



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-5634

**Type:** Procedural

**In control:** City Council A Session

**On agenda:** 11/3/2016

**Title:** A Resolution of the City of San Antonio, Texas Municipal Facilities Corporation approving a 20 year lease with the San Antonio River Authority for the property located at 1901 South Alamo Street for improvements related to the San Pedro Creek Improvements Project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment I. Fee Simple Exhibit, 2. Attachment II. Subsurface Easements Exhibit, 3. Attachment III. TCE Dolorosa Commerce, 4. Attachment IV. Calder Restriction Street Exhibit, 5. Attachment V. Gatehouse Exhibit, 6. Attachment V. Private Sewer Line Exhibit, 7. Draft Ordinance A, 8. Draft Ordinance B, 9. Draft Resolution C, 10. Draft Ordinance D, 11. Resolution MFC 2016-11-03-0001R

Date	Ver.	Action By	Action	Result
11/3/2016	1	City Council A Session	approved	Pass

**DEPARTMENT:** Center City Development and Operations

**DEPARTMENT HEAD:** John Jacks

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Consideration of the following items related to the San Pedro Creek Improvements Project located in Council District 1:

- A. An Ordinance authorizing the declaration as surplus and conveyance of four City owned real property interests along or near the existing San Pedro Creek to the San Antonio River Authority; authorizing the execution of three joint use agreements with the San Antonio Water System and three joint use agreements with CPS Energy; and waiving associated fees.
- B. An Ordinance restricting Calder Street, located in City Council District 1 between Commerce and Dolorosa Streets, to pedestrian and emergency vehicle use.
- C. A Resolution of the City of San Antonio, Texas Municipal Facilities Corporation approving a 20 year lease with the San Antonio River Authority for the property located at 1901 South Alamo Street for improvements related to the San Pedro Creek Improvements Project.

- D. An Ordinance approving actions taken by the City of San Antonio, Texas Municipal Facilities Corporation with regard to the approval of a 20 year lease with the San Antonio River Authority for the property located at 1901 South Alamo Street for improvements related to the San Pedro Creek Improvements Project

### **SUMMARY:**

The following are considerations of a vehicular restriction and real property interests in order to complete the San Pedro Creek Improvements Project, a joint collaborative agreement between Bexar County and SARA, totaling an estimated value of \$593,620.00.

- A. The sale in fee simple of a 400 square foot land area out of a City-owned property located at 322 W. Commerce for the construction of a permanent stairwell within NCB 254, in Council District 1. (Attachment I)

The granting of two, subsurface easements in City-owned property located at 322 W. Commerce for two, 15 foot-wide wall stability anchors within NCB 254, in Council District 1. (Attachment II)

Authorizing the use a portion of a City-owned property located at 322 W. Commerce through a temporary construction easement within NCB 254, in Council District 1. (Attachment III)

In addition, the City will be administratively executing a total of six joint use agreements with the San Antonio Water System and CPS Energy necessary for utility relocations and waiving associated fees associated with the San Pedro Creek Project.

- B. The restriction of vehicular traffic along Calder Street right-of-way located between Commerce and Dolorosa Streets adjacent to NCB 117 and NCB 254, in Council District 1, allowing pedestrian traffic with limited use of designated vehicles, as requested by SARA for construction and maintenance. (Attachment IV)

- C. Authorizing a lease to SARA to use 1,532 square feet for a sanitary sewer line and 2,798 square feet for a gatehouse out of a City-owned property located at 1901 S. Alamo within NCB 111, in Council District 1. (Attachment V)

- D. Approving actions taken by the City of San Antonio, Texas Municipal Facilities Corporation with regard to the approval of a 20 year lease with the San Antonio River Authority for the property located at 1901 South Alamo Street for improvements related to the San Pedro Creek Improvements Project.

### **BACKGROUND INFORMATION:**

Bexar County and SARA have a cooperative agreement to complete the design for the San Pedro Creek Improvements Project (the "Project"). The Project will revitalize a two (2) mile segment of the creek through downtown San Antonio beginning at the IH-35 flood tunnel inlet near Fox Tech High School to the confluence with Alazan and Apache Creeks at IH-35 near the stockyards. The Project is expected to enhance the

containment of the 100-year floodplain, restore and improve water quality, reconnect people to a storied and historic natural resource, and catalyze economic growth and drive revitalization efforts. SARA has entered into a contract with Sundt Construction for Phase I of the San Pedro Creek Improvement Project (SPCIP) beginning from northern point at the bypass tunnel inlet next to Fox Tech High School to Cesar Chavez. Construction will occur from January 2017 through December 2018.

The San Antonio River Authority requires various property interests adjacent or near San Pedro Creek, some of which are currently owned or maintained by the City of San Antonio. The provisions of leases, subsurface easements, a temporary construction easement, and the sale of city owned land are necessary in order to complete the San Pedro Creek Project. On October 15, 2015, City Council authorized a similar ordinance conveying 19 city owned property interests to the San Antonio River Authority for purposes of the San Pedro Creek project.

The City of San Antonio Texas Municipal Facilities Corporation (TMFC) was created on February 15, 2001, by Resolution No. 2001-07-11 pursuant to Subchapter D of Chapter 431, Texas Transportation Code, to aid and act on behalf of the City to acquire, construct, equip, finance, operate and maintain land and facilities for the City at the request of the City Council. On December 31, 2001, the TMFC was conveyed a 5.37 acre tract which includes a small portion of the lands to be included in the San Pedro Creek Improvement Project. As a result, SARA has requested a lease covering 1,870 square feet and 2,915 square feet from the TMFC to install a sewer line and gatehouse, respectively.

This ordinance action is consistent with City Code and Ordinances, which require City Council approval for the disposition of City-owned or controlled real property. All City departments have been canvassed regarding the conveyance of these property interests, and the Planning Commission made a recommendation for City Council approval of this item on October 12, 2016.

## **ISSUE:**

The San Antonio River Authority (SARA) has requested the vehicular access restriction and conveyance of real property interests owned by the City of San Antonio along and near San Pedro Creek. The conveyance of these real property interests and the Joint Use Agreements with CPS and SAWS are needed for the development of the San Pedro Creek Improvements Project.

## **ALTERNATIVES:**

City Council could choose not to authorize the vehicular access restriction and conveyance of real property interests; however that would prevent the San Antonio River Authority from constructing essential components of the San Pedro Creek Improvements Project.

## **FISCAL IMPACT:**

The conveyance of these property interests will result in the loss of parking revenues in the estimated amount of \$16,102 from the City owned parking lot located at 322 W. Commerce. However, the ad valorem taxes and sales taxes resulting from the redevelopment along San Pedro Creek will be much greater than the actual loss in

parking revenue.

In recognition of the project's public purpose and further public use upon completion, staff recommends costs and fees associated with the conveyances being requested by the San Antonio River Authority be waived with the exception of the \$10 and other good and valuable consideration required for Item C above with respect to the lease with the Texas Municipal Facilities Corporation ("TMFC"). The value of the conveyances was determined to be \$593,620.00, and will be considered a portion of the city's contribution towards the San Pedro Creek Improvements Project.

## **RECOMMENDATION:**

Staff recommends authorizing following items related to the San Pedro Creek Improvements Project located in Council District 1:

- A. An Ordinance authorizing the declaration as surplus and conveyance of four City owned real property interests along or near the existing San Pedro Creek to the San Antonio River Authority; authorizing the execution of three joint use agreements with the San Antonio Water System and three joint use agreements with CPS Energy; and waiving associated fees.
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