to establish a Texas A&M University System Campus in San Antonio and it further appropriates \$41,750 to acquire necessary Rights of Entry to allow City staff and consultants to enter upon real property for the purposes of conducting evaluations of the property.

Staff recommends favorable action by Council.

BACKGROUND INFORMATION

The City of San Antonio has adopted a resolution in support of the Establishment and Development of a Texas A&M University System Campus in San Antonio and the resolution further authorizes City staff to take steps to identify, assess and acquire property for a campus in South San Antonio and Bexar County. This ordinance would adopt a Relocation Assistance Program and appropriate the necessary funds to obtain Rights of Entry onto privately owned property in order for the City to conduct appraisals, assessments, surveys and to take other actions necessary to determine the condition, size, suitability and fair market value of the real property necessary for the project.

The Relocation Assistance Program provides additional incentives and support to those residents and businesses within the proposed area. The payments are in addition to amounts paid for the fair market value of the real property. State law mandates minimum payments for some moving expenses. The proposed program expands upon that minimum standard by allowing payment to residential occupants of at least \$300 for a one-room dwelling unit where the occupant does not own the furniture and payment to commercial occupants of at least \$1,000. The minimum payments for residential occupants would be higher if the occupant owns the furniture and an additional amount is allowed for each additional room in the residence. Commercial occupants would receive a payment of between \$1,000 and \$20,000 which will be calculated at three

percent of the average income for the business for the three most recent tax years. The full schedule is set out in Exhibit A.

Property owners will also be entitled to an additional Expedited Transfer of Occupancy payment of \$500.00 if all of the owners convey to the City at the City's appraised value and vacate the property on acceptable terms prior to the date established by city staff for commencement of property clearing activities on the parcel. This payment will defray some of the additional expenses the owners will incur in cooperating with the City's acquisition schedule.

A separate ordinance will specifically identify the property to be acquired and appropriate the funds necessary for the Relocation Assistance and the Expedited Transfer of Occupancy payments when Council authorizes the acquisition of specific parcels of real property.

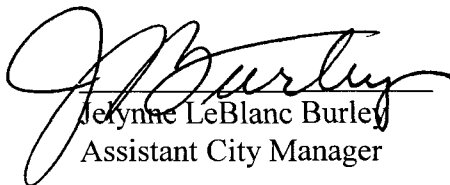
Finally, the ordinance appropriates the sum of \$38,750 to gain rights of entry to the property to allow city staff and consultants to perform due diligence investigations of the condition and uses of the property prior to making formal offers for purchase. Payments are anticipated to average \$250.00 per parcel.

FINANCIAL IMPACT

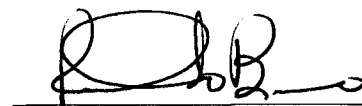
This ordinance authorizes an expenditure not to exceed \$41,750. Funds are available in the 2005 adopted budget.

COORDINATION

This ordinance was coordinated with the City Attorney's Office and the Finance Department.



Jelynne LeBlanc Burley
Assistant City Manager



J. Rolando Bono
Interim City Manager

Relocation Program

1. Council finds that the occupants (owner or legal tenant) of all legal residential structures shall be entitled to a minimum of \$300.00 per property for a one-room residential unit where the occupant does not own the furniture as reasonable and necessary expenses to defray expenses of relocating. Payment shall be adjusted as set out in Exhibit 1. The sum is in addition to other sums that may be due to the occupants. The sum may be adjusted upwards by the city staff upon showing by the person claiming a larger sum that the claimant would be entitled to a greater sum under the applicable state law. The amounts shall not exceed the total appropriated in the project budget for relocation expenses for residential properties.

2. Council finds that the occupants (owner or legal tenant) of all legal commercial structures shall be entitled to a minimum of \$1,000.00 and a maximum of \$20,000.00 per property as reasonable and necessary expenses to defray expenses of relocating. The actual sum shall be equal to three percent of the average net income for the business for the three preceding tax years. The sum is in addition to other sums that may be due to the occupants. The sum may be adjusted upwards by the city staff upon showing by the person claiming a larger sum that the claimant would be entitled to a greater sum under the applicable state law. The amounts shall not exceed the total appropriated in the project budget for relocation expenses for commercial properties.

3 Expedited Transfer of Occupancy Payment. If all persons vacate an eligible residential or eligible commercial property prior to the date the parcel is needed for site preparation activities, for which a valid sales agreement has been signed by all of the owners, the owners shall be entitled to an additional reimbursement of \$500 per property to recognize the benefit to the City of obtaining early possession of the property and to compensate the owners for the additional expenses that will be incurred in meeting such deadline. An "eligible residential property" or "eligible commercial property" is one that satisfies all of the following conditions:

- a. All of the owners have executed a sales agreement at an amount not to exceed the Council approved amount.
- b. All persons relocate in accordance with applicable law and obtain required permits.
- c. Residential or commercial structures are left in a broom-clean condition. Any items left on site will be considered abandoned and must be properly secured within a suitable structure. Trash/rubbish shall be deposited in appropriate collection bins/roll-off trailers. Trash/rubbish must not be left at curb-side.
- d. There are no hazardous or toxic substances remaining on the property that have not previously been acknowledged by the City.

4. Any exceptions or supplements to the programs set forth above shall be approved by the City Council and are subject to necessary appropriations.

5. As used herein, "per property" refers to a single use of one or more lots or parcels of real property. Only one award under Sections 1, 2 or 3 is available in those cases where a single user or owner uses more than one lot or parcel of real property. In those cases where separate uses are made of one or more lots, units, or parcels by separate owners or tenants, then a separate award shall be made for each such use. [Explanation: each occupant of a multi-family unit would be entitled to one relocation allowance. However, an occupant that uses more than one lot, unit or parcel shall not be entitled to separate awards for each lot, unit or parcel.]

A person or persons may receive a payment under Section 4 in addition to a payment under Sections 1, 2, or 3.

Exhibit 1

Occupant Owns Furniture

1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Each Additional Room
\$350	\$500	\$650	\$800	\$950	1050	1150	1250	100

Occupant Does Not Own Furniture

1 Room	Each Additional Room
\$300	\$50