

AN ORDINANCE 99724

APPROVING A RECONCILIATION AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM ("SAWS"); AUTHORIZING THE PAYMENT TO SAWS OF THE SUM OF \$2,142,471.00 FROM HOTEL OCCUPANCY TAX REVENUE BOND FUNDS, REPRESENTING THE DIFFERENCE BETWEEN (1) THE ADJUSTED EXCHANGE VALUE OF \$3,158,400.00 FOR THE 1.297-ACRE LA SEMANA PROPERTY BOUNDED BY MARKET STREET, WATER STREET/BOWIE STREET, AND I.H. 37, THE USE AND CONTROL OF WHICH PROPERTY WAS RELEASED BY SAWS TO THE CITY IN 1999 FOR THE CONVENTION CENTER EXPANSION PROJECT, AND (2) THE WATER RIGHTS EXCHANGE VALUE OF \$1,095,929.00, FOR APPROXIMATELY 1,174 ACRE FEET OF WATER RELATING TO FOUR WELLS LOCATED ON THE FORMER "VAN DE WALLE PROPERTY", THE USE AND CONTROL OF WHICH WATER RIGHTS WERE RELEASED BY THE CITY TO SAWS IN 1999, INCLUDING IN THE \$2,142,471.00 AMOUNT THE SUM OF \$80,000.00 PAYABLE TO SAWS FOR SEALING THE WELLS, ALL IN ACCORDANCE WITH THE TERMS OF THAT CERTAIN INTRAJURISDICTIONAL AGREEMENT BETWEEN THE CITY AND SAWS, APPROVED BY CITY ORDINANCE NO. 90005 ON JUNE 24, 1999.

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WHEREAS, Ordinance Number 90005, passed and approved on June 24, 1999, authorized an Intrajurisdictional Agreement between the City and the San Antonio Water System (SAWS), providing for the release of the approximately 1.297 acre La Semana Property to the City, in exchange for the release to SAWS of the use and control of water rights for approximately 1,174 acre feet of water associated with four water wells located on the Southwest Business & Technology Park (former "Van de Walle" Property), for which no funds were exchanged in 1999, it being understood that a reconciliation of any differences in value would be forthcoming in 5 years; and

WHEREAS, in accordance with the terms of the Intrajurisdictional Agreement, the City and SAWS wish to execute a Reconciliation Agreement authorizing payment to SAWS of the sum of \$2,142,471.00 to reflect the difference between the Adjusted Exchange Value of \$3,158,400.00 for the La Semana Property released to the City, and the Water Rights Exchange Value of \$1,095,929.00 for the release to SAWS of use and control of approximately 1,174 acre feet of water associated with four wells located on the former "Van de Walle Property", plus, as part of the \$2,142,471.00 difference, the sum of \$80,000.00 payable to SAWS for the sealing of the wells; **NOW THEREFORE;**

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

SECTION 1. The City Manager, Interim City Manager, Deputy City Manager, Assistant City Manager, or an Assistant to the City Manager is hereby authorized to execute (1) a Reconciliation Agreement with the San Antonio Water System (SAWS) in accordance with the terms of the Intrajurisdictional Agreement approved by Ordinance Number 90005, passed on June 24, 1999, authorizing payment to SAWS of the sum of \$2,142,471.00 to reflect the difference between the Adjusted Exchange Value of \$3,158,400.00 for the La Semana Property released to the City, and the Water Rights Exchange Value of \$1,095,929.00 for

the release to SAWS of use and control of approximately 1,174 acre feet of water associated with four wells located on the former "Van de Walle Property", plus, as part of the \$2,142,471.00 difference, the sum of \$80,000.00 payable to SAWS for the sealing of the wells, and (2) any and all other documents, as first reviewed and approved by the City Attorney, necessary to effectuate the intent of this Ordinance. A copy of the Reconciliation Agreement, in substantially final form, is affixed hereto and incorporated herein verbatim for all purposes as Attachment I.

SECTION 2. The amount of \$2,142,471.00 is appropriated in Fund 47-002000, 2004B Hotel Motel Tax Revenue Bonds, in Index Code 942698, entitled "Transfer to Fund 47-099001". The amount of \$2,142,471.00 is authorized to be transferred from Fund 47-002000 to Fund 47-099001.

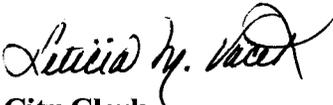
SECTION 3. The budget in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, shall be revised by increasing Index Code 148726, entitled "Trf Fr 47-002000", by the amount of \$2,142,471.00.

SECTION 4. The amount of \$2,142,471.00 is appropriated in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, in Index Code 432856, entitled "SAWS Property Reconciliation Agreement", and is authorized to be encumbered and made payable to the San Antonio Water System in connection with the Future Convention Center Expansion project.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director 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 6. This ordinance shall be effective on the 26th day of September, 2004.

PASSED AND APPROVED this 16th day of September, 2004.

ATTEST: 
City Clerk


M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: 26B. 99724

Date: 09/16/04

Time: 02:38:14 PM

Vote Type: Multiple selection

Description: B. An Ordinance approving a Reconciliation Agreement with the San Antonio Water System ("SAWS"); authorizing the payment to SAWS of the sum of \$2,142,471.00 from Hotel Occupancy Tax Revenue Bond funds, representing the difference between (1) the Adjusted Exchange Value of \$3,158,400.00 for the 1.297-acre La Semana Property bounded by Market Street, Water Street/Bowie Street, and I.H. 37, the use and control of which property was released by SAWS to the City in 1999 for the Convention Center Expansion Project, and (2) the Water Rights Exchange Value of \$1,095,929.00, for approximately 1,174 acre feet of water relating to four wells located on the former "Van de Walle Property", the use and control of which water rights were released by the City to SAWS in 1999, including in the \$2,142,471.00 amount the sum of \$80,000.00 payable to SAWS for sealing the wells, all in accordance with the terms of that certain Intra-jurisdictional Agreement between the City and SAWS, approved by City Ordinance No. 90005 on June 24, 1999.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR ED GARZA	MAYOR		x		