

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

AN ORDINANCE

**ADOPTING AN URBAN LAND BANK DEMONSTRATION PROGRAM
FOR HEMISFAIR PARK, APPROVING THE HEMISFAIR PARK
PUBLIC FACILITIES CORPORATION AS A LAND BANK ENTITY IN
ACCORDANCE WITH TX. LOC GOVT CDE. 379C.004(b), AND
TRANSFERRING PORTIONS OF HEMISFAIR PARK PROPERTY TO
THE CORPORATION, SUBJECT TO RESTRICTIVE COVENANTS
LIMITING HOTEL DEVELOPMENT IMPOSED BY THE CITY
PURSUANT TO ORDINANCE 2013-10-17-0711.**

* * * * *

WHEREAS, State law provides for the conveyance of portions of Hemisfair Park (the “Park”) to a land bank subject to deed restrictions imposed by City Council, provided at least 18.2 acres within the remaining areas of the Park are dedicated as public squares or parkland; and

WHEREAS, City Council previously approved the Hemisfair Park Area Master Plan (the “Plan”) pursuant to Ordinance No. 2012-02-09-0084 and consistent with the Plan, City Council adopted restrictive covenants limiting hotel development in the Park pursuant to Ordinance No. 2013-10-17-0711; and

WHEREAS, pursuant to Resolution No. 2013-11-07-0038R, City Council authorized the creation of the Hemisfair Park Public Facilities Corporation for the purpose of serving as a land bank entity and receiving title to portions of Hemisfair Park; and

WHEREAS, the exercise of the City’s authority under State law requires: 1) the adoption of an Urban Land Bank Demonstration Program; 2) the approval of the Hemisfair Park Public Facilities Corporation as a land bank entity; 3) the dedication of at least 18.2 acres of public squares or parkland in the Park; and 4) the transfer of property by the City to the Corporation of those portions of the Park that have been identified as developable parcels in the Plan; and

WHEREAS, by action taken December 5, 2013, City Council dedicated 18.2 acres within Hemisfair Park as public squares or parkland, and now desires to take the additional actions set out above in support of the mixed-use development set out in the Plan; **NOW THEREFORE:**

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

SECTION 1. The Urban Land Bank Demonstration Program for Hemisfair Park, set out in **Attachment 1**, is hereby adopted.

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12/5/13
Item No. _____

SECTION 2. The Hemisfair Park Public Facilities Corporation is approved as a land bank entity by the City for the purposes of satisfying Tex. Local Gov't Code Section 379C.004(b) and for receiving transferred property in accordance with Section 379C.014.

SECTION 3. The City Council authorizes the conveyance to the Hemisfair Park Public Facilities Corporation those portions of Hemisfair Park as more particularly described in **Attachment II**, subject to the restrictive covenants described above and recorded in the Bexar County Records, more specifically in Book 16425, Page 2058.

SECTION 4. The City Manager or her designee, is authorized to execute the attached Deed of Trust, a copy of which in substantially final form is set out in **Attachment III**, and such other documents deemed by the City Attorney as necessary to carry out this conveyance.

SECTION 5. 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:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Michael Bernard, City Attorney