

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition

DATE: Thursday, November 13, 2003

SUBJECT: S.P. No. 1108 - Request for a license to use 0.1226 of an acre (5,339 square feet) of Public Right of Way under and across W. Military Drive located between Hunt Lane and Rogers Road for the construction of a golf cart-crossing tunnel adjacent to New City Blocks 17642 and 17673

PETITIONER: San Antonio Resort Limited Partners, L.P.
Attn: Michael K. Koesling, Sr. V.P.
1445 Ross Ave., Suite 5000
Dallas, Texas 75202-6029

SUMMARY AND RECOMMENDATIONS

This Ordinance will authorize a license agreement with San Antonio Resort Limited Partners L.P., to use 0.1226 of an acre (5,339 square feet) of Public Right of Way under and across W. Military Drive located between Hunt Lane and Rogers Road for the construction of a golf cart tunnel adjacent to NCBs 17642 and 17673, for a ten (10) year term and the total consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license agreement to use 0.1226 of an acre (5,339 square feet) of Public Right of Way under and across W. Military Drive located between Hunt Lane and Rogers Road for the construction of a golf cart tunnel adjacent to NCBs 17642 and 17673, as shown on Exhibit "A". The proposed 12' x 10' golf cart tunnel would connect the existing 18-hole Hyatt Hill Country Golf Course on the north side of W. Military Drive to a proposed nine (9)-hole golf course and timeshare project that will be developed by the Hyatt Development Corporation on the south side of W. Military Drive.

POLICY ANALYSIS

This action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City.

FISCAL IMPACT

The City will collect \$5,000.00 for this license to use Public Right of Way.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 11/12/2003.

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.

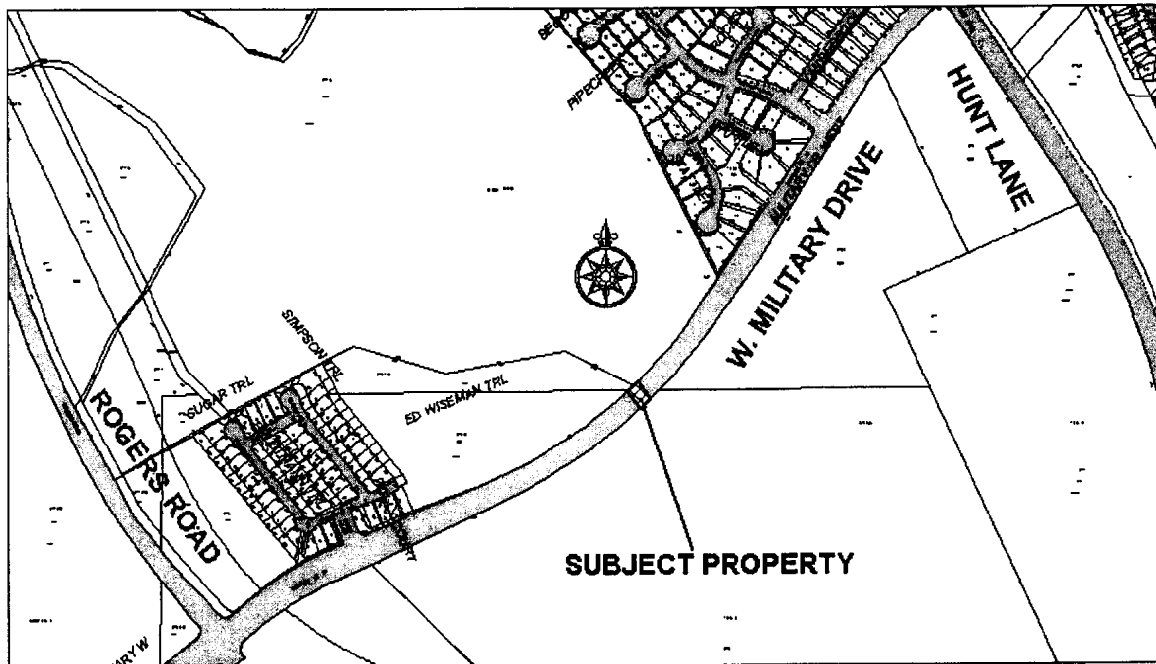


Rebecca Waldman, Director
Department of Asset Management

Approved:



Erik J. Walsh
Assistant to the City Manager



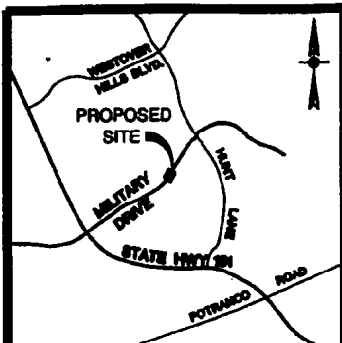
Map of Subject Property



Southerly View of Subject Property

Exhibit "A"

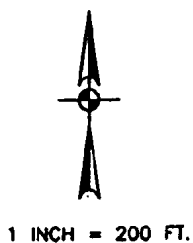
Page 1 of 2



LOCATION MAP

LEGEND

D.P.R. DEED AND PLAT RECORDS
OF BEXAR COUNTY, TEXAS
O.P.R. OFFICIAL PUBLIC
RECORDS OF REAL PROPERTY
OF BEXAR COUNTY, TEXAS
D.R. DEED RECORDS OF BEXAR
COUNTY, TEXAS
P.O.C. POINT OF COMMENCING
P.O.B. POINT OF BEGINNING



LEGACY TRAILS UNIT 2-B SUBDIVISION

P.O.C.

HUNT LANE
(110' PUBLIC RIGHT-OF-WAY)
(VOLUME 924, PAGES 156-162, D.P.R.)

R=2235.73'
L=478.86'
Δ=127°16'19"
CH=S41°36'21"W
Chord=477.95'

EXISTING
HYATT REGENCY RESORT
SAN ANTONIO RESORT
PARTNERS, LTD.
NCB 17673
LOT P-16

LEGACY TRAILS
DEVELOPMENT J.V.

NCB 17642
LOTS P-20
(UNDEVELOPED)

LOT 13, BLK 2
NCB 17671

R=2047.00'
L=53.83'
Δ=01°30'24"
CH=N36°13'24"E
Chord=53.83'

S16°40'54"E
107.94'

MILITARY DRIVE
(60' PUBLIC RIGHT-OF-WAY)
(VOLUME 924, PAGES 163 & 164, D.P.R.)

50' GOLF CART
TUNNEL EASEMENT

0.1226 ACRE
(5,339 SQ. FT.)

N35°28'12"E
8.95'
N53°01'24"W
N52°59'29"W
N16°40'54"W
105.63'

R=2133.00'
L=57.29'
Δ=01°32'20"
CH=S36°14'22"W
Chord=57.29'

P.O.B.
R=2133.00'
L=61.41'
Δ=01°38'58"
CH=S37°50'01"W
Chord=61.41'
HTS-SAN ANTONIO, LTD.
GOLF PARCEL
(96.11 ACRE TRACT)

EXHIBIT
OF
GOLF CART
TUNNEL EASEMENT

Exhibit "A"

Page 2 of 2

PAPE-DAWSON
CIVIL & ENVIRONMENTAL ENGINEERS

A 0.1226-ACRE (5,339 SQUARE FEET) TRACT OF LAND, BEING A GOLF CART
TUNNEL AGREEMENT, OUT OF THE WESTOVER HILLS, UNIT 14 SUBDIVISION
RECORDED IN VOLUME 9524, PAGES 156-164 OF THE DEED AND PLAT RECORDS
OF BEXAR COUNTY, TEXAS.

JOB NO. 5242.03

355 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PH: (210) 375-8000
FAX: (210) 375-8010

Drawing Location: P:\32\42\Design\Survey\Stations\Exhibits\ESMT.dwg

Canvassing Checklist

SPNo 1108

Request: Petitioner is requesting a license to use 0.1226 of an acre (5,339 square feet) of Public Right of Way under and across W. Military Drive located between Hunt Lane and Rogers Road for the construction of a golf cart-crossing tunnel adjacent to New City Blocks 17642 and 17673, as shown on Exhibit "A". The golf cart-crossing tunnel is proposed to connect the existing 18-hole Hyatt Hill Country Golf Course on the North side of W. Military Drive with a proposed nine (9)-hole golf course and timeshare project that will be developed by the Hyatt Development Corporation on the South side of W. Military Drive. The golf cart-crossing tunnel is proposed as a 12 feet by 10 feet concrete box culvert. The additional area is being requested to accommodate the concrete box culvert, a recycled water main crossing and tunnel lighting utilities. Petitioner has agreed to pay for all utility adjustments at its sole expense.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	5/27/2003	7/15/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	5/27/2003	7/28/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	5/27/2003	6/5/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	5/27/2003	6/30/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	5/27/2003	6/5/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input checked="" type="checkbox"/>	5/27/2003	7/15/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input type="checkbox"/>	5/27/2003	9/18/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Canvassed the Fairways at Legacy Trails Homeowners Association.



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

September 22, 2003

Woodbine Development Corporation
Attn: Michael K. Koesling,
Sr. Vice President
1445 Ross Ave., Suite 500
Dallas, Texas 75202-2785

Re: S. P. No.1108 — Request for a license to use 0.1226 of an acre (5,339 square feet) of Public Right of Way under and across W. Military Drive located between Hunt Lane and Rogers Road for the construction of a golf cart-crossing tunnel adjacent to New City Blocks 17642 and 17673

Dear Mr. Koesling:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

PUBLIC WORKS DEPARTMENT: "The petitioner must ensure that a proper roadside design is used to avoid a traffic conflict. Must submit proposed construction procedures to the Public Works Department for review and approval."

CITY PUBLIC SERVICE: "City Public Service has an existing 4-inch supply pressure distribution maintenance at this location. The Gas Engineer must be provided with a full set of plans for the concrete box culvert installation. Any cost associated with this project must be absorbed by the petitioner."

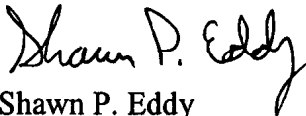
SAN ANTONIO WATER SYSTEM: "Petitioner must agree to reserve a perpetual easement for all existing water and/or water facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner."

Petitioner agrees to pay the total license fee of \$5,000.00 for a 10-year term, which will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the license fee will be returned to the petitioner.

If you concur with the above-mentioned conditions, including the payment of the fee established for this encroachment, please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement, the Certificate of Insurance and the completed Discretionary Contracts Disclosure Statement we will continue processing your request.

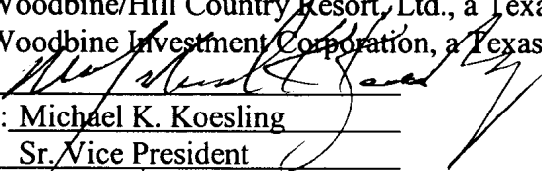
This Letter of Agreement is being offered by the City of San Antonio only to the below named petitioner and will expire thirty (30) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Sincerely,



Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

SAN ANTONIO RESORT LIMITED PARTNERS, L.P., a Texas limited partnership
By: San Antonio Resort Partners I, L.P., a Texas limited partnership, the Managing Member
By: Woodbine/Hill Country Resort, Ltd., a Texas limited partnership, its general partner
By: Woodbine Investment Corporation, a Texas corporation, its general partner
By: 
Name: Michael K. Koesling
Title: Sr. Vice President
Date: October 15, 2003

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

Michael K. Koesling
c/o Woodbine Development Corporation
1445 Ross Avenue, Suite 5000
Dallas, TX 75202-2785

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

San Antonio Resort Limited Partners, L.P.
c/o Woodbine Development Corporation
1445 Ross Avenue, Suite 5000
Dallas, TX 75202-2785

and the name of: Michael K. Koesling

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

Woodbine Development Corporation

and the name of: Michael K. Koesling

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

San Antonio Resort Partners I, L.P.
Woodbine/Hill Country Resort, Ltd.
Woodbine Investment Corporation

¹ A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

- (3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

NONE

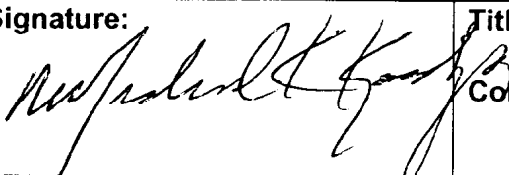
Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
NONE	N. A.	N. A.

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

NONE/N. A.		
Signature: 	Title: Senior Vice President Company: Woodbine Development Corporation	Date: 10/15/03

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.