

AN ORDINANCE

MAKING A FINDING, PURSUANT TO THE REQUIREMENTS OF TEXAS PARKS AND WILDLIFE CODE CHAPTER 26, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF APPROXIMATELY 4.7 ACRES LOCATED IN THE NORTHEAST CORNER OF ROSEDALE PARK IN CITY COUNCIL DISTRICT 5 FROM PUBLIC PARK USE TO PUBLIC SCHOOL USE AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR THE TRANSFER OF OWNERSHIP THE 4.7 ACRES TO EDGEWOOD INDEPENDENT SCHOOL DISTRICT, IN EXCHANGE FOR APPROXIMATELY 5.9 ACRES OF ADJACENT SCHOOL PROPERTY LOCATED ON RUIZ STREET TO BE DESIGNATED AS PARK LAND.

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WHEREAS, the Edgewood Independent School District (EISD) needs to rebuild the Cenizo Park Elementary School; and

WHEREAS, the current elementary school is on 5.9 acres of school property located on Ruiz Street across from Rosedale Park and the Westside YMCA; and

WHEREAS, EISD has requested to utilize property located in Rosedale Park to build the new elementary school in order to satisfy elementary school guidelines, such as single story and acreage standards that can not be met on their existing school property and to maximize the joint use efficiencies available to elementary schools located immediately adjacent to a city park; and

WHEREAS, Rosedale Park is comprised of 61.8 acres, acquired in 1945; and

WHEREAS, Chapter 253 of the Texas Local Government Code protects parks from being sold without a vote of the public unless the sale is to a governmental entity with eminent domain authority, such as school districts; and

WHEREAS, Chapter 26 of the Parks and Wildlife Code requires that anytime a public park is put to a use other than public park use, the governing body must make a finding, after notice and a hearing, that there is no feasible and prudent alternative to the proposed change in use; and

WHEREAS, the school district is willing to exchange approximately 5.9 acres of school property (the current Cenizo Park Elementary location) for approximately 4.7 acres of park property (the northeast corner of Rosedale Park) and rebuild two soccer fields being displaced by the transfer; and

WHEREAS, the City of San Antonio is currently intending to utilize the existing school facility for services to the public, which may include cultural arts, family services, health screenings, and youth recreation programs for the surrounding community in addition to replacing the public parks uses being displaced in Rosedale Park; and

WHEREAS, this proposed project has been discussed with citizens and neighbors of the park and Cenizo Park Elementary School and the public has indicated its extreme support of the project, as has the EISD School Board and City Councilwoman Patti Radle (District 5); and

WHEREAS, notice was printed in the San Antonio Express News on July 31, 2005, August 7, 2005 and August 14, 2005 on this issue and its proposed consideration by City Council at this City Council meeting; **NOW THEREFORE**

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

SECTION 1. In accordance with chapter 26, Texas Parks & Wildlife Code, the City Council finds that there is no feasible and prudent alternative to the change in use of approximately 4.7 acres located in the northeast corner of Rosedale Park in City Council District 5 from public park use to public school use; and that the proposed land exchange with Edgewood independent School district includes all reasonable planning to minimize harm to the land, as a park, resulting from the public school use.

SECTION 2. The City Manager, or his designee, is hereby authorized to negotiate and execute an agreement with Edgewood Independent School district to exchange approximately 4.7 acres located in the northeast corner of Rosedale Park for approximately 5.9 acres of adjacent school property located on Ruiz Street, more particularly described as a 5.9 acre tract out of Tract A, OCL 6, Range 2, District 5, New City Block 9026 and by the metes and bounds described in that particular deed dated September 29th 1952 and recorded in Volume 3235 page 351 of the real property records of the Bexar County, to be designated as park land, subject to the condition that the 5.9 acres of land to be transferred to the City shall be delivered in such condition as designated by the Director of Parks and Recreation of the City of San Antonio.

SECTION 3. If an agreement, as first reviewed and approved by the City Attorney, is not signed by both parties within one hundred twenty (120) days from the effective date of this ordinance, it becomes null and void, and any further signed documents must be considered by the City Council.

SECTION 4. This ordinance shall be effective on and after September 4, 2005.

PASSED AND APPROVED this 25th day of August, 2005.



M A Y O R

PHIL HARDBERGER

ATTEST: Leticia M. Vaca
City Clerk

APPROVED AS TO FORM: [Signature]
City Attorney

Agenda Voting Results

Name: 4.

Date: 08/25/05

Time: 12:09:59 PM

Vote Type: Multiple selection

Description: 11:30AM TIME CERTAIN: Public Hearing and consideration of an Ordinance making a finding, pursuant to the requirements of Texas Parks and Wildlife Code Chapter 26, that there is no feasible and prudent alternative to the change in use of approximately 4.7 acres located in the northeast corner of Rosedale Park in City Council District 5 from public park use to public school use and authorizing the negotiation and execution of a contract for the transfer of ownership the 4.7 acres to Edgewood Independent School District, in exchange for approximately 5.9 acres of adjacent school property located on Ruiz Street to be designated as park land. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
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	Not present			
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR	Not present			