

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

AN ORDINANCE

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH PKB DEVELOPMENT, LLC. IN AN AMOUNT NOT TO EXCEED \$220,000.00 FOR THE CONSTRUCTION OF A ROADWAY ENTRANCE INTO MLK PARK FROM THE ACCESS ROAD OF IH-10, A 2016 CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 2.

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WHEREAS, there has been interest in providing access into MLK Park from the northeast via the IH-10 access road, currently, access into MLK Park is from the south via Martin Luther King Drive and from the north via Houston Street and Noblewood Drive; and

WHEREAS, PKB Development, LLC, (PKB) intends to develop the property in between and adjacent to the IH-10 access road and MLK Park and as part of the development, PBK will construct a City road from the IH-10 access road through the developer's property into the City's MLK Park, to include a cul-de-sac at the road's termination point within the MLK Park boundaries, as a means to provide an alternate and safe entrance into the park; and

WHEREAS, the project will include a right turn only lane on the IH-10 access road and a curb cut to facilitate right hand turns onto the newly constructed road, into MLK Park; and

WHEREAS, PBK will design and construct the City road in accordance with the City's Unified Development Code and the newly constructed roadway will be two-way, with a lane in each direction, and measure 576 feet long from the intersection of IH-10 down to the end of the cul-de-sac, measure 40 feet in pavement width and include 6 foot sidewalks on both sides; and

WHEREAS, the Texas Local Government Code Sections 212.071 – 212.074 limits participation of a municipality to a level not to exceed 30% of the total contract price; and

WHEREAS, the total cost of this project is estimated to be \$733,400.00 and the City will pay its contribution up to 30% of total project costs; and

WHEREAS, this Ordinance authorizes the execution of a Developer Participation Agreement with **PKB Development, LLC** for the construction of a roadway entrance into MLK Park from the Access Road of IH-10; and

WHEREAS, funds for City's \$220,000.00 participation in the Developer Participation Agreement are included in the 2017-2022 Capital Improvement Program Budget; **NOW THEREFORE**,

PW:gg
DATE
Item No. ##.

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 **PKB Development, LLC** in the total amount not to exceed \$220,000.00 for the City's participation in the construction of a roadway entrance into MLK Park from the Access Road of IH-10.

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. Payment in the amount not to exceed \$220,000.00, in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01516, Martin Luther King Park Entrance Improvement, is authorized to be encumbered and made payable **PKB Development, LLC**, for the construction of a roadway entrance into MLK Park from the access road of IH-10.

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 ____ day of _____, 2016.

MAYOR
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney