

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

**AN ORDINANCE**

**AUTHORIZING A DONATION/MAINTENANCE AGREEMENT, PEDESTRIAN EASEMENT, AND TEMPORARY RIGHT OF ENTRY WITH CRP-GREP ELAN RIVERWALK OWNER LP FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS ON RIVER WALK PROPERTY ADJACENT TO THE DEVELOPMENT PROJECT AT THE NORTHWEST CORNER OF S. ST. MARY'S STREET AND CESAR CHAVEZ BLVD.**

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**WHEREAS**, the Elan Riverwalk project is under construction at the northwest corner of S. St. Mary's Street and Cesar Chavez Blvd. by CRP-GREP Elan Riverwalk Owner LP; and

**WHEREAS**, the project is a residential-commercial development that will include 350 apartments, street level retail, and a parking garage; and

**WHEREAS**, on December 18, 2013, the Historic & Design Review Commission approved Case 2013-126, which included a design proposal to install new landscaping, staircases, patio spaces, and flower beds on City-owned River Walk property between the San Antonio River and the Elan Riverwalk property; and

**WHEREAS**, in addition to installing the improvements and transferring ownership of the improvements to the City upon completion, CRP-GREP has agreed to maintain the improvements and to grant the City the right to allow the public 24/7 pedestrian access to the newly constructed walkway on Elan Riverwalk property that will connect the sidewalk on the north side of Cesar Chavez Blvd. to the River Walk sidewalk; and

**WHEREAS**, the agreement provides Elan Riverwalk a temporary right of entry on City property in order to construct the improvements; and

**WHEREAS**, CRP-GREP's commitment to maintain the improvements and the City's right to cross CRP-GREP's property shall continue for so long as the improvements are maintained; and

**WHEREAS**, Transportation and Capital Improvements Department's Floodplain Management Division approved the proposed enhancements on February 5, 2014; **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 Center City Development and Operations Department or her designee is authorized to execute a Donation/Maintenance

Agreement, Pedestrian Easement, and Temporary Right of Entry with CRP-GREP Elan Riverwalk Owner LP for construction of public improvements on River Walk property adjacent to the development project at the northwest corner of S. St. Mary's Street and Cesar Chavez Blvd. A copy of the Donation/Maintenance Agreement, Pedestrian Easement, and Temporary Right of Entry for Construction is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** The acquisition of donated public improvements must be coordinated through the city's Finance Department to assure the addition of these assets into the City's financial records and to record the proper accounting transactions.

**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 is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

**M A Y O R**  
**Ivy R. Taylor**

**ATTEST:**

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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

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Robert F. Greenblum, City Attorney