

AN ORDINANCE **96585**

ACCEPTING A DONATION OF 188 LOTS IN THE WHEATLEY HEIGHTS SUBDIVISION ALONG SALADO CREEK AND APPROXIMATELY 62 ACRES OF PROPERTY LOCATED NEAR HUEBNER ROAD AND SALADO CREEK, FROM RICHARD SCHAEFER, JOHN SCHAEFER AND THE FARMCO TRUST IN CONNECTION WITH A PREVIOUSLY APPROVED COMPROMISE AND SETTLEMENT AGREEMENT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS, AS FIRST REVIEWED AND APPROVED BY THE CITY ATTORNEY, TO FACILITATE SUCH ACCEPTANCE.

* * * * *

WHEREAS, the City of San Antonio was a Defendant in two lawsuits styled:

- a) *The Farmco Trust, et al. v. City of San Antonio*, Cause No. 2000-CI-04602, was filed on March 27, 2000 in the 288th Judicial District Court of Bexar County, Texas,
- b) *R. Brooks Hardee, Trustee of the Farmco Trust et al v. City of San Antonio*, et al. Cause No. 2000-CI-17663 was filed on December 12, 2000 in the 57th Judicial District Court of Bexar County, Texas; and

WHEREAS, both cases were settled pursuant to a Compromise and Settlement Agreement, approved by City Ordinance No. 96064 on July 10, 2002, a copy of which Compromise and Settlement Agreement is attached as **EXHIBIT A**; and

WHEREAS, as a part of the settlement, Plaintiffs agreed to donate 188 lots located in the Wheatley Heights Subdivision and 62 acres located near Huebner Road and Salado Creek to the City of San Antonio, such lots and acreage ("Property") are listed in **EXHIBITS B** and **C** attached hereto; and

WHEREAS, it is in the best interest of the City of San Antonio to accept the donation of the Property which will add to the Salado Creek linear park and which may be used to control future flooding; and

WHEREAS, the donation of the Property must be accepted by the City of San Antonio before November 15, 2002; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

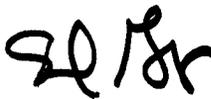
SECTION 1. The donation of 188 lots in Wheatley Heights Subdivision and 62 acres of property located near Huebner Road and Salado Creek is hereby accepted from Richard Schaefer, John Schaefer, and The Farmco Trust in connection with a previously-approved

Compromise and Settlement Agreement, a copy of which Compromise and Settlement Agreement is attached hereto as **EXHIBIT A** and incorporated herein as if set out verbatim for all purposes and the 188 lots and 62 acres are listed and described in **EXHIBITS B** and **C** attached hereto, both of which exhibits are also incorporated herein as if set out verbatim for all purposes.

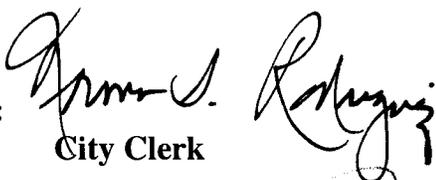
SECTION 2. The City Manager or designee is authorized to execute any and all documents, as first reviewed and approved by the City Attorney, in connection with such acceptance and as deemed necessary to affect the transfer of the lots. Copies of the Special Warranty Deed or deeds from the Schaefers and The Farmco Trust, along with any and all other documents, as executed by the City Manager or designee, will be attached hereto as **EXHIBIT D** and incorporated herein as if set out verbatim for all purposes.

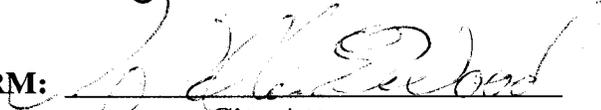
SECTION 3. This Ordinance shall take effect on November 3, 2002.

PASSED and APPROVED this 24th day of October, 2002.


M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney