

AN ORDINANCE **2016-06-16-0458**

**AUTHORIZING THE NEGOTIATION AND EXECUTION OF A
DEVELOPER PARTICIPATION AGREEMENT WITH XJ 1869
DEVELOPMENT, LLC FOR THE EXPANSION OF HARDY OAK
BOULEVARD AND HUEBNER ROAD.**

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WHEREAS, consistent with the 2015 Major Thoroughfare Plan, the proposed Developer Participation Agreement will require the Developer to cover its share of construction for the completion of Hardy Oak Boulevard north and south and Huebner Road East and west; and

WHEREAS, the Texas Local Government Code limit participation of a municipality to a level not to exceed 30% of the total contract price and up to 100% of the cost for oversizing of the improvements required by the municipality; and

WHEREAS, the total estimated cost of the Huebner Road and Hardy Oak Boulevard extensions is \$12,600,000.00; and

WHEREAS, the City's contribution in an amount not to exceed \$1,546,800.00 (12.27%) for participation of the total contract price and the not-to-exceed sum of \$4,701,400.00 for oversizing of the roadways (the construction of two four-lane roads instead of two two-lane roads), for the City's total participation not-to-exceed amount of \$6,248,200.00; and

WHEREAS, this Ordinance authorizes the execution of a Developer Participation Agreement with **XJ 1869 Development, LLC** for the expansion of Hardy Oak Boulevard and Huebner Road; and

WHEREAS, the terms of the Developer Participation Agreement require the Developer to complete the design of both extensions on or before May 1, 2017 and complete the construction of both extensions on or before December 31, 2019; and

WHEREAS, the Huebner Road and Hardy Oak Boulevard are critical roadways in a heavily populated area of San Antonio and completion of both extensions will help alleviate traffic congestion while providing increased connectivity in this dense urban area; and

WHEREAS, funds for City's \$6,248,200.00 participation in the Developer Participation Agreement may be considered for inclusion in the proposed 2017 General Obligation Bond Program or other City funding mechanisms; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, is authorized to execute a Developer Participation Contract with **XJ 1869 Development, LLC** in the total amount not to exceed \$6,248,200.00 for the City's participation in the Huebner Road and Hardy Oak Boulevard extensions.

SECTION 2. The Contract must be executed within 90 days of signing of this Ordinance; if the parties are not able to finalize within 90 days, the Agreement must be considered through a subsequent Ordinance. Should an Agreement be negotiated which substantially varies from the

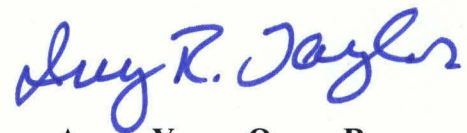
terms of the attached Agreement, the Agreement must be considered through a subsequent Ordinance.

SECTION 3. There is no fiscal impact to the City of San Antonio; this only allows for negotiations with **XJ 1869 Development, LLC**. Any further action including identifying and appropriating funding is contingent on subsequent City Council action.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation 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 5. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

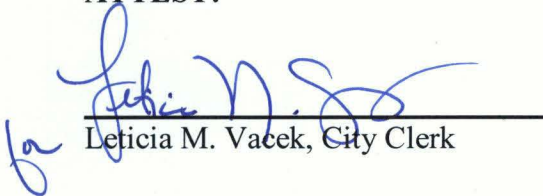
PASSED AND APPROVED this 16th day of June, 2016.




M A Y O R

Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Martha G. Sepeda, Acting City Attorney

Agenda Item:	13C (in consent vote: 13A, 13B, 13C)						
Date:	06/16/2016						
Time:	10:47:30 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the negotiation and execution of a Developer Participation Agreement with XJ 1869 Development, LLC for the expansion of Hardy Oak Boulevard and Huebner Road.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				x