

ORDINANCE NO. _____

**AN ORDINANCE APPROVING THE CITY OF SAN ANTONIO, TEXAS
URBAN RENEWAL PLAN ASSOCIATED WITH THE 2017 PROPOSED
NEIGHBORHOOD IMPROVEMENTS BOND PROPOSITION; MAKING
THE NECESSARY FINDINGS UNDER CHAPTER 374, TEXAS LOCAL
GOVERNMENT CODE, AS AMENDED; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City of San Antonio, Texas (the *City*) is a home rule municipality and a political subdivision, and is duly organized and existing pursuant to the Constitution and the general laws of the State of Texas (the *State*); and

WHEREAS, the City Council (the *City Council*) of the City previously ordered an election (the *Election*), held on December 17, 1957, pursuant to Article 1269l-3 (*Article 1269*) of Texas Civil Statutes Annotated (the statutory predecessor to Chapter 374, Texas Local Government Code, as amended (*Chapter 374*, and together with Article 1269, *Texas Urban Renewal Law*)) for the purpose of submitting to the City's voters a proposition adopting a resolution (the *Election Resolution*) permitting the City to utilize Texas Urban Renewal Law; and

WHEREAS, the City's voters approved the foregoing measure and the Election Resolution's related provisions, permitting the City to exercise the powers granted by Texas Urban Renewal Law, excepting urban renewal project powers from the City; and

WHEREAS, the Election Resolution determined it necessary for the City to create an urban renewal agency to exercise urban renewal project powers pursuant to Texas Urban Renewal Law; and

WHEREAS, the City created and since its creation maintained, an urban renewal agency, currently known as the Office of Urban Redevelopment San Antonio (*OUR SA*), whose mission is to promote elimination of urban blight and slums through clearance, redevelopment, rehabilitation, and conservation while simultaneously enhancing opportunities for the City to create new jobs, revitalize neighborhoods, and sustain livability; and

WHEREAS, as prerequisites to commencing urban renewal activities (including preparing urban renewal plan or plans for areas (collectively, the *Plan*)) on identified properties, the City is required to (i) prepare a general plan for the City, and (ii) declare areas as statutorily "slum", "blighted", or both, in order to commence urban renewal projects; and

WHEREAS, the City Council previously approved the "SA Tomorrow Comprehensive Plan" as set forth in Ordinance 2016-08-11-0590, evidencing the City's official, long range planning document providing policy guidance for future growth, development, land use, infrastructure, and services (including housing), which such comprehensive plan is the "general plan" for the City that is required under Section 374.014 of Chapter 374; and

WHEREAS, in an effort to identify areas in the City in need of urban renewal, the City held a series of public meetings in conjunction and in coordination with the City's 2017 Bond

Election (the *Bond Election*) committee meetings, where appointed City residents interested and/or experienced in the areas of housing and urban renewal extensively examined potential properties for inclusion within the City's urban renewal program funded pursuant to a successful Bond Election; and

WHEREAS, on December 15, 2016, the City Council adopted a resolution (the *Area Resolution*) making the necessary prerequisite declarations as required under Chapter 374 by designating thirteen areas within the City as appropriate for urban renewal projects; and

WHEREAS, as required by Chapter 374, City staff prepared the Plan (and submitted the Plan to the Texas Attorney General for review and comment) and published notice of a public hearing (the *Hearing*) containing pertinent information related to the Plan's adoption three times in *The Express News*, the first publication being in excess of 30 days from the date of the Hearing; and

WHEREAS, the City conducted the Hearing on January 18, 2017, allowing City residents the opportunity comment on the content of and matters related to the adoption of the Plan; and

WHEREAS, the City Council now desires to approve the Plan attached hereto as Exhibit A, which approval is required to occur prior to the City Council calling the Bond Election to permit Plan funding as an element of such Bond Election; NOW THEREFORE,

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

SECTION 1. Prerequisite Findings. The City Council hereby finds that the Plan is in compliance with Chapter 374, as it contains (i) a feasible method for the relocation, in decent, safe, affordable, and sanitary accommodations, of families or individuals who will be displaced from the urban renewal area, without undue hardship to those persons; (ii) the Plan conforms to the "SA Tomorrow Comprehensive Plan"; and (iii) the Plan offers the maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise. Subsection (i) above is included herein as a finding for purposes of statutory compliance and notwithstanding such inclusion, the Plan provides that no such displacement will occur within any urban renewal project undertaken pursuant to the Plan.

SECTION 2. Approval. The City Council affirms that all prerequisites to approving the Plan have heretofore occurred, and to lawfully call the Bond Election on February 9, 2017, the City Council hereby approves the Plan as set forth in Exhibit A hereto.

SECTION 3. Further Proceedings. The Mayor, Mayor Pro-Tem, City Manager of the City, each Deputy and Assistant City Manager of the City, or a City Attorney of the City (each, a *City Authorized Representative*), and as appropriate and delineated in the Election Resolution and Chapter 374, OUR SA staff, board members, and consultants (each, an *OUR SA Authorized Representative*, and together with the City Authorized Representatives, an *Authorized Representative*) are each hereby authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things (including effectuating an advisory committee to assist in implementation of the Plan) and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments and

agreements, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance. In case any Authorized Representative whose signature shall appear on any certificate shall cease to be such officer before the delivery of such instrument, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 4. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

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

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

SECTION 7. Incorporation of Preamble Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals and other statements therein are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 8. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9. Effective Date. The effective date of this Ordinance shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Ordinance shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Ordinance shall take effect ten (10) days from the date of passage.

* * *

PASSED AND APPROVED this 2nd day of February, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
URBAN RENEWAL PLAN

DRAFT