

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

**AN ORDINANCE**

**AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND UTSA BLVD. IH10 LP IN AN AMOUNT NOT TO EXCEED \$2,100,000.00 FOR CONSTRUCTION OF A NORTH-SOUTH CONNECTOR BETWEEN UTSA BOULEVARD AND HAUSMAN ROAD, LOCATED IN COUNCIL DISTRICT 8.**

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**WHEREAS**, as part of the FY 2018 Budget, \$2,100,000.00 was approved for construction of a north-south connector between UTSA Boulevard and Hausman Road to include street work, improvements, and traffic signals, as well as widening at UTSA Boulevard and the addition of a left turn lane on Hausman Road; and

**WHEREAS**, this Developer Participation Agreement (“Agreement”) with UTSA Blvd IH10 LP, is for the construction of the aforementioned connector; and

**WHEREAS**, the City will fund oversizing for the project to include street work, concrete curbs, sidewalks, storm drain, traffic signals, and utility extensions necessary to meet anticipated future development in an amount not to exceed \$2,100,000.00; and

**WHEREAS**, the Texas Local Government Code Sections 212.071-212.074 allows municipalities to enter into a contract with a developer for the construction of public improvements related to a development so long as the municipality’s participation does not exceed 100% of the total cost for the oversizing of improvements required, including, but not limited to increased capacity of improvements to anticipate other future development in the area; and

**WHEREAS**, the total project cost is \$5,369,710.00, with the City’s portion for the oversizing being \$2,100,000.00, and the Developer’s portion being \$3,269,710.00; and

**WHEREAS**, the Agreement stipulates the City’s portion is not to exceed 100% of the cost for the oversizing; and

**WHEREAS**, the City will provide funding for the project on a reimbursement basis; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee is hereby authorized to execute a Developer Participation Agreement with UTSA Blvd IH10 LP in an amount not to exceed \$2,100,000.00 for the construction of a north-south connector between UTSA Boulevard and Hausman Road, located in Council District 8, a copy of which is set out in **Exhibit 1**.

**SECTION 2.** Payment in the amount not to exceed \$2,100,000.00 in SAP Fund 43099000, Certificates of Obligation Capital Projects, SAP Project Definition 23-01767, Hausman/UTSA Connector, is authorized to be encumbered and made payable to UTSA Blvd IH10 LP for construction services. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, Certificates of Obligation Bonds in accordance with the adopted capital budget. 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 3.** 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 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 4.** This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective on the en days after passage.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney