MGS/eg
10/29/2015
Item #19

AN ORDINANCE 2015-10-29-0926

AUTHORIZING THE SETTLEMENT OF LITIGATION STYLED ROGERS SHAVANO RANCH, LTD, ET AL VS. CITY OF SAN ANTONIO, CAUSE NUMBER 2006-CI-14306 IN THE 131ST JUDICIAL DISTRICT, BEXAR COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF DEDICATIONS OF REAL PROPERTY, ESTABLISHING IMPERVIOUS COVER REQUIREMENTS, AND REQUIRING COMPLIANCE WITH CERTAIN ORDINANCES AS CONDITIONS OF SETTLEMENT; AND AUTHORIZING THE EXECUTION OF ALL ASSOCIATED DOCUMENTS TO EFFECTUATE THE SETTLEMENT AND ACCEPTANCE OF PROPERTY; AND AUTHORIZING NAMING OF TRAILS.

* * * * *

WHEREAS, Rogers Shavano Ranch, Ltd., Rogers 1604 Commercial, Ltd., Bitterblue Inc., and Denton Development Corporation (the Plaintiffs) filed a lawsuit against the City of San Antonio (the City) regarding land development rights under Texas Local Government Code Chapter 245 regarding a development located in northern San Antonio generally located Northwest of_Loop 1604 and NW Military Drive commonly known as Rogers Ranch (the Development); and

WHEREAS, the Parties are desirous of settling and resolving all the remaining differences that exist between them, not as an admission of guilt or concession of liability or wrongdoing, but rather to buy their peace and avoid the further costs and expense of litigation; and

WHEREAS, the parties have reached an agreed settlement to resolve all outstanding claims, contingent upon Council approval; **NOW THEREFORE:**

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

SECTION 1. City Council approves the settlement of Civil Action Number 2006-CI-14306 styled *Rogers Shavano Ranch, Ltd., et al v. City of San Antonio* and the City Manager or her designee is authorized to finalize and execute all documents necessary to effectuate the settlement consistent with this ordinance.

SECTION 2. The City Council agrees to settle this dispute by authorizing the Plaintiffs to meet a level of no more than 39% impervious cover for the entire Development; requiring that Plaintiffs' comply with Ordinance No. 85262 (1997 Tree Ordinance), Ordinance No. 2008-12-11-1133 (Military Lighting Overlay District Ordinance), Ordinance No. 2009-08-20-0652 (Habitat Compliance Ordinance) and Ordinance 2010-06-24-0640 (Military Sound Attenuation Overlay Zoning District Ordinance); and agreeing that Plaintiff will dedicate right-of-way within the Development in favor of the City in escrow for the extension of Rogers Ranch Road, and the Major Thoroughfare Plan East/West Thoroughfare, and granting an easement for the construction of the hike and bike trail along the Salado Creek while reserving a construction

easement for the completion of the Development; ultimately granting within the Development, fee simple title for a hike and bike trail along the Salado Creek; and Plaintiff will construct and dedicate the right-of-way for Shavano Ranch Road by the first quarter of 2017.

SECTION 3. Copies of all exhibits, documents and real estate instruments, including but not limited to an Escrow Agreement, Agreement for dedication of the Salado Creek Trail, and right-of-way Easement Agreements, and all other associated settlement documents shall be submitted to the City Attorney for approval as required by Section 53, Charter of the City of San Antonio. All instruments and documents must be consistent with the negotiated settlement agreement, and accepted and approved by the City Attorney prior to execution of the final settlement agreement.

SECTION 4. The City Manager, or her designee, or the Director of Parks and Recreation, or his designee, is hereby delegated full authority, without the need for subsequent city council approval, to adopt an official name for the contemplated four (4) miles of recreational trail and related facilities giving priority to the Rogers Family in the selection of the name, consistent with naming of other areas of the City's recreational trails.

SECTION 5. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 29th day of October, 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**19 (in consent vote: 5, 6, 7, 8, 9A, 10, 12A, 12B, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 25B)**
Date:	10/29/2015
Time:	10:27:24 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the setlement of a lawsuit styled Rogers Shavano Ranch, Ltd, et al v. City of San Antonio, 131st Judicial District Court Cause No. 2006-CI-14306, Fourth Court of Appeals Nos. 04-11-00871 and 04-11-00872. [Martha G. Sepeda, Acting City Attorney]
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				