

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

RESOLUTION NO. _____

**A RESOLUTION ABANDONING THE PRESA RAMPS PROJECT, A
2012-2017 GENERAL IMPROVEMENT BOND PROJECT, DECLARING
AS SURPLUS BOND FUNDS PREVIOUSLY ALLOCATED TO THIS
PROJECT, AND OTHER MATTERS RELATING TO THE FOREGOING**

WHEREAS, the City Council (the *Council*) of the City of San Antonio, Texas (the *City*) held an election on May 12, 2012 (the *Election*) for the purpose of determining whether the resident, qualified voters of the City would authorize the City's the issuance of \$596,000,000 in ad valorem tax-supported bonds for payment of costs of authorized projects pursuant to five separate propositions; and

WHEREAS, a majority of the resident, qualified voters of the City approved each proposition proposed at the Election, including Proposition 1 entitled "Streets, Bridges, and Sidewalk Improvements" which authorized the issuance of \$337,441,000 in ad valorem tax-supported bonds to pay the costs of projects (the *Street Projects*) authorized under this proposition (the *Authorization*); and

WHEREAS, the Street Projects authorized pursuant to the Authorization included the "Presa Ramps at Highway 90" project, consisting of construction of an off ramp for eastbound Highway 90 traffic at Presa and an on ramp for westbound Highway 90 traffic at Presa, at an estimated cost of \$7,000,000 (the *Presa Project*); and

WHEREAS, after several years of planning work in furtherance of the Presa Project, the City received notice, through the Texas Department of Transportation, that the Federal Highway Administration has determined to not approve the development of the Presa Project, making impossible the City's continuation thereof; and

WHEREAS, the Federal Highway Administration's refusal to approve the Presa Project was not anticipated or foreseeable at the time of the City voters' approval of the Authorization or the City's issuance of ad valorem tax bonds (the *Bonds*) for the purpose of paying the anticipated costs of undertaking and completing the Presa Project; and

WHEREAS, because of this material and unforeseen change in conditions, City staff has determined that the Presa Project cannot move forward (the *Changed Condition*); and

WHEREAS, the City Council hereby finds, after careful consideration and in reliance upon factual input from City staff, that spending Bond proceeds on the Presa Project in a manner consistent with that which was contemplated at the time of the Election and the issuance of the Bonds, respectively, would represent an unwise, unnecessary, fiscally imprudent, and (in fact) impossible expenditure of Bond proceeds, and as a result thereof, any course of action in furtherance thereof is hereby abandoned; and

WHEREAS, those Bond proceeds allocated to the Presa Project have become surplus Bond proceeds as a result of the hereinbefore-described abandonment and are hereby available to pay the costs of other Street Projects approved by City voters at the Election pursuant to the Authorization; and

WHEREAS, the City Council is within its legal rights under established Texas law to abandon the Presa Project and to reallocate or redirect Bond proceeds to other authorized Street Projects in the manner described above; and

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS THAT:

SECTION 1: As a result of the Changed Condition, which was the subject of public consideration and input and with respect to which the City Council received significant factual information and briefings concerning this matter from City staff, the Presa Project is hereby abandoned.

SECTION 2: As a result of the abandonment described in Section 1, Bond proceeds previously allocated to the Presa Project are hereby declared surplus and made available for expenditure on any Street Project authorized under the Authorization, as may hereafter be determined by the City Council or City staff in accordance with City policy and procedure.

SECTION 3: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8: The effective date of this Resolution shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Resolution shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Resolution shall take effect ten (10) days from the date of passage.

* * *

PASSED, ADOPTED AND APPROVED on this the __th day of _____, 2017.

M A Y O R
Ron Nirenberg

ATTEST:

City Clerk

(CITY SEAL)

I, the undersigned, City Attorney of the City of San Antonio, Texas, hereby certify that I read, passed upon, and approved as to form the foregoing Resolution prior to its adoption and passage as aforesaid.

Andrew Segovia, City Attorney
City of San Antonio, Texas