

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL**

ORDINANCE

**AUTHORIZING ACCEPTANCE OF A DONATION OF A 8.763 ACRE
TRACT OF LAND FROM EL CENTRO MALL, LTD. LOCATED AT THE
8200 BLOCK OF GUILBEAU ROAD TO BE UTILIZED AS AN
EXPANSION OF NANI FALCONE PARK IN COUNCIL DISTRICT 7.**

* * * * *

WHEREAS, Property owner El Centro Mall, Ltd. contacted the City of San Antonio Parks and Recreation Department in August 2020 to discuss the proposed donation of an 8.763-acre tract for use as future parkland; and

WHEREAS, the Parks and Recreation Department supports opportunities to collaborate with potential partners to enhance our local park system by increasing access to public green space for members of the community and the Parks and Recreation Department will coordinate with the property owner to identify recognition opportunities of a park amenity to honor the company founder in connection with this donation; and

WHEREAS, the 8.763-acre tract borders Nani Falcone Park to the south and the west in Council District 7 and acceptance of this donation will expand Nani Falcone Park to 74.3 acres; furthermore, the proposed donation has pedestrian accessibility; and

WHEREAS, the Parks and Recreation Department will explore future opportunities to expand service delivery to the public such as trail connectivity and recreational programming; and

WHEREAS, all potential park land is evaluated prior to acquisition taking account the property's condition, location, accessibility and benefit to the public and this property's proximity to Nani Falcone Park, similar conditions and pedestrian accessibility meet the Parks and Recreation Department's criteria for acquisition; this donation is also consistent with the goals and objectives outlined in the SA Parks System Plan which recommends expanding partnerships in order to increase San Antonio's park system resources and addresses a recreational need in an urban environment; and

WHEREAS, as funding is identified for development of the park, the Parks and Recreation Department will initiate a public engagement process to prioritize improvements and development plans for the property; **NOW THEREFORE:**

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

SECTION 1. The City Council hereby approves acceptance of an 8.763 tract of land from El Centro Mall, Ltd. and recognition of a park amenity to honor the company founder in connection with the donation in a form substantially similar to **Attachment A**.

SECTION 2. An In-Kind Land donation is authorized to be received from El Centro Mall, Ltd. to fund 40005000 Park Improvements. SAP Project Definition 26-00669 French Creek-Leon Creek Greenway to Nani Falcone Park, shall be revised by increasing WBS element 26-00669-90-22-xx In-Kind Land Donation, SAP GL Account 6500000 In Kind Revenue by the amount of \$1,145,000.00.

SECTION 3. The amount of \$1,145,000.00 is appropriated in SAP Fund 40005000 Park Improvements, SAP Project Definition 26-00669 French Creek-Leon Creek Greenway to Nani Falcone Park, SAP WBS element 26-00669-90-22-xx In-Kind Land Donation, SAP GL Account 6909010.

SECTION 4. Payment is authorized to be encumbered and made payable for closing cost on the donation of an 8.763-acre tract of land located at the 8200 block of Guilbeau Rd, in an amount not to exceed \$3,459.66. Payment is in support of the French Creek-Leon Creek Greenway to Nani Falcone Park Project, using Fund 40005000 with the WBS element 26-00669-03-14 and General Ledger account 5209010 in the table below. Funding is provided by the Linear Parks 2015 Fund and is included in the FY2021 - FY2026 CIP Budget.

SECTION 5. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and General Ledger Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon its passage by eight (8) affirmative votes or 3ten (10) days after its passage on fewer than eight (8) affirmative votes.

PASSED AND APPROVED this ____ day of _____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

Attachment A

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

GIFT DEED

Date: December __, 2020

Grantor: **EL CENTRO MALL, LTD**, a Texas limited partnership

Grantor's Mailing Address:

70 NE Interstate Loop 410, Suite 185
San Antonio, Bexar County, Texas 78216-5841

Grantee: **CITY OF SAN ANTONIO**

Grantee's Mailing Address:

Attn: _____
P.O. Box 839966
San Antonio, Bexar County, Texas 78283-3966

Consideration: Grantor's intention to make a gift as a charitable contribution under applicable income tax laws and regulations.

Property (including any improvements):

8.763 acres, more or less, out of Wildwood Subdivision, Unit 14, as recorded in Volume 9513, Pages 56-57, Deed and Plat Records, Bexar County, Texas, being out of an 88.092 acre tract out of Lot 29, 30, 35 and 36, as described in Volume 1333, Page 456, Deed and Plat Records, Bexar County, Texas, out of the Jose Alameda Survey No. 81, Abstract No. 26, New City Block (N.C.B.) 17929, City of San Antonio, Bexar County, Texas, and more particularly described by metes and bounds in **Exhibit A**, attached and incorporated hereto.

Reservations from and Exceptions to Conveyance and Warranty:

This Gift Deed is executed, delivered, and accepted subject to all and singular: ad valorem taxes for all past years, the current year, and all subsequent years, and taxes for subsequent assessments for the current and prior years due to changes in land usage and ownership; laws and governmental regulations, including all building codes, zoning regulations, and ordinances, that affect the use, operation, and maintenance of the Property; such state of facts as may be shown on an accurate and current survey or by inspection of the Property; mechanic's and materialmen's liens, lien affidavits, lien claims, and other liens affecting the Property, whether or

Attachment A

not of record; and all matters of record, as shown in the Official Public Records of Real Property of Bexar County, Texas.

Condition Subsequent to Conveyance:

A condition subsequent to this conveyance shall be the honorific naming of a public recreational facility on or adjacent to the Property in honor of Mr. Stanley Spigel, provided that such facility is developed or constructed by the City of San Antonio in the ten (10) years following the conveyance of the Property to Grantee. For purposes of this condition, a "public recreational facility" may include, without limitation, sports fields, trailhead, and parking area for the linear creekway, an adjacent segment of the linear creekway trails, or similar improvement.

Grantee acknowledges that Grantee has independently and personally inspected the Property. The Property is hereby conveyed to and accepted by Grantee in its present condition, "**AS IS, WITH ALL FAULTS**", and other than Grantor's warranty of title set forth herein, without any warranty whatsoever, express or implied. Notwithstanding anything contained herein to the contrary, it is understood and agreed that other than Grantor's warranty of title set forth herein, Grantor and Grantor's agents or employees have not made and are not now making, and they specifically disclaim, any warranties, representations, or guaranties of any kind or character, express or implied, oral or written, past, present, or future, with respect to the Property.

Grantor, as owner of the Property, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty and the Condition Subsequent to Conveyance, grants, gifts, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty. When the context requires, singular nouns and pronouns include the plural.

[SIGNATURE PAGE TO FOLLOW]

Attachment A

EXECUTED this _____ day of December, 2020.

GRANTOR:

EL CENTRO MALL, LTD.,
a Texas limited partnership

By: SS Real Estate Holdings, LLC,
a Texas limited liability company,
Its general partner

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
COUNTY OF BEXAR §

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of
December, 2020, by _____, as _____ of SS Real Estate
Holdings, LLC, a Texas limited liability company, in its capacity as general partner of **EL
CENTRO MALL, LTD.**, a Texas limited partnership, on behalf of said partnership.

Notary Public in and for the State of Texas

AFTER RECORDING, PLEASE RETURN TO GRANTEE AT:
City of San Antonio
Attn: _____
P.O. Box 839966
San Antonio, Bexar County, Texas 78283

Attachment A

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY GUILBEAU ROAD SAN ANTONIO, BEXAR COUNTY, TEXAS

8.763 acres, more or less, out of Wildwood Subdivision, Unit 14, as recorded in Volume 9513, Pages 56-57, Deed and Plat Records, Bexar County, Texas, being out of an 88.092 acre tract out of Lot 29, 30, 35 and 36, as described in Volume 1333, Page 456, Deed and Plat Records, Bexar County, Texas, out of the Jose Alameda Survey No. 81, Abstract No. 26, New City Block (N.C.B.) 17929, City of San Antonio, Bexar County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar on the north right-of-way line of Guilbeau Road (R.O.W. varies) on the east line of Lot 174, Block 7, Braun Station, Unit 15, as recorded in Volume 9502, Page 220, Deed and Plat Records, Bexar County, Texas, for the southwest corner of said 88.092 acre tract, the southwest corner of said Wildwood Subdivision, Unit 14 and the southwest corner of this parcel;

THENCE North 16°44'50" West, coincident with the common line of said Wildwood Subdivision, Unit 14, and said 88.092 acre tract, a distance of 306.47 feet to a 1/2" rebar found at an angle point of said 88.092 acre tract; and said Wildwood Subdivision, Unit 14, for an angle of this parcel;

THENCE in a northerly direction with the common line of said 88.092 acre tract and said Wildwood Subdivision, Unit 14, the following courses:

North 00° 06'16" East, a distance of 128.94 feet to a found 1/2" rebar for an angle;

North 11°18' 22" West, a distance of 507.71 feet to a 1/2" rebar with a Castella & Associates plastic cap set for the north corner of this parcel;

THENCE curving to the left with a radius of 445.50 feet, a central angle of 78°30' 33", an arc length of 610.44 feet, a chord of South 50° 33'46" East and a chord distance of 563.80 feet to a 1/2" rebar with a Castella & Associates plastic cap set at a point of tangency'

THENCE South 89°49'03" East, a distance of 315.86 feet to a 1/2" rebar with a Castella & Associates plastic cap set for the northeast corner of this parcel;

THENCE South 00°10'57" West, passing at 29.92 a reentrant corner of a 27.953 acre drainage easement as shown on the aforementioned plat of Wildwood Subdivision, Unit 14, and continuing with the west line of said easement a total distance of 562.92 feet to a 1/2" rebar with a Castella & Associates plastic cap set on the north line of Guilbeau Road and the south line of the aforementioned Wildwood Subdivision, Unit 14, at the southwest corner of said drain for the southeast corner of this parcel;

THENCE North 89°49'03" West, with the above mentioned common line, a distance of 561.88 feet to the POINT OF BEGINNING and containing 8.763 acres, more or less.