

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

AN ORDINANCE

AUTHORIZING THE ACCEPTANCE OF APPROXIMATELY 2.0 ACRES OF LAND ADJACENT TO THE PHIL HARDBERGER PARK FROM THE PHIL HARDBERGER PARK CONSERVANCY AND AUTHORIZING A RECIPROCAL EASEMENT AGREEMENT WITH HENRIETTA PARTNERS FOR ACCESS TO THE NEWLY ACQUIRED LAND LOCATED IN COUNCIL DISTRICT 8.

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WHEREAS, the Phil Hardberger Park Conservancy received a donation from Henrietta Partners of approximately 2.0 acres off Blanco Road immediately adjacent to the Phil Hardberger Park dog park and wishes to donate the property to the City of San Antonio; and

WHEREAS, the donated tract will serve as a transition area from the planned commercial development to the south along Wurzbach Parkway and the park proper; and

WHEREAS, the property will also provide an opportunity for additional parking and other related improvements as provided in the 2012 Bond Program; and

WHEREAS, environmental assessments and surveys have been performed on the property and no issues have been identified; and

WHEREAS, the adjacent developer, Henrietta Partners has offered to build access off of Blanco Road and Wurzbach Parkway which will allow ingress/egress to the City's new parking lot; and

WHEREAS, these improvements will continue to support the Phil Hardberger Park Master Plan adopted by Council on May 8, 2008; and

WHEREAS, the reciprocal easement agreement will allow access through Phil Hardberger Park for the commercial development and parking; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee or the Director of the Parks and Recreation Department or his designee, is authorized to accept approximately 2.0 acres of land adjacent to the Phil Hardberger Park from the Phil Hardberger Park Conservancy. The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee is further authorized to execute any and all necessary documents to effectuate said acquisition.

SECTION 2. The City Manager or her designee or the Director of the Parks and Recreation Department or his designee, is authorized to execute a reciprocal easement agreement with Henrietta Partners for access to the newly acquired land located in Council District 8. A copy of the easement agreement is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 3. An In-Kind Land donation is authorized to be received from Phil Hardberger Park Conservancy to SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00134, Hardberger Park (formerly Voelcker Park), shall be revised by increasing WBS element 40-00134-90-22, entitled In-Kind Land Donation, SAP GL Account 6500000 - In Kind Land Revenue, by the amount of \$1,300,000.00.

SECTION 4. The amount of \$1,300,000.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00134, Hardberger Park (formerly Voelcker Park), SAP WBS Element 40-00134-90-22, entitled In-Kind Land Donation, SAP GL Account 6909010- In Kind Land Donations.

SECTION 5. Payment in the amount of the \$6,400.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00134, Hardberger Park (formerly Voelcker Park), is authorized to be encumbered and made payable for closing costs related to the Land Donation of 2.0 acres of land located in Bexar County, Texas. 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. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of _____.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael Bernard, City Attorney