

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

AN ORDINANCE

DECLARING A CHANGE IN USE OF PORTIONS OF PARKLAND LOCATED IN HEMISFAIR PARK CONSISTENT WITH THE HEMISFAIR PARK REDEVELOPMENT PROJECT FRAMEWORK AND MASTER PLAN APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE 2012-02-09-0084 AND DEDICATING 18.2 ACRES OF PUBLIC SQUARES AND PARK LAND AT HEMISFAIR PARK IN ACCORDANCE WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE §379C.014.

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WHEREAS, Texas law generally requires an election prior to a city's transfer of title to land that has been owned as a city park, such as portions of Hemisfair Park; and

WHEREAS, recently enacted legislation provides for the conveyance of portions of Hemisfair Park to a land bank without an election, provided at least 18 acres within the remaining areas of the Park are dedicated as public squares or parkland; and

WHEREAS, this item designates 18.2 acres of public squares or parkland within Hemisfair Park to comply with the requirements this law ; and

WHEREAS, prior to the transfer of title to property within Hemisfair Park, Chapter 26 of the Texas Parks and Wildlife Code requires City Council to conduct a public hearing regarding the change in use of the parkland after which City Council must find that: (1) there is no feasible and prudent alternative to the proposed change in the use; and (2) the proposed project contains all reasonable planning to minimize harm to the land as a park; and

WHEREAS, these findings are based on the proposed change in use of portions of land within Hemisfair Park from dedicated park land to other uses consistent with the HemisFair Master Plan previously approved by the City Council on February 9, 2012; and

WHEREAS, on November 7, 2013, City Council authorized the creation of the Hemisfair Park Public Facilities Corporation for the purpose of serving as the required land bank and receiving title to portions of Hemisfair Park; and

WHEREAS, as the City's land bank, the Hemisfair Park Public Facilities Corporation will assist with the development of the land it receives from the City in a manner consistent with the Hemisfair Master Plan; **NOW THEREFORE:**

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

SECTION 1. In accordance with Chapter 26, Texas Parks & Wildlife Code, the City Council of the City of San Antonio hereby finds that there is no feasible and prudent alternative to the change in use of portions of parkland located in Hemisfair Park consistent with the Hemisfair Park Redevelopment Project Framework and Master Plan approved by City Council pursuant to Ordinance 2012-02-09-0084. The City Council hereby further finds and determines that the proposed change in use includes all reasonable planning to minimize harm to the land, as a park, resulting from the change in use as shown in the above-referenced Master Plan.

SECTION 2. The City Council of the City of San Antonio hereby dedicates the 18.2 acres of land depicted on **Attachment I** as public squares or public parkland in full compliance with the Texas Local Government Code §379C.014.

SECTION 3. 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 _____, 2013.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael Bernard, City Attorney