

AN ORDINANCE **95440**

APPROVING AMENDMENT NUMBER 2 TO A LEASE AGREEMENT WITH THE CITY OF ALAMO HEIGHTS FOR USE OF PARK PROPERTY IN OLMOS BASIN PARK LOCATED IN CITY COUNCIL DISTRICT 9 TO ADD AN ADDITIONAL 1.93 ACRES TO THE LEASED AREA.

* * * * *

WHEREAS, since 1947, the City of San Antonio and the City of Alamo Heights have participated in a lease agreement to allow Alamo Heights to use property in the Olmos Basin Park area for park, playground and recreational purposes and such agreement was passed and approved through Ordinance 4976 on April 24, 1947; and

WHEREAS, the lease area included a large portion of the Olmos Basin area, but did not include two tracts that were reserved for a park caretaker's house; and

WHEREAS, on December 13, 1951, the City of San Antonio approved Ordinance 16773 that amended the original agreement to include a 200' by 275' tract of land by the caretaker's house to allow for park expansion by the City of Alamo Heights; and

WHEREAS, on April 6, 1987 the City of Alamo Heights notified the City of San Antonio of their election to exercise the option to renew the original agreement and the City Council subsequently approved this extension on October 29, 1987 through Ordinance 65977, which extended the term and conditions of the original agreement, plus the tract added by Amendment 1, until April 30, 2027; and

WHEREAS, the City of Alamo Heights has approached staff to request to expand the lease agreement to include an area that previously contained the caretaker's home that was demolished following a flood in October 1998; and

WHEREAS, at this time an empty storage shed exists on the property and staff does not have a plan to utilize the area; and

WHEREAS, the City of Alamo Heights has used the property to sub-lease the area to various entities that provide recreational programs to the community including Alamo Heights Little League, Alamo Heights Northside Pony League, Height's Pool, Inc. and Alamo Heights ISD; and

WHEREAS, it is now necessary to authorize the execution of Amendment Number Two to the Lease Agreement with the City of Alamo Heights for their use of park property to add an additional 1.93 acres to the leased area; **NOW THEREFORE:**

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

Section 1. The City Manager, or in her stead either, the Deputy City Manager, an Assistant City Manager or an Assistant to the City Manager, is hereby authorized to execute Amendment Number Two to the forty (40) year Lease Agreement with the City of Alamo Heights for the use of Olmos Basin Park property to add an additional 1.93 acres to the leased area. A copy of said agreement, in substantially correct form, is affixed hereto and incorporated herein for all purposes as Attachment I.

Section 2. The proceeds of the agreement shall be deposited into Fund 11-000 entitled "General Fund," Index Code No. 060947, entitled "Nominal Lease Agreements."

Section 3. This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 14th day of March, 2002.

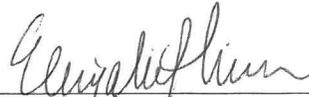
ATTEST:


City Clerk


M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:


City Attorney

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT -NEIGHBORHOOD PLNG;
URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: _____

¹⁰
MAR 14 2002

DATE: _____

MOTION: _____

ORDINANCE NUMBER: _____

95440

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1			
JOHN H. SANDERS District 2			
ANTONETTE "TONI" MOORHOUSE District 3			
ENRIQUE "KIKE" MARTIN District 4			
DAVID A. GARCIA District 5			
ENRIQUE M. BARRERA District 6			
JULIAN CASTRO District 7			
BONNIE CONNER District 8			
CARROLL W. SCHUBERT District 9			
DAVID CARPENTER District 10			
EDWARD D. GARZA Mayor			

File - Alamo Azte

02-10

CONSENT AGENDA

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PARKS AND RECREATION DEPARTMENT**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa B. Vossmer; Finance; Management and Budget; Legal; File

SUBJECT: Ordinance Approving Amendment Number 2 to a Lease Agreement with the City of Alamo Heights for Use of Park Property in Olmos Basin Park located in City Council District 9 to Add an Additional 1.93 Acres to the Leased Area

DATE: March 14, 2002

SUMMARY AND RECOMMENDATIONS

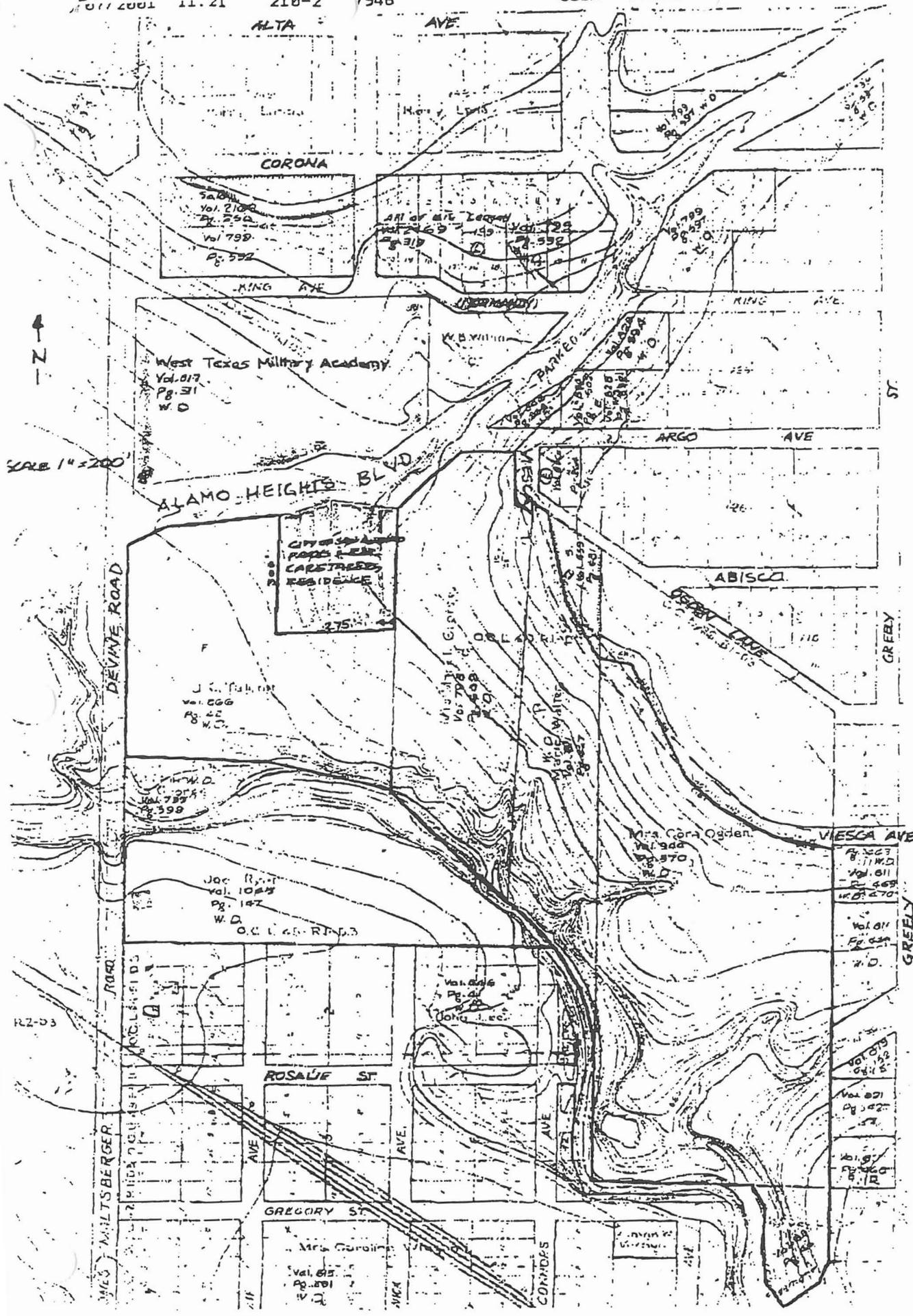
This ordinance approves Amendment Number 2 to a Lease Agreement with the City of Alamo Heights for Use of Park Property in Olmos Basin Park, located in City Council District 9, to add an additional 1.93 acres to the leased area.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

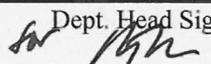
Since 1947, the City of San Antonio and the City of Alamo Heights have participated in a lease agreement to allow Alamo Heights to use property in the Olmos Basin Park area for park, playground and recreational purposes. The original agreement was passed and approved through Ordinance 4976 on April 24, 1947. The term was for forty (40) years, beginning May 1, 1947 and expiring April 30, 1987. A lease rate of \$10.00 per year was established. The area included approximately 35 acres of the Olmos Basin Park. The original agreement included a paragraph that allowed the City of Alamo Heights to renew the lease agreement for another term of forty (40) years under the same terms and consideration as originally provided.

On December 13, 1951 the City of San Antonio approved Ordinance 16773 that amended the original agreement to include an adjacent 1.26 acres of land to allow for park expansion by the City of Alamo Heights for youth sports fields. On April 6, 1987 the City of Alamo Heights notified the City of San Antonio of their election to exercise the option to renew the original agreement. The City Council subsequently approved this extension on October 29, 1987 through Ordinance 65977. This extended the term and conditions of the original agreement, plus the tract added by Amendment 1, until April 30, 2027.



<u>Approval</u>		CITY OF SAN ANTONIO	Date Considered:
<u>Finance</u>	<u>Budget</u>	Request For Ordinance/Resolution	Consent <input type="checkbox"/> Individual <input type="checkbox"/>
[]	[]		Item No. 10
<u>Legal</u>	<u>Coordinator</u>		Ord. No
[]	[]		

Date: February 28, 2002	Department: Parks and Recreation	Contact Person/Phone #: Rae Riojas 207-8469
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Date Council Consideration Requested: March 14, 2002	Deadline for Action: ASAP	Dept. Head Signature: 
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SUMMARY OF ORDINANCE

This ordinance approves Amendment Number 2 to a Lease Agreement with the City of Alamo Heights for Use of Park Property in Olmos Basin Park, located in City Council District 9, to add an additional 1.93 acres to the leased area.

Staff recommends approval of this ordinance.

Other Depts., Boards, Committees Involved (please specify): City Attorney Office, Asset Management, External Relations
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Contract signed by other party Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

FISCAL DATA (If Applicable)	Budgetary Implications
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Fund No.	Amt. Expended.	Funds/Staffing Budgeted	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Activity No.	SID No.	Positions Currently Authorized	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Index Code	Project No.	Impact on future O&M	None
Object Code		If positions added, specify class and no.	
Comments:	Consent		



CMS or Ordinance Number: CN0040001017

TSLGRS File Code:1000-25

Document Title:

CONT - Lease agreement with the City of Alamo heights for the use of park property in Olmos Basin Park. Dgs

Commencement Date:

4/24/1947

Expiration Date:

4/30/2027

THE CITY OF ALAMO HEIGHTS LEASE AGREEMENT

AMENDMENT NO. 2

The City of San Antonio, hereinafter called "COSA", entered into an agreement with the City of Alamo Heights, hereinafter called "COAH", pursuant to Ordinance No. 4976, passed and approved by the City Council of the City of San Antonio on April 24, 1947 and amended by Ordinance No. 16773 on December 13, 1951 to add additional acreage, and extended for an additional term of forty years (40) by Ordinance No. 65977 on October 29, 1987. Both the Cities of San Antonio and Alamo Heights wish to amend said agreement and hereby agree to the following amendments to said agreement:

I.

Section 1. of said agreement is hereby amended by the addition of 1.93 acres of land out of the Olmos Basin Area described in the attached Exhibit "A". COSA authorizes COAH to remove the improvements presently located on the 1.93 acres of land and to use the property as a park, playground and recreational area for the use and benefit of the citizens of San Antonio and Alamo Heights as authorized by Ordinance 4976 referred to hereinabove.

II.

COAH agrees to furnish to COSA, through the Director of the Parks and Recreation Department Director or his designee, copies of all subleases, license agreements and use agreements entered into by COAH for the use of the property leased by COAH from COSA in the Olmos Basin Area.

EXECUTED this 20th day of March, 2002.

ATTEST:

Arsana Rash
City Clerk

CITY OF ALAMO HEIGHTS

Robert Brechtel
Mayor

CITY OF SAN ANTONIO

Melissa Buehler
Terry M. Brechtel
City Manager

APPROVED AS TO FORM:

[Signature]


[Signature]
City Clerk

02-10

EXHIBIT A

OLMOS BASIN AREA

A 1.93 tract out of Olmos Basin Area, Vol. 2469, Pg. 319, C.B. 5217, Block "E", out of City of San Antonio, Bexar County Texas

Reference: to the following description is from a survey plat of 5.8774 acre tract and 2.250 acre tract out of block "D" C.B. 5216, Block "E" C.B. 5217, and Block "F" C.B. 5218, San Antonio, Bexar County, Texas surveyed by Sun Belt Engineers, Inc., San Antonio, Texas Dated August 24, 1990, Project No. 90016

Bearings based on an assumed starting bearing and described as following:

Beginning: At a point, 355' +/- east of the east ROW line of Jones-Maltsberger Road and being on the South ROW line of Alamo Heights Blvd., said point being the Northwest corner for point of beginning.

Thence: N 84° 30' 00" E - 25.39', to a point of intersection

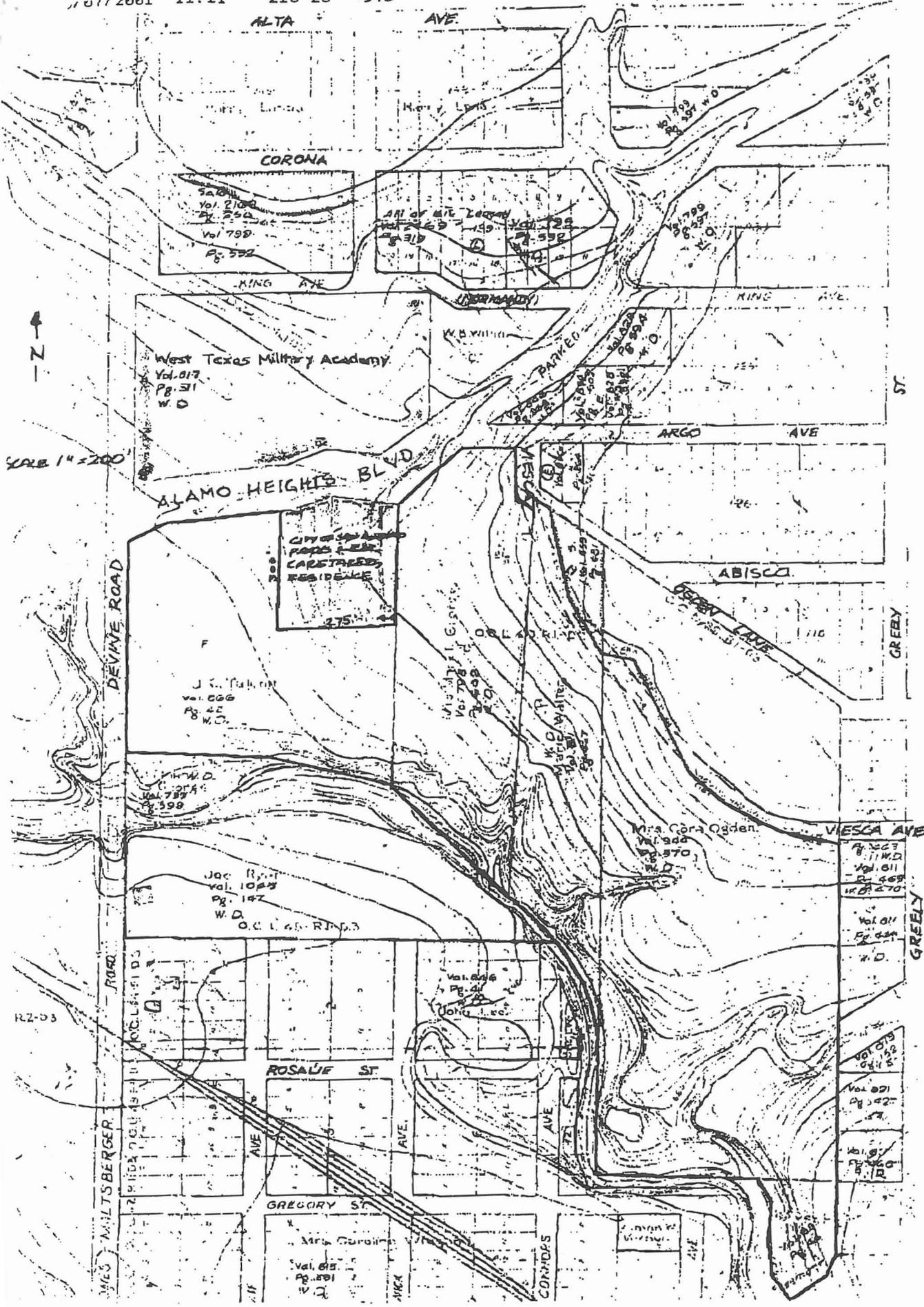
Thence: N 69° 35' 00" E - 87.40', to a point of intersection

Thence: S 82° 48' 00" E - 169.90', to a point and being the Northeast corner of said tract

Thence: S 00° 30' 45" W - 300.00', to a point being the Southeast corner of said tract

Thence: N 89° 15' 00" W - 275.00', to a point being the Southwest corner of said tract

Thence: N 00° 45' 00" E - 283.35', to a point of beginning and containing approximately 1.93 acres of land, more or less



CITY OF ALAMO HEIGHTS

6116 BROADWAY
SAN ANTONIO, TEXAS 78209
210-822-3331



April 18, 2005

M.C. Cottingham Miles
Attorney at Law
Martin, Drought & Torres, Inc.
Bank of America Plaza
300 Convent, 25th Floor
San Antonio, Texas 78205

Dear Mr. Miles:

Enclosed is the information regarding the City of Alamo Heights' lease of land from the City of San Antonio on which the City's swimming pool is constructed.

The cost of these documents is \$1.00.

Please feel free to call on me if you need additional information regarding this matter.

Yours truly,

A handwritten signature in cursive script that reads "Leslie E. McMahan".

Leslie E. McMahan, P.E.
Interim City Engineer

xc: Linda Gill

NATURE SAVER™ FAX MEMO 01

Date	4/19/05	# of pages	02
To	Matthew Miles	From	Felix Hernandez
Co./Dept.		Co.	Alamo Heights Eng.
Phone #		Phone #	836-0516
Fax #	227-7924	Fax #	822-5181

THE STATE OF TEXAS

COUNTY OF BEXAR

This contract made and entered into by and between the CITY OF SAN ANTONIO, a municipal corporation, of Bexar County, Texas, acting by its Mayor, duly authorized by ordinance, hereinafter usually called San Antonio, and the CITY OF ALAMO HEIGHTS, also a municipal corporation, of Bexar County, Texas, acting by its Mayor, duly authorized by ordinance, hereinafter usually called Alamo Heights, WITNESSETH:

1. In consideration of the covenants and obligations hereinafter agreed to and assumed by Alamo Heights, the said City of San Antonio does hereby grant, demise, let and lease unto the said City of Alamo Heights the following described property situated in the County of Bexar and State of Texas, to-wit:

All of the real property owned by the City of San Antonio in and near the Olmos Creek Basin, which is situated within the corporate limits of the City of Alamo Heights, including Lots 1, 2, 3, 4, 5 and 6, Alamo Heights Block 112, Lots 7, 8, 9, 10, 11, 12 and 13, Alamo Heights Block 111, Lots 1, 2, 3 and 4, Alamo Heights Block 113, Lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 12 and 13, Alamo Heights Block 114, Lots 10, 11, 12, 13, 14, 15 and 16 and parts of Lots 8 and 9, Alamo Heights Block 115, Lots 3, 26, 27, 28 and 29, Alamo Heights Block 129, Lots 1 through 20, inclusive, Alamo Heights Block 139, Lots 7 through 18, inclusive, and parts of Lots 1 through 6, inclusive, Alamo Heights Block 140, Lots 1, 9 and 10, Alamo Heights Block 60, Lots 1, 2, 16 and 17, Alamo Heights Block 59, and Lots 10 through 15, inclusive, Alamo Heights Block 58, all in County Block 4024; and also including County Block 5215, 5216, 5217 and 5218; EXCEPT however the following described real estate which is specially excepted from this lease: A tract or parcel of land out of Block E, Alamo Heights subdivision, and conveyed to the City of San Antonio by general warranty deed, from James C. Talcott, Jr., and Deborah B. Talcott, and duly recorded in volume 866, page 42-43, Bexar County Texas deed records, and more particularly described as follows: Beginning at the North East corner of the above mentioned tract E; Thence South along East line of the said tract E, a distance of 500 feet to a point for the South East corner of this tract; Thence; West a distance of 275 feet to a point of the South West corner of this tract; Thence; North and parallel to the east line of said tract E, to a point in the south line of Park Blvd., for the North West corner of this tract; Thence; East along the South line of Park Blvd., to the point of beginning.

TO HAVE AND TO HOLD the said land and premises hereby demise unto the said City of Alamo Heights, its successors and assigns, with all the rights, privileges, easements and appurtenances thereunto attaching and belonging unto the said City of Alamo Heights for and during the term of forty (40) years commencing on the 1st day of May, 1947, and ending on the 30th day of April, 1987.

2. In consideration of said premises and the leasing thereof, Alamo Heights agrees to pay to San Antonio Ten Dollars (\$10.00) per year, payable in advance, on the 1st day of May of each year, beginning on the 1st day of May, 1947; and as further consideration thereof Alamo Heights agrees, at its own expense and without cost or expense to San Antonio, to improve and maintain said premises as a park, playground and recreational area for the use and benefit of the citizens of San Antonio and Alamo Heights.

3. This lease is subject to any existing lease or tenancy agreement which San Antonio may have previously entered into as to any portion of said property, but no such pre-existing lease or tenancy agreement shall be renewed and upon the expiration thereof the property covered thereby shall be held by Alamo Heights free and clear of any such pre-existing lease or tenancy agreements.

4. This lease is also subject to any and all restrictions, limitation, covenants and conditions contained in any grant, deed or other instrument of conveyance to San Antonio of any of the property hereby leased. Alamo Heights covenants and agrees that no building or improvement which will float shall be constructed or placed upon said premises below the contour line at the elevation of 728 feet above sea level; and San Antonio reserves the right of entry at any time to inspect and to regulate the use of the demise premises to conform with this contract and to remove anything which may be an obstruction of the reservoir or which might interfere with the Olmos Dam or its equipment. San Antonio shall never be liable for any acts in connection with any such inspection or removal or liable for any loss or damage caused by water or flood to any improvements placed upon the premises.

5. Alamo Heights may sublet or assign the leased premises, or any part thereof, or mortgage or encumber the leasehold interest; provided, however, that said property shall never be used for other than park, playground and recreational purposes.

6. Alamo Heights agrees to indemnify, reimburse and save harmless San Antonio from any and all damages that may be caused by the use of said property and shall protect and indemnify San Antonio from any and all claims and causes of action arising out of the use of said property, Alamo Heights agreeing to defend any litigation arising in connection with such use at its own cost and expense.

7. At the expiration of the term of this lease or any renewal thereof, Alamo Heights covenants and agrees to peaceably yield up possession of said property to San Antonio. And upon such expiration of this lease, or any renewal thereof, all improvements placed upon the property by Alamo Heights shall revert to and become the property of San Antonio.

8. In the event of any violation of any term or condition of this lease agreement by Alamo Heights, San Antonio shall notify Alamo Heights in writing and if Alamo Heights should fail within thirty (30) days after receipt of such notice to remedy the breach or to perform and observe all of the covenants contained in this instrument, San Antonio may at its option cancel the lease and take possession of the leased premises, without being guilty of any manner of trespass, all and every claim for damages for or by reason of such re-entry being expressly waived. San Antonio covenants and agrees that so long as Alamo Heights pays the rent provided for herein and performs each and all of the covenants and obligations herein assumed, it shall peaceably hold and enjoy the demised premises without hindrance or interruption by San Antonio or any other person or persons whomsoever.

9. In consideration of the premises, San Antonio hereby gives and grants to Alamo Heights an option which may be exercised any time prior to the expiration of the term of this lease, to renew the lease for another term of like duration for the same consideration and on the same terms and conditions as herein provided for.

IN WITNESS WHEREOF, the City of San Antonio, a municipal corporation, has lawfully caused these presents to be executed by the hand of its duly authorized Mayor and the corporate seal of said City to be hereunto affixed, attested by its City Clerk, and the said City of Alamo Heights, a municipal corporation, acting by its duly authorized Mayor, does now sign, execute and deliver this instrument in duplicate, and affix the corporate seal of said City hereunto, attested by its City Clerk, this the 24th day of April, 1947.

(SEAL)

CITY OF SAN ANTONIO

ATTEST:

By: /s/ Gus B. Mauermann
Mayor

/s/ J. L. Quintanilla, Jr.
City Clerk

(SEAL)

CITY OF ALAMO HEIGHTS

ATTEST:

By: /s/ L. A. Douglas
Mayor

City Clerk

#523317
Vol2469 Page319

AN ORDINANCE

AMENDING A LEASE CONTRACT ENTERED INTO BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND THE CITY OF ALAMO HEIGHTS, TEXAS, DATED APRIL 24, 1947, PERTAINING TO CERTAIN REAL PROPERTY OWNED BY THE CITY OF SAN ANTONIO IN AND NEAR THE OLMOG CREEK BASIN WHICH IS INCORPORATED WITHIN THE CITY LIMITS OF THE CITY OF ALAMO HEIGHTS, SO AS TO INCLUDE A TRACT OF LAND 200 FT. BY 275 FT. THAT WAS EXCLUDED FROM SUCH LEASE.

WHEREAS, by the terms and provisions of such lease, there was excepted from such lease the following described property:

A tract or parcel of land out of Block E, Alamo Heights subdivision, and conveyed to the City of San Antonio by general warranty deed, from James C. Talcott, Jr., and Deborah E. Talcott, and duly recorded in volume 868, page 42-43, Bexar County Texas deed records, and more particularly described as follows: Beginning at the North East corner of the above mentioned tract E; Thence South along East line of the said tract E, a distance of 500 feet to a point for the South East corner of this tract; Thence; West a distance of 275 feet to a point of the South West corner of this tract; Thence; North and parallel to the east line of said tract E, to a point in the south line of Park Blvd., for the North West corner of this tract; Thence; East along the South line of Park Blvd., to the point of beginning.

and,

WHEREAS, the City of Alamo Heights is desirous of sub-letting a portion of the property covered by said lease dated the 24th day of April, 1947 to an organization for the benefit of The Little Baseball League and is desirous of including a portion of the above described property which was excepted from the property leased to the City of Alamo Heights by the City of San Antonio;

BE IT ORDAINED BY THE CITY COUNCIL OF ALAMO HEIGHTS; AND
BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

1. That this ordinance creates and manifests an amendment to the lease contract dated the 24th day of April, 1947.
2. It is agreed by and between the City of Alamo Heights and the City of San Antonio that the following described tract of land situated in Alamo Heights, Bexar County, Texas shall be included in the property covered by said lease agreement between the City of San Antonio and the City of Alamo Heights dated the 24th day of April, 1947, the same as if the same had been originally incorporated therein, such property being described as follows, to-wit:

Beginning at a stake located on the North East corner of tract E, Alamo Heights subdivision; thence, in a Southerly direction 300 ft. for the point of beginning of the tract herein described; thence, in a Southerly direction 200 ft. for the South East corner of this tract; thence, West a distance of 275 ft. to a point

for the South West corner of this tract; thence, North and parallel to the East line of the said tract 200 ft. For the North West corner of this tract; thence, East 275 ft. to the point of beginning.

13 PASSED AND APPROVED by the City of San Antonio this day of September, 1981.

Dec.

A.C. White

MAYOR

ATTEST:

City Clerk

13 PASSED AND APPROVED by the City of Alamo Heights this day of September, 1981.

Dec.

Jack Judson

MAYOR

ATTEST:

City Secretary