

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

AN ORDINANCE

**AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AND
RELEASE AGREEMENT WITH ANSLEY STEUBING FARM
APARTMENTS, LLC IN THE AMOUNT NOT TO EXCEED \$143,022.13
FOR THE DEZAVALA OUTFALL PROJECT, A 2007-2012 BOND
SAVINGS FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 8.**

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WHEREAS, the DeZavala Road Phase I (Babcock to Cogburn) Project (the “Project”) was funded from the 2007-2012 Bond Program and included design and construction of widening DeZavala Road from Babcock to Cogburn from two to four lanes with a flush median along with curbs, sidewalks, driveway approaches, and necessary drainage and traffic signal improvements; and

WHEREAS, the DeZavala Outfall project (“Outfall Project”) is a continuation of the Project and was initiated through an amendment requested by the City for enhanced drainage design services to minimize downstream impacts on a drainage easement located on private property; and

WHEREAS, the Outfall project was required to construct an underground piping system approximately 860 feet in length in order to relieve a rise in water to a private easement adjacent to the Project wherein such rise in water was caused by the design and construction of the Project; and

WHEREAS, after the completion of the Outfall Project design, it was discovered that a developer was developing property adjacent to the DeZavala Outfall Project site and said developer was scheduled to construct a drainage channel in the same vicinity as the City’s planned DeZavala Outfall project; and

WHEREAS, the City and the Developer agreed that Developer was in the best position to develop and construct a drainage channel, from DeZavala to approximately 860 feet west to an outfall, to account for the additional water resulting from the Project as well as from the development adjacent to the drainage channel; and

WHEREAS, the City agreed to reimburse the developer in an amount not to exceed 30% of the total projected construction estimate through the Release Discharge and Settlement Agreement and said construction of the drainage channel by the developer was completed in April 2017; and

WHEREAS, this is an authorized one-time capital improvement expenditure in the amount not to exceed \$143,022.13 payable to Ansley Steubing Farm Apartments, LLC wherein funds are available from 2007-2012 Bond Savings; **NOW THEREFORE**,

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

SECTION 1. The terms and conditions of the Release Discharge and Settlement Agreement with Ansley Steubing Farm Apartments, LLC for development and construction of a drainage channel are hereby approved.

SECTION 2. The City Manager or her designee is authorized to execute the Release Discharge and Settlement Agreement, a copy of which, in substantially final form is set out in ATTACHMENT I.

SECTION 3. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00858, Clark (Fair to Southcross), shall be **revised by decreasing** SAP WBS Element 23-00858-05-06 entitled Project Contingency, SAP GL account 5201140, by the amount of \$143,022.13.

SECTION 4. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00858, Clark (Fair to Southcross), shall be **revised by decreasing** SAP WBS element 23-00858-90-06 entitled Transfer from GO-00045-01-01-36, SAP GL account 6101100, by the amount of \$143,022.13.

SECTION 5. The amount of \$143,022.13 is **reverted** in SAP Fund 45905001, 2008 GO Streets, SAP WBS GO-00201-01-01-51, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00858-90-01. The amount of \$143,022.13 is authorized to be transferred from SAP Fund 45099000.

SECTION 6. The amount of \$143,022.13 is **appropriated** in SAP Fund 45905001, 2008 GO Streets, SAP WBS GO-00201-01-01-08-01, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 40-00009-90-02. The amount of \$143,022.13 is authorized to be transferred to SAP Fund 45099000.

SECTION 7. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00009, DeZavala, Phase I (Babcock to Cogburn), shall be **revised by increasing** SAP WBS element 40-00009-90-02 entitled Transfer from GO-00201-01-01-08-01, SAP GL account 6101100 – Interfund Transfer In, by the amount \$143,022.13.

SECTION 8. The amount of \$143,022.13 is **appropriated** in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00009, DeZavala, Phase I (Babcock to Cogburn), SAP WBS Element 40-00009-05-02-01, entitled Construction-City, SAP GL Account 5201140, and is authorized to be encumbered and made payable to Ansley Steubing Farm Apartments, LLC, for a Release Discharge and Settlement Agreement.

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations 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. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio.

SECTION 10. 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 on this th day of October, 2017.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney