

AN ORDINANCE **2008-11-20-1013**

CONSENTING TO THE CONVEYANCE OF TITLE TO THE PROPERTY AT 4512 SIERRA STREET TO THE SAN ANTONIO RIVER AUTHORITY FOR INCLUSION AND USE IN THE MISSION REACH PORTION OF THE SAN ANTONIO RIVER IMPROVEENTS PROJECT, WITH THE CITY'S CONSIDERATION BEING THE BENEFITS DERIVED FROM THE USE OF THE PROPERTY IN THE PROJECT.

* * * * *

WHEREAS, on December 5, 2006, the City ("City"), Bexar County ("County"), and San Antonio River Authority ("SARA") entered into that certain *Interlocal Agreement Between The City Of San Antonio, Texas, Bexar County, Texas, And The San Antonio River Authority To Complete The San Antonio River Improvements Project* ("Agreement"), pursuant to which City, County, and SARA (hereafter sometimes collectively referred to as the "Parties") have agreed to cooperate in the management, funding and construction of the San Antonio River Improvements Project ("Project"); and

WHEREAS, in Article VIII of the Agreement, the Parties agree to cooperate with each other in using land owned, purchased or acquired within the scope of the Project for purposes compatible with the Project; and

WHEREAS, the Project consists of the Museum Reach, the Mission Reach, and the Eagleland segment; and

WHEREAS, in the Agreement, SARA is designated as the project manager and administrator, and one of its responsibilities is to acquire all necessary rights-of-way and easements for the Project; and

WHEREAS, the Mission Reach extends along the San Antonio River from Guenther Street to approximately 4,000 feet south of Loop 410 South; and

WHEREAS, SARA has identified a 4.24 acre tract on the West bank of the San Antonio River which is situated within the City and County and is located at and known as 4512 Sierra Street (the "Property") for proposed right-of-way acquisition for inclusion in Phase 2 of the Mission Reach portion of the Project; and

WHEREAS, title to the Property is presently vested in Bexar County, as trustee for all of the taxing entities within whose boundaries the Property is located, by virtue of a

delinquent tax judgment on June 12, 2003 in Cause No. 2001-TA1-2428 (“Judgment”), styled *State of Texas, County of Bexar, et al, vs. Emanuel Kundt* (which includes taxes due and owing through Tax Year 2002) and a foreclosure sale on November 4, 2003; and

WHEREAS, under the Judgment, the City is currently owed approximately \$12,090.25 in delinquent taxes and code compliance fees through November 30, 2008, the County is currently owed approximately \$2,722.69 through November 30, 2008, and SARA is currently owed approximately \$14.06 through November 30, 2008; and

WHEREAS, all of the additional taxing entities within whose boundaries the Property is located, consisting of San Antonio Independent School District, Harlandale Independent School District, Alamo Community College District, University Health System, and the Bexar County Road & Flood Fund, (“Additional Taxing Entities”), are currently owed approximately \$18,283.04 under the Judgment and in Tax Year 2003 Taxes through November 30, 2008; and

WHEREAS, court costs, Sheriff’s fees, publication fees, and related costs and fees in the total sum of \$2,401.75 (“Costs and Fees”) are currently owing under the Judgment through November 30, 2008; and

WHEREAS, taxes, penalties, and interest on the Property in the approximate amount of \$441.44 are also owing to the City for Tax Year 2003 (“2003 City Taxes”) through November 30, 2008; and

WHEREAS, SARA is proposing that the Property be conveyed to it in its name for inclusion and use in the Project under the provisions of Section 34.05(i) of the Texas Property Tax Code for the purchase price of approximately \$20,684.79, which represents the total sums owing to the Additional Taxing Entities under (a) the Judgment through November 30, 2008, (b) Costs and Fees owing under the Judgment and (c) in Tax Year 2003 Taxes through November 30, 2008; with the City, the County, and SARA foregoing the sums to which each is entitled under the Judgment and in Tax Year 2003 Taxes, in consideration for the benefits to be derived by each of the Parties from the inclusion and use of the Property in the Project; and

WHEREAS, on February 20, 2008, the Board of Directors of SARA passed and approved Resolution No. R-1334, thereby authorizing such actions on behalf of SARA; and

WHEREAS, similar action by the Commissioner’s Court of the County is presently pending; and

WHEREAS, if the City were to receive the amount to which it is entitled to receive under the Judgment, the acquisition cost to SARA for the Property would increase by that amount, and the City would have to pay its pro-rata portion of the increased cost in accordance with the provisions of the Agreement;

WHEREAS, City Staff has recommended to the City Council that the proposal by SARA for acquisition of the Property in its name for inclusion and use in the Project, in the manner described above, is in the best interests of the City and should be approved and authorized; and

WHEREAS, the City Council hereby finds and determines that the benefits to be derived by the City from the inclusion and use of the Property in the Project will equal or exceed the amount which the City is entitled to receive under the Judgment and in 2003 City Taxes; and that the City Staff recommendation should be followed; **NOW, THEREFORE:**

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

SECTION 1. The findings, recitations, and other matters set out above in the Preamble of this Ordinance are hereby incorporated in and made a part of the body of this Ordinance for all purposes.

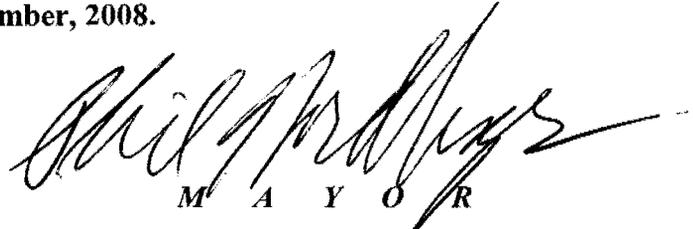
SECTION 2. In accordance with the provisions of Section 34.05(i) of the Property Tax Code, the City Council hereby evidences its consent, on behalf of the City of San Antonio, to the conveyance by Bexar County, as trustee for all of the taxing entities within whose limits the Property is located, of fee simple title to the Property to SARA for inclusion and use in the Project, with the consideration received by the City being the benefits to be derived by the City from the inclusion and use of the Property in the Project, which, as stated above, have been found and determined to equal or exceed the amount to which the City is entitled to receive under the Judgment and in 2003 City Taxes.

SECTION 3. The City Manager, her designee, and the Director of Capital Improvements Management Services are each hereby authorized to take any and all actions and execute any and all documents necessary to carry out and accomplish the intent and purpose of this Ordinance.

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SECTION 4. The effective date of this Ordinance shall be governed by the provisions of the City Charter and Section 1-15 of the City Code, respectively. As such, this Ordinance shall take effect immediately if passed by the affirmative vote of at least eight members of the City Council; otherwise, the same shall take effect on the tenth (10th) day after the date of its passage by the City Council.

PASSED AND APPROVED this 20th day of November, 2008.


M A Y O R
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 4C

Name:	4A, 4B, 4C, 4D
Date:	11/20/2008
Time:	10:00:54 AM
Vote Type:	Motion to Approve
Description:	An Ordinance providing that the City shall forego collection of \$12,354.69 of code compliance charges and delinquent City taxes for the approximately 4.2 acre tract located at 4512 Sierra Street located in Council District 5 to the owner, Bexar County (as Trustee for each taxing unit in whose jurisdiction the property is located), in support of the transfer of title from the County to the San Antonio River Authority for use in the Mission Reach portion of the project.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9	x					
John G. Clamp	District 10		x				



CITY OF SAN ANTONIO Request for Council Action

Agenda Item # 4
Council Meeting Date: 11/20/2008
RFCA Tracking No: R-4167

DEPARTMENT: City Manager's Office

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Actions Related to the San Antonio River Improvements Project

SUMMARY:

Briefing by the San Antonio River Authority on the San Antonio River Improvements Project (SARIP) and approval of several actions in connection with the SARIP. Outlined below is a summary of the actions these ordinances authorize.

1. An ordinance authorizing the execution of a Operations and Maintenance Interlocal Agreement (ILA) between the City of San Antonio (City) and the San Antonio River Authority (SARA) for the operation and maintenance of the Museum Reach Urban Segment, Eagleland, and the Mission Reach.
2. An ordinance authorizing conveyance to the San Antonio River Authority for four City –owned parcels of land located in Roosevelt Park. For the development of SARIP Mission Reach, Phase II; located within Districts 3 and 5.
3. An ordinance providing that the City shall forego the collection of \$12,354.69 of code compliance charges and delinquent city taxes for the approximately 4.2 acre tract located at 4512 Sierra Street located in Council District 5 to the owner, Bexar County (as Trustee for each taxing unit in whose jurisdiction the property is located), in support of the transfer of title from the County to the San Antonio River Authority (SARA) for use in the Mission Reach portion of the San Antonio River Improvement Project.
4. Public hearing and consideration of an ordinance requesting acknowledgement of AT&T for its \$5 million contribution to the San Antonio River Improvements Project by providing signage at the lock and dam near Brooklyn Avenue along the San Antonio River.

BACKGROUND INFORMATION:

Project Background

For the past several years the City of San Antonio and Bexar County have been working with the San Antonio River Authority and the U.S. Army Corps of Engineers (USACE) on the SARIP which encompasses the restoration, improvement and enhancement of 13 miles along the San Antonio River, stretching from Hildebrand Avenue to Mission Espada. The sources of funding include the City, County, the San Antonio River Foundation and the USACE for flood control, amenities, ecosystem restoration and

recreational improvements to the San Antonio River, both north and south of downtown San Antonio. Through community support, a concept design was developed which will ultimately make improvements to thirteen miles of the San Antonio River which will include an attractive parkway linking neighborhoods and improving the quality of life for the citizens of San Antonio and visitors while maintaining flood control capacity. The project includes three reaches: Museum Reach, Downtown Reach, and Mission Reach. The Museum Reach is divided into two segments. The Museum Reach Urban segment extends from Lexington to Josephine and is under design and schedule to commence construction in spring 2007 and will be completed in May 2009. The Museum Reach Park segment extends from Josephine to Hildebrand and is currently in the planning process.

Per the October 12, 2006 Interlocal Agreement with the City of San Antonio, Bexar County, and the San Antonio River Authority, the San Antonio River Authority shall provide briefings on the SARIP at the request of either the City of San Antonio or Bexar County. The briefing includes updates as to the construction and funding of the SARIP.

Operations and Maintenance Interlocal Agreement

On April 12, 2007, City Council authorized a memorandum of understanding with the San Antonio River Authority in an effort to fund the \$18 million shortfall for the Museum Reach Urban Segment. To meet the additional funding requirement, SARA agreed to provide \$1.5 million in operations and maintenance activity on the SARIP. With the funding from SARA offsetting future City operations and maintenance costs, the City gained funding capability to finance debt to cover the additional \$18 million needed for the project.

In summary, SARA staff will perform the operations and maintenance activity to be funded by SARA in adherence to a schedule, operations and maintenance standards, budget and procedures mutually agreed to each year by the City and SARA. The scope of the operations and maintenance activity to be performed by SARA includes the routine maintenance for the Museum Reach Urban Segment, Eagleland Segment, and Mission Reach. SARA will assume the operations and maintenance responsibility as each phase comes on line. SARA will provide an annual report to the City of San Antonio that outlines their maintenance duties and funding commitment to the SARIP.

Conveyance of City owned parcels to SARA

The San Antonio River Authority (SARA), along with the City of San Antonio, Bexar County, and the Corps of Engineers are jointly working to restore and revitalize the San Antonio River through the San Antonio River Improvement Project. Capital Improvement Management Services is requesting the release of 4 parcels of land containing a combined 21.79 acres within Roosevelt Park (exhibit attached). The 4 parcels are necessary to improve flood control along the San Antonio River and to return the river to a more natural appearance through ecosystem restoration for Phase II of the SARIP Mission Reach. The proposed improvements will include trails, landscaping, benches and other amenities that will enhance the river for public use as well as create a unique space for the enjoyment of the entire community.

No charge for the City properties is recommended by City staff as the value of the proposed river improvements far outweighs the value of the properties in question. SARA will maintain the properties and make the properties available for park purposes for the general citizenry.

The City of San Antonio's Planning Commission considered this request at its regular meeting of November 12, 2008 and recommended approval.

Forego Collection of Code Compliance charges and Delinquent Taxes for 4.24 acre tract
In March 2008, SARA identified the 4.24 acre tract at 4512 Sierra Street on the West

bank of the San Antonio River for proposed right-of-way acquisition for inclusion in Phase II of the Mission Reach project.

Bexar County currently holds the title of the property through a delinquent tax judgment in June 2003 and foreclosure sale in January 2004. There is presently approximately \$12,354.69 in delinquent property taxes and code compliance charges owed to the City on this tract. SARA has requested that the City give its consent to the conveyance of title to the tract to SARA and to forego collection of the above described sums owing to the City. On February 20, 2008, the SARA Board of Directors gave its consent to the conveyance and agreed to forego collection of delinquent taxes it was owed. Bexar County Commissioners Court has also made preliminary approval of the conveyance.

No funds will be expended through this ordinance, but the City will be foregoing collection of approximately \$12,354.69 in delinquent taxes and code enforcement charges, in exchange for the benefits to be derived by it from use and inclusion of the tract in the San Antonio River Improvements Project.

Public Hearing for signage along public infrastructure

In spring 2007, AT&T announced a donation of a \$5 million gift to the San Antonio River Improvements Project. On September 22, 2008, the San Antonio River Foundation requested a recommendation from the River Commission to City Council to recognize AT&T for their donation to the SARIP. The River Commission reviewed the item and recommended approval. The recognition will be in the form of a special acknowledgement (signage) for their contribution to the lock and dam located near Brooklyn Avenue and the San Antonio River. The special acknowledgement is in accordance with the City Council approved guidelines for donor acknowledgement opportunities for improvements along the San Antonio River. Per the guidelines:

- a) Special acknowledgements will be provided for monetary donations exceeding \$500,000.00, made directly for the construction of pocket parks, footbridges, fountains, boat landings, overlooks, and other significant structures.
- b) The donation amount must pay for no less than 75% of construction and installation costs.
- c) Donor recognition would take place on an attached or adjacent marker or plaque, not to exceed four square-feet (12 inches by 46 inches or 24 inches by 24 inches).
- d) Corporate recognition shall be possible on particular features and shall use wording along the lines of "sponsored by, underwritten by, etc." and be of such size and material as not to be confused with advertising.

Upon City Council action, the San Antonio River Foundation will present the proposed signage to the Historic and Design Review Commission for action.

ISSUE:

These ordinances will authorize actions in connection with the SARIP through the execution of an ILA between the City and SARA that will define the operations and maintenance responsibilities for the parties for the SARIP, convey property to SARA for construction of Phase II of the Mission Reach, waive the City of San Antonio delinquent taxes on a property owned by Bexar County that is necessary for Phase II of the Mission Reach, and recognize AT&T for their \$5 million contribution to the SARIP through signage at the dam at Brooklyn Avenue along the San Antonio River.

These ordinances support the City's Master Plan to plan and develop a City-wide system of linear parks and hike and bike trails which incorporate drainage-ways and open spaces to link parks, schools, institutions and neighborhoods.

ALTERNATIVES:

If the Operations and Maintenance ILA between the City and SARA is not executed, the City of San Antonio will be required to fund and perform operation and maintenance activities in the amount of \$1.5 million. Additionally, the conveyance of the City properties to SARA and the waiver of the delinquent City taxes so Bexar County may convey their property to SARA are both necessary for construction of Phase II. In the event these actions are not approved, Phase II of the Mission Reach will be delayed. Finally, the San Antonio River Foundation is requesting City Council action to recognize AT&T for their \$5 million donation to the San Antonio River Improvements Project.

If this action is not approved, AT&T will not be recognized for their significant contribution to the San Antonio River Improvements Project.

FISCAL IMPACT:

If approved, this item will not have a fiscal impact to the City of San Antonio.

RECOMMENDATION:

Staff recommends approval of these actions in connection with the San Antonio River Improvements Project.

ATTACHMENT(S):

File Description	File Name
SARIP O&M ILA	SARIP O&M ILA11-20-08.doc
Property Map Items 4B and 4C	11-20RFCA attachment.pdf
SARIP Map	SARIP-Segments.pdf
Voting Results	
Ordinance/Supplemental Documents	200811201011.pdf
Ordinance/Supplemental Documents	200811201012.pdf
Ordinance/Supplemental Documents	200811201013.pdf
Ordinance/Supplemental Documents	200811201014.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Paula Stallcup Director Downtown Operations
Mike Frisbie Director Capital Improvements Management Services

APPROVED FOR COUNCIL CONSIDERATION:

Pat DiGiovanni Deputy City Manager