

CONSENT AGENDA  
ITEM NO. 15

**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:** Semlinger Road – Lord to Rigsby Project  
**DATE:** June 2, 2005

**SUMMARY AND RECOMMENDATION**

This ordinance authorizes funds in the amount of \$213,800 for fee simple title and or easement interest to twenty-nine (29) parcels of certain privately owned real property and other miscellaneous expenses associated with the Semlinger Road – Lord to Rigsby project, an authorized 2003 Storm Water Revenue Bond project located in Council District 2. This ordinance authorizes City staff to acquire these properties at fair market value by negotiation or condemnation, if necessary.

Staff recommends the approval of this ordinance.

**BACKGROUND INFORMATION**

There are twenty-nine (29) parcels to acquire in this project, which provides for total street reconstruction of Semlinger Road to a 30-foot width from Lord to Rigsby, including curbs, sidewalks, driveways, and a storm sewer system with a drainage outfall to Diana and Rigsby. Advertisement is scheduled for October 2005, with construction anticipated to begin in January 2006, and completion projected in December 2006.

**POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete approved 2003 Storm Water Revenue Bond funded Capital Improvement Projects.

**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 \$213,800 are available from 2003 Storm Water Revenue Bonds.

### COORDINATION

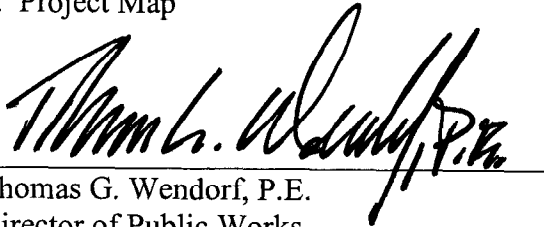
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

### SUPPLEMENTARY COMMENTS

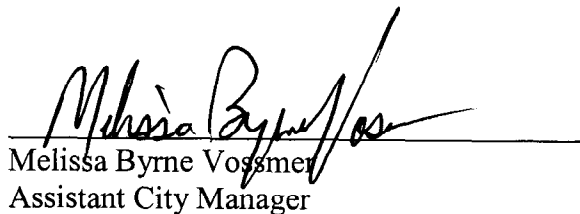
This ordinance does not require a Discretionary Contracts Disclosure Form.

### ATTACHMENTS

#### I. Project Map




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



Melissa Byrne Vossmer  
Assistant City Manager

Approved:



J. Rolando Bono  
Interim City Manager

# SEMLINGER: LORD - RIGSBY



CITY OF SAN ANTONIO  
DEPARTMENT OF PUBLIC WORKS  
CAPITAL PROGRAMS DIVISION



**AN ORDINANCE**

**AUTHORIZING 2003 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$213,800.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTEREST AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH TWENTY-NINE (29) PARCELS OF REAL PROPERTY AND DECLARING THE SEMLINGER ROAD – LORD TO RIGSBY PROJECT (PROJECT), LOCATED IN COUNCIL DISTRICT 2, TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTEREST TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:**

<b>SQUARE FOOTAGE</b>	<b>LOT(S)</b>	<b>BLOCK</b>	<b>NCB</b>	<b>SUBDIVISION</b>
4,511.27	95	2A	10753	
3,699.58	76		10754	
381.09	2		12886	
299.74	2A		12886	
300.94	2B		12886	
300.03	2C		12886	
150.00	South of 50-foot part of Lot 2D		12886	
299.67	North part of Lot 2D		12886	
299.97	2F		12886	
179.72	3		12886	
475.92	3A		12886	
477.00	3B		12886	
199.99	4A		12886	
400.58	4B		12886	
299.22	P-22A		12886	
3,758.45	19	13	13182	

5,637.60	19	13	13182	
1,000.00	19b	13	13182	
1,500.00	19b	13	13182	
1,775.24	22	13	13182	
8,135.58	22	13	13182	
8,067.90	17	14	13183	
3,327.45	17	14	13183	
3,255.60	37N	14	13183	
1,789.26	37N	14	13183	
4,000.10	41	14	13183	
2,200.17	41	14	13183	
5,081.80	42	14	13183	
2,796.09	42	14	13183	

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**WHEREAS**, the Project is in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, it is further necessary to obtain and acquire the fee simple title and/or easement interest in twenty nine (29) parcels of land for use as part of the Project and the property to be acquired is described in Section 3 below, and more fully in **Attachment I** attached hereto and incorporated herein for all purposes; and

**WHEREAS**, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

**WHEREAS**, independent appraisals for the Property to be acquired have been completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the Property; and

**WHEREAS**, title fees, legal fees, appraisal fees, right of entry fees, miscellaneous expenses to prepare each parcel for use, and lender fees will have to be paid as necessary expenses for the completion of the Project; and

**WHEREAS**, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW THEREFORE**,

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

**SECTION 1.** The Semlinger Road – Lord to Rigsby Project is hereby declared to be a necessary public project.

**SECTION 2.** The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to and/or easement(s) to certain privately owned real property, by negotiation and/or condemnation, if necessary, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not

limited to street, drainage and/or utility improvements as part of the Semlinger Road – Lord to Rigsby Project in San Antonio, Bexar County, Texas.

**SECTION 3.** A specific public necessity exists to acquire by negotiation and/or condemnation; if necessary, the property more specifically described in **Attachment I** incorporated herein for all purposes. Collectively, the properties may be referred to as the “Property”.

**SECTION 4.** The approved compensation for the Property is shown in **Attachment I** which is attached hereto and incorporated herein for all purposes.

**SECTION 5.** The following financial adjustments are hereby authorized to effect this Ordinance:

- (a) The amount of \$138,800.00 is appropriated in SAP fund \_\_\_\_\_, \_\_\_\_\_, Project Definition \_\_\_\_\_, in WBS Element \_\_\_\_\_, entitled Acquisition, SAP GL account \_\_\_\_\_, and is authorized to be encumbered and made payable for purchase of land in connection with the Semlinger Road – Lord to Rigsby Project.
- (b) The amount of \$25,000.00 is appropriated in SAP fund \_\_\_\_\_, \_\_\_\_\_, Project Definition \_\_\_\_\_ in WBS Element \_\_\_\_\_, entitled Legal, SAP GL account \_\_\_\_\_, and is authorized to be encumbered and made payable for Legal fees in connection with the Semlinger Road – Lord to Rigsby Project.
- (c) The amount of \$2,000.00 is appropriated in SAP fund \_\_\_\_\_, \_\_\_\_\_, Project Definition \_\_\_\_\_, in WBS element \_\_\_\_\_, entitled Appraisal, SAP GL account \_\_\_\_\_, and is authorized to be encumbered and made payable for appraisal fees in connection with the Semlinger Road – Lord to Rigsby Project.
- (d) The amount of \$28,000.00 is appropriated in SAP fund \_\_\_\_\_, \_\_\_\_\_, Project Definition \_\_\_\_\_, in WBS element \_\_\_\_\_, entitled Claims & Settlements, SAP GL account \_\_\_\_\_, and is authorized to be encumbered and made payable for administrative settlement fees in connection with the Semlinger Road – Lord to Rigsby Project.
- (e) The amount of \$20,000.00 is appropriated in SAP fund \_\_\_\_\_, \_\_\_\_\_, Project Definition \_\_\_\_\_, in WBS element \_\_\_\_\_, entitled Land Acquisition Cost, SAP GL account \_\_\_\_\_, and is authorized to be encumbered and made payable for miscellaneous expenses in connection with the Semlinger Road – Lord to Rigsby Project.

**SECTION 6.** The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owner’s are identified

by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

**SECTION 7.** That in the event that the City staff is unable to acquire one or more parcels of the Property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcels, or is unable to acquire the parcels for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C., the law firm of Bracewell & Giuliani, L.L.P. f/k/a Bracewell & Patterson, L.L.P., and the law firm of Oppenheimer, Blend, Harrison & Tate, Inc. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

**SECTION 8.** Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

**SECTION 9.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, Interim City Manager, or the designee of either, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP internal orders and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

**SECTION 10.** This Ordinance shall be effective on the \_\_\_\_ day of \_\_\_\_\_, 2005.

**PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2005.**

**M      A      Y      O      R**

**ATTEST:**

**CITY CLERK**

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

**ATTACHMENT I****SEMLINGER ROAD – LORD TO RIGSBY**

<b>PARCEL NO.</b>	<b>LEGAL</b>	<b>VALUE</b>
17825	Being 4,511.27 square feet out of Lot 95, Block 2A, N.C.B. 10753, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 2837, Pages 322-323, and Volume 2575, Page 226 of the Deed and Plat Records of Bexar County, Texas	\$3,750
17824	Being 3,699.58 square feet out of Lot 76, N.C.B. 10754, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 10802, Pages 709-710, of the Deed and Plat Records of Bexar County, Texas	\$4,200
17823	Being 381.09 square feet out of Lot 2, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 5138, Pages 557-560, of the Deed and Plat Records of Bexar County, Texas	\$450
17816	Being 299.74 square feet out of Lot 2A, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8514, Pages 2041-2042 of the Deed and Plat Records of Bexar County, Texas	\$350
17817	Being 300.94 square feet out of Lot 2B, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 9120, Pages 505-507, of the Deed and Plat Records of Bexar County, Texas	\$350
17818	Being 300.03 square feet out of Lot 2C, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 3855, Pages 56-57, of the Deed and Plat Records of Bexar County, Texas	\$350
17820	Being 299.67 square feet out of the north part of Lot 2D, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 7530, Pages 500-503, of the Deed and Plat Records of Bexar County, Texas	\$350
17819	Being 150.00 square feet out of the south 50-foot part of Lot 2D, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 2115, Pages 189-190, of the Deed and Plat Records of Bexar County, Texas	\$175



17822	Being 299.97 square feet out of Lot 2F, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 4219, Pages 406-407 of the Deed and Plat Records of Bexar County, Texas	\$350
17814	Being 179.72 square feet out of Lot 3, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 6597, Pages 1323-1325, of the Deed and Plat Records of Bexar County, Texas	\$125
17815	Being 475.92 square feet out of Lot 3A, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 6452, Pages 86-88, of the Deed and Plat Records of Bexar County, Texas	\$500
17813	Being 477.00 square feet out of Lot 3B, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 7667, Pages 893-895, of the Deed and Plat Records of Bexar County, Texas	\$500
17812	Being 199.99 square feet out of Lot 4A, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8865, Pages 1171-1173, of the Deed and Plat Records of Bexar County, Texas	\$250
17811	Being 400.58 square feet out of Lot 4B, N.C.B. 12886, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 9046, Pages 1496-1500 of the Deed and Plat Records of Bexar County, Texas	\$450
17821	Being 299.22 square feet out of Lot P-22A, N.C.B. 12886m, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 9106, Pages 698-690, of the Deed and Plat Records of Bexar County, Texas	\$350
17801E	Being 3,758.45 square feet out of Lot 19, Block 13, N.C.B. 13182, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8125, Pages 1601-1610, and Volume 4900, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$4,300
17802TE	Being 5,637.60 square feet out of Lot 19, Block 13, N.C.B. 13182, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8125, Pages 1601-1610, and Volume 4900, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$1,650
17799E	Being 1,000.00 square feet out of Lot 19B, Block 13,	\$4,750

	N.C.B. 13182, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 6952, Pages 2601-2062, and Volume 4900, Page 167, of the Deed and Plat Records of Bexar County, Texas	
17800TE	Being 1,500.00 square feet out of Lot 19B, Block 13, N.C.B. 13182, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 6952, Pages 2601-2602, and Volume 4900, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$1,800
17797E	Being 1,775.24 square feet out of Lot 22, Block 13, N.C.B. 13182, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 4327, Pages 2082-2085, and Volume 5970, Page 191, of the Deed and Plat Records of Bexar County, Texas	\$8,450
17798TE	Being 8,135.58 square feet out of Lot 22, Block 13, N.C.B. 13182, situated within the corporate limits of the City of San Antonio, Bexar County, Texas, and recorded in Volume 4327, Pages 2082-2085, and Volume 5970, Page 191, of the Deed and Plat Records of Bexar County, Texas	\$9,800
17803E	Being 8,067.90 square feet out of Lot 17, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 7945, Pages 140-144, Volume 7945, Pages 153-161, and Volume 4900, Page 167 of the Deed and Plat Records of Bexar County, Texas	\$42,100
17804TE	Being 4,437.45 square feet out of Lot 17, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 7945, Pages 140-144, Volume 7945, Pages 153-161, and Volume 4900, Page 167, of the Deed and Plat Records of Bexar County, Texas	
17809E	Being 3,255.60 square feet out of Lot 37N, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 10036, Pages 1205-1208, and Volume 9500, Page 111, of the Deed and Plat Records of Bexar County, Texas	\$3,750
17810TE	Being 1,789.26 square feet out of Lot 37N, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 10036, Pages 1205-1208, and Volume 9500, Page 111, of the Deed and Plat Records of Bexar County, Texas	\$500
17805E	Being 4,000.10 square feet out of Lot 41, Block 14, N.C.B. 13183, situated within corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8541, Page 2076-2078, and Volume 9534, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$19,000

17806TE	Being 2,200.17 square feet out of Lot 41, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 8541, Pages 2076-2078, and Volume 9534, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$2,650
17807E	Being 5,081.80 square feet out of Lot 42, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 1144, Pages 543-545, and Volume 9534, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$24,150
17808TE	Being 2,796.09 square feet out of Lot 42, Block 14, N.C.B. 13183, situated within the corporate limits of City of San Antonio, Bexar County, Texas, and recorded in Volume 1144, Pages 543-545, and Volume 9534, Page 167, of the Deed and Plat Records of Bexar County, Texas	\$3,400