




AGENDA COORDINATION FORM

Bexar County Commissioners Court

Type of Agenda Item (Choose one): Ceremonial <input type="checkbox"/> Special Presentation <input type="checkbox"/> Time Certain <input type="checkbox"/> Consent <input type="checkbox"/> Individual <input checked="" type="checkbox"/>				
Sponsoring Office/Department: <u>Public Works Department</u>		Recipient Agency / Individual Name: _____		
Contact Person: <u>Joe Newton</u>	Phone Number: <u>210-335-6700</u>	Court Date Requested: <u>June 6, 2023</u>		
Presenter: <u>David R. Wegman, P.E., CFM</u>	Phone Number: <u>210-335-6700</u>	Deadline for Action: <u>June 6, 2023</u>		
Audio / Visual Presentation: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	PowerPoint? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	ADA Assistance Required (type): <u>No</u>		
Official/Department Head Signature: 	Small, Minority-owned Business Enterprise (SMWBE): Impact: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>			

CAPTION:

Discussion and appropriate action authorizing the use of the power of eminent domain and approval of an Order declaring a necessity for the fee simple title acquisition of a 10.705 acre tract of land located in the Fernando Rodriguez Survey No. 16, Abstract No. 15, County Block 4005, City of San Antonio, Bexar County, Texas being that tract of land described in a Deed to Paul B. Carter and Marline Carter Lawson, and of record in Document 20230072893 of the Official Public Records of Bexar County, Texas, said 10.705 acre tract being more particularly described by metes and bounds and shown in Exhibit "A", attached hereto and incorporated herein for all purposes, for the purposes of constructing a new residential intake building to increase the total number of available residential treatment beds, expanding, remodeling and updating the Dual Diagnosis Residential Facility and achieve the public use of the 10975 Applewhite Road Facility Expansion Project and authorizing the institution of condemnation proceedings to acquire these rights.

Precinct Number 1.

ESTIMATED PRESENTATION TIME: 5 minutes

BACKGROUND:

The County of Bexar, Texas, by and through the Facilities Management Department ("Bexar County"), has determined that the acquisition of a fee simple title interest in a 10.705 acre tract of land, more particularly described by metes and bounds and shown in Exhibit "A" being attached hereto and incorporated herein for all purposes, is necessary to advance and achieve the public use of constructing a new residential intake building to increase the total number of available residential treatment beds, expanding, remodeling and updating the Dual Diagnosis Residential Facility and achieve the public use of the 10975 Applewhite Road Facility Expansion Project and authorizing the institution of condemnation proceedings to acquire these rights;

Because this is a property owned by a brother and sister and with continuous negotiations with the Owners they agreed to proceed with a so-called friendly condemnation for an agreed upon dollar amount where both Owners do not object to the Condemnation proceeding. This allows the Owners to legally convey the property and allows Bexar County to obtain clear and proper title to the necessary property. Staff has been in contact with the Owners attorneys as well as our outside law firm of Ross, Molina, and Oliveros, P.C. to coordinate this potential friendly condemnation effort. However, if the friendly condemnation is not successful we will proceed with a normal condemnation. This condemnation order is necessary for the County to be able to move forward with this property acquisition. Time is of the essence on this property acquisition and staff recommends approval.

RECOMMENDED MOTION:

Discussion and appropriate action authorizing the use of the power of eminent domain and approval of an Order declaring a necessity for the fee simple title acquisition of a 10.705 acre tract of land located in the Fernando Rodriguez Survey No. 16, Abstract No. 15, County Block 4005, City of San Antonio, Bexar County, Texas being that tract of land described in a Deed to Paul B. Carter and Marline Carter Lawson, and of record in Document 20230072893 of the Official Public Records of Bexar County, Texas, said 10.705 acre tract being more particularly described by metes and bounds and shown in Exhibit "A", attached hereto and incorporated herein for all purposes, for the purposes of constructing a new residential intake building to increase the total number of available residential treatment beds, expanding, remodeling and updating the Dual Diagnosis Residential Facility and achieve the public use of the 10975 Applewhite Road Facility Expansion Project and authorizing the institution of condemnation proceedings to acquire these rights.

Precinct Number 1.

FISCAL ASSESSMENT: APPLICABLE Yes No Fiscal Note

1	Is this a revenue or expense?	Revenue <input type="checkbox"/>	Expense <input type="checkbox"/>
2	Dollar amount of revenue or expense associated with item?	N/A	
3	Is this a budgeted revenue or expense?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Does this item require additional staff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Will this increase your current budget?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Impact on future Budget? If Yes, Explain in Comments.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Current End-of-Year Expenditure Estimate-for impacted Object Code(s)?	N/A	
8	If an expense, what is the current Object Code budget amount?	N/A	
9	If an expense, are sufficient funds currently budgeted in the Object Code?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10	If an expense, are sufficient funds currently budgeted in the Appropriation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11	List impacted offices or departments or note if countywide:	Facilities Management Department	
12	Company:	N/A	
13	Accounting Unit and Account:	N/A	
14	Activity:	N/A	
15	If this is a grant, what is the estimated amount of program income?	N/A	
16	If this is a grant, what is the amount of Grantor funding?	N/A	
17	If this is a grant, what is the required County cash match?	N/A	
18	If this is a grant, what is the required County in-kind/allocation match?	N/A	
19	If this is a grant, was item approved by the Grant Review Committee?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
20	Comments: There is no fiscal impact with the approval of this item.		
21	Coordinated by: <u>Cynthia De La O X52410</u>		Verified By: <u>Daniel Franco (5/8/2023)</u>



Exhibit "A"

LEGAL DESCRIPTION 10.705 ACRES OF LAND

10.705 acres of land located in the Fernando Rodriguez Survey No. 16, Abstract No. 15, County Block 4005, City of San Antonio, Bexar County, Texas and being that same tract of land as conveyed to Paul B. Carter, as described in Volume 4787, Page 84, Official Public Records of Bexar County, Texas; a metes and bounds description of the property is located in Release of Lien, recorded in Volume 7780, Page 742, Official Public Records of Bexar County, Texas; said 10.705 acres being more particularly described as follows:

BEGINNING, at a found $\frac{1}{2}$ inch iron rod located in the southerly right of way line of Applewhite Road and marking the northwesterly corner of that certain called 6.977 acres of land conveyed to Fergo Properties, Inc., as described in Document Number 20170225511, Official Public Records of Bexar County, Texas; said rod further marking the northwesterly corner of the herein described tract of land;

THENCE, along the southerly and westerly right of way lines of Applewhite Road, the following courses:

North 84deg 07' 20" East, a distance of 268.64 feet, to a set $\frac{1}{2}$ inch iron rod with "HALFF" cap;

Southerly, along the arc of a curve to the right having a radius of 169.54 feet, a central angle of 87deg 08' 19", an arc length of 257.85 feet and a chord bearing: S 52deg 18' 30" E, 233.70 feet, to a set $\frac{1}{2}$ inch iron rod with "HALFF" cap;

South 08deg 44' 21" East, a distance of 310.66 feet, to a set $\frac{1}{2}$ inch iron rod with "HALFF" cap;

South 08deg 48' 06" East, a distance of 460.44 feet, to a found $\frac{1}{2}$ inch iron rod marking the northeasterly corner of that certain called 30.365 acres of land conveyed to Sadae Foley, as described in Document Number 20210209264, Official Public Records of Bexar County, Texas; said rod further marking the northeasterly corner of Lot 1, Block 1, County Block 4005, Applewhite Mobile Home Subdivision, according to the map or plat thereof recorded in Volume 9510, Page 210, Deed and Plat Records of Bexar County, Texas;

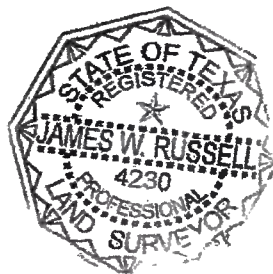
Exhibit "A"

THENCE, North 81deg 06' 53" West, leaving the westerly right of way line of Applewhite Road and along the northerly line of the said 30.365 acres and the northerly line of said Applewhite Mobile Home Subdivision, a distance of 697.75 feet, to a set ¼ inch iron rod with "HALFF" cap located in the easterly line of the aforementioned 6.977 acres of land conveyed to Fergo Properties, Inc.;

THENCE, North 08deg 49' 47" East, along the easterly line of the said 6.977 acres, a distance of 778.91 feet, to the **POINT OF BEGINNING** and containing 10.705 acres (466,306 square feet) of land, more or less.

James W. Russell 1/14/22

James W. Russell
Registered Professional
Land Surveyor #4230
Halff Associates, Inc.
100 NE Loop 410, Ste. 200
San Antonio, Texas 78216
TBPELS Firm No. 10029600



BEXAR COUNTY PUBLIC WORKS

ORDER DECLARING A NECESSITY FOR THE FEE SIMPLE TITLE ACQUISITION OF A 10.705 ACRE TRACT OF LAND LOCATED IN THE FERNANDO RODRIGUEZ SURVEY NO. 16, ABSTRACT NO. 15, COUNTY BLOCK 4005, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS BEING THAT TRACT OF LAND DESCRIBED IN A DEED TO PAUL B. CARTER AND MARLINE CARTER LAWSON AND OF RECORD IN DOCUMENT 20230072893 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, SAID 10.705 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND SHOWN IN **EXHIBIT "A"**, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES FOR THE PURPOSE OF CONSTRUCTING A NEW RESIDENTIAL INTAKE BUILDING TO INCREASE THE TOTAL NUMBER OF AVAILABLE RESIDENTIAL TREATMENT BEDS, EXPANDING, REMODELING AND UPDATING THE DUAL DIAGNOSIS RESIDENTIAL FACILITY AND ACHIEVE THE PUBLIC USE OF THE 10975 APPLEWITHE ROAD FACILITY EXPANSION PROJECT AND AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THESE RIGHTS.

WHEREAS, the County of Bexar, Texas, by and through the Facilities Management Department ("Bexar County"), has determined that acquisition of fee simple title interest in a 10.705 acre tract of land more particularly described by metes and bounds and shown in **Exhibit "A"** being attached hereto and incorporated herein for all purposes, is necessary to advance and achieve the public use of constructing a new residential intake building to increase the total number of available residential treatment beds, expanding, remodeling and updating the Dual Diagnosis Residential Facility and achieve the public use of the 10975 Applewhite Road Facility Expansion Project and authorizing the institution of condemnation proceedings to acquire these rights;

WHEREAS, Bexar County is unable to acquire said real property interests by negotiation and/or further negotiations became futile, and therefore, the County of Bexar is compelled to exercise its power of eminent domain; and

WHEREAS, relating to the acquisition of such property, it may be necessary for Bexar County or one of its agents or contractors to enter upon the property to investigate and survey the needed property interests so that they may be defined and described with specificity for inclusion in any easement or deed, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary property rights.

IT IS THEREFORE, ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS, AT A REGULAR MEETING, THAT:

SECTION 1. The above caption and recitals are incorporated herein for all purposes.

SECTION 2. It is authorized for Bexar County, Texas, to utilize the power of eminent domain to acquire real property interests located in Bexar County, Texas, which are

necessary to advance and achieve the public use of constructing a new residential intake building to increase the total number of available residential treatment beds, expanding, remodeling and updating the Dual Diagnosis Residential Facility and achieve the public use of the 10975 Applewhite Road Facility Expansion Project. The Project also includes upgrades to the existing infrastructure to help support the added bed capacity and address some deferred maintenance. The property being condemned is a fee simple title interest in a 10.705-acre tract of land located in the Fernando Rodriguez Survey No. 16, Abstract No. 15, County Block 4005, City of San Antonio, Bexar County, Texas being the tract conveyed to Paul B. Carter and Marline Carter Lawson and of record in Document 20230072893 of the Deed Records of Bexar County, Texas, said 10.705-acre tract being more particularly described by metes and bounds and shown in **Exhibit "A,"** attached hereto and incorporated herein for all purposes.

SECTION 3. The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, the knowledge of which exist at this time. Therefore, Bexar County, Texas, acting by and through its contractual eminent domain attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings in eminent domain to condemn the property interests described herein and to acquire such interests in land as Bexar County is unable to acquire through negotiation, and to take any other legal action necessary or incidental to such acquisition or eminent domain proceeding to investigate, survey, specify, define, and secure the necessary property rights.

SECTION 4. All acts and proceedings done or initiated by the employees, agents, and attorneys of Bexar County for the acquisition of such property interests and rights are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.

SECTION 5. Severability: If any provision, section, subsection, sentence, clause, or phrase of this Order, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Order shall not be affected thereby, it being the intent of the Commissioners Court in adopting this Order that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Order are declared to be severable for that purpose.

PASSED AND APPROVED this ____ day of _____ 2023.

COUNTY OF BEXAR

ATTEST:

PETER SAKAI
County Judge

LUCY ADAME-CLARK
County Clerk





Exhibit "A"

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10.705 ACRES
OF LAND**

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THENCE, North 08deg 49' 47" East, along the easterly line of the said 6.977 acres, a distance of 778.91 feet, to the **POINT OF BEGINNING** and containing 10.705 acres (466,306 square feet) of land, more or less.

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