AZJ
06/02/2016
Item No. 13

AN ORDINANCE 2016-06-02-0395

AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A PARKING LOT UNDER IH37 NEAR THE SOUTHWEST CORNER OF 9th AND AUSTIN STREETS.

* * * * *

WHEREAS, on June 22, 1978, City Council passed Ordinance 49494, authorizing an agreement with the Texas Department of Transportation (TXDOT) that permitted the City to construct, maintain, and operate a parking lot within the IH37 right of way under the elevated highway between 9th and 10th Streets; and

WHEREAS, in support of increasing development downtown, the City is seeking to construct a new parking lot on TXDOT property under IH37; and

WHEREAS, the parking lot will be lighted, fenced, available for use by the public and parking enforcement staff will monitor the location; **NOW THEREFORE,**

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

SECTION 1. The City Manager and her designee, jointly or severally, are authorized and directed to execute and deliver to the Texas Department of Transportation an amendment to the agreement passed by Ordinance 49494 substantially in the form of **Attachment II**, which is incorporated by reference for all purposes as if fully set forth. The area subject to the amendment is shown in **Attachment I**. The City Manager or her designee, jointly or severally, should take all other actions reasonably necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering all ancillary instruments and agreements conducive to effectuating the transaction.

SECTION 2. Funding and payment authorization was previously approved and per originating department's RFCA details, there is no fiscal impact associated with this item; therefore, no fiscal ordinance language is required.

SECTION 3. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this **2nd** day of **June, 2016**.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

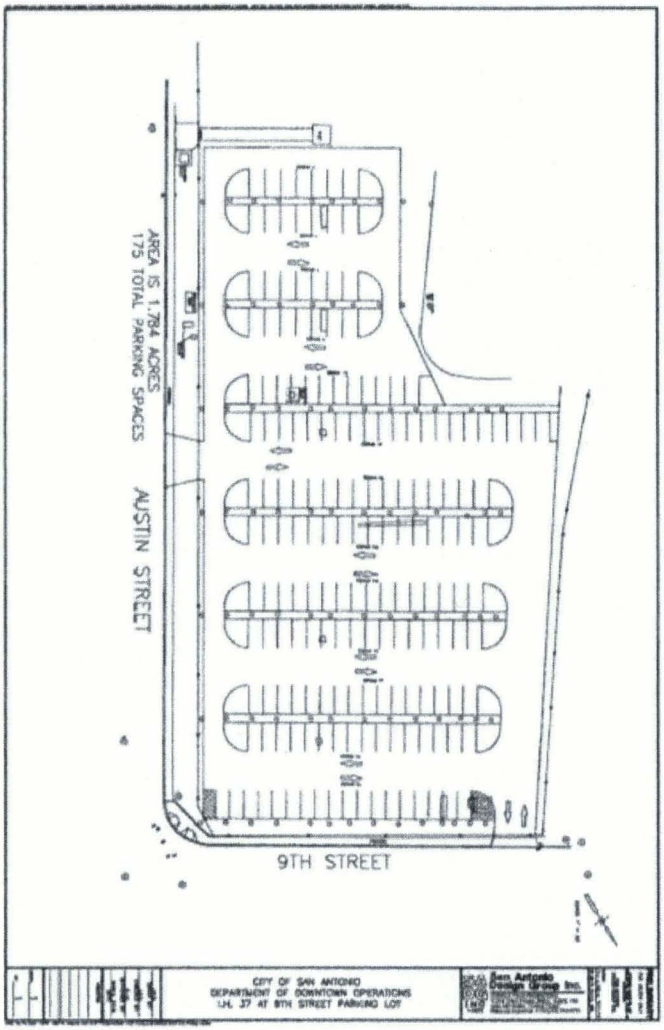
for **Martha G. Sepeda, Acting City Attorney**

2016-06-05-0396

Agenda Item:	**13**
Date:	06/02/2016
Time:	09:51:57 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing an amendment to a Texas Department of Transportation agreement that will increase the available area under IH37 for use by the City as parking lots. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations Department]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Attachment I – Supplemental Area



Attachment II: Amendment

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR PUBLIC PARKING

AMENDMENT #1

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation (the "State") and the City of San Antonio (the "City).

WHEREAS, the State and the City executed an agreement for Public Parking on Highway Rights-of-Way as authorized by Ordinance 49494 passed June 22, 1978 to permit the City to construct, maintain, and operate a public off-street parking facility located within the IH 37 right of way under the portion of a bridge structure between 10th Street and 9th Street (the "Agreement");

WHEREAS, the City now desires to use additional area to increase the number of parking spaces;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, this amendment is hereby executed to amend the Agreement between the State and the City , dated June 22, 1978. The City and State hereby agree to the following:

1. *Additional Area*
   The parking facility for use by City shall include approximately 2.028 additional acres, as described in Exhibit A.

2. *General Configuration*
   The general configuration of, and plan for, parking spaces as shown on Exhibit B is approved.

All other provisions, conditions, privileges, responsibilities and liabilities contained in the Agreement, including the first and second amendments, shall remain in full force and effect, and are not being changed under this third amendment.

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, the parties have caused their representatives to set their hands:

CITY OF SAN ANTONIO, a Texas municipal corporation

By:_____

Printed Name:_____

Title:_____

Date:_____

TEXAS DEPARTMENT OF TRANSPORTATION,

State of Texas

By:_____

Printed Name:_____

Title:_____

Date:_____

Pursuant to Ordinance No. _____, passed and approved on _____.

Attest:

_____

City Clerk

Approved As To Form:

_____

City Attorney

Exhibit A

Ace Surveying, Inc.
RHONDA K. BUTLER
REGISTERED PROFESSIONAL
LAND SURVEYOR #5409
FIRM #10160700

P. O. BOX 597
DEVINE, TEXAS 78016
Phone: 830-334-7264
Fax: 830-665-5796
Email: acesurveying@sbcglobal.net

2.028 ACRES
BEXAR COUNTY, TEXAS

A field note description of a 2.028 acre tract of land situated in Bexar County, Texas, being a portion of Interstate Highway 37 right-of-way, lying under the main lanes of said Interstate 37, and being more particularly described by metes and bounds as follows: (Note: Basis of bearing is WGS 84)

Beginning at the east corner of the herein described tract, being on the southwest side of 9th Street and between said main lanes and the access road of said Interstate, from which an "x" found in concrete marking the southwest corner of a 0.524 of an acre tract of land described in deed recorded in Volume 16518, Page 2352 of the Official Public Records of Bexar County, Texas bears S 61°27'27" E a distance of 102.59 feet;

Thence S 32°17'15" W, 447.10 feet along the southeast line of the herein described tract, between the main lanes and the access road of said Interstate to the south corner of the herein described tract;

Thence N 57°42'45" W, 140.96 feet to the most southerly west corner of the herein described tract;

Thence N 32°17'15" E, 161.24 feet to the re-entrant corner of the herein described tract;

Thence N 57°42'45" W, 108.01 feet to the most northerly west corner of the herein described tract;

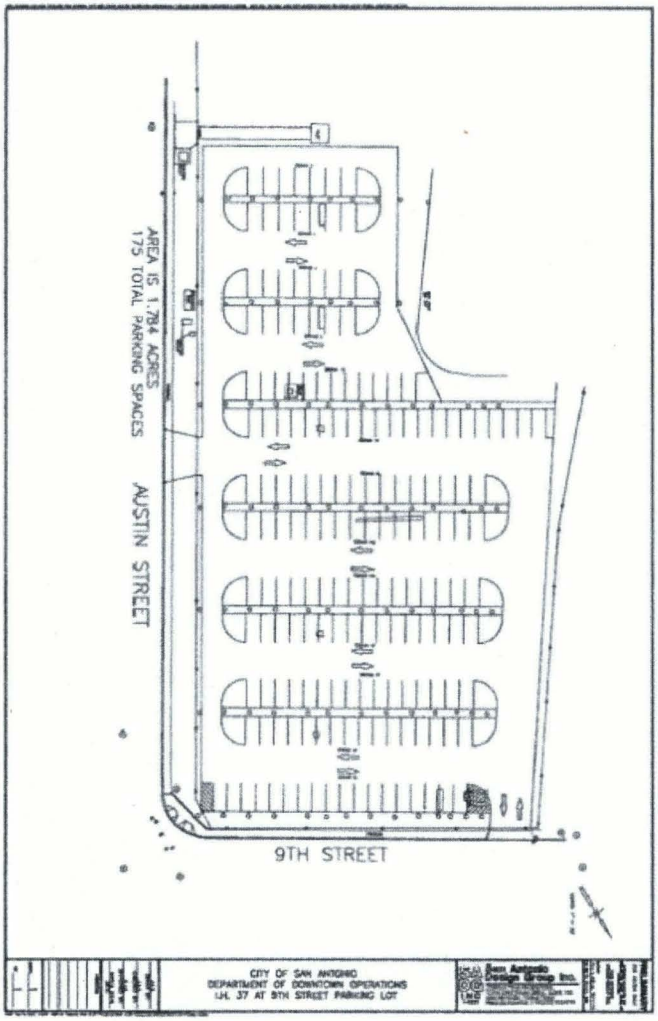
Thence along the northwest boundary of the herein described tract the following 2 calls:

1) N 43°13'19" E, 95.05 feet to an angle point;
2) N 36°09'46" E, 192.98 feet to the north corner of the herein described tract, on the southwest side of aforesaid 9th Street;

Thence S 57°42'45" E, 217.90 feet to the place of beginning and containing 2.028 acres of land according to a survey made on the ground on March 3, 2016 by Ace Surveying, Inc.

Rhonda K. Butler
Registered Professional
Land Surveyor #5409
File: ih 37 parking
Corresponding Plat Prepared

Exhibit B


AREA IS 1.784 ACRES
175 TOTAL PARKING SPACES
AUSTIN STREET
9TH STREET
CITY OF SAN ANTONIO
DEPARTMENT OF DOWNTOWN OPERATIONS
I.H. 37 AT 9TH STREET PARKING LOT

CITY OF SAN ANTONIO

CENTER CITY DEVELOPMENT & OPERATIONS DEPARTMENT

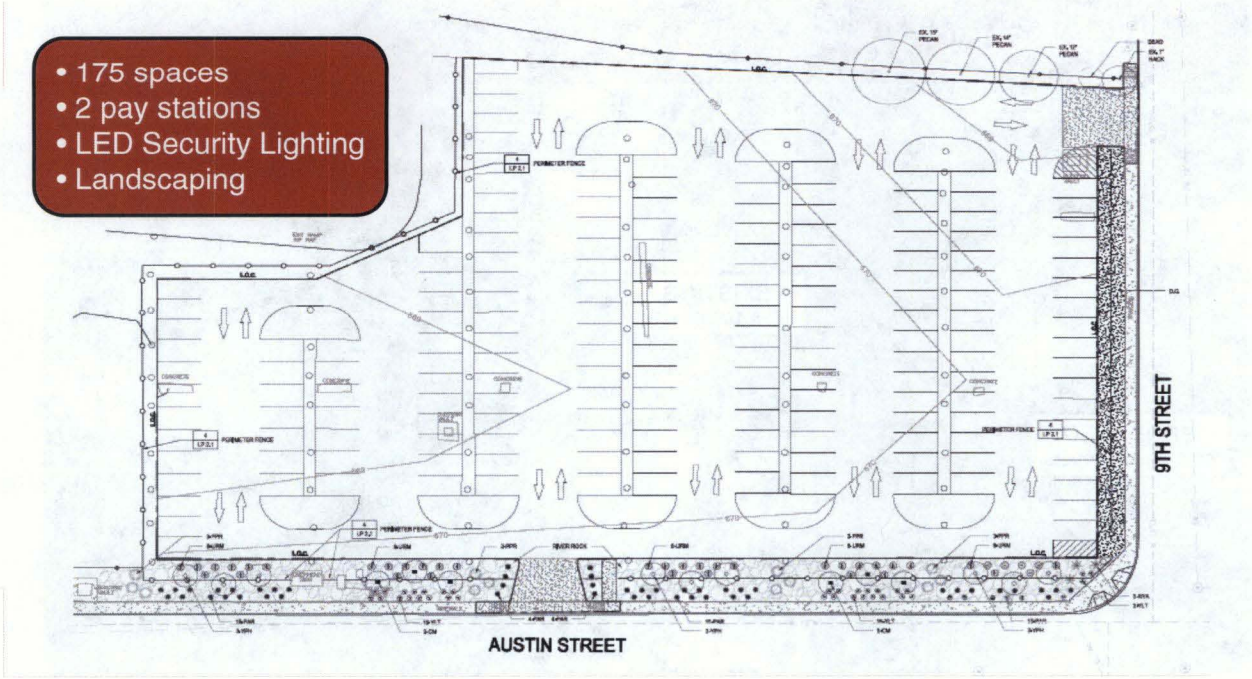
Amendment to TXDOT Agreement
City Council Meeting
Item #13

John Jacks, Interim Director
June 2, 2016

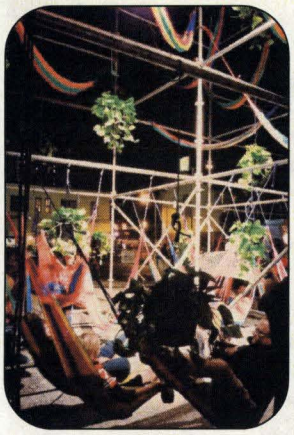
BACKGROUND

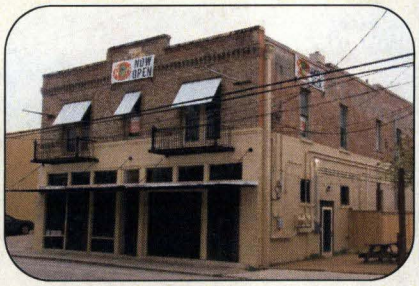
PROPOSED LOT

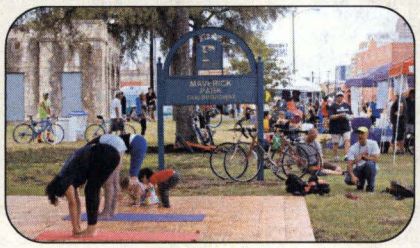
- 175 spaces
- 2 pay stations
- LED Security Lighting
- Landscaping

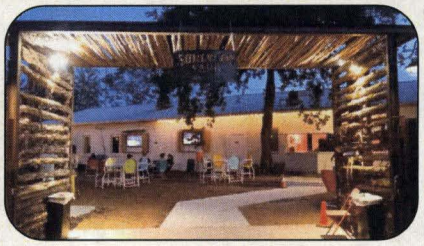


SUPPORTS SURROUNDING ACTIVITY









RECOMMENDATION

This ordinance authorizes an amendment to an agreement with TXDOT, allowing the City to construct, maintain, & operate a 175 space parking lot under IH37 near the southwest corner of Austin and 9th Streets. This project is scheduled for completion in September 2016.

Staff recommends approval.

CITY OF SAN ANTONIO

CENTER CITY DEVELOPMENT & OPERATIONS DEPARTMENT

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June 2, 2016