

AN ORDINANCE **9 8 3 0 5**

APPROVING AN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE SAN ANTONIO WATER SYSTEM ("SAWS") AND THE CITY OF SAN ANTONIO ("COSA") FOR THE TRANSFER OF APPROXIMATELY 1,841 ACRES OF LAND IN BEXAR COUNTY, TEXAS, FROM SAWS TO COSA IN EXCHANGE FOR THE IMPOSITION OF CONSERVATION EASEMENTS ON OTHER PROPERTIES INCLUDING APPROXIMATELY 710 ACRES (THE CHRIS HILL CONSERVATION EASEMENT) AND APPROXIMATELY 855 ACRES (THE LAUDER CONSERVATION EASEMENT) IN FAVOR OF SAWS AND THE ASSUMPTION BY COSA OF CERTAIN OBLIGATIONS FOR PAYMENT OF THE ACQUISITION OF THE LAUDER PROPERTY AND FURTHER AUTHORIZING THE SUBSEQUENT TRANSFER OF APPROXIMATELY 637 ACRES OUT OF THE 1,841 ACRES TO THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION TO BE USED TO FULFILL A PORTION OF THE REQUIREMENTS OF THE PROJECT STARBRIGHT AGREEMENT.

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WHEREAS, the City of San Antonio ("City") other governmental entities; various utility providers, including the San Antonio Water System, and the City of San Antonio, Texas, Starbright Industrial Development Corporation (Corporation") have negotiated an agreement with the Toyota Motor Manufacturing North America, Inc. ("Toyota") under which certain assistance would be provided to Toyota to assist it in development of an auto manufacturing or assembly facility in San Antonio; and,

WHEREAS, one portion of that agreement involves the controls on and the acquisition of certain property that includes tracts totaling 1,841 acres, more or less which is owned in the name of the City and is under the control of the Board of Directors of the San Antonio Water System; and,

WHEREAS, after acquisition of the 1,841 acres the City is authorizing the City Manager to convey 637 acres of the property to the Corporation for subsequent conveyance to Toyota; and,

WHEREAS, the remaining 1204 acres will be held by the City for subsequent conveyance subject to the restrictions imposed in the Project Starbright Agreement as well as under the terms and conditions of the Intrajurisdictional Agreement which is the subject of this ordinance; and,

WHEREAS, concurrently the City of San Antonio is acquiring various properties as part of its Proposition III project that includes, among other tracts, the Chris Hill property (710 acres, more or less) and the Lauder Conservation Easement (855 acres, more or less); and

WHEREAS, the parties have agreed to impose restrictions on the Chris Hill property and the Lauder property in the nature of conservation easements in favor of the SAWS Board as compensation for the property being transferred to the City; and

WHEREAS, the parties have agreed on the valuations set out in the attached Intra-jurisdictional Agreement, subject to adjustments as set out below; **NOW THEREFORE**,

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

SECTION 1. The proposed Intra-jurisdictional Agreement for the transfer of control of approximately 1,841 acres of land from the San Antonio Water System's control to the City of San Antonio as substantially set out in the attached document and subject to certain adjustments noted below, is hereby approved. The City Manager, the Deputy City Manager or any Assistant City Manager is authorized to negotiate the final terms and to execute the final agreement for a period of forty-five days from the date of passage of this ordinance.

SECTION 2. Section 3.07 of the proposed agreement should be revised to indicate that the difference between the Consideration and the Property Value shall be applied to the previously existing obligations between the parties on the 78.39 acre Thrift tract as provided by an agreement approved by City Council by Ordinance 96626 dated October 24, 2002. Further the City Attorney is authorized to substitute updated surveys or legal descriptions for the properties as further clarification of the intent of the draft agreement and to make such other technical corrections as may be necessary to implement this ordinance.

SECTION 3. The City Manager is further authorized to convey the property identified in the Intra-jurisdictional Agreement as the Northern tract, which consists of approximately 637 acres to the City of San Antonio, Texas Starbright Industrial Development Corporation in partial fulfillment of the city's obligations under the Project Starbright Agreement.

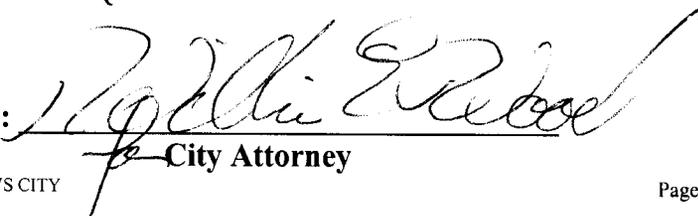
SECTION 4. This ordinance shall be immediately effective if it receives at least eight affirmative votes. Otherwise, it shall be effective on October 19, 2003.

PASSED AND APPROVED this the 9th day of October, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney