

AN ORDINANCE 2014-06-05-0394

AUTHORIZING AMENDMENT NO. 2 TO THE LEASE AGREEMENT WITH THE SPORTS OUTDOOR AND RECREATION PARK FOR THE SOUTH TEXAS AREA REGIONAL SOCCER COMPLEX.

* * * * *

WHEREAS, pursuant to Ordinance No. 2012-08-02-0553, passed and approved on August 2, 2012, the City of San Antonio (the "City") and the Sports Outdoor and Recreation Park ("SOAR") entered into a Lease Agreement ("Lease") for the property located at David Edwards Drive, currently known as the South Texas Area Regional Soccer Complex ("STAR Soccer Complex"), for a term ending August 22, 2062; and

WHEREAS, pursuant to Ordinance No. 2013-01-10-0008, passed and approved on January 10, 2013, the premises was reduced by .7944 acres to 70.746 acres due to the realignment of David Edwards Drive; and

WHEREAS, the City is now proposing to amend the lease a second time to reflect modified usage of the leased property consistent with the 2007 Bond language for the development of a soccer field complex and special needs park; and

WHEREAS, the lease currently allows for SOAR to operate the STAR Soccer Complex, and the proposed modification will allow a portion of the soccer park to be used for water features or other recreational uses affiliated with SOAR's Morgan's Wonderland operation as approved by the Parks and Recreation Director; and

WHEREAS, this amendment will also modify the lease to allow SOAR to establish and collect reasonable use fees for the water feature area and any remaining proceeds may be used to support the adjacent Morgan's Wonderland; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is authorized to execute Amendment No. 2 to the lease agreement with the Sports Outdoor and Recreation Park for the South Texas Area Regional Soccer Complex. A copy of the amendment, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP

SW/vv
06/05/14
Item #15

Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

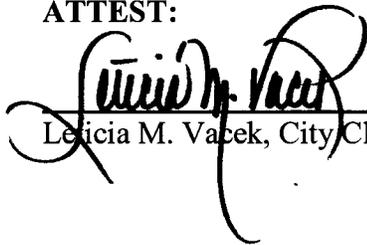
SECTION 3. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 5th day of June, 2014.



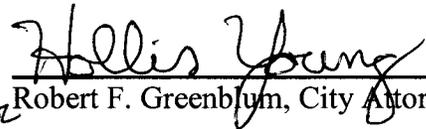
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vasek, City Clerk

APPROVED AS TO FORM:



for Robert F. Greenblum, City Attorney

Agenda Item:	15
Date:	06/05/2014
Time:	09:49:58 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing Amendment No. 2 to the lease agreement with Sports Outdoor and Recreation Park for the South Texas Area Regional Soccer Complex. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation].
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				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			x	

**LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND
SPORTS, OUTDOOR AND RECREATION (SOAR) PARK**

AMENDMENT NO. 2

This Lease Amendment No. 2 ("Amendment") to Lease Agreement is made and entered into by the City of San Antonio, a Texas municipal corporation ("City"), acting by and through its City Manager or her designee, pursuant to Ordinance No. _____ passed and approved on _____, 2014, and the Sports, Outdoor and Recreation (SOAR) Park ("SOAR").

WHEREAS, pursuant to Ordinance No. 2012-08-02-0553, passed and approved on August 2, 2012, City and SOAR entered into a Lease Agreement ("Lease") for the property located at on David Edwards Drive and currently known as the S.T.A.R Soccer Complex, for a term ending August 22, 2062; and

WHEREAS, pursuant to Ordinance No. 2013-01-10-0008, passed and approved on January 10, 2013, the Premises was reduced by .7944 acres to 70.746 acres due to the realignment of David Edwards Drive; and

WHEREAS, City and SOAR desire an additional amendment to modify the use and consideration sections of the Lease, NOW THEREFORE,

In consideration of the mutual covenants and agreements set forth below, City and SOAR agree as follows:

1. ARTICLE II. USE AND OPERATION is modified to add the following to Paragraph 3.1:
 - Water features or other recreational uses approved by City through its Parks and Recreation Director and that are affiliated with SOAR's Morgan's Wonderland operation in the area shown on the attached Exhibit A and described in Exhibit B, which measures 3.103 acres in size, or other similar area approved by the Parks and Recreation Director ("Water Feature Area").
2. ARTICLE IV. CHARGES FOR USE OF THE LEASED PREMISES is modified to add 4.3 as follows:

4.3 Tenant shall have the right to establish and collect reasonable use fees for the Water Feature Area.
3. ARTICLE V. CONSIDERATION is modified to add 5.3 as follows:

5.3 SOAR shall utilize revenue collected from the operation of the Water Feature Area to operate and maintain the Water Feature Area and any remaining proceeds may be used to support SOAR's adjacent Morgan's Wonderland.

Except as modified herein, all terms and conditions contained in the Lease, as amended, shall remain in full force and effect.

EXECUTED on this _____ day of _____, 2014

CITY:

SOAR

City of San Antonio, a Texas
Municipal corporation

Sports, Outdoor and Recreation (SOAR)
Park

By: _____
City Manager

By: 
Gordon V. Hartman
President

Attest: _____
City Clerk

Approved as to Form: _____

Exhibit A (Amendment #2)

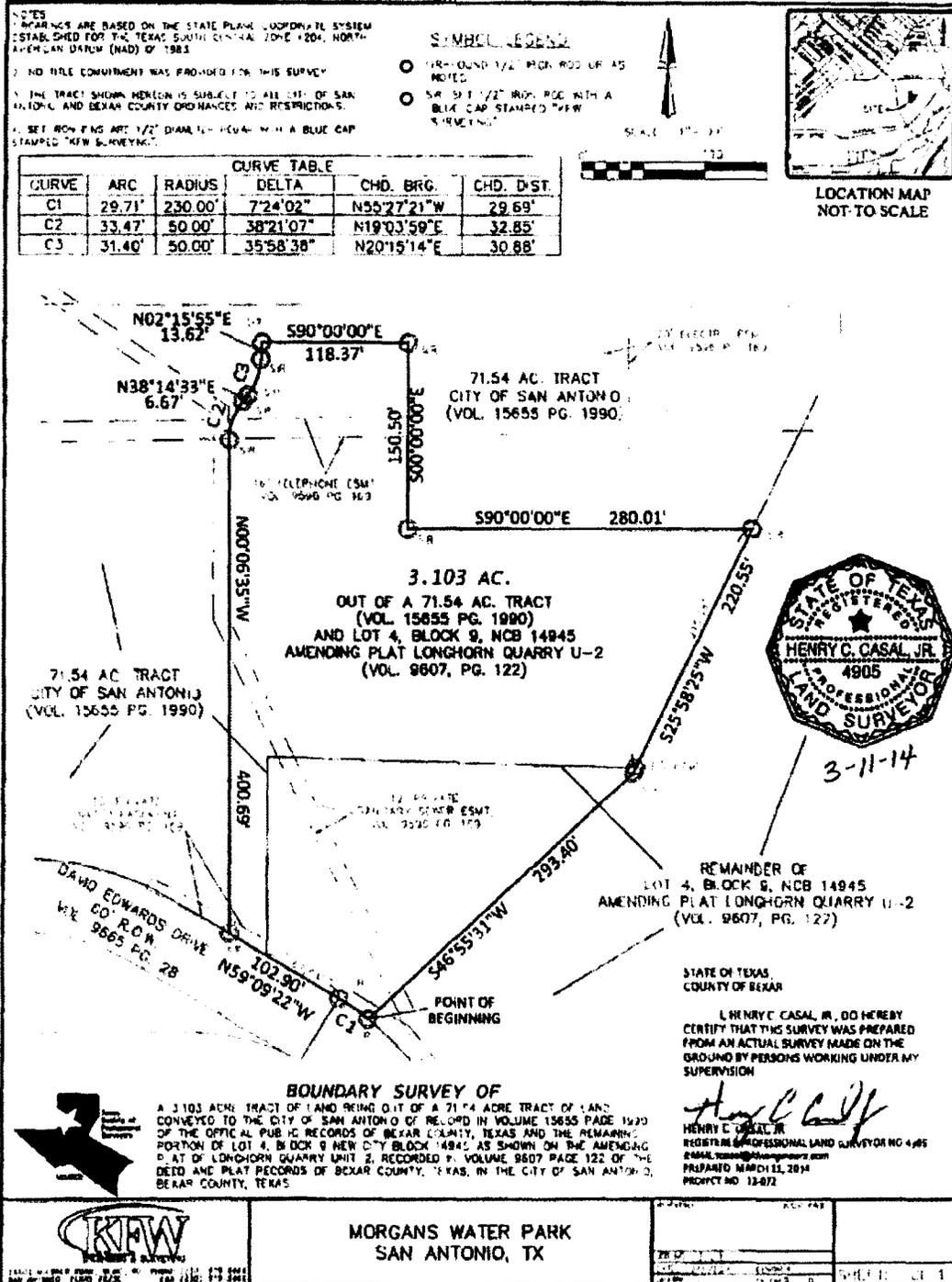


Exhibit B (Amendment #2)



**FIELD NOTES
FOR
3.103 ACRES**

A 3.103 acre tract of land being out a 71.54 acre tract of land conveyed to the City of San Antonio of record in Volume 15655 Page 1990 of the Official Public Records of Bexar County, Texas and the remaining portion of Lot 4, Block 9, New City Block 14945, as shown on the Amending Plat of Longhorn Quarry Unit-2, recorded on Volume 9607 Page 122 of the Deed and Plat Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a set $\frac{1}{2}$ " iron rod with a plastic cap stamped "KFW SURVEYING" on the north line of David Edwards Drive, a 60' wide right of way as shown on said amending plat of Longhorn Quarry Unit 2 for the southeast corner of the tract described herein;

THENCE: Along and with the north right-of-way of David Edwards Drive with a curve to the left, having an arc of 29.71 feet, a radius of 230.00 feet, a delta of 07° 24' 02", and a chord bears N 55° 27' 21" W, a distance of 29.69 feet, at a set $\frac{1}{4}$ " iron rod with a plastic cap stamped "KFW SURVEYING" for a point of tangency and the northeast corner of the replat of David Edwards Drive as shown on the plat of the Longhorn Quarry Replat B recorded in Volume 9665 Page 28 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 59° 09' 22" W along and with the north line of David Edwards Drive, at a distance of 67.53 feet crossing the south line of the 71.54 acres and continuing for a total distance of 102.90 feet to a set $\frac{1}{4}$ " iron rod with a plastic cap stamped "KFW SURVEYING" for the southwest corner of the tract described herein;

THENCE: Into and across the 71.54 acre tract of land the following calls and distances:

1. N 00° 06' 35" W, a distance of 400.69 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW Surveying", for a point of curvature;
2. With a curve to the right, having an arc of 33.47 feet, a radius of 50.00 feet, a delta of 38° 21' 07", and a chord bears N 19° 03' 59" E, a distance of 32.85 feet, at a set $\frac{1}{2}$ " iron rod with a plastic cap stamped "KFW SURVEYING" for a point of tangency;
3. N 38° 14' 33" E, a distance of 6.67 feet to a set $\frac{1}{2}$ " iron rod with a blue plastic cap stamped "KFW Surveying" for a point of curvature;
4. With a curve to the left, having an arc of 31.40 feet, a radius of 50.00 feet, a delta of 35° 58' 38", and a chord bears N 20° 15' 14" E, a distance of 30.88 feet, at a set $\frac{1}{2}$ " iron rod with a plastic cap stamped "KFW SURVEYING" for a point of tangency;
5. N 02° 15' 55" E, a distance of 13.62 feet to a set $\frac{1}{4}$ " iron rod with a blue plastic cap stamped "KFW Surveying", for the northwest corner of the tract of land described herein;

Exhibit B (Amendment #2)

6. N 90° 00' 00" E, a distance of 118.37 feet to a set 1/2" iron rod with a blue plastic cap stamped "KFW Surveying", for a north exterior corner of the tract of land described herein;
7. S 00° 00' 00" E, a distance of 150.50 feet to a set 1/2" iron rod with a blue plastic cap stamped "KFW Surveying", for a north interior corner of the tract of land described herein;
8. N 90° 00' 00" E, a distance of 280.01 feet to a set 1/2" iron rod with a blue plastic cap stamped "KFW Surveying", on the south line of the 71.54 acres for the northeast corner of the tract of land described herein;

THENCE: S 25° 58' 25" W, along and with the south line of the 71.54 acres, at a distance of 215.69 feet passing a found 1/2" iron rod with a blue plastic cap stamped "KFW Surveying" for a south corner of the 71.54 acres and continuing into and across the remainder of Lot 4 for a total distance of 220.55 feet to a set 1/2" iron rod with a blue plastic cap stamped "KFW Surveying" for an east corner of the tract described herein;

THENCE: S 46° 55' 31" W, into and across the remainder of Lot 4, a distance of 293.40 feet to the **POINT OF BEGINNING** and containing 3.103 acres, or 135,151 square feet more or less, in the City of San Antonio, Bexar County, Texas and being described in accordance with a survey prepared by KFW Surveying Bearings based on NAD83 Texas South Central Zone.

Job No. 13-161
Prepared by: KFW Surveying
Date: March 11, 2014
Title: S:\Draw 2013\13-073 Morgan's Wonderland Water Park\DOC\Site 3.103a.dwg

