

**CITY OF SAN ANTONIO
CITY MANAGER'S OFFICE
INTERDEPARTMENTAL MEMORANDUM**

TO: Mayor and City Council

FROM: Christopher J. Brady, Assistant City Manager

SUBJECT: Ordinance Acquiring Fee Simple Title By Negotiation and/or
Condemnation, If Necessary, And Payment Of Miscellaneous Expenses
Associated with Thirty-Two Properties for Proposition 3 Creekway Linear
Parks Land Acquisition and Park Expansion Project

DATE: August 25, 2005

SUMMARY AND RECOMMENDATION

This ordinance authorizes the expenditure of funds in the amount of \$1,142,222 for fee simple title and/or easement interest to thirty-two (32) properties of privately owned real property and for other expenses associated with acquiring these properties as authorized under the Proposition Three Linear Creekway Program approved by voters in May 2000. The properties proposed for acquisition are along the Salado Creek within District 2 and along the Leon Creek within District 6. The total proposed acquisition is approximately 201.8079 acres. 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

The Proposition 3 Creekways Linear Parks Project Office has diligently worked to acquire properties throughout the Salado and Leon Creekways by negotiation. However, some properties are not obtainable due to clouded title issues, inability to locate the owners, or failed negotiations because COSA and the owners are too far apart on the values of the property and instead must consider condemnation as a tool to acquire them. The properties are all within the 100-year FEMA identified flood plain that has been severely impacted by the flooding in 1998 and 2000. The proposed acquisition is to be included as part of the Proposition 3 Creekway Linear Parks Land Acquisition and Park Expansion Project approved by voters in May 2000. This initiative includes flood management along with recreational opportunities on the Salado and Leon Creeks. The City has previously acquired numerous other properties along the Leon and Salado Creeks as part of the FEMA Flood Buyout of 1998.

These properties are presented to the City Council for consideration for acquisition under the Proposition Three Creekway Linear Parks Acquisition and Park Expansion Project.

POLICY ANALYSIS

This proposed action is consistent with policy adopted by the City Council for the acquisition of properties along both the Salado and Leon Creeks as presented in Proposition Three of the Better Future Sales Tax Initiative passed and approved by the voters on May 6, 2000.

FISCAL IMPACT

This project is funded by the one-eighth sales and use tax in the Parks Development and Expansion Venue Project (Proposition Three Sales Tax fund).

Funds in the amount of \$1,142,222 are within the total estimated Parks Development and Expansion Venue Project Proposition Three Sales Tax fund cost of \$20,000,000.

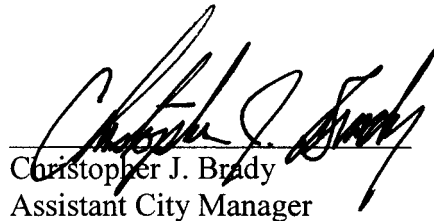
Publication fees	\$	6,300.00
Attorney ad litum	\$	7,000.00
Commissioners fees	\$	25,600.00
Administrative fees	\$	640.00
Attorney fees	\$	114,000.00
Title Fees	\$	12,761.00
Appraisal Fees	\$	22,875.00
Land Value	\$	953,046.00
Total Requested	\$	1,142,222.00

COORDINATION

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

SUPPLEMENTARY COMMENTS

The attached maps reference the property locations.



Christopher J. Brady
Assistant City Manager



J. Rolando Bono
City Manager

Resid Non-Resid	Count	Account #	Address	Last Known Owner	Acr	BAD Value	Appraised Value	Current Taxes	Utilized Value	Legal Description
	1	10573-000-0071	1750 Shipman	Rhode & Co., Inc	17.9910	\$ 37,700.00	\$ 44,000.00			395, the G. Nunez Survey No. 151 abstract 548 and the S.A. & M.G.R.R. Survey No. 152, abstract 719, Bexar County, Texas, and being all of a 17.507 acre tract of land as described in Volume 3364, page 182, Official Public Records of Real Property of Bexar County, Texas, being more particularly described as Exhibit J which is attached hereto and incorporated herein by
	2	10704-023-0170	1043 "I" Street	Anthony Guajardo Children	0.1779	\$ 250.00	\$ 1,950.00			Lot 17, Block 23, NCB 10704, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 15, Deed and Plat Records of Bexar County, Texas
	3	10713-032-0250	1247 H Street	Guerra, Greg	0.1779	\$ 7,200.00	NA	\$3,182.95		Lot 25, Block 32, NCB 10713, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	4	10715-034-0070	1126 "I" Street	Newton, Ernest & Herbert	0.1412	\$ 3,400.00	\$ 1,550.00	\$ 749.64		Lot 7, Block 34, NCB 10715, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	5	10722-041-0250	1139 G Street	Guajardo, Joe A.	0.1779	\$ 1,500.00	\$ 1,950.00			Lot 25, Block 41, NCB 10722, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	6	10722-041-0280	1151 G Street	Guajardo, Joe A.	0.1779	\$ 3,600.00	\$ 1,950.00			Lot 28, Block 41, NCB 10722, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	7	10726-045-0010	3702 Bunche	Trade, Inc.	0.1113	\$ 6,400.00	NA	\$2,388.08		Lot 1, Block 45, NCB 10726, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	8	10726-045-0380	3906 Bunche Rd.	Leon, Maria, et.al	0.2411	\$ 3,900.00	\$ 2,650.00	-0-		Lot 38, Block 45, NCB 10726, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	9	10726-045-0390	3910 Bunche Rd.	Leon, E.	0.264	\$ 4,100.00	\$ 2,900.00	-0-		Lot 39, Block 45, NCB 10726, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	10	10726-045-0440	3930 Bunche Rd.	Matthews, Sidney & Evelyn	0.3788	\$ 4,700.00	NA	-0-		Lot 44, Block 45, NCB 10726, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	11	10726-045-0450	3934 Bunche Rd.	Matthews, Sidney & Evelyn	0.3444	\$ 4,500.00	NA	-0-		Lot 45, Block 45, NCB 10726, Wheatley Heights Addition, Third Filing, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof recorded in Volume 3025, Page 62, Deed and Plat Records of Bexar County, Texas
	12	10730-004-0200	1239 Yucca	Bexar County	0.1492	\$ 6,800.00	NA	\$8,563.41		Lot 20, Blk 4, NCB 10730, Brookdale, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 1625, Page 315, Deed and Plat Records of Bexar County, Texas
	113	10731-005-0040	1214 Yucca	Monarch Lumber	0.1492	\$ 6,800.00	\$ 3,500.00	-0-		Lot 4, Block 5, New City Block 10731, Brookdale, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in, Volume 1625, page 315, Deed and Plat Records of Bexar County, Texas.
	14	10732-022-0010	0-1 Martin Luther Kin	Taylor, Jesse	1.1120	\$ 4,500.00	\$ 5,600.00			South irregular .130 of Tract A, Block 22, New City Block 10732, an addition to the City of San Antonio, Bexar County, Texas, being known as 3640 Martin Luther King Dr.
	15	10732-022-0050	1251 Yucca	J. Guajardo	0.4100	\$ 9,800.00	\$ 4,500.00			Not rcvd
	16	10732-022-0051	1243 Yucca	Anthony Guajardo Children Trust	0.149	\$ 6,800.00	\$ 1,950.00			The west 50 ft of north irregular 404.7 ft of Tract D or Arb Tract- D1, Block 22, New City Block 10732, Grandview Addition, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 105, page 13.
	17	10749-000-0021	241 Bonair	Randolph Heinesh	20.9910	\$ 117,600.00	\$ 267,000.00			Being 20.991 acres out of Maria G. De Alanis Survey Number 20, Abstract Number 22, New City Block 10832, in the City of San Antonio, Bexar County, Texas

Resid Non-Resid	Count	Account #	Address	Last Known Owner	Acr	BAD Value	Appraised Value	Current Taxes	Utilized Value	Legal Description
	18	10749-000-0022	2227 Rigsby Rd.	American Institute of Musical Studies	6.9309	\$ 32,400.00	\$ 37,800.00			The west 6.9309 acres out of Tract 2, Kahn and Gray Subdivision, as recorded in Volume 105, page 227, Deed and Plat records of Bexar County and being out of New City Block 10749, an addition to the City of San Antonio, Texas
	19	10749-000-0041	0 Shrader Road	Sandra K. Phillips	22.5500	\$ 61,600.00	\$ 112,650.00			Being 22.55 acres out of Tract 3 & 4, Kahn and Gray Subdivision, New City Block 10749, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 105, Page 327, Deed and Plat Records of Bexar County
	20	10770-000-0022	4101 McInnis Rd.	Ralph & Sandra K. Burnes	10.0000	\$ 49,000.00	\$ 140,000.00			All that certain tract or parcel containing 1.04 acres of land in the City of San Antonio, Bexar County, Texas, New City Block 10770, being a portion of that certain tract called 11 acres being a portion of that certain 12.95 acre tract described in conveyance from John H. Covington to Henry F. Hein of record in Volume 2391, Page 295, Deed Records of Bexar County, Texas
	21	10770-000-0030	4103 Roland	James Pirotina	8.7600	\$ 15,700.00	\$ 73,500.00			8.76 Acres out of Maria Gertrudis De Alanis Survey Number 20, Abstract Number 22, New City Block 10770, in the City of San Antonio, Bexar County, Texas
	22	12172-000-1010	1916 Austin Hwy	Davis Motel	0.802	\$ 100.00	\$ 2,025.00			Tract A - 0.802 acre of land being a variable width drainage easement as shown in volume 9529, page 144, of the plat records of Bexar County, Texas, being more particularly described by metes and bounds in Exhibit A which is attached hereto and incorporated
	23	12173-000-0010	1503 Holbrook	Haag, Beatrice & Dorothy Slavin	7.018	\$ 10,800.00	\$ 19,550.00			acre tract described in volume 3864, page 1431 of the real property records of Bexar County, Texas, "Exhibit D", said tract being in the Gonafacio Rodriguez Survey NO. 131, County Block 5078, Bexar County Texas, being more particularly described by metes and bounds in Exhibit B, which is attached and incorporated herein by reference
	24	12173-000-0011	9999 Holbrook	Slavin, Dorothy L. & Beatrice Haag	2.28	\$ 10,000.00	\$ 5,770.00			Tract A - 2.280 acre tract called 2.3075 acres recorded in volume 2449, page 1430 of the real property records of Bexar County, Texas, being a part of a 10.44 acre tract conveyed in volume 3864, page 1431 of the real property records of Bexar County, Texas, County Block 5078, G. Rodriguez survey, No. 131, Bexar County, Texas being more particularly described by metes and bounds in Exhibit C which is attached hereto and incorporated herein by
	25	12174-000-0010	1376 Holbrook	Haag, Beatrice & Dorothy Slavin	5.888	\$ 10,200.00	\$ 16,151.00			Tract 6 - 5.888 acres being the remaining portion of an 8.61 acre tract described in volume 3864, page 1431 of the real property records of Bexar County, Texas, "Exhibit A" said tract being in the Gonafacio Rodriguez Survey No. 131, Bexar County, Texas being more particularly described by metes and bounds in Exhibit D which is attached hereto and incorporated
	26	12174-000-0012	1318 Holbrook	Epstein, Irving	0.853	\$ 12,500.00	\$ 3,500.00			Tract 7 - 0.853 acre tract, the remainder of a 1.3916 acre tract recorded in volume 4168, page 550 of the deed records of Bexar County, Texas, being more particularly described by metes and bounds in Exhibit E which is attached hereto and incorporated herein by reference.
	27	12174-000-0105	9999 Holbrook	Rivera, Jo Ann Marks	4.654	\$ 1,710.00	\$ 11,400.00			Tract A - 4.654 acres, called 4.7213 acres in volume 5207, page 1407 of the official property records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12174, Bexar County, Texas, being more particularly described by metes and bounds in Exhibit F which is attached hereto and incorporated herein by reference.
	28	12174-000-0113	0 Holbrook Rd.	McKeon, Laura Trust	1.69	\$ 2,800.00	\$ 2,600.00			volume 1803, page 593 of the deed records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12174, Bexar County, Texas, being more particularly described by metes and bounds in Exhibit G which is attached hereto and incorporated herein by
	29	12175-000-0181	0 Rittiman Rd.	McKeon, Laura Trust	0.773	\$ 11,300.00	\$ 11,300.00			Tract 10 - 0.733 acre tract, the remainder of a 1.232 acre tract recorded in volume 10933, page 2027 of the official property records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12175, Bexar County being more particularly described by metes and bounds in Exhibit H which is attached hereto and incorporated

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	30	12175-000-0220	0 Holbrook Rd.	aag, Elmer c/o Ed W. Slavi	4.5790	\$ 17,500.00	\$ 11,700.00			recorded recorded in volume 2867, page 84 of the deed records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey No. 131, New County Block 12175, Bexar County, Texas being more particularly described by metes and bounds in Exhibit I which is attached hereto and incorporated herein by reference.
	31	16513-003-0060	6539 Keitha	Price, Steven	0.1722	\$ 800.00	NA	\$ 953.15		Lot 6, Blk 3, NCB 16513, Meadowcliff Addition, an addition to the City of San Antonio, Bexar County, Texas, according to the map or plat thereof, recorded in Volume 2575, page 97, Deed and Plat records of Bexar County.
	32	18083-000-0270	9999 Joe Newton	Land Resources, Inc.	81.7140	\$ 13,290.00	\$ 138,900.00			Being 81.714 acres, more or less, out of Elizabeth Plunkett Survey Number 72, Abstract Number 573, New City Block 18083, San Antonio, Bexar County, Texas
				Totals	201.8079	\$ 479,250.00	\$ 926,346.00			