



# City of San Antonio

## Agenda Memorandum

**File Number:** 13-1154

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**Agenda Item Number:** 5.

**Agenda Date:** 12/5/2013

**In Control:** City Council A Session

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**DEPARTMENT:** Center City Development Office

**DEPARTMENT HEAD:** Lori Houston

**COUNCIL DISTRICTS IMPACTED:** Council District 1

### **SUBJECT:**

Multiple actions that facilitate the redevelopment of Hemisfair Park as envisioned by the previously adopted Hemisfair Park Master Plan.

### **SUMMARY:**

State law provides for the conveyance of portions of Hemisfair Park to a land bank for future development provided at least 18 acres within the remaining areas of the Park are dedicated as parkland. This will result in more park space than currently exists.

Multiple actions are necessary to utilize this law including: 1) adoption of an Urban Land Bank Demonstration Program and approving the Hemisfair Park Public Facilities Corporation created last month by City Council as a land bank of the City of San Antonio; 2) declaration of a change in use of existing parkland within Hemisfair Park, and adopting the necessary findings for that declaration; 3) dedication of no less than 18 acres of public squares and parkland within Hemisfair Park; and 4) conveyance of portions of Hemisfair Park to the Hemisfair Park Public Facilities Corporation.

City Council previously took action to create the Hemisfair Park Public Facilities Corporation and adopted its articles of incorporation and bylaws. City Council will convene as the Corporation and hold its organizational meeting to elect its officers, adopt its Bylaws, acknowledge the City's approval as a land bank and accept the City's conveyance of title to portions of Hemisfair Park.

### **BACKGROUND INFORMATION:**

Texas law generally requires an election prior to a city's transfer of title to land that has been owned as a city

park, such as portions of Hemisfair Park. However, the 83<sup>rd</sup> Regular Texas Legislature amended Subtitle A, Title 12, Local Government Code, Chapter 379C (the “Code”) to add an exception to this requirement. The election requirement will not apply to any land in Hemisfair Park to which the City transfers title to a land bank, provided not less than 18 acres of dedicated public squares or parks remain in Hemisfair Park after the conveyance. This item designates at least 18 acres of public squares or parkland within Hemisfair Park to comply with the requirements of Code § 379C.014.

Prior to the transfer of title to property within Hemisfair Park, there is a separate statutory requirement contained in Chapter 26 of the Texas Parks and Wildlife Code which requires City Council to conduct a public hearing regarding the change in use of the parkland after which City Council must make two specific findings: 1) that there is no feasible and prudent alternative to the proposed change in the use; and 2) that the proposed project contains all reasonable planning to minimize harm to the land as a park. These findings are based on the proposed change in use of portions of land within Hemisfair Park from dedicated park land to other uses consistent with the HemisFair Master Plan previously approved by the City Council on February 9, 2012.

On November 7, 2013, City Council authorized the creation of the Hemisfair Park Public Facilities Corporation for the purpose of receiving title to portions of Hemisfair Park. Articles of Incorporation for the Corporation have been filed with the Secretary of State and a Certificate of Incorporation has been received by the City. As a newly created entity, the Corporation will conduct its organizational meeting during the December 5, 2013 City Council meeting and authorize the acceptance of the land to be held by the Corporation in its role as the City’s land bank. During this meeting, the board of directors will adopt the Corporation’s bylaws and elect its officers.

As the City’s land bank, the Hemisfair Park Public Facilities Corporation will assist with the development of the land it receives from the City in a manner consistent with the Hemisfair Master Plan.

**ISSUE:**

The exercise of the City’s authority under Code § 379C.014 requires the adoption of an Urban Land Bank Demonstration Program, the approval of the Hemisfair Park Public Facilities Corporation as the City’s land bank, and the dedication of at least 18 acres of public squares or parks in Hemisfair Park, all to take place before January 1, 2014 in order to develop portions of Hemisfair Park without a public election. Failure to meet these requirements will prevent the City’s conveyance of Hemisfair Park property to the City’s land Bank and may delay the realization of the goals of the approved Hemisfair Master Plan.

**ALTERNATIVES:**

Should the City forego using the exception provided in the Code, the City could seek voter approval to transfer the property. Such action may delay the redevelopment of Hemisfair Park.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Staff recommends approval of this Ordinance.