

AN ORDINANCE 55022

APPROPRIATING \$4,634,400.43 AND AUTHORIZING  
PAYMENT THEREOF TO TWELVE SCHOOL DISTRICTS  
AND THE HOSPITAL DISTRICT IN CONNECTION WITH  
LITIGATION STYLED CITY OF SAN ANTONIO V.  
SAN ANTONIO INDEPENDENT SCHOOL DISTRICT,  
ET AL, NO. 77-CI-13810.

\* \* \* \* \*

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

WHEREAS, the Texas Public Utility Regulatory Act, Article 1446(c) VATS, declares ineligible for consideration in utility rate making for certain entities the payment by a public utility of payments-in-lieu-of-taxes to a municipality wholly owning the public utility; and

WHEREAS, the San Antonio ISD, 12 other independent school districts and the Bexar County Hospital District, have been paying the City Public Service Board the portion of their utility bills deemed not valid under the exemption made available under the above act, pursuant to an interim payment agreement; and

WHEREAS, the City has held the funds in a trust fund pursuant to said agreement, authorized in Ordinance No. 52577 passed July 31, 1980, pending final decision of the validity of said provision of the above Act by court decision; and

WHEREAS, final action by the Supreme Court of Texas has upheld the Act in the course of deciding the case on appeal (for all claimants except San Antonio Independent School District) and the return of the money held in escrow should now be returned to the claimants; NOW THEREFORE:

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

SECTION 1. Pursuant to the provisions of the Interim Payment Agreement between the San Antonio Independent School District, 12 other independent school districts (shown on an attachment hereto), the Bexar County Hospital District and the City Public Service Board (CPSB), approved and authorized in Ordinance No. 52577 passed July 31, 1980, relating to the payment by said parties of a certain portion of their utility bills to City Public Service contended as exempt under the Texas Public Utility Regulatory Act, to be held in escrow by the City pending resolution of litigation contesting the exemption, and said Act and exemption having been upheld by the Supreme Court of Texas as it relates to the named parties, the sums set out in Attachment I, incorporated herein by reference, are hereby authorized to be paid from the Revenue from CPSB - Deferred for Litigation Trust Fund No. 62-016008. Said amounts have been collected from CPSB as the portion from utility collections from these claimants attributable to the CPSB payment-in-lieu-of-taxes to the City covering the period from September 1, 1975 through January, 1982, inclusive.

SECTION 2. Any further amounts received by the City since January, 1982 as the portion from utility collections from the above claimants attributable to the CPS payment-in-lieu-of-taxes to the City shall be refunded to the named entities on the attachment in conformity with the current legal and legislative standing of the abovementioned Texas Public Utility Regulatory Act. The City Public Service commencing on or about March, 1982 will render its utility bills to the above claimants net of the payment-in-lieu-of-taxes portion. The obligations required in Ordinance 52577 are hereby repealed.

PASSED AND APPROVED this 4th day of March, 1982.

*Henry Cisneros*  
M A Y O R

ATTEST: *Norma S. Rodriguez*  
City Clerk

APPROVED AS TO FORM: *Tom Kinlay*  
City Attorney

APPROVED AS TO FUNDS: *Carl L. White*  
Director of Financey

82-10

AVIATION	
BUDGET & RESEARCH	1
BUILDING INSPECTIONS	
CITY WATER BOARD	
CITIZEN ACTION & PUBLIC INFORMATION	
COMMERCIAL RECORDER	
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	1
ASSESSOR	
CONTROLLER	1
TREASURY DIVISION	
GRANT SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
LEGAL-CITY ATTORNEY	1
LIBRARY DIRECTOR	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL DIRECTOR	
PLANNING	
POLICE CHIEF	
PUBLIC UTILITIES SUPERVISOR	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
WASTEWATER ENGINEERING	
RIGHT-OF-WAY & LAND ACQUISITION	
TRAFFIC ENGINEERING DIVISION	
PURCHASING	
ZONING ADMINISTRATION	
CPSB	1

ITEM NO. 40  
MAR 4 1982

MEETING OF THE CITY COUNCIL DATE: \_\_\_\_\_

MOTION BY: Dutmer SECONDED BY: Harrington

55022

ORD. NO. \_\_\_\_\_ ZONING CASE \_\_\_\_\_

RESOL. \_\_\_\_\_ PETITION \_\_\_\_\_

COUNCIL MEMBER	ROLL CALL	AYE	NAY
MARIA A. BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		✓	
BOB THOMPSON PLACE 6		absent	
JOE ALDERETE, JR. PLACE 7		absent	
G.E. "ED" HARRINGTON PLACE 8		✓	
VAN ARCHER PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

82-10

# CITY OF SAN ANTONIO

#40

## Interdepartment Correspondence Sheet

TO: City Council

FROM: Carl L. White, Director of Finance

COPIES TO: See Distribution

SUBJECT: Ordinance Satisfying Supreme Court's Ruling Pertaining to School Districts and Hospital District 14% City Public Service-City Payment

Date March 2, 1982

### Summary

This ordinance appropriates the sum of \$4,634,400.43 from the Litigation Contingency Trust Fund and authorizes payments therefrom to the twelve School Districts and Hospital District that were parties to the suit which challenged the validity of Article 1446(c) VATS which exempted School Districts and Hospital Districts from assessability in utility rates for payments-in-lieu of taxes paid by municipally-owned utilities to municipalities.

### Background Information

The School Districts located in Bexar County as well as the Bexar Hospital District challenged payment of the 14% City payment under Section 48 of the Texas Public Utility Regulatory Act. Section 48 prohibits payment in lieu of taxes by a public utility to the municipality which owns it from being considered as expense of operation for determining utility rates charged to a hospital or school district. The City sued the districts and won, but they appealed. Meanwhile, an agreement between City and districts was made whereby the districts would pay all the money City claimed they owed, less interest (they had subtracted 14% from their bills every month since September 1, 1975 and paid the balance). The districts also agreed to thenceforth pay their full bills. If final judgment was for the districts, City would pay them back the escrowed amounts and the same amounts they had paid City through the CPSB payment, also without interest. Final judgement was rendered for the districts on January 27, 1982 in the Supreme Court. Under our agreement with them (which the Council approved on July 31, 1980), we have 30 days from January 27 to pay them back, or interest will begin running at 9%.

The City staff and City Public Service staff have been working diligently on this project since notification of the ruling to ascertain the amount due each district. Work on this project was accomplished late this week which accounts for the delay in satisfying the judgment.

### Financial Impact

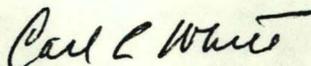
A trust fund was established to account for the proceeds of the escrowed amounts which were deposited with the City in 1980. The initial escrowed amount was \$3,660,559.66 plus interest of \$199,368.17, making a total of \$3,859,927.83. This fund has been invested in Certificates of Deposit since receipt of the moneys.

Interest earnings during this period have increased the balance of the fund to \$4,327,295.37. In addition, for the four months of the current fiscal year (October, November, December, and January), the City has received the sum of \$466,381.79 from City Public Service representing payments from the School Districts and Hospital District, which sum has been transferred into the escrow fund pursuant to ordinance 52577.

Payments to the various districts excluding San Antonio Independent School District (SAISD) aggregate \$4,634,400.43. A listing of the amounts due each district is attached. The judgment did not settle the dispute between SAISD and City, so this amount will be retained until such time as proper legal proceedings have been completed. After completion of the legal proceedings concerning SAISD, an ordinance will be submitted to Council regarding the termination of the litigation.

### Recommendation

It is recommended that favorable consideration be given this ordinance.



CARL L. WHITE  
Director of Finance

CLW:amt

RECOMMENDATION APPROVED:

LOUIS J. FOX  
City Manager

Distribution: Alex Briseno, Assistant City Manager  
Budget and Research Department  
Legal Department  
Public Utilities Supervisor

SCHEDULE OF INTERIM PAYMENT AGREEMENT CPS UTILITY COLLECTIONS FROM  
 12 INDEPENDENT SCHOOL DISTRICTS AND THE BEXAR COUNTY HOSPITAL DISTRICT  
 (AND INTEREST ON COLLECTIONS WHILE ESCROWED BY CITY PUBLIC SERVICE)

PERIOD Sept. 1, 1975 to Jan. 31, 1982

Fund No. 62-016008

	Contested Utility Payments	Interest While Held By CPS	Total
Alamo Heights ISD	\$ 160,449.28	\$ 7,264.42	\$ 167,713.70
East Central ISD	107,663.02	3,210.29	110,873.31
Edgewood ISD	502,642.33	20,123.92	522,766.25
Ft. Sam Houston ISD	25,143.86	1,179.71	26,323.57
Harlandale ISD	304,463.18	9,777.62	314,240.80
Judson ISD	270,953.78	8,053.24	279,007.02
Northeast ISD	1,006,059.00	34,964.62	1,041,023.62
Northside ISD	1,106,322.38	39,770.88	1,146,093.26
South San Antonio ISD	312,560.42	8,713.64	321,274.06
Southside ISD	33,842.76	1,210.74	35,053.50
Southwest ISD	71,516.00	2,348.10	73,864.10
Somerset ISD	18,508.24	531.99	19,040.23
Bexar Co. Hospital District	<u>562,383.57</u>	<u>14,743.44</u>	<u>577,127.01</u>
Total	<u>\$4,482,507.82</u>	<u>\$ 151,892.61</u>	<u>\$4,634,400.43</u>

ATTACHMENT I

	<u>Grand Total Forward</u>	<u>Interest</u>	<u>Total</u>
Alamo Heights	\$ 160,449.28	\$ 7,264.42	\$ 167,713.70
East Central	107,663.02	3,210.29	110,873.31
Edgewood	502,642.33	20,123.92	522,766.25
Ft. Sam Houston	25,143.86	1,179.71	26,323.57
Harlandale	304,463.18	9,777.62	314,240.80
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North East	1,006,059.00	34,964.62	1,041,023.62
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Somerset	18,508.24	531.99	19,040.23
Hospital District	<u>562,383.57</u>	<u>14,743.44</u>	<u>577,127.01</u>
	\$4,482,507.82	\$151,892.61	\$4,634,400.43
*SAISD	<u>1,230,908.51</u>	<u>47,475.56</u>	<u>1,278,384.07</u>
	<u>\$5,713,416.33</u>	<u>\$199,368.17</u>	<u>\$5,912,784.50</u>

\*Estimated - City Public Service is presently working on revised figures for SAISD. This balance will probably change after corrections are made to City Public Service computer listings.

AUTHORIZING TRANSFER OF \$3,416,322.30, REPRESENTING A 14% PORTION OF UTILITY BILL PAYMENTS PAID UNDER PROTEST BY CERTAIN SCHOOL DISTRICTS AND THE BEXAR COUNTY HOSPITAL DISTRICT, FROM THE GENERAL FUND TO A SPECIAL TRUST FUND PENDING COMPLETION OF CERTAIN LITIGATION.

\* \* \* \* \*

WHEREAS, the Sixty-Fourth Legislature in 1975 enacted the Texas Public Utility Regulatory Act, Article 1446(c) VATS, which exempted school districts and hospital districts from assessability in utility rates for payments-in-lieu of taxes paid by municipally-owned utilities to municipalities; and

WHEREAS, the City initiated a civil suit styled City of San Antonio vs. San Antonio Independent School District et al in Cause 77-CI-13810 in the 57th District Court of Bexar County, Texas to test the validity of this provision of the Act and the provision was held invalid and the school and hospital districts appealed and the matter reposes as Cause No. 16500 in the Fourth Court of Civil Appeals; and

WHEREAS, the school and hospital districts to avoid being deemed by the City Public Service Board as delinquent and jeopardizing thereby their utility service entered into an agreement with the CPSB for paying the 14% payment-in-lieu portion from their utility bills to CPSB as an escrow deposit pending resolution of the suit aforesaid; and

WHEREAS, the school districts, the hospital district, CPSB and the City have now entered into an Interim Payment Agreement for the City holding the schools' and hospital district's 14% payment-in-lieu portion of their utility bills in trust pending resolution of the suit aforesaid; and

WHEREAS, CPSB previously paid over to the City the amount of \$3,216,954.13, being the schools' and hospital district's 14% payment-in-lieu portion of their utility bills since September 1, 1975, together with \$199,368.17 in interest earned from deposit of funds by CPSB; and

WHEREAS, the City has deposited these amounts totalling \$3,416,322.30 in the General Fund but said sum, as well as future sums which will be collected, should be deposited in a trust fund pending resolution of the suit aforesaid; NOW THEREFORE:

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

SECTION 1. A special trust fund designated the REVENUE FROM CPSB - DEFERRED FOR LITIGATION FUND No. 62-016008 is directed to be established for school and hospital districts' 14% payment-in-lieu portions of their utility bills paid to CPSB and paid over to the City under the above mentioned Interim Payment Agreement with those certain school districts and the Bexar County Hospital District who are parties in the law suit above cited. A copy of said agreement is set out in Attachment I.

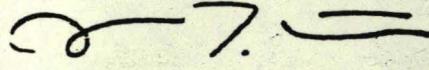
SECTION 2. The sum of \$3,416,322.30 previously received from CPSB representing collections of 14% of their utility bills paid by 13 school districts and the Bexar County Hospital District under an Interim Payment Agreement with CPSB and the City to be held in escrow pending resolution of the law suit challenging the validity of Section 48 of the Texas Public Utility Regulatory Act, Article 1446(c) VATS is directed to be transferred from the following revenue accounts in the General Fund where said collections are now entered:

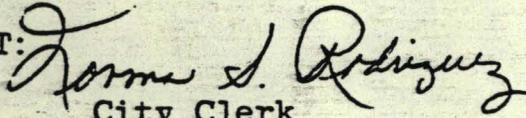
EX. IV

<u>Revenue Index No.</u>	<u>Revenue Account Title</u>	<u>Amount</u>
012468	Revenue from City Public Service	\$3,216,954.13
017350	Other Interest	199,368.17

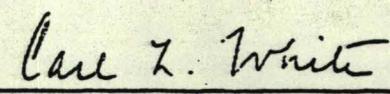
SECTION 3. All subsequent collections from CPSB of 14% of their utility bills paid by the 13 aforesaid school districts and the Bexar County Hospital District under the aforesaid Interim Payment Agreement set out in Attachment I, which is in all things ratified and approved, shall be deposited in the above fund until such time as the above cited suit is finally resolved and disposition of the monies in said fund is directed by ordinance.

PASSED AND APPROVED this 31st day of July, 1980.

  
M A Y O R PRO TEM  
JOHN T. STEEN

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

APPROVED AS TO FUNDS:   
Director of Financy

80-40

# CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

07-01-01

AGENDA ITEM NO. 40

TO: City Council

FROM: Carl L. White, Director of Finance

COPIES TO: See Distribution

SUBJECT: Ordinance Satisfying Supreme Court's Ruling Pertaining  
to School Districts and Hospital District 14% City  
Public Service-City Payment

Date March 2, 1982

## Summary

This ordinance appropriates the sum of \$4,634,400.43 from the Litigation Contingency Trust Fund and authorizes payments therefrom to the twelve School Districts and Hospital District that were parties to the suit which challenged the validity of Article 1446(c) VATS which exempted School Districts and Hospital Districts from assessability in utility rates for payments-in-lieu of taxes paid by municipally-owned utilities to municipalities.

## Background Information

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The City staff and City Public Service staff have been working diligently on this project since notification of the ruling to ascertain the amount due each district. Work on this project was accomplished late this week which accounts for the delay in satisfying the judgment.

#### Financial Impact

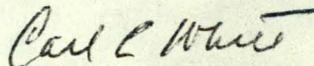
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#### Recommendation

It is recommended that favorable consideration be given this ordinance.



CARL L. WHITE  
Director of Finance

CLW:amt

RECOMMENDATION APPROVED:



LOUIS J. FOX  
City Manager

Distribution: Alex Briseno, Assistant City Manager  
Budget and Research Department  
Legal Department  
Public Utilities Supervisor

	<u>Grand Total Forward</u>	<u>Interest</u>	<u>Total</u>
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	<u>\$5,713,416.33</u>	<u>\$199,368.17</u>	<u>\$5,912,784.50</u>

\*Estimated - City Public Service is presently working on revised figures for SAISD. This balance will probably change after corrections are made to City Public Service computer listings.

AN ORDINANCE

*Ord No 244*

MAKING A CONVEYANCE OF LAND TO THE  
SAN ANTONIO INDEPENDENT SCHOOL  
DISTRICT AS A SITE FOR A STADIUM.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO: -

1. That this ordinance makes and manifests a deed of conveyance from the City of San Antonio, a municipality of the State of Texas, to the San Antonio Independent School District, a municipality of the State of Texas, both situated in the County of Bexar, by which deed, the City of San Antonio for and in consideration of \$10.00 cash in hand paid, and the use of the property herein described as a stadium and purposes incidental thereto, and the benefits resulting to the City of San Antonio resulting from such use;

2. Has granted, sold and conveyed, and by these presents does grant, sell and convey unto the San Antonio Independent School District, all that certain tract or parcel of land out of Range 2, District 3, Out Lots 21, 22, 23, 24 and 25, Original City Grant, within the corporate limits of the City of San Antonio, Bexar County, Texas, consisting of 30.1 acres, more particularly described by metes and bounds as follows:-

3. BEGINNING at a point 37.3 feet south of the north line of Out Lot 25, which point is on a line at right angles with said Out Lot line and 1068 feet east of the west line of Out Lot 25 and 550 feet south of the south line of Hildebrand Avenue; --  
thence south 87 deg. 0 min. east 115 feet to an iron pipe;  
thence south 63 deg. 20 min. east 300 feet to an iron pipe;  
thence south 72 deg. 50 min. east 100 feet to an iron pipe;  
thence south 85 deg. 50 min. east 200 feet to an iron pipe;  
thence north 83 deg. 10 min. east 200 feet to an iron pipe;  
thence south 88 deg. 20 min. east 100 feet to an iron pipe;  
thence south 47 deg. 20 min. east 200 feet to an iron pipe;  
thence south 0 deg. 40 min. east 556 feet to an iron pipe;  
thence south 87 deg. .06 min. west 100 feet; thence south 76 deg. 16 min. west 140 feet; thence north 50 deg. 15 min. west 50 feet; thence north 27 deg. .10 min. west 100 feet; thence north 53 deg. .07 min. west 50 feet; thence north 68 deg. 27 min. west 50 feet; thence north 81 deg. 58 min. west 50 feet;  
thence south 76 deg. 16 min. west 50 feet; thence south 56 deg. 19 min. west 50 feet; thence south 23 deg. .06 min. west 100 feet;  
thence south 60 deg. 21 min. west 100 feet; thence south 88 deg. 19 min. west 40 feet; thence north 49 deg. .01 min. west 50 feet;  
thence north 25 deg. .08 min. west 75 feet; thence north 61 deg. 59 min. west 75 feet; thence north 84 deg. 51 min. west 80 feet;  
thence south 77 deg. 35 min. west 50 feet; thence south 55 deg. 19 min. west 75 feet; thence south 70 deg. .07 min. west 100 feet;  
thence south 64 deg. 28 min. west 100 feet; thence south 51 deg. 11 min. west 126 feet; thence south 2 deg. .02 min. east 125 feet to an iron pipe; thence south 72 deg. .03 min. west 82 feet to an iron pipe; thence north 42 deg. 57 min. west 100 feet to an iron pipe; thence north 51 deg. 17 min. west 200 feet to an iron pipe; thence north 33 deg. 17 min. west 200 feet to an iron pipe; thence north 13 deg. 47 min. west 200 feet to an iron pipe; thence north 0 deg. 33 min. east 200 feet to an iron pipe; thence north 21 deg. .03 min. east 100 feet to an iron pipe; thence north 41 deg. 23 min. east 200 feet to an iron pipe; thence north 62 deg. 43 min. east 200 feet to an iron pipe; thence north 82 deg. 23 min. east 200 feet to an iron pipe; thence south 87 deg. 0 min. east 100 feet to the place of beginning.

4. The property conveyed by this deed shall never be used for any private profit or for any private purpose. No professional standard baseball (hard ball) games, day or night, no professional boxing matches nor professional wrestling matches nor professional prize fights shall be conducted in this stadium, and no concessions shall be granted outside of the stadium proper, except for parking vehicles. A breach of the provisions may be enjoined by any court of competent jurisdiction.

5. Should the San Antonio Independent School District abandon the use of the above described property as a stadium and for purposes incidental thereto and fail to resume such use within one year after receipt of written notice from the City of San Antonio, the title to said property shall, at the option of said City, revert to and re-vest in said City of San Antonio.

6. While exclusive management and control of such stadium shall be vested in the School District, it is agreed the City may use such stadium and appurtenances for all appropriate purposes, but only at such times as will not interfere with any use thereof by the School District, all expense or damage caused by its own use to be paid by the City, and such use to be in accordance with all rules or regulations promulgated by the School District.

7. The City will not open or extend Bushnell Avenue or Oakmont Avenue east of Dial Avenue.

8. The City of San Antonio will open Alameda Avenue from its present terminus through New City Blocks 828 and 852 to North St. Mary's Street.

9. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said San Antonio Independent School District, its successors and assigns forever.

10. PASSED AND APPROVED this 31 day of May, A.D. 1939.

C. K. Quin

MAYOR.

ATTEST:

Jas. Simpson  
City Clerk.

THE STATE OF TEXAS,  
COUNTY OF BEXAR,  
CITY OF SAN ANTONIO.

I, Jas. Simpson, City Clerk of the City of San Antonio, in the State and County aforesaid, do certify hereby that the foregoing is a full and complete, true, and correct copy of a part of the papers, books and records of the City of San Antonio, more particularly described as follows: "AN ORDINANCE MAKING A CONVEYANCE TO THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AS A SITE FOR A STADIUM"; as the same appears and is of record in my office, in Ordinance Book I page 388; and that I am the lawful possessor and custodian of such papers, books and records.

Given under my hand and the seal of the City of San Antonio, this 31 day of May, A.D. 1939.

*Jas. Simpson*  
City Clerk.

INDEPENDENT SCHOOL DISTRICT AS A SITE FOR A STADIUM  
CITY OF SAN ANTONIO  
ATTEST:  
JAS. SIMPSON  
CITY CLERK

TRACT A

This is a 6-acre tract out of NCB A-53, fronting 447.15' on the north side of "old location of Hildebrand Avenue". It is part of a 27-acre City Water Board tract acquired when the City purchased the Water Works Company land and improvements from Natt Wagner in 1925 and the City Water Board was created. The 6-acre tract was later conveyed to the City by the CWB in exchange for another six acres in the Hemisfair area, and the City subsequently conveyed this tract to the SAISD on June 20, 1968, by deed recorded in Volume 5995, Page 584.

This tract is known as the "Hildebrand Tank Site". It is fenced all around with cyclone fence and contains a CWB elevated tank, a control building and a radio tower, in addition to other water easements.

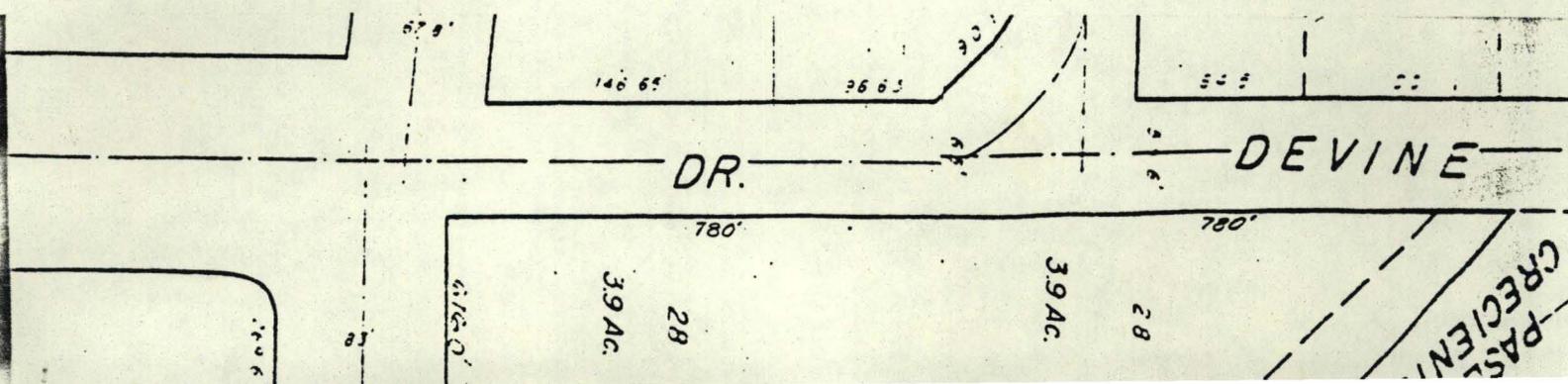
The radio tower is a CPSB radio communications relay tower which is shared also by the City of San Antonio Police Department and the Bexar County Sheriff's Office. CPSB had an agreement with the CWB allowing for the placement of this tower on the tract, but CPSB has had no designated easement since the tract was conveyed to the City by CWB prior to the time the City deeded it to the SAISD.

In conveying this tract to the City, CWB retained rights to certain water easements, including the elevated tank. Later, the City, as grantor, in conveying the tract to SAISD, retained rights to water easements for a period of five years with option to renew for an additional five years. The CWB has apparently maintained their easement rights through direct negotiation with SAISD.

The City's deed to SAISD stipulated the land conveyed would be used "only for parking purposes or for other purposes and uses directly connected with the operation of a public school".

The tract does not appear at this time to be used by SAISD for any purpose.

6/26/81



TRACT B

DESCRIPTION: That part of NCB 7015 situated on the northerly side of Hildebrand Avenue new location, (Lots 1 & 2, 3 except SW triangle, NE triangle of 5 and N irregular parts of 4, 10, 11 & 12).

After the relocation of Hildebrand Avenue through NCB 7015, the remaining northeasterly portion of the block was conveyed by the City of San Antonio to the San Antonio Independent School District by instrument recorded in Volume 5995, Page 583 of Bexar County Deed Records, filed July 19, 1968.

This conveyance made two conditions: (1) Grantee to use the land as a "properly maintained and policed parking space" and (2) No building or structure should be placed on the land.

Reversionary statement allows for title to be revested in Grantor should either condition be violated; however, these conditions were first imposed by Trinity University Board of Trustees in conveying this tract to the City in 1945 (see below).

At present this tract is grass covered and there is no indication of recent use.

Previous conveyances of this tract are as follows:

Warranty Deed  
Volume 1047, P. 488  
FROM: Congregation of  
Sisters of Charity  
of Incarnate Word  
TO: Northside Investment  
Company  
Aug. 6, 1928

This conveyed all of what is now known as NCB 7015 and that part of Devine Road adjacent to the NCB on the east. No restrictions.

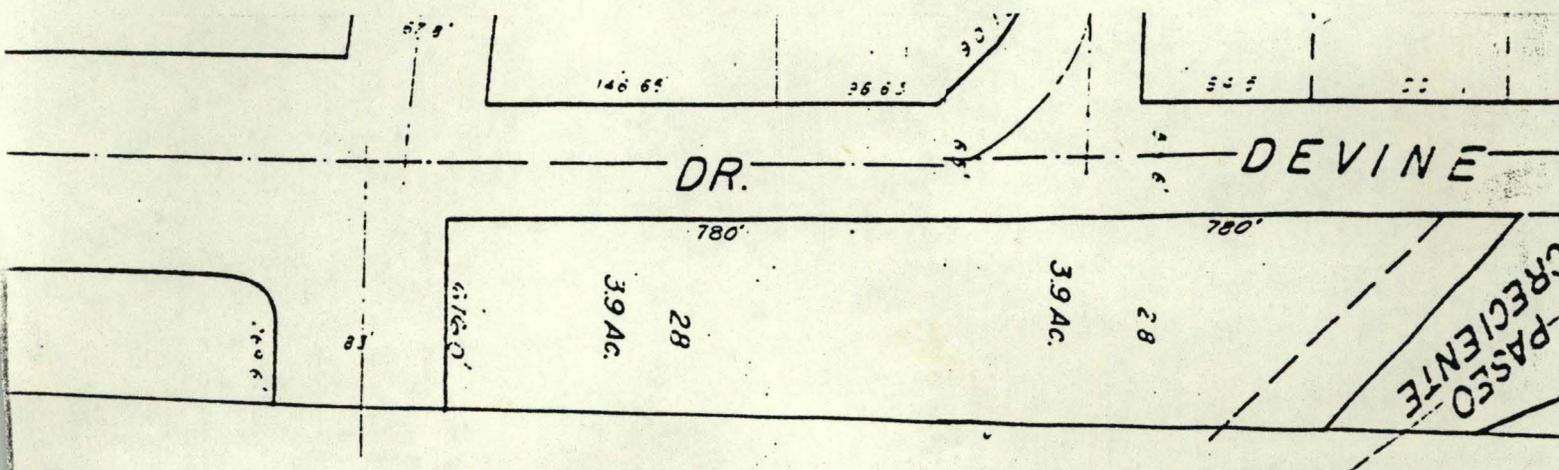
Warranty Deed  
Volume 1243, P. 130  
FROM: Northside Investment  
TO: City of S.A.  
April 13, 1931

Conveyed to City ROW for Devine Road adjacent to NCB 7015 on the east. No restrictions.

Warranty Deed  
Volume 2175, P. 254  
FROM: Northside Investment  
TO: Trinity University  
Nov. 13, 1945

Conveyed all of NCB 7015. No restrictions.

(continued next page)



TRACT B (continued)

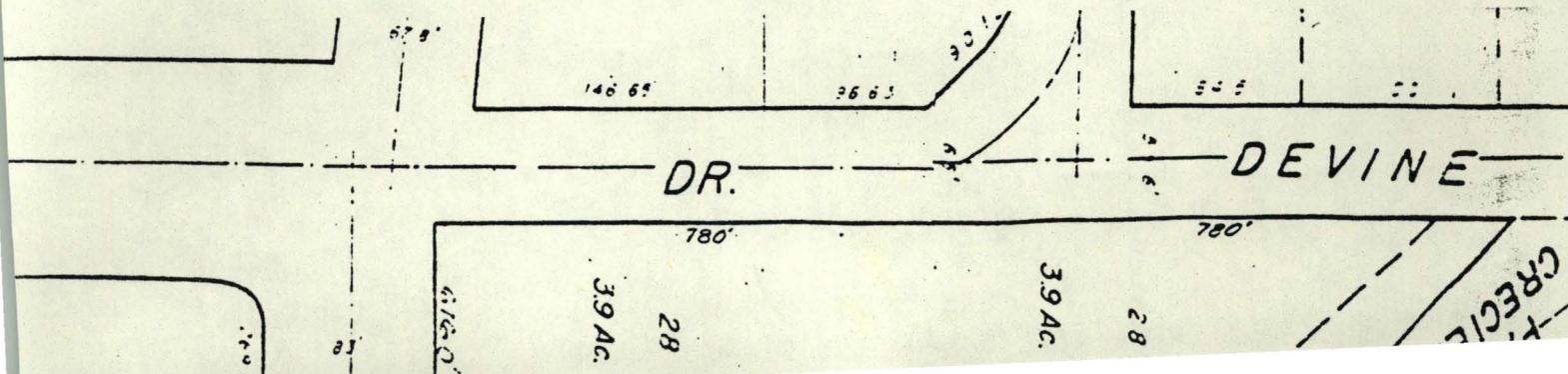
Deed  
Volume 2181, P. 24  
FROM: Trinity University  
TO: City of S. A.  
Nov. 16, 1945

Conveys the northeasterly part of NCB 7015 northeast of new location of Hildebrand Ave. and referred to herein as "Tract B". Deed imposed the following conditions on Grantee and assigns of Grantee:

- (1) Land to be used by Grantee either as a properly maintained and policed parking area or as a properly beautified and maintained city park
- (2) Neither grantee nor its assigns are to place any structure or building on the land.

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6/26/81



AVE.

ST.

362.35'

146.65' 146.65' 146.65'

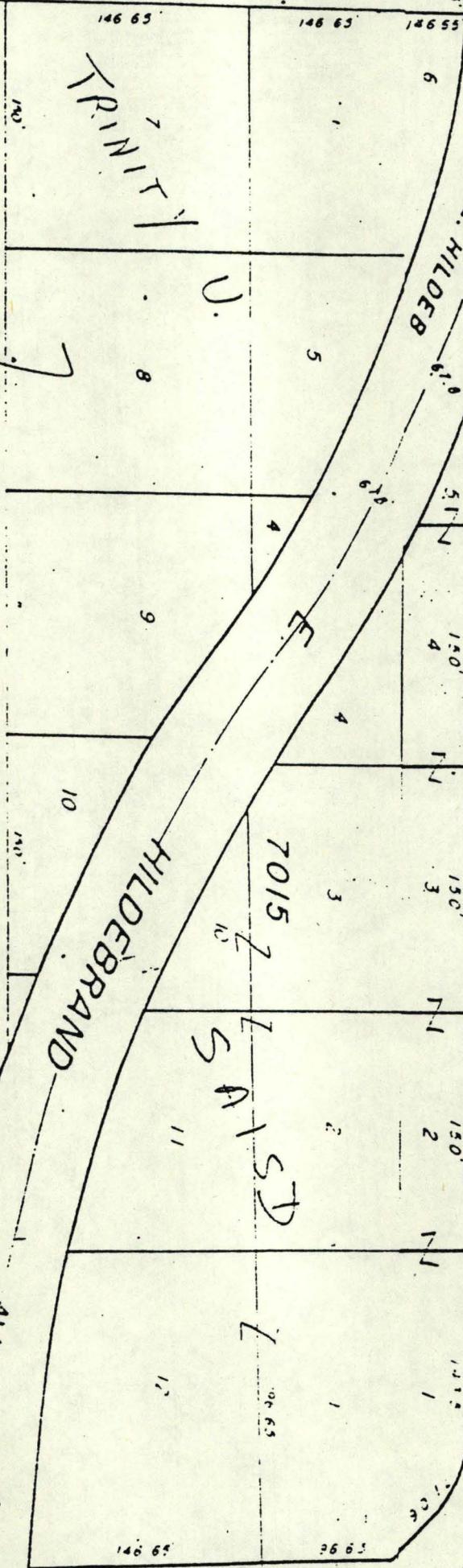
PRINT

E. HILDEBRAND

U.

1084.5'

449.15'



HILDEBRAND

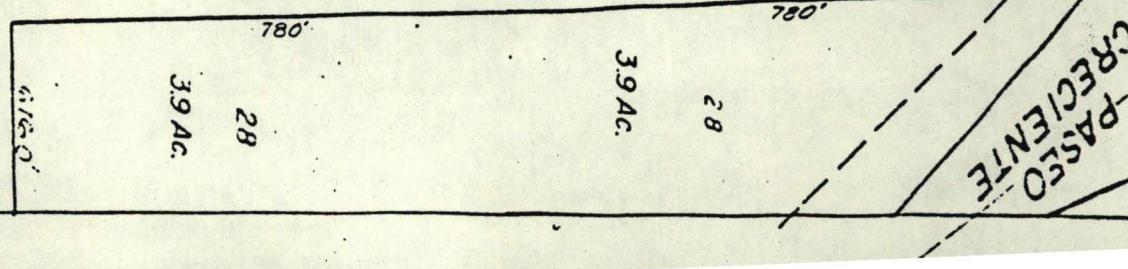
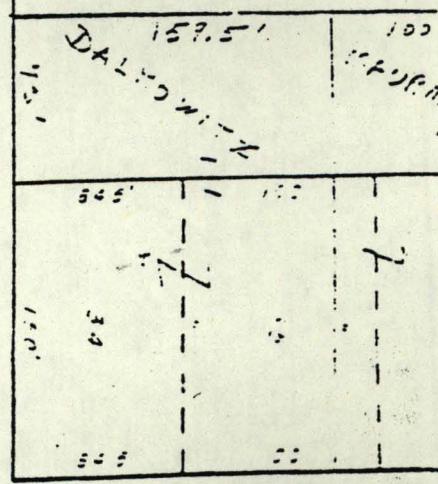
AVE.

AVE.

DR.

DEVINE

157.5' DATED WITH



PASO CRESCIENTE

TRACT C

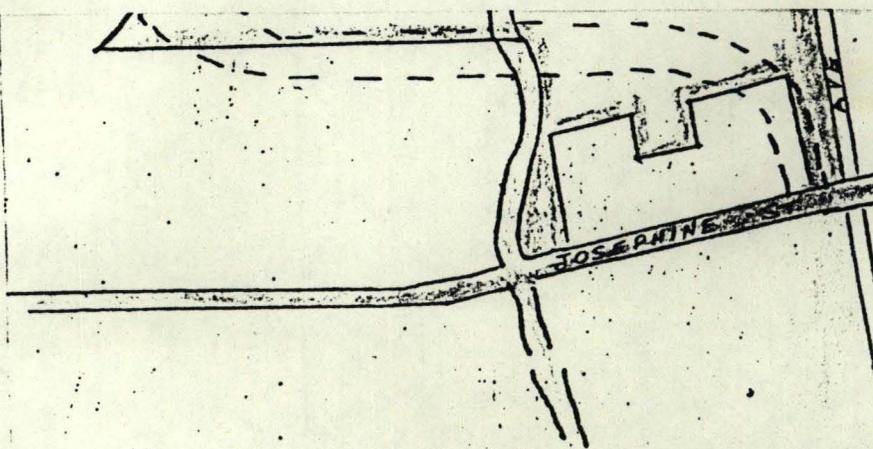
Part of old location of Hildebrand Avenue, located between Tracts A and B, quitclaimed by the City of San Antonio to SAISD in Quitclaim Deed filed in Volume 5995, Page 581, of Bexar County Deed Records.

Quitclaim deed reserves to Grantor a utility easement over the entire tract for construction, maintenance and repair of public utilities.

At present, this street is open and being used by the public as a thoroughfare.

6/26/81

-  AREA ONCE KNOWN AS SAN JACINTO PARK
-  FOUR TRACTS CONVEYED TO SAISD
- A - 6-ac. out of NCB A-53 (1968)
  - B - Portion of NCB 7015 (1968)
  - C - Portion of Hildebrand Ave. quitclaimed (1968)
  - D - Portion of OCL's 19 thru 22, R-2, D-3 (1953)
-  REMAINDER OF TR. D AFTER FREEWAY CONSTRUCTED



TRACT D

Part of Out City Lots 19, 20, 21 in Range 2, District 3, out of area formerly known as San Jacinto Park, NCB A-52.

1852 Public Sale of City Land

In 1863, OCL No. 19 was conveyed by the City to J. H. Kampmann by deed recorded in Volume 11, Page 249 of Bexar County Deed Records. According to this deed, the conveyance was made as a result of an 1852 public sale of lands belonging to the City of San Antonio. In 1905 and 1916, Lot 19 was conveyed back to the City by the Kampmann heirs in two deeds, filed in Volume 242, Page 318 and Volume 491, Page 422, respectively.

CITY ENGINEERS RECORDS: Case A, Drawer 5, No. 122

Map drawn by G. A. Fischer with 1908 date indicates Old City Lots 19 through 26 were City of San Antonio tracts known as "Hard Rock Quarry Tracts". These tracts were situated between Shook Avenue on the west and Rock Quarry Road (now St. Mary's Street) on the east..

CITY ENGINEERS RECORDS: Case A, Drawer 5, No. 121

Contour map of San Jacinto Park, drawn from a 1933 survey, indicates this to be the same area as the "Hard Rock Quarry Tracts", bounded on the west by Shook Avenue, extending east to St. Mary's Street and north to Bushnell and Hildebrand, which area would also include Old City Lot No. 27. This map indicates what appears to be a sports field in the most westerly part of the area, south of Bushnell Avenue.

DEED OF EXCHANGE - 1953

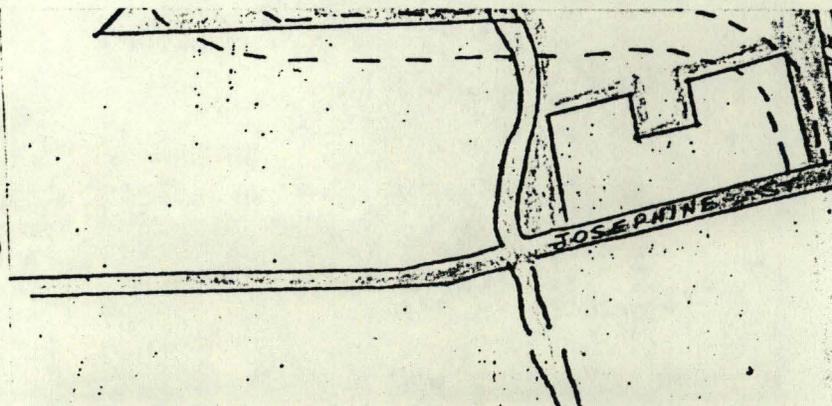
In 1953, in Deed of Exchange filed in Volume 3311, Page 465 of Bexar County Deed Records, the City conveyed to SAISD parts of OCL's Nos. 19, 20 and 21, along with another tract in the Highlands High School area, in exchange for the old German/English School property on the west side of South Alamo Street. In this conveyance, the City reserved title to a strip of land through the tract conveyed for the construction of a street from Stadium Drive (the western boundary) towards North St. Mary's Street. The precise location of this street and the time of its construction were to be determined by the City at an unspecified future time. When McAllister Freeway was constructed, the western part of this tract was taken for right-of-way.

(continued)

 AREA ONCE KNOWN AS SAN JACINTO PARK

 FOUR TRACTS CONVEYED TO SAISD

- A - 6-ac. out of NCB A-53 (1968)
- B - Portion of NCB 7015 (1968)
- C - Portion of Hildebrand Ave. quitclaimed (1968)
- D - Portion of OCL's 19 thru 22, R-2, D-3 (1953)

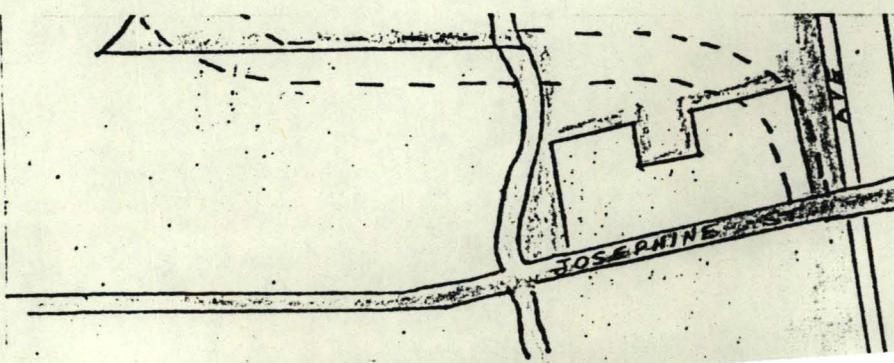


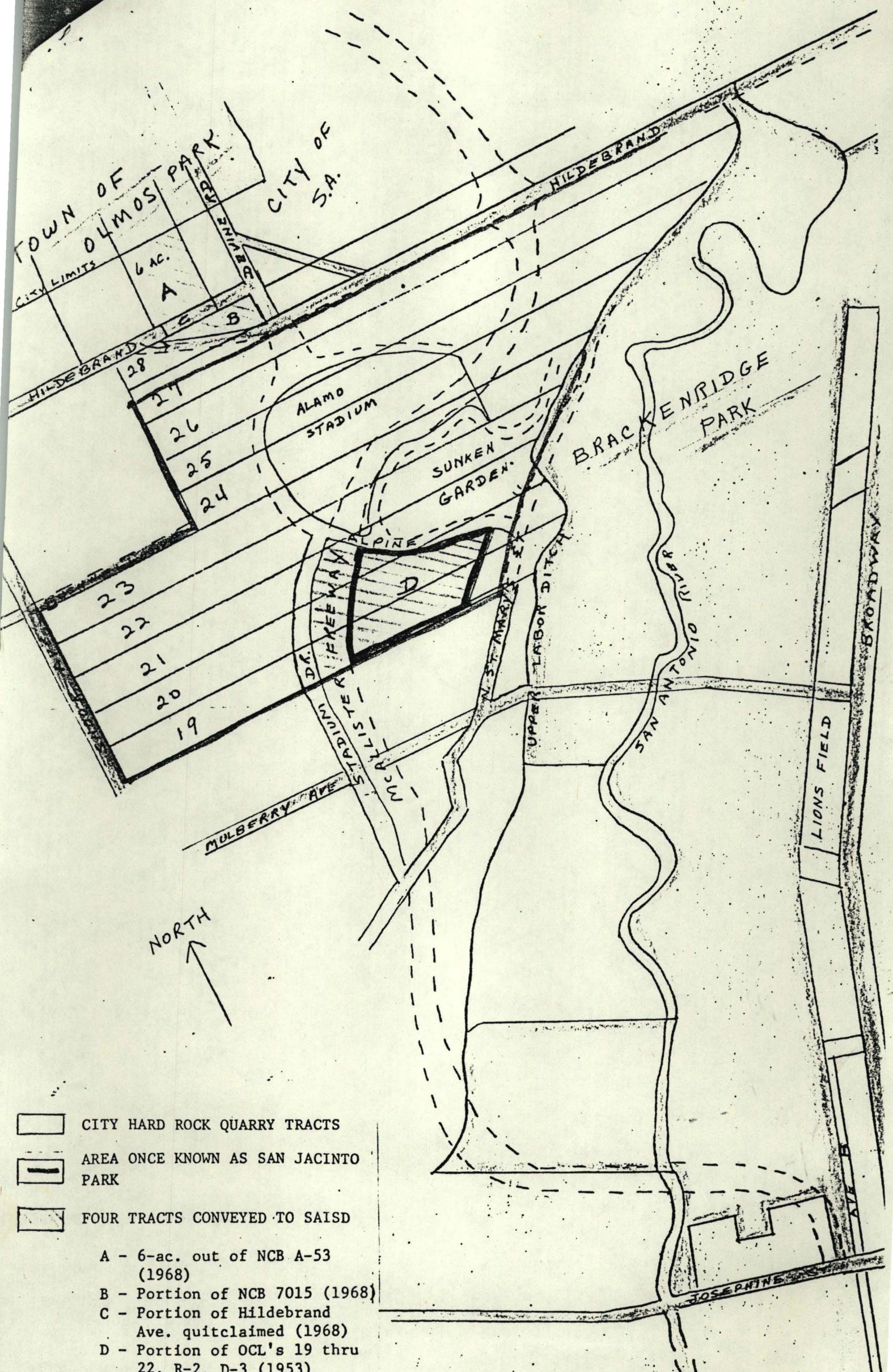
TRACT D - Continued

As of this date, the remainder of this tract is overgrown and not being used for any purpose. The tract is still in the name of SAISD with the City, apparently, still retaining title to an unspecified strip through the tract.

6/26/81

-  AREA ONCE KNOWN AS SAN JACINTO PARK
-  FOUR TRACTS CONVEYED TO SAISD
- A - 6-ac. out of NCB A-53 (1968)
- B - Portion of NCB 7015 (1968)
- C - Portion of Hildebrand Ave. quitclaimed (1968)
- D - Portion of OCL's 19 thru 22. B-2 D-3 (1953)





-  CITY HARD ROCK QUARRY TRACTS
-  AREA ONCE KNOWN AS SAN JACINTO PARK
-  FOUR TRACTS CONVEYED TO SAISD
- A - 6-ac. out of NCB A-53 (1968)
- B - Portion of NCB 7015 (1968)
- C - Portion of Hildebrand Ave. quitclaimed (1968)
- D - Portion of OCL's 19 thru 22, R-2, D-3 (1953)
-  REMAINDER OF TR. D AFTER FREEWAY CONSTRUCTED

MAKING A CONVEYANCE OF LAND TO THE SAN ANTONIO INDEPENDENT SCHOOL  
DISTRICT AS A SITE FOR A STADIUM

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That this ordinance makes and manifests a deed of conveyance from the City of San Antonio, a municipality of the State of Texas, to the San Antonio Independent School District, a municipality of the State of Texas, both situated in the County of Bexar, by which deed, the City of San Antonio for and in consideration of \$10.00 cash in hand paid, and the use of the property herein described as a stadium and purposes incidental thereto, and the benefits resulting to the City of San Antonio resulting from such use;

2. Has granted, sold and conveyed, and by these presents does grant, sell and convey unto the San Antonio Independent School District, all that certain tract or parcel of land out of Range 2, District 3, Out Lots 21, 22, 23, 24 and 25, Original City Grant, within the corporate limits of the City of San Antonio, Bexar County, Texas, consisting of 30.1 acres, more particularly described by metes and bounds as follows:-

3. BEGINNING at a point 37.3 feet south of the north line of Out Lot 25, which point is on a line at right angles with said Out Lot line and 1068 feet east of the west line of Out Lot 25 and 550 feet south of the south line of Hildebrand Avenue; thence south 87 deg. 0 min. east 115 feet to an iron pipe; thence south 63 deg. 20 min. east 300 feet to an iron pipe; thence south 72 deg. 50 min. east 100 feet to an iron pipe; thence south 85 deg. 50 min. east

200 feet to an iron pipe; thence north 83 deg. 10 min. east 200 feet to an iron pipe; thence south 88 deg. 20 min east 100 feet to an iron pipe; thence south 47 deg. 20 min. east 200 feet to an iron pipe; thence south 0 deg. 40 min. east 556 feet to an iron pipe; thence south 87 deg. .06 min. west 100 feet; thence south 76 deg. 16 min. west 140 feet; thence north 50 deg. 15 min. west 50 feet; thence north 27 deg. .10 min. west 100 feet; thence north 53 deg. .07 min. west 50 feet; thence north 68 deg. 27 min. west 50 feet; thence north 81 deg. 58 min. west 50 feet; thence south 76 deg. 16 min. west 50 feet; thence south 56 deg. 19 min. west 50 feet; thence south 23 deg. .06 min. west 100 feet; thence south 60 deg. 21 min. west 100 feet; thence south 88 deg. 19 min. west 40 feet; thence north 49 deg. .01 min. west 50 feet; thence north 25 deg. 08 min. west 75 feet; thence north 61 deg. 59 min. west 75 feet; thence north 84 deg. 51 min. west 80 feet; thence south 77 deg. 35 min. west 50 feet; thence south 55 deg. 19 min. west 75 feet; thence south 70 deg. .07 min. west 100 feet; thence south 64 deg. 28 min. west 100 feet; thence south 51 deg. 11 min. west 126 feet; thence south 2 deg. .02 min. east 125 feet to an iron pipe; thence south 72 deg. .03 min. west 82 feet to an iron pipe; thence north 42 deg. 57 min. west 100 feet to an iron pipe; thence north 51 deg. 17 min. west 200 feet to an iron pipe; thence north 33 deg. 17 min. west 200 feet to an iron pipe; thence north 13 deg. 47 min. west 200 feet to an iron pipe; thence north 0 deg. 33 min. east 200 feet to an iron pipe; thence north 21 deg. .03 min. east 100 feet to an iron pipe; thence north 41 deg. 23 min. east 200 feet to an iron pipe; thence north 62 deg. 43 min. east 200 feet to an iron pipe; thence north 82 deg. 23 min. east 200 feet to an iron pipe; thence south 87 deg. 0 min. east 100 feet to the place of beginning.

4. The property conveyed by this deed shall never be used for any private profit or for any private purpose. No professional standard baseball (hard ball) games, day or night, no professional boxing matches nor professional wrestling matches nor professional prize fights shall be conducted in this stadium, and no concessions shall be granted outside of the stadium proper, except for parking vehicles. A breach of the provisions may be enjoined by any court of competent jurisdiction.

5. Should the San Antonio Independent School District abandon the use of the above described property as a stadium and for purposes incidental thereto and fail to resume such use within one year after receipt of written notice from the City of San Antonio, the title to said property shall, at the option of said City, revert to and revest in said City of San Antonio.

6. While exclusive management and control of such stadium shall be vested in the School District, it is agreed the City may use such stadium and appurtenances for all appropriate purposes, but only at such times as will not interfere with any use thereof by the School District, all expense or damage caused by its own use to be paid by the City, and such use to be in accordance with all rules or regulations promulgated by the School District.

7. The City will not open or extend Bushnell Avenue or Oakmont Avenue east of Dial Avenue.

8. The City of San Antonio will open Alameda Avenue from its present terminus through New City Blocks 828 and 852 to North St. Mary's Street.

9. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said San Antonio Independent School District, its successors and assigns forever.

10. PASSED AND APPROVED this 31st day of May, A. D. 1939.

ATTEST: Jas. Simpson  
City Clerk

C. K. Quin  
Mayor