

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

AN ORDINANCE

APPROVING AN AMENDED AND RESTATED FIRE/EMERGENCY SERVICES AGREEMENT, DONATION AGREEMENT AND OTHER ASSOCIATED DOCUMENTS WITH MARUCHAN TEXAS, INC. FOR THE ACQUISITION OF APPROXIMATELY 2.507 ACRES OF PRIVATELY-OWNED REAL PROPERTY IN COUNTY BLOCK 4301, LOT 2, FOR THE CONSTRUCTION OF FIRE STATION #52 AND AUTHORIZING UP TO \$25,000.00 PAYABLE TO THE SELECTED TITLE COMPANY FOR LAND AND ASSOCIATED TITLE FEES.

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WHEREAS, Maruchan Texas, Inc. (“Maruchan”) acquired and developed an approximately 55.3 acre tract of land (the “Property”) situated in the City of San Antonio’s extraterritorial jurisdiction, as that term is defined in Section 42.021 of the Texas Local Government Code, and which was designated by the City as an Industrial District through City Ordinance No. 2012-06-14-0451; and

WHEREAS, in addition to the Industrial District designation, City Ordinance No. 2012-06-14-0451 authorized the City to enter into a five-year Industrial District Non-Annexation Agreement (the “Non-Annexation Agreement”) and an associated Basic Fire Services Agreement (the “Basic Fire Agreement”) to provide basic fire service to the Property for an annual fee of \$35,000.00; and

WHEREAS, the City and Maruchan now desire to enter into an Amended and Restated Fire/Emergency Service Agreement to provide for emergency and first responder services, in addition to basic fire services (the “Services”), at the Property for the duration of the term of the Non-Annexation Agreement; and

WHEREAS, the Services are valued at approximately \$150,000.00, and as consideration for the City providing the Services, Maruchan has agreed to convey approximately 2.057 acres of the Property to the City where it will construct Fire Station #52 (the “Fire Station Site”); and

WHEREAS, the City and Maruchan agree and acknowledge that the value of the Fire Station Site exceeds the value of the Services, and that upon the determination of the value of the Fire Station Site through a third-party appraisal, the City will deduct the value of the Services from the Fire Station Site’s value and attest to Manufacturer’s donation of the remaining value to the City; and

WHEREAS, such donation of the remaining acreage of the Fire Station Site will be accomplished through the execution of a Donation Agreement and deed; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the Amended and Restated Fire/Emergency Service Agreement and Donation Agreement (the “Agreements”) with Maruchan Texas, Inc. are hereby approved. The City Manager, or her designee, is authorized to execute the Agreements in accordance with this Ordinance along with any associated documents necessary to effectuate the purpose of this Ordinance. Copies of the Agreements are attached to this Ordinance as **Exhibits I and II.**

SECTION 2. The acquisition of property must be coordinated through the City’s Finance Department to assure the addition of the asset into the City’s financial records and to record the proper accounting transactions.

SECTION 3. A payment not to exceed \$25,000.00 is authorized for payment through negotiation in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 20-00045, City South Annexation - Fire Equipment, and should be encumbered and made payable to the selected title company for land and associated title fees of approximately 2.507 acres, of privately owned real property in County Block 4301, Lot 2, for Fire Station #52 in Council District 4 in Bexar County, Texas. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio tax notes 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 4. 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 5. This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this ___ day of May, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek
City Clerk

Martha G. Sepeda
Acting City Attorney