SW/vv
12/05/13
Item No. 5A

AN ORDINANCE 2013-12-05-0833

DECLARING A CHANGE IN USE OF PORTIONS OF PARKLAND LOCATED IN HEMISFAIR PARK CONSISTENT WITH THE HEMISFAIR PARK REDEVELOPMENT PROJECT FRAMEWORK AND MASTER PLAN APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE 2012-02-09-0084 AND DEDICATING 18.467 ACRES OF PUBLIC SQUARES AND PARK LAND AT HEMISFAIR PARK IN ACCORDANCE WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE §379C.014.

* * * * *

WHEREAS, Texas law generally requires an election prior to a city's transfer of title to land that has been owned as a city park, such as portions of Hemisfair Park; and

WHEREAS, recently enacted legislation provides for the conveyance of portions of Hemisfair Park to a land bank without an election, provided at least 18 acres within the remaining areas of the Park are dedicated as public squares or parkland; and

WHEREAS, 14.92 acres of the Hemisfair area was previously dedicated by the City as parkland by Deed of Dedication dated March 29, 1973 (corrected by Correction Deed dated January 30, 1975) and approved by Ordinance Numbers 42016 and 44880 of equal dates as the above referenced deeds; and

WHEREAS, the approved Hemisfair Park Redevelopment Project Framework and Master Plan requires the reconfiguration of the currently dedicated parks and public squares and the dedication of additional portions of Hemisfair area as a park or public squares; and

WHEREAS, this item will withdraw the previous dedication referenced above and designate 18.467 acres of public squares or parkland within Hemisfair area to comply with the requirements of the recently enacted legislation; and

WHEREAS, prior to the transfer of title to property within Hemisfair Park, Chapter 26 of the Texas Parks and Wildlife Code requires City Council to conduct a public hearing regarding the change in use of the parkland after which City Council must find that: (1) there is no feasible and prudent alternative to the proposed change in the use; and (2) the proposed project contains all reasonable planning to minimize harm to the land as a park; and

WHEREAS, these findings are based on the proposed change in use of portions of land within Hemisfair Park from dedicated park land to other uses consistent with the HemisFair Master Plan previously approved by the City Council on February 9, 2012; and

WHEREAS, on November 7, 2013, City Council authorized the creation of the Hemisfair Park Public Facilities Corporation for the purpose of serving as the required land bank and receiving title to portions of Hemisfair Park; and

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WHEREAS, as the City's land bank, the Hemisfair Park Public Facilities Corporation will assist with the development of the land it receives from the City in a manner consistent with the Hemisfair Park Redevelopment Project Framework and Master Plan; **NOW THEREFORE:**

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

SECTION 1. In accordance with Chapter 26, Texas Parks & Wildlife Code, the City Council of the City of San Antonio hereby finds that there is no feasible and prudent alternative to the change in use of portions of parkland located in Hemisfair Park consistent with the Hemisfair Park Redevelopment Project Framework and Master Plan approved by City Council pursuant to Ordinance 2012-02-09-0084. The City Council hereby further finds and determines that the proposed change in use includes all reasonable planning to minimize harm to the land, as a park, resulting from the change in use as shown in the above-referenced Master Plan.

SECTION 2. The City Council of the City of San Antonio hereby withdraws the dedication of the 14.92 acres of parkland approved by Ordinance Number 42016 passed and approved on March 29, 1973 and Ordinance Number 44880 passed and approved on January 30, 1975 and the City Council of the City of San Antonio hereby dedicates the 18.467 acres of land depicted on **Attachment I** as public squares or parkland in full compliance with the Texas Local Government Code §379C.014, subject to the reservation by the City of San Antonio of all rights to use the subsurface of the 18.467 acres for existing and other uses that will not impair the use of the surface for the purposes of such dedication. The City Manager or her designee is hereby authorized to execute the Deed of Dedication attached hereto in subantially final form as **Attachment II**. The City Manager or her designee is further authorized to record said Deed of Dedication in the real property records of Bexar County, Texas.

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 DECEMBER, 2013.

M A Y O R
Julián Castro

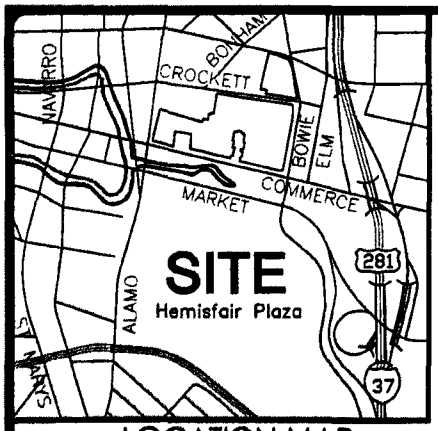
ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Michael Bernard, City Attorne

ATTACHMENT I



LOCATION MAP

MAPSCO MAP GRID: 616 F5 & F6
NOT-TO-SCALE

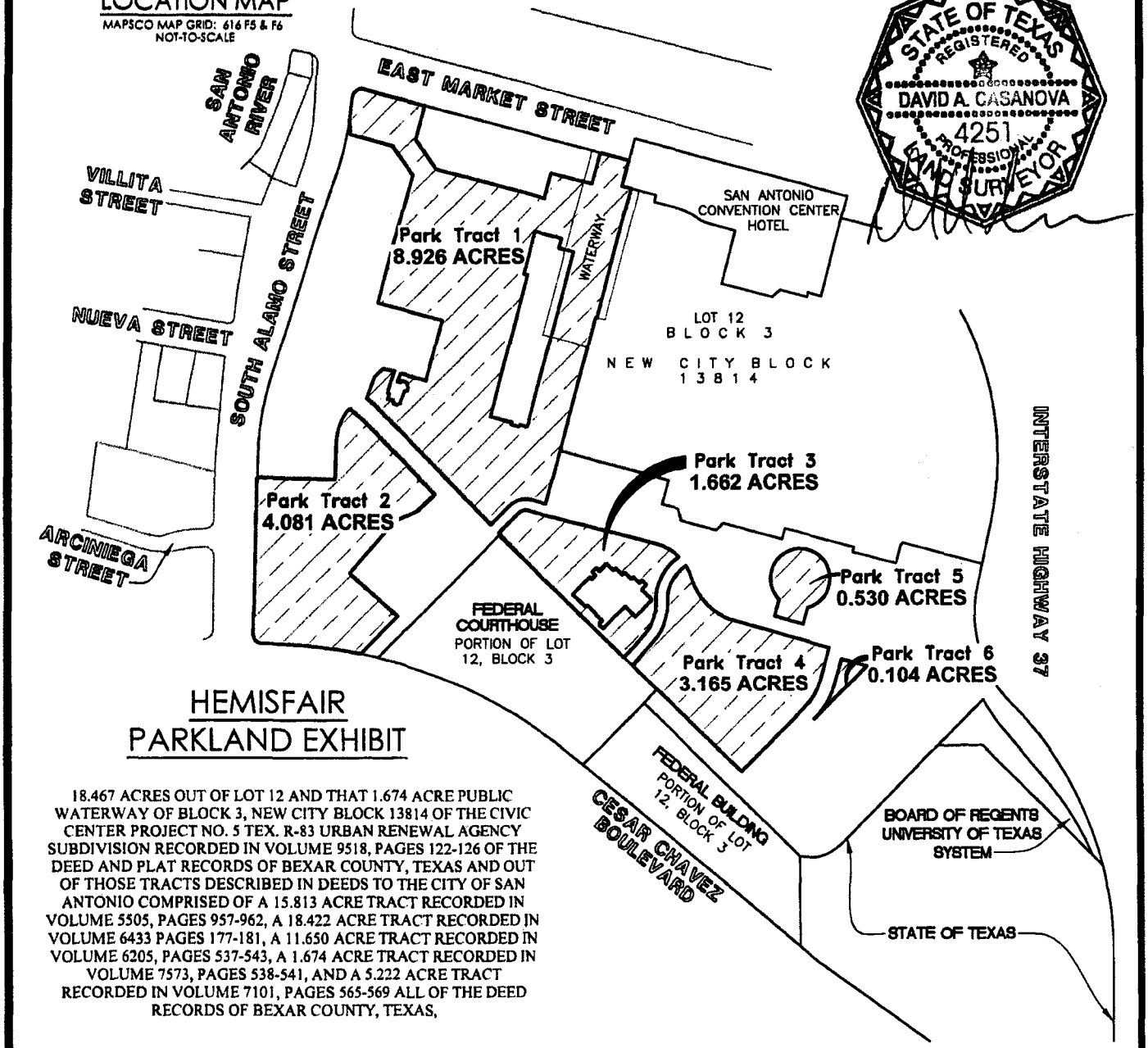
NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD83 (1996).

1 inch = 400'

400' 0' 200' 400'

STATE OF TEXAS
REGISTERED
DAVID A. CASANOVA
4251
PROFESSIONAL
LAND SURVEYOR



HEMISFAIR PARKLAND EXHIBIT

18.467 ACRES OUT OF LOT 12 AND THAT 1.674 ACRE PUBLIC WATERWAY OF BLOCK 3, NEW CITY BLOCK 13814 OF THE CIVIC CENTER PROJECT NO. 5 TEX. R-83 URBAN RENEWAL AGENCY SUBDIVISION RECORDED IN VOLUME 9518, PAGES 122-126 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND OUT OF THOSE TRACTS DESCRIBED IN DEEDS TO THE CITY OF SAN ANTONIO COMPRISED OF A 15.813 ACRE TRACT RECORDED IN VOLUME 5505, PAGES 957-962, A 18.422 ACRE TRACT RECORDED IN VOLUME 6433 PAGES 177-181, A 11.650 ACRE TRACT RECORDED IN VOLUME 6205, PAGES 537-543, A 1.674 ACRE TRACT RECORDED IN VOLUME 7573, PAGES 538-541, AND A 5.222 ACRE TRACT RECORDED IN VOLUME 7101, PAGES 565-569 ALL OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS,

PAPE-DAWSON ENGINEERS

555 EAST RAWSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.9010

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

DECEMBER 12, 2013

JOB No.: 9390-13

Date: Dec 18, 2013, 11:05am User ID: NNICHOLLS
File: N:\Survey13\13-9300\9390-13\EX\9390-13-COVERSHEET.dwg

ATTACHMENT II

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

DEED OF DEDICATION

WHEREAS, Texas Local Government Code §379C.014(a) *Land Used for World Exposition* allows a municipality to transfer to a land bank land that was part of the site of a world exposition recognized by the Bureau International des Expositions provided the transfer occurs before January 1, 2014; and

WHEREAS, Texas Local Government Code §379C.014(b) provides that park land transferred to a land bank is no longer subject to the terms of Texas Local Government Code §253.001(b), provided that the remainder of the world exposition site includes dedicated public squares or parks that have a total area of 18 acres or more; and

WHEREAS, pursuant to Ordinance No. 2013-12-05-0833, passed and approved on 5th day of December, 2013, the City Council of the City of San Antonio has dedicated 18.467 acres of public squares and park land within the world exposition site; and

WHEREAS, pursuant to Ordinance No. 2013-12-05-0833, passed and approved on 5th day of December, 2013, the City Council of the City of San Antonio has authorized the City Manager or her designee to execute this Deed of Dedication to memorialize this dedication of 18.467 acres of public squares and park land within the world exposition site; and

NOW THEREFORE,

The City of San Antonio has dedicated and by these presents does hereby dedicate unto the public the 18.467 acres of land described on Exhibit A and depicted on Exhibit B as public squares or parkland for public park uses in full compliance with the Texas Local Government Code §379C.014, subject to the reservation by the City of San Antonio of all rights to use the subsurface of the 18.467 acres for existing and other uses that will not impair the use of the surface for the purposes of such dedication, TO HAVE AND TO HOLD, the above-described premises, together with all and singular the rights and appurtenances thereto and anywise belonging unto the public in accordance with the terms and conditions herein.

SIGNED this _____ day of December, 2013.

GRANTOR:

_____

Carlos Contreras
Assistant City Manager

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me on the _____ day of December, 2013 by Carlos Contreras, Assistant City Manager of CITY OF SAN ANTONIO, TEXAS, a Texas municipal corporation, on behalf of said municipal corporation.

_____
Notary Public, State of Texas

Notary's Commission Expires: _____

AFTER RECORDING, RETURN TO:

City of San Antonio
Parks and Recreation Department
Post Office Box 839966
San Antonio, Texas 78283-3966