

AN ORDINANCE 2006-06-29-0820

AUTHORIZING THE ACCEPTANCE OF A DONATION OF A 21.112 ACRE TRACT OF LAND, WHICH WILL BE DESIGNATED AS PARK LAND, ALONG SALADO CREEK FROM OAKWELL HOLDINGS, L.L.C.; AUTHORIZING THE ACCEPTANCE OF THE ASSIGNMENT OF A DRIVING RANGE LEASE ON THE 21.112 ACRES; AND AUTHORIZING THE PURCHASE OF AN ASSOCIATED 30-ACRE-FEET OF EDWARDS AQUIFER GROUNDWATER RIGHTS FROM THE TOBIN ENDOWMENT IN CONNECTION WITH THE LINEAR CREEKWAYS DEVELOPMENT PROJECT IN DISTRICT 10.

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WHEREAS, the passage of the Proposition 3 Sales Tax Initiative by referendum in 2000 authorized the collection of a 1/8-cent sales tax to fund the acquisition of properties along Leon and Salado Creeks and subsequent development of Linear Parks; and

WHEREAS, this ordinance will authorize the acceptance of a donation of one tract totaling 21.112 acres of land along Salado Creek in City Council District 10 from the Oakwell Holdings, L.L.C.; and

WHEREAS, this 21.112 acre property has an existing driving range facility which has a lease that will be transferred from the Oakwell Holdings, L.L.C. to the City of San Antonio; and

WHEREAS, the driving range and improvements will be owned by the City of San Antonio with the tenant paying rent for the facility on a yearly basis; and

WHEREAS, the driving range requires frequent watering and currently has an agreement with Oakwell Holdings, L.L.C. to use the groundwater well for irrigation, and these water rights will be transferred to the City at a cost of \$50,000.00; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or her designee or the Director of Parks and Recreation, is authorized to take all necessary administrative steps, including execution of any legal documents after review and approval by the City Attorney or his designee, to accept the donation of a 21.112 acre tract of land, more particularly described on Attachments I and II, from Oakwell Holdings, L.L.C. A copy of the deed in substantially final form is attached hereto and incorporated herein for all purposes as Attachment III.

SECTION 2. The City Manager, or her designee or the Director of Parks and Recreation, is authorized to take all necessary administrative steps, including execution of any legal documents after review and approval by the City Attorney or his designee, to accept the donation of a 0.009 acre tract of land, more particularly described on Attachments I and II, from Tobin Endowment. A copy of the deed in substantially final form is attached hereto under Attachment III.

SECTION 3. The City Manager, or her designee or the Director of Parks and Recreation, is authorized to take all necessary administrative steps, including execution of any legal documents after review and approval by the City Attorney or his designee, to purchase the Edward's Aquifer permitted groundwater rights (EAA Permit No. IRP 2005-P100-337 (BE00115A) associated with the above referenced 21.112 acre tract of land, more particularly described on Attachments I and II, from Tobin Endowment. A copy of the Groundwater Rights Sales Agreement in substantially final form is attached hereto under Attachment III.

SECTION 4. The City Manager, or her designee or the Director of Parks and Recreation, is authorized to execute an Assignment and Assumption of Lease to become the new landlord under that certain lease agreement between Ira Lee Road Corporation as landlord and the Notheast Golf Center, LLC, as Tenant dated July 1, 2001, and to take all other necessary administrative steps, including execution of any legal documents after review and approval by the City Attorney or his designee, to complete this transaction. A copy of the Assignment and Assumption of Lease in substantially final form is attached hereto under Attachment III. A copy of the Lease agreement being assigned to the City is attached hereto and incorporated herein to all purposes as Attachment IV.

SECTION 5. In compliance with the GASB 33, Accounting and Financial Reporting for Nonexchange Transactions, as an in kind value of \$189,350.00 will be recorded to project 26-00064, Salado Creek Greenway. The cost was extracted from the Bexar County Appraisal District's valuation of the property donated to the city.

SECTION 6. The amount of \$61,639.80 is appropriated in fund 29080000, Linear Parks Projects, Internal Order # 3900000000309 GL account 6102100 – Interfund Transfer out entitled Transfer to Fund 40005000. The amount of \$61,639.80 is authorized to be transferred to fund 40005000.

SECTION 7. The budget in fund 40005000, Project Definition 26-00064, Salado Creek Greenway, shall be revised by increasing WBS element 26-00064-90-01 entitled Trf Fr I/O # 3900000000309, GL account 6101100 – Interfund Transfer In, by the amount of \$61,639.80.

SECTION 8. The amount of \$50,0000.00 is appropriated in Fund 40005000, Park Improvements, Project Definition 26-000641, Salado Creek Greenway, WBS element 26-00064-03-02, entitled Land Acquisition, G/L Account 5201110, and is authorized to be encumbered and made payable for land costs.

SECTION 9. The amount of \$1,639.80 is appropriated in Fund 40005000, Park Improvements, Project Definition 26-000641, Salado Creek Greenway, WBS element 26-00064-03-01-08, entitled To Title Company, G/L Account 5201110, and is authorized to be encumbered and made payable for land costs.

SECTION 10. The amount of \$10,000.00 is appropriated in Fund 40005000, Park Improvements, Project Definition 26-000641, Salado Creek Greenway, WBS element 26-00064-03-03, entitled Site Preparation, G/L Account 5204050, and is authorized to be encumbered and made payable for well repairs.

SECTION 11. The City will receive approximately \$31,000.00 per year through a golf driving range lease assignment which will be deposited to the Golf Fund 2909000.

SECTION 12. 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 SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 13. This ordinance shall be effective on and after July 9, 2006.

PASSED AND APPROVED this 29th day of June, 2006



M A Y O R

PHIL HARBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: 58

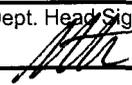
Date: 06/29/06

Time: 06:31:55 PM

Vote Type: Multiple selection

Description: An Ordinance authorizing the acceptance of a donation of a 21.112 acre tract of land, which will be designated as park land, along Salado Creek from Oakwell Holdings, L.L.C.; authorizing the acceptance of the assignment of a driving range lease on the 21.112 acres; and authorizing the purchase of an associated 30-acre-feet of Edwards Aquifer groundwater rights from the Tobin Endowment in connection with the Linear Creekways Development Project in District 10. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		Request For Ordinance/Resolution	
Approval				Consent <input type="checkbox"/> Individual <input type="checkbox"/> Item No. 58 Ord. No.	
Finance	Budget				
Legal Stephen Whitworth	Coordinator				
Date: June 12, 2006		Department: Parks and Recreation		Contact Person/Phone #: Sebastian Guajardo 207-6005	
Date Council Consideration Requested: June 29, 2006		Deadline for Action: ASAP		Dept. Head Signature 	
SUMMARY OF ORDINANCE					
An ordinance authorizing the acceptance of a donation of a 21.112 acre tract of land, which will be designated as park land, along Salado Creek from Oakwell Holdings, L.L.C.; authorizing the acceptance of the assignment of a driving range lease on the 21.112 acres; and authorizing the purchase of an associated 30-acre-feet of Edwards Aquifer groundwater rights from the Tobin Endowment in connection with the Linear Creekways Development Project in City Council District 10. [Presented by Malcolm Matthews, Director, Parks and Recreation; Frances A. Gonzalez, Assistant City Manager]					
Council Memorandum Must be Attached To Original					
Other Depts., Boards, Committees Involved (please specify): This item has been coordinated with the San Antonio Water System, the Planning Commission, the Finance Department, the City Attorney's Office, and the Office of Management and Budget.					
Contract signed by other party Yes <input type="checkbox"/> No <input type="checkbox"/>					
FISCAL DATA (If Applicable)					
Amount Expended					
Fund: N/A	SAP GL Account	Funds/Staffing Budgeted	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
*Cost Center		Positions Currently Authorized	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
*Internal Order No.	*WBS (Capital Proj.)	Impact on future O & M: None			
*(Fill out only the field that is appropriate to your council action.)		If positions added, specify Class and Job No.			
Comments:		Please submit 3 copies with your original			

