

**THIS IS A PROPOSED 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 CONVEYANCE
DOCUMENT WITH MARMAXX OPERATING CORP. ("MARMAXX") FOR THE
DONATION BY MARMAXX AND ACCEPTANCE BY CITY OF A PORTION OF
REAL PROPERTY WITHIN THE ESPADA PUBLIC IMPROVEMENT DISTRICT
NUMBERS 1 AND 2 TO PROVIDE THE CITY WITH SUFFICIENT AND
NECESSARY LAND FOR A HIKE AND BIKE TRAIL AND TRAILHEAD NODE AT
NO COST TO CITY.**

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WHEREAS, Marmaxx Operating Corp. ("Marmaxx") is acquiring real property that is subject to an Agreement for Services in Lieu of Annexation in the Espada Public Improvement District Nos. 1 and 2 (the "PID"); and

WHEREAS, Marmaxx has agreed that as part of the consideration for the City's designation of 200 acres of land within the PID as an industrial district and the execution of a Non-Annexation Agreement, Marmaxx shall donate necessary acreage within the PID, as determined by the City, to the City for use as a "hike and bike" trail and trailhead node; and

WHEREAS, the donation of real property shall be at no cost to City; **NOW THEREFORE:**

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

SECTION 1. In accordance with the terms and conditions of the Industrial District Non-Annexation Agreement between the City and Marmaxx, the City Council authorizes the City Manager or her designee, in concurrence with the City Attorney's Office, to negotiate and execute a conveyance document for the donation of property within the Espada Public Improvement District Nos. 1 and 2 by Marmaxx to the City for the use by City for a Hike and Bike Trail and Trailhead node. Upon finalization and execution, a copy of the conveyance document shall be attached hereto as Exhibit A and made a part of this ordinance.

SECTION 2. This ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this ____ day of _____ 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andy Segovia, City Attorney