

AN ORDINANCE **9 8 3 5 9**

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,950,450.00 TO CHICAGO TITLE COMPANY AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 710.168 ACRE TRACT OF LAND SITUATED ON THE WEST SIDE OF HIGHWAY 211 ACROSS FROM GOVERNMENT CANYON STATE NATURAL AREA IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT OF \$19,750.00 TO THE TRUST FOR PUBLIC LAND AND PAYMENT OF \$19,750.00 TO THE NATURE CONSERVANCY FOR SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE IF PASSED BY AT LEAST EIGHT VOTES.

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WHEREAS, under Proposition 3 of the election held on May 6, 2000, the voters of San Antonio approved an increase in the sales tax to fund the purchase of new parkland in the Edwards Aquifer zones as well as linear parks along Leon Creek and Salado Creek; and

WHEREAS, the ordinance authorizing that election also created the Conservation Advisory Board (CAB) and the Scientific Evaluation Team (SET) to advise the City Council on purchases of property under the program; and

WHEREAS, the SET created a GIS model composed of forty-three (43) different layers of information that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County; and

WHEREAS, the CAB, using that model, has now identified a certain parcel of land for purchase and has recommend purchase of this parcel; and

WHEREAS, the Planning Commission reviewed this purchase on October 22, 2003 and recommended the purchase of this property; **NOW THEREFORE:**

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

Section 1. The City Manager, or her designee, is hereby authorized to execute an assignment agreement with The Nature Conservancy accepting assignment of a purchase contract for the purchase of a certain 710.168 acres of land more or less, located in Bexar County Texas for a purchase price of \$3,950,000.00.

Section 2. The City Manager, or her designee, is hereby authorized to execute any necessary documents to close said purchase.

Section 3. The budget in fund 41-028095, Parks Development Expansion Commercial Paper Fund, shall be revised by reducing index code 684837, entitled Unallocated Appropriations, by the amount of \$3,989,950.00.

Section 4. The amount of \$3,950,000.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674978, entitled Land Acquisition, and is authorized to be encumbered and made payable to Chicago Title Company, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 5. The amount of \$450.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674929, entitled Closing Costs, and is authorized to be encumbered and made payable to Chicago Title Company, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 6. The amount of \$19,750.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674945, entitled Land Agents, and is authorized to be encumbered and made payable to The Trust for Public Land, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 7. The amount of \$19,750.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674945, entitled Land Agents, and is authorized to be encumbered and made payable to The Nature Conservancy, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

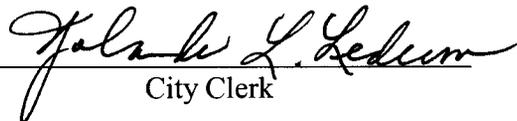
Section 9. Pursuant to and for the purpose of complying with Article II, Section 15 of the City's Charter, this ordinance is hereby passed as an emergency measure and shall be effective immediately upon passage by eight (8) or more affirmative votes for the preservation of public peace, property, health or safety, otherwise the same shall take effect on the tenth day after the date of its passage by the City Council.

PASSED AND APPROVED this 23rd day of October, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney