



# City of San Antonio

## Agenda Memorandum

**File Number:**17-6526

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**Agenda Item Number:** 9.

**Agenda Date:** 1/18/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, P.E.

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:** Disposition: Improved Public Waterway Right-of-Way (ROW) Closure

### SUMMARY:

An ordinance authorizing the closure, vacation and abandonment of 1.473 acres (64,169.70 square feet) of public waterway ROW located between East Market Street and East Commerce Street, near Bowie Street, in NCB 13812, as a means to update property legal descriptions since the waterway designation is no longer necessary on this land area.

### BACKGROUND INFORMATION:

This action is a city-initiated request to close, vacate and abandon 1.473 acres (64,169.70 square feet) of a public waterway right-of-way (ROW) located between East Market Street and East Commerce Street, near Bowie Street, in NCB 13812. This request will remove the 'Public Waterway ROW' designation on a 0.801 acre tract where the Marriot Riverwalk Hotel sits as well as on a 0.672 acre tract where the City of San Antonio's Marina Parking Garage is located. Removal of the ROW designation will properly update the property legal descriptions.

New City Block 13812 located between East Market Street and East Commerce Street near Bowie Street was acquired by the City of San Antonio in 1966 from the Urban Renewal Agency and platted as a 5.009 acre public waterway ROW in 1988 as part of the City's Civic Center Project. A public waterway ROW is a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, etc. open or dedicated to the public. The original intent of the purchase and plat of the property as a public waterway appears to be part of a previous effort by the City of the San Antonio to redevelop the area around the Convention Center and Hemisfair downtown along the San Antonio River to include a hotel, public parking

garage and river access via a public boat marina. The San Antonio River was not expanded in the areas that this agenda item recommends removal of the waterway designation.

This item's request is to close, vacate and abandon 1.473 acres out of the original 5.009 acres of public waterway ROW. Currently located on the 1.473 acres are the Marriott Riverwalk Hotel (0.801 acres) and a portion of the City of San Antonio's Marina Parking Garage on (0.672 acres). In June 2016 by Ordinance 2016-06-30-0511, the City declared the 0.801 acres where the Marriott Riverwalk Hotel sits as surplus and authorized the sale of the property to the current hotel operator, HMH Rivers L.P. HMH Rivers L.P. intends to finance and invest \$10.0 million in upgrades and renovations to the hotel. The City and HMH Rivers L.P. are ready to finalize the sale. However, the Public Waterway ROW must be closed, vacated and abandoned prior to conveyance to avoid any title defects. Today's action also will remove a portion of the City-owned Marina Parking Garage that current falls within the public waterway ROW designation since there is no longer a need for this designation to remain.

The removal of the public waterway ROW designation on the subject property was canvassed throughout city departments and utilities with no objections.

In accordance with Municipal Code, Chapter 37, signs were placed near the proposed closures, and letters sent to property owners identified within a 500' radius, to provide notice and the public hearing date of the proposed closure. City staff in the Center City Development Office also reached out to downtown stakeholders to make them aware. No opposition has been received through these efforts.

#### **ISSUE:**

This action is a city-initiated request to close, vacate and abandon 1.473 acres (64,169.70 square feet) of a public waterway right-of-way (ROW) located between East Market Street and East Commerce Street, near Bowie Street, in NCB 13812. This request will remove the 'Public Waterway ROW' designation on a 0.801 acre tract where the Marriot Riverwalk Hotel sits as well as on a 0.672 acre tract where the City of San Antonio's Marina Parking Garage is located.

If the public waterway ROW closure request is approved, the sale of city-owned property to HMH Rivers L.P., as authorized under Ordinance 2016-06-30-0511, can proceed and the ROW designation will be removed to avoid title issues. In addition, the ROW designation will be removed from the abutting city-owned Marina Parking Garage. Removal of the ROW designation will properly update the property legal descriptions.

#### **ALTERNATIVES:**

City Council could choose not to authorize this request. However, if the request is not approved, the public waterway ROW designation could create a cloud on the title of the property after the sale to the hotel. The public waterway ROW designation will also remain in the legal description of the Marina Parking Garage.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with this request since it is city-initiated to update legal descriptions impacting properties located within New City Block 13812.

**RECOMMENDATION:**

The Planning Commission reviewed and recommended this request at its regular meeting on December 13, 2017. Staff recommends approval of this request to close, vacate and abandon a 1.473 acres of public waterway ROW, updating the legal descriptions for the properties where the Marriott Riverwalk Hotel and the City's Marina Parking Garage are located.