



# City of San Antonio

## Agenda Memorandum

**File Number:**18-4228

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**Agenda Item Number:** 11.

**Agenda Date:** 8/30/2018

**In Control:** City Council A Session

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**DEPARTMENT:** World Heritage Office

**DEPARTMENT HEAD:** Colleen Swain

**COUNCIL DISTRICTS IMPACTED:** 3

### **SUBJECT:**

City of San Antonio to quitclaim an approximate 6.147-acre tract of land formerly owned by the City of San Antonio and to be conveyed to the United States Department of the Interior-National Park Service via the San Antonio River Authority.

### **SUMMARY:**

This Ordinance authorizes the City of San Antonio to quitclaim an approximate 6.147-acre tract of land previously owned by City of San Antonio, currently owned by the San Antonio River Authority and to be conveyed to the United States Department of the Interior-National Park Service as part of the San Antonio Missions National Historical Park.

### **BACKGROUND INFORMATION:**

On May 10, 2006, the U.S. Army Corps of Engineers (USACE) and the San Antonio River Authority (SARA) entered into a Programmatic Agreement to provide ecosystem restoration and recreation opportunities along the eight-mile Mission Reach portion of the San Antonio River, in a project known as the Mission Reach Ecosystem Restoration and Recreation Project. The project included various restoration features, such as utilities, storm water outfalls, roads, sidewalks, parking lot relocations, bridge modifications, channel slope and over-bank erosion protection, planting native vegetation, and approximately 55,800 linear feet of multi-purpose trail, shade shelters, and picnic tables.

In an effort to support the Mission Reach Ecosystem Restoration and Recreation Project, the City of San Antonio (City) conveyed City property from Alamo Street to Loop 410 to the SARA, which took the lead as

project manager for the endeavor. As a condition to the cooperation and funding required for the project, the USACE required that the SARA have fee title to all real property involved in the project. Through Ordinance 2009-11-19-0937, the City Council authorized the conveyance of 10 parcels of City land to the SARA for the development of Phase III and IV located in Council District 3.

In October 2013, the Mission Reach Ecosystem Restoration and Recreation Project was completed. The project represents a \$271.4 million investment by the City, Bexar County, USACE, San Antonio Water System, and private donors through the San Antonio River Foundation. Prior to completion of the project, the USACE and SARA anticipated an adverse effect on the cultural landscape of properties adjacent to the river and within the boundary of the San Antonio Missions National Historical Park. These adverse effects were evaluated by the USACE, in consultation with the Texas State Historic Preservation Officer, as required under Section 106 of the National Historic Preservation Act. In order to mitigate these adverse effects, in 2015, the City of San Antonio, Bexar County, the SARA and National Park Service signed a Letter of Intent to transfer ownership of lands within the boundaries of the San Antonio Missions National Historical Park, by the passage of public lands title contained in the National Defense Authorization Act of 2014. As a result, approximately 45.65 acres of land adjacent to the San Antonio Missions National Historical Park is to be conveyed to the U.S. Department of the Interior-National Park Service. These lands have similar cultural significance to those lands impacted by the project and are part of the same contiguous cultural landscape. This transaction includes one of the 10 parcels of City land that was conveyed to the SARA in 2009. This tract of land is part of the historic farm lands of Mission San Juan known as the *labores*, which the National Park Service will incorporate into its interpretive and educational programming.

In spring 2018, the U.S. Department of the Interior-National Park Service and the SARA entered into an Agreement to Initiate a Land Exchange for the aforementioned and affected properties. The SARA has legal ownership of these non-Federal lands proposed for the exchange and the exchange is being executed at the expense of the SARA. Upon review by the U.S. Department of the Interior-National Park Service, Intermountain Region Office, one of the parcels previously owned by the City cannot be accepted by the U.S. Department of the Interior-National Park Service due to a restrictive covenant placed by the City and coupled with an automatic transfer, or right of reverter, upon violation of a covenant or condition.

The property at issue, Property ID Number 469586, is approximately 6.147 acres and located in New City Block 10933, City San Antonio, Texas and a portion of Lot 32, San Juan Tract of C Villamain Subdivision Plat as described in Volume 105, Page 29, Deed and Plat Records, Bexar County, Texas. It has been owned by the SARA since 2009. The Ordinance approved by City Council, which allowed the City to convey property to the SARA, included language outlining four conditions for the transfer. The conditions included construction of a park along the San Antonio River, maintaining the park in a condition satisfactory to the City, keeping the park open on all days during hours the City's parks are generally open to the public, and not restricting public activities in the park more severely than such activities are restricted generally in the parks of the City. At any time that the SARA fails to fulfill any of the aforementioned conditions, the City has the right to re-enter and assume control of all property conveyed under the Ordinance. The maintenance and operations of the park and tract of land, as well as the conditions set forth by the City will resume under the U.S. Department of the Interior-National Park Service. However, due to the Department of Justice Title Standards, Section 6.2, the City must remove the condition to re-enter by a quitclaim in order for the U.S. Department of the Interior-National Park Service to accept Property ID Number 469586.

The National Park Service will perpetually maintain the land as part of the cultural landscape of San Antonio Missions National Historical Park. The land will remain open space until eventually it will be returned to its historic agricultural use. The recreational trail that cuts through the property will continue to be maintained as part of the Mission Reach trail system providing public access to these lands daily from sunrise to sunset.

**ISSUE:**

This ordinance authorizes the City of San Antonio to quitclaim ownership of an approximately 6.147-acre tract that was conveyed to the San Antonio River Authority in 2009 as part of the San Antonio River Mission Reach Ecosystem Restoration and Recreation Project. This action will allow the U.S. Department of the Interior-National Park Service to accept the 6.147-acre tract from the San Antonio River Authority and mitigate the adverse impact to the cultural landscape of the San Antonio Missions National Historical Park.

**ALTERNATIVES:**

The City could maintain the conditions on this property. However it will prevent the San Antonio River Authority from conveying this parcel to the National Park Service and fulfilling the obligations of the Letter of Intent signed by all parties in 2015.

**FISCAL IMPACT:**

There is no fiscal impact to the City since the land was already conveyed to the San Antonio River Authority in 2009.

**RECOMMENDATION:**

Staff recommends a Resolution to quitclaim ownership of the 6.147-acre tract in order for the San Antonio River Authority to convey the land to the U.S. Department of the Interior-National Park Service.