

AN ORDINANCE 2008-11-20-1012

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 COUNCIL DISTRICTS 3 AND 5.

* * * * *

WHEREAS, the City of San Antonio wishes to extend river improvements along what is referred to as the Mission Reach segment of the San Antonio River, which runs from Alamo Street to Loop 410; and

WHEREAS, the San Antonio River Authority has taken the lead in the project in working with the U.S. Army Corps of Engineers and in obtaining funding from the Corps of Engineers; and

WHEREAS, as a condition to the cooperation and funding required from it by the City and the San Antonio River Authority, the Corps of Engineers requires that the San Antonio River Authority have fee title to all real property involved in the project; and

WHEREAS, the City of San Antonio is taking the actions authorized by this ordinance to get the requisite cooperation and funding from the Corps of Engineers, but the City nevertheless must protect its interest in assuring proper river improvements are made and that its citizens have the benefit of the resulting park; **NOW THEREFORE**,

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

SECTION 1. The following properties belonging to the City of San Antonio (“City Tracts”) are declared surplus to the needs of the City of San Antonio:

Tract I: A 0.5 acres tract, more or less, pictured on Attachment I as P-398104.

Tract II: A 7.6 acres tract, more or less, pictured on Attachment I as P-418675.

Tract III: A 4.19 acres tract, more or less, pictured on Attachment I as P-418877A.

Tract IV: A 9.5 acres tract, more or less, pictured on Attachment I as P-418877B.

SECTION 2. The City Manager or her designee, severally, are authorized and directed to procure a survey of the designated tracts permitting them to be described adequate for conveyance, the City Manager or her designee, severally, to determine in the interests of the City the exact boundaries in case of any doubt of the property intended for conveyance.

SECTION 3. The City Tracts are all to be conveyed to the San Antonio River Authority as a part of the Mission Reach river improvements project. Conveyance of the City Tracts is conditioned on the San Antonio River Authority (1) promptly constructing a park satisfactory to City all along the San Antonio River from the Alamo Street crossing on the north to the Loop 410 crossing on the south, (2) perpetually maintaining the park in a condition satisfactory to the City, (3) keeping the park open on all days and for the hours the City of San Antonio's parks are generally open to the public, and (4) not restricting public activities in the park more severely than such activities are restricted generally in the parks of the City of San Antonio. At any time that the San Antonio River Authority materially fails to fulfill any of the above requirements, the City of San Antonio has the right to reenter and assume control of all property conveyed by it under this ordinance. Upon such reentry, San Antonio River Authority's title to the affected property fails, and title reverts in the City of San Antonio. The San Antonio River Authority will have no further rights in the property and no claim for compensation on account of the defeasance, the improvements it may have made to the property, or otherwise.

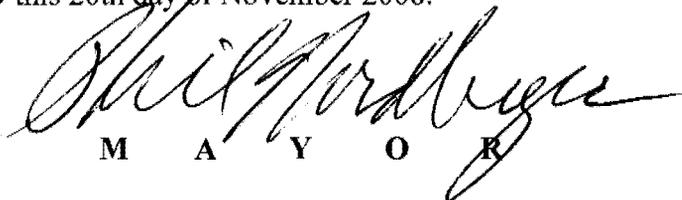
SECTION 4. The City Manager or her designee, severally, are authorized and directed to execute and deliver all documents and to do all other things conducive to effectuate the actions authorized by this ordinance as to the right of way closures and the City Tracts.

SECTION 5. All attachments are incorporated into this ordinance for all purposes as if they were fully set forth.

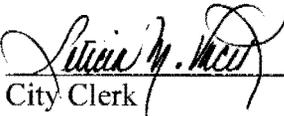
SECTION 6. The donation of property owned by the City of San Antonio must be coordinated through the city's Finance Department to assure the removal of these assets from the City's financial records and the proper accounting of same.

SECTION 7. This ordinance becomes effective 10 days after passage.

PASSED AND APPROVED this 20th day of November 2008.

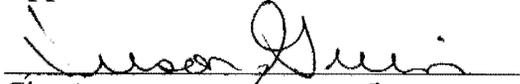

M A Y O R

Attest:



City Clerk

Approved As To Form:



City Attorney
for 



Request for
**COUNCIL
ACTION**

City of San Antonio



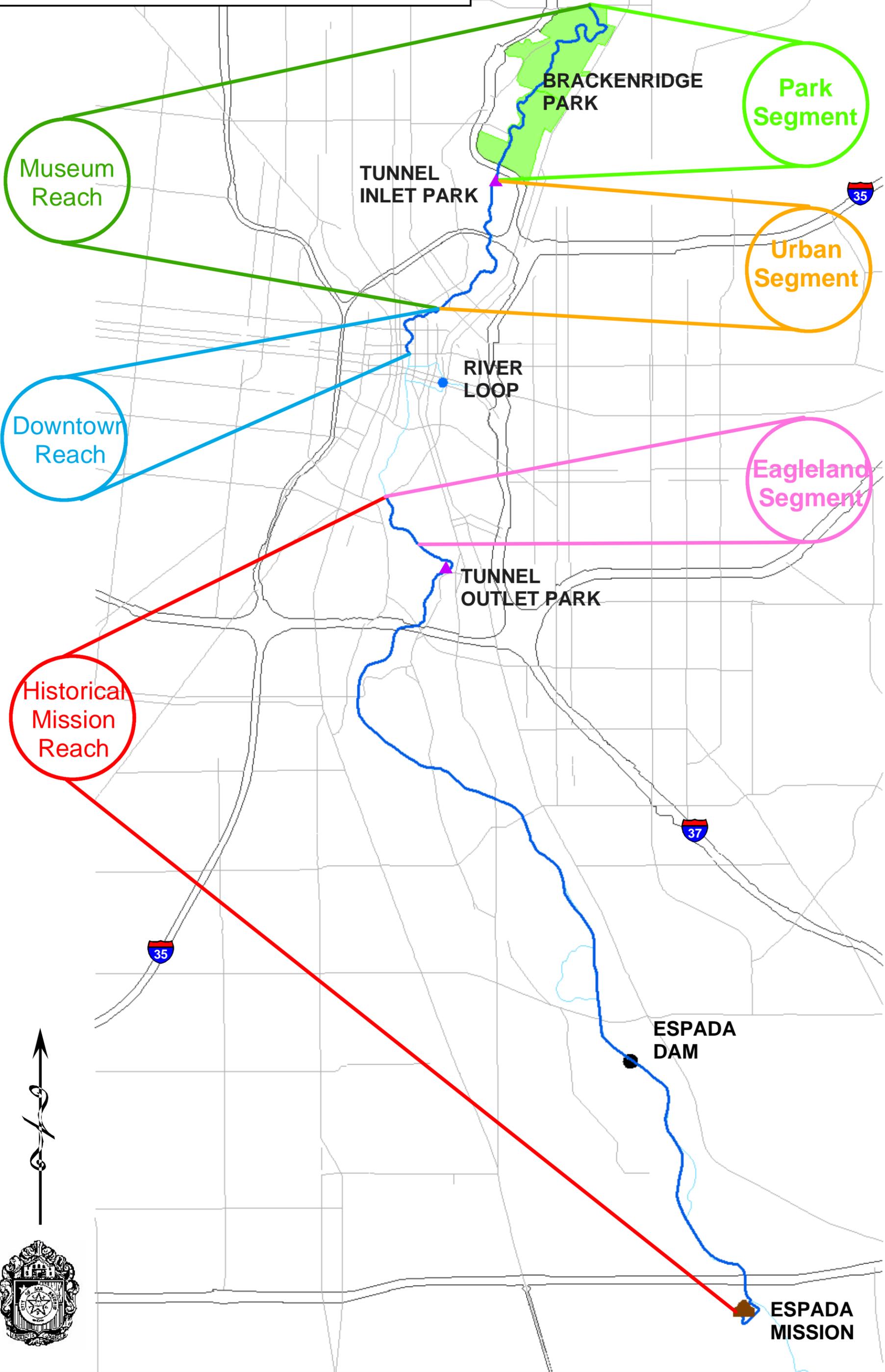
Agenda Voting Results - 4B

Name:	4A, 4B, 4C, 4D
Date:	11/20/2008
Time:	10:00:54 AM
Vote Type:	Motion to Approve
Description:	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 Council Districts 3 and 5.
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				

SAN ANTONIO RIVER IMPROVEMENT PROJECTS

-  MUSEUM (NORTHERN) REACH - HILDEBRAND AVE. TO LEXINGTON AVE.
-  DOWNTOWN REACH - LEXINGTON AVE. TO HOUSTON ST.
-  HISTORICAL MISSION (SOUTHERN) REACH - ALAMO ST. TO ESPADA MISSION

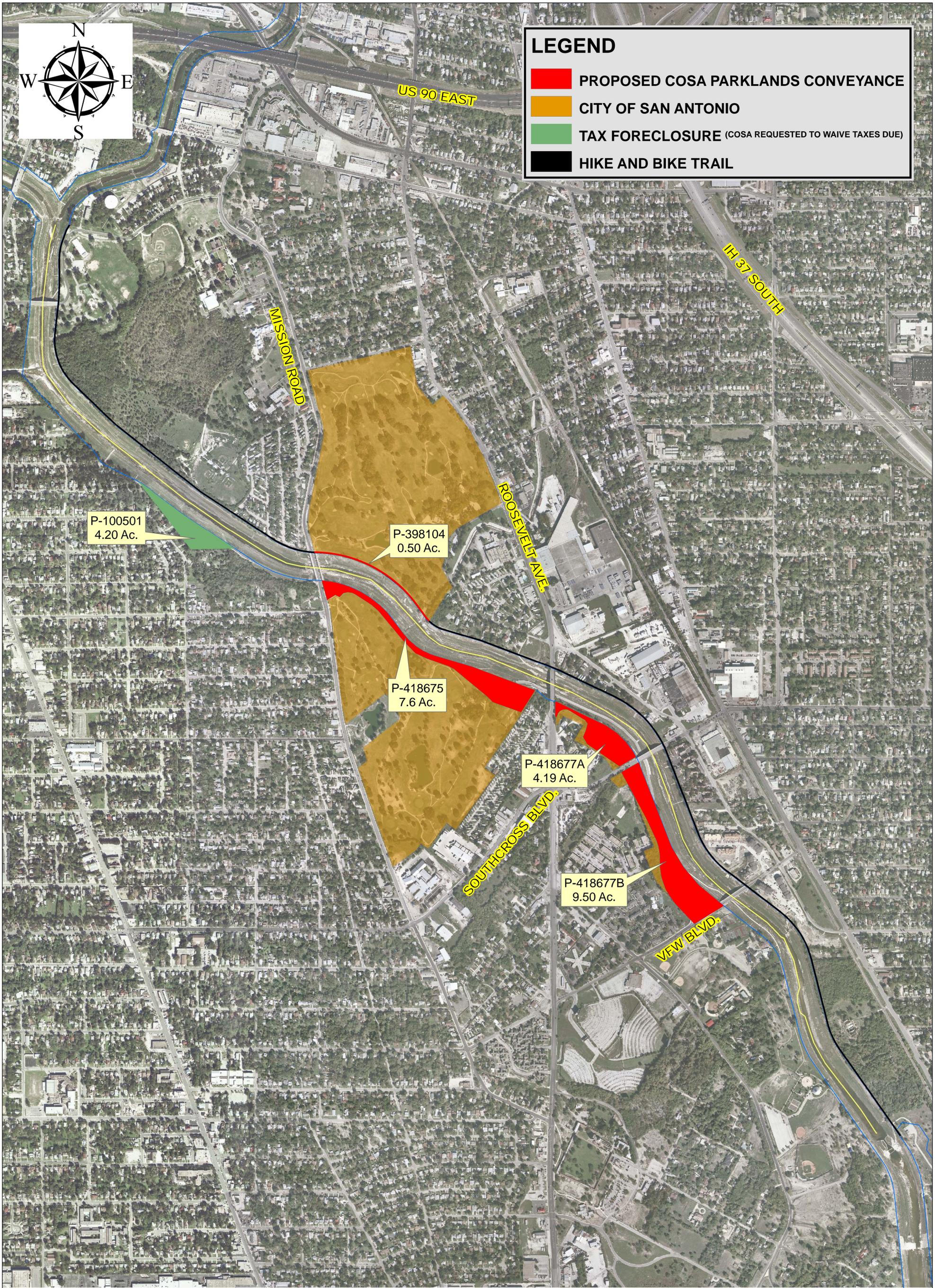


PHASE 2 PROPOSED COSA PARKLANDS TO BE CONVEYED

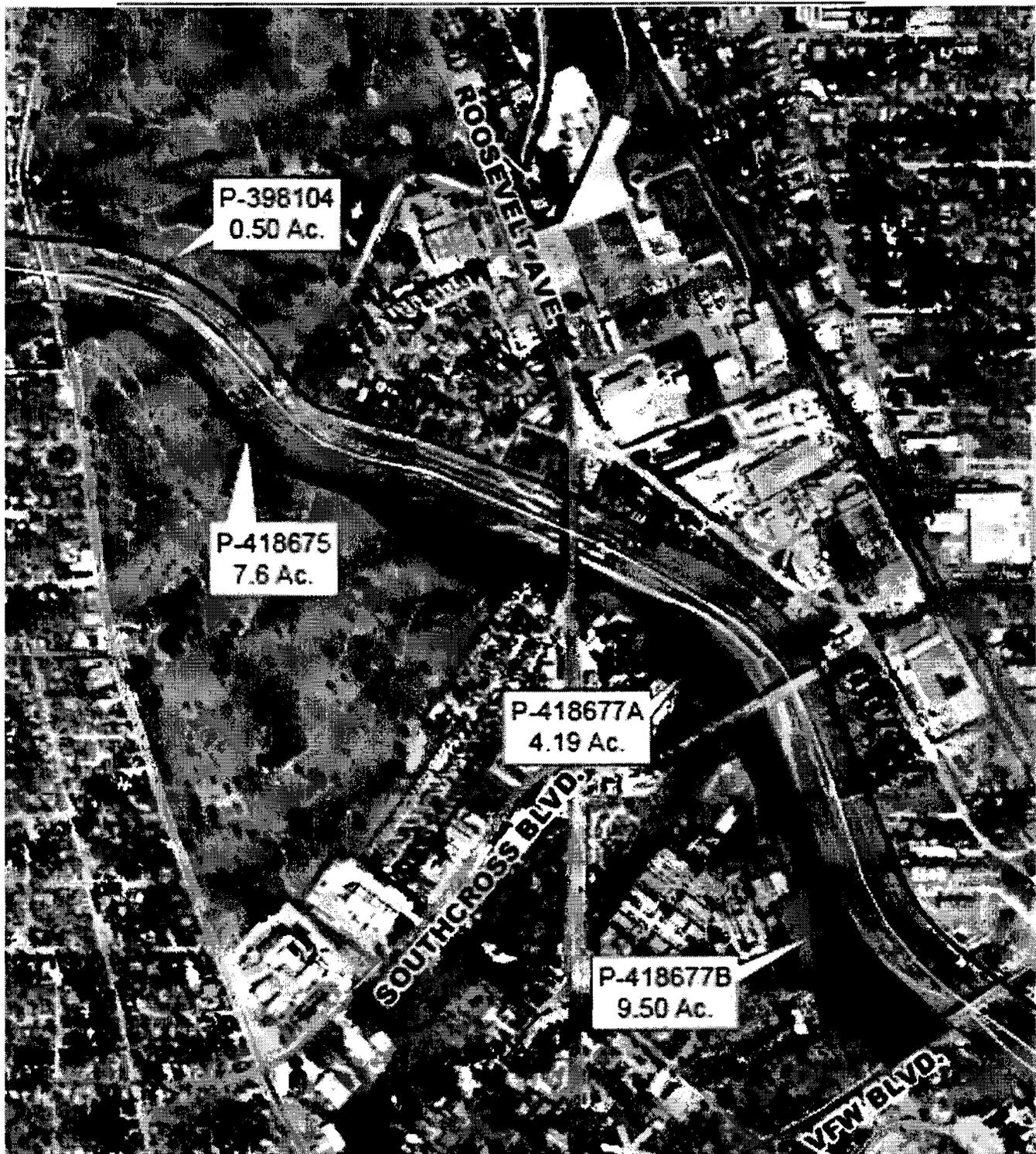


LEGEND

- PROPOSED COSA PARKLANDS CONVEYANCE
- CITY OF SAN ANTONIO
- TAX FORECLOSURE (COSA REQUESTED TO WAIVE TAXES DUE)
- HIKE AND BIKE TRAIL



Attachment I





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