



City of San Antonio

Agenda Memorandum

File Number:15-5698

Agenda Item Number: 19.

Agenda Date: 10/29/2015

In Control: City Council A Session

DEPARTMENT: City Attorney's Office

DEPARTMENT HEAD: Martha G. Sepeda, Acting City Attorney

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Settlement of a lawsuit styled *Rogers Shavano Ranch, Ltd, et al v. City of San Antonio*

SUMMARY:

This item would authorize the settlement of a lawsuit styled Rogers Shavano Ranch, Ltd, et al v. City of San Antonio, 131st Judicial District Court Cause No. 2006-CI-14306, Fourth Court of Appeals Nos. 04-11-00871 and 04-11-00872.

BACKGROUND INFORMATION:

This lawsuit, filed in 2006 in Bexar County District Court, arose out of a dispute of land development rights under Chapter 245 of the Texas Local Government Code, commonly referred to as "vested rights." The City has contested these claims. The case has included appeals to the Fourth Court of Appeals and the Texas Supreme Court.

The parties have reached an agreement to settle this dispute subject to City Council approval. This settlement would provide for agreed upon land development standards to include impervious cover requirements, dedication of land for future City streets and the extension of the Salado Hike and Bike Trail. The agreement does not involve payment of funds or attorneys fees.

ISSUE:

City Council must approve agreements involving real property such as those included in the settlement of this lawsuit.

ALTERNATIVES:

If this settlement is not approved by City Council, this dispute will continue. It is in the best interest of the City to settle this lawsuit to avoid the uncertainties and risks associated attendant to litigation.

FISCAL IMPACT:

There is no fiscal impact associated with this matter.

RECOMMENDATION:

Staff recommends approval of this settlement.