



City of San Antonio

Agenda Memorandum

File Number:13-744

Agenda Item Number: 35.

Agenda Date: 11/7/2013

In Control: City Council A Session

DEPARTMENT: Center City Development Office

DEPARTMENT HEAD: Lori Houston

COUNCIL DISTRICTS IMPACTED: Council District 1

SUBJECT:

Creation of a Public Facilities Corporation for future designation as the City's land bank.

SUMMARY:

This Resolution authorizes the creation of the HemisFair Park Public Facilities Corporation for future designation as the City's land bank to which the City intends to transfer title to the City-owned property that comprises HemisFair Park in accordance with State law.

BACKGROUND INFORMATION:

In September 2009, City Council voted to establish the HemisFair Park Area Redevelopment Corporation ("HPARC"), a Local Government Corporation, to develop a plan for the re-development of the HemisFair site and adjacent areas. On February 9, 2012, City Council approved HPARC's Framework and Master Plan as the conceptual strategy for the redevelopment of the original HemisFair site. The Master Plan envisions balanced land use within the HemisFair site, with mixed-use development, a blend of open space, plazas, courtyards and civic, commercial and residential uses. To implement the Master Plan, the City will be seeking to transfer ownership of some land currently comprising HemisFair Park to HemisFair Park Public Facilities Corporation .

Texas law generally requires an election prior to a city's transfer of title to land that has been designated as a city park, such as HemisFair Park. However, the 83rd Regular Texas Legislature amended Chapter 379C of the Texas Local Government Code to add Section 379C.014 (the *Land Bank Statute*). This new statute authorizes the City to convey title to the property that now comprises HemisFair Park to a land bank without an election, subject to any deed restrictions that the City adopts, before January 1, 2014, so long as at least 18 acres of

dedicated public squares or parks remain after the conveyance.

Chapter 303, as amended, Texas Local Government Code (*Chapter 303*) permits the City to create a public facilities corporation, having all of the powers provided under Chapter 303 and those of a Texas non-profit corporation created under Chapter 22, as amended, Texas Business Organization Code, to act as a public corporation, constituted authority, and instrumentality of the City for the purposes of acquiring, constructing, rehabilitating, renovating, repairing, equipping, furnishing, and placing in service public facilities. The City has identified a public facilities corporation as the appropriate entity to serve as a land bank under the Land Bank Statute to most efficiently and economically receive and subsequently transfer title to the HemisFair Park land in the manner consistent with the Master Plan, and Section 379C.014.

This Resolution approves the Articles of Incorporation and Bylaws of the HemisFair Park Public Facilities Corporation (the *Corporation*) and authorizes City staff to take such additional action as necessary to allow for the organization and creation of the Corporation so that it is authorized under Texas law to accept title to the subject HemisFair Park land by a date prior to the January 1, 2014 deadline that is specified in the Land Bank Statute. This Resolution also names the Corporation's Board of Directors, which is comprised of the members of the City Council.

ISSUE:

Creation of the HemisFair Park Public Facilities Corporation to serve as the City's designated land bank under the Land Bank Statute is necessary to transfer title to land that comprises HemisFair Park in accordance with the Land Bank Statute.

ALTERNATIVES:

Failure to create a land bank and transfer title of HemisFair Park land prior to January 1, 2014 under the Land Bank Statute will preclude the City's ability to further transfer title of such land, as contemplated under the Master Plan, without first conducting an election concerning the matter.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends approval of this Resolution approving the Articles of Incorporation and Bylaws of the HemisFair Park Public Facilities Corporation and otherwise authorizing its creation.