City of San Antonio

Agenda Memorandum

File Number:21-3875

Agenda Item Number: 24.

Agenda Date: 6/17/2021

In Control: City Council A Session

DEPARTMENT: Center City Development and Operations

DEPARTMENT HEAD: John Jacks

COUNCIL DISTRICTS IMPACTED: Council District 1

SUBJECT: Property boundary adjustment between the City of San Antonio and CPS Energy on the Villita Assembly Building property located at 401 Villita Street in NCB 124.

SUMMARY: Consideration of the following ordinances associated with the boundary adjustment and clarification of ownership at CPS Energy's Villita Assembly Building property.

A. An ordinance authorizing the City of San Antonio to transfer use and control to CPS a 0.100 acre (4,374 square feet) tract of land located at 401 Villita Street in NCB 124 that was dedicated by CPS Energy to the City of San Antonio by Ordinance 18,763 in 1953 for the expansion of Arneson Theatre.

B. An ordinance authorizing the transfer of use and control from CPS to the City of San Antonio of a 0.042 acre (1,842 square feet) tract of land located at 401 Villita Street in NCB 124 which abuts King Phillip V Alley and includes public restrooms, sidewalk and stairs.

BACKGROUND INFORMATION:

These ordinances will authorize the City of San Antonio to transfer use and control of a 0.100 acre (4,374 square feet) tract of land located at 401 Villita Street in NCB 124 that was dedicated by CPS Energy to the City of San Antonio in 1953 for the expansion of Arneson Theatre; and to accept from CPS use and control of a 0.042 acre (1,842 square feet) tract of land located at 401 Villita Street in NCB 124 which abuts King Phillip V Alley and includes public restrooms, sidewalk and stairs. This boundary adjustment is necessary to clarify ownership of public improvements and to clear title prior to CPS Energy selling the property to a third party.

ISSUE:

CPS Energy is preparing to sell the property located at 401 Villita Street, known as the Villita Assembly Building. While conducting due diligence, the prospective buyer identified Ordinance 18763, authorized in 1953, which dedicated 0.100 of an acre (4,374 square feet) of the property to the City of San Antonio for the expansion of Arneson Theatre. The property was never utilized for the intended purpose, and the City has no plans for theater expansion into the walled patio area. The 1953 dedication was also never recorded, allowing the City's right to the property to go largely undetected for decades. When CPS Energy most recently platted the property in 2012, the 1953 dedication was not acknowledged.

The boundary of the 1953 dedication extends diagonally across the Villita Assembly Building patio and includes public walkways and half of the public restroom building. The other half of the restroom and a portion of the public walkway are currently located on CPS Energy property.

A boundary adjustment is proposed to clarify ownership before the property is sold to a third party. In a single coordinated action, the City will first transfer the 0.100-acre property back to CPS, effectively reversing the 1953 dedication. Then, CPS will transfer to the City a 0.042-acre (1,842 square foot) tract along King Phillip V Alley containing the public restroom and walkways. Following the boundary clarification actions, CPS Energy will replat the property and is expected to dedicate 0.024 acres of right-of-way to the City at that time.

This mutual boundary adjustment will remove the City's interest in the CPS property, aligning title documents with the longtime use and current maintenance responsibilities of the properties. The cleanup will also locate public improvements entirely on City-owned property. Lastly, this will clear title issues related to the Villita Assembly Building patio, allowing the property to be sold to a third party. City staff may also negotiate with the future buyer regarding any necessary maintenance agreements to clarify maintenance responsibilities, including but not limited to those pertaining to the retaining wall.

Approval of these requests will allow CPS Energy to transfer the property that will be sold, while transferring use and control of other property to the City for continued public use. These actions will also clear title for the future buyer.

ALTERNATIVES:

City Council could choose not to authorize the boundary adjustment actions on the property. This would result in the City retaining rights to property on CPS Energy's walled and fenced patio, with no intent for future use. The restroom building would remain partially on CPS Energy property, which may present challenges in the future. The proposed actions are recommended to resolve an unrecorded 1953 action, and provide clarity for all parties in future real estate matters.

FISCAL IMPACT:

There is no fiscal impact associated with this request.

RECOMMENDATION:

Staff recommends approval of these ordinances authorizing the City of San Antonio to transfer use and control

of a 0.100 acre tract of land located at 401 Villita Street to CPS Energy, and to accept from CPS use and control of a 0.042 acre tract of land which abuts King Phillip V Alley at the same site and includes public restrooms, sidewalk and stairs. The City of San Antonio Planning Commission reviewed this request at its regular meeting on June 9, 2021.