

**CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
CITY COUNCIL AGENDA MEMORANDUM**

---

**TO:** Sheryl Sculley, City Manager

**FROM:** Shawn P. Eddy, Interim Director of Asset Management

**SUBJECT:** Amendment to Earnest Money Contract for approximately 11.63 acres at Southwest Business & Technology Park

**DATE:** February 16, 2006

**SUMMARY AND RECOMMENDATIONS**

This Ordinance authorizes an Amendment to Earnest Money Contract with the San Antonio Food Bank, Inc. for the sale of approximately 11.63 acres of City-owned property at the Southwest Business & Technology Park in Council District 6, to reduce the size of the property from 17.2 acres to 11.63 acres, add an additional drainage easement and increase the total purchase price to the appraised value of \$582,593.22 and making such authorization effective immediately upon eight affirmative votes.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

In 1997, the City purchased 555.947 acres of property in Southwest San Antonio, known at that time as the Van de Walle Farm. In 1999, the Planning Commission and City Council approved the parcelization plan for the property that recommended the lease or sale of the property. The City has engaged Providence Commercial Real Estate Services to work as the City's real estate brokerage team. Working with the brokers, a comprehensive marketing plan, which included changing the property name to the Southwest Business and Technology Park (SWBTP) was developed and implemented. The real estate brokers have been actively pursuing numerous potential businesses to locate at the SWBTP, including manufacturing, distribution, technology and other businesses.

The Food Bank began discussions with staff and the real estate brokers to acquire property as a location for a food distribution center. As such, pursuant to Ordinance Number 101333, dated September 1, 2005 the Buyer entered into an Earnest Money Contract with the City for the purchase of approximately 17.2 acres of property located at the southwest corner of Old Highway 90 West and State Highway 151. As a result of the Food Bank's due diligence, it was determined that reducing the size of the property would create a more efficient use of the property. As such, the Food Bank requested that the size of the property to be conveyed, be reduced to 11.63 acres as shown in attached Exhibit 'A'.

### **POLICY ANALYSIS**

The sale of this property will facilitate the development plans of the Food Bank as well as fulfill the vision for the development of the Southwest business and Technology Park. This action is consistent with prior City Council direction to sell/lease property in the SWBTP.

### **FISCAL IMPACT**

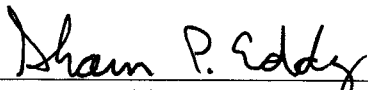
The purchase price of the approximately 11.63 acres was established by an appraisal obtained by the City which stated a value of \$50,094.00 per acre for a total purchase price of \$582,593.22 which is equal to the appraised value as determined by City's appraisal. Additionally, the City will pay: 1) a brokerage fee equal to 6% of the final sales price to Providence Commercial Real Estate Services (a portion of which will be paid to Buyer's broker by Providence Commercial Real Estate Services), as provided in the City Council approved real estate brokerage agreement; 2) an amount not to exceed \$5,511.00 for the purchase of a title insurance policy to Alamo Title Company; 3) a 6% real estate fee to the General Fund, to recover expenses incurred by the General Fund for staff work related to the sale of this property; and 4) an amount not to exceed \$500.00 for costs associated with closing. The balance of the sales proceeds will be placed in a fund designated for use associated with the development of the Southwest Business and Technology Park.

### **COORDINATION**

It has been determined that this property is not necessary for City purposes and is being declared surplus to our needs. The development of the parcelization plan included coordination with City departments, AT&T, City Public Service, and the San Antonio Water System.

### **SUPPLEMENTARY COMMENTS**

The Planning Commission recommended the sale of this property at its regular meeting of August 10, 2005. The required Discretionary Contracts Disclosure Form is attached.

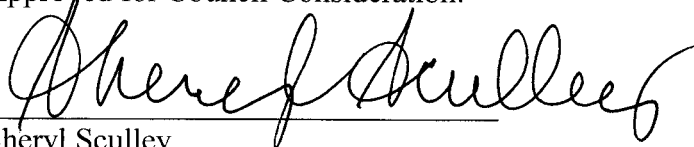


Shawn P. Eddy, Interim Director  
Department of Asset Management



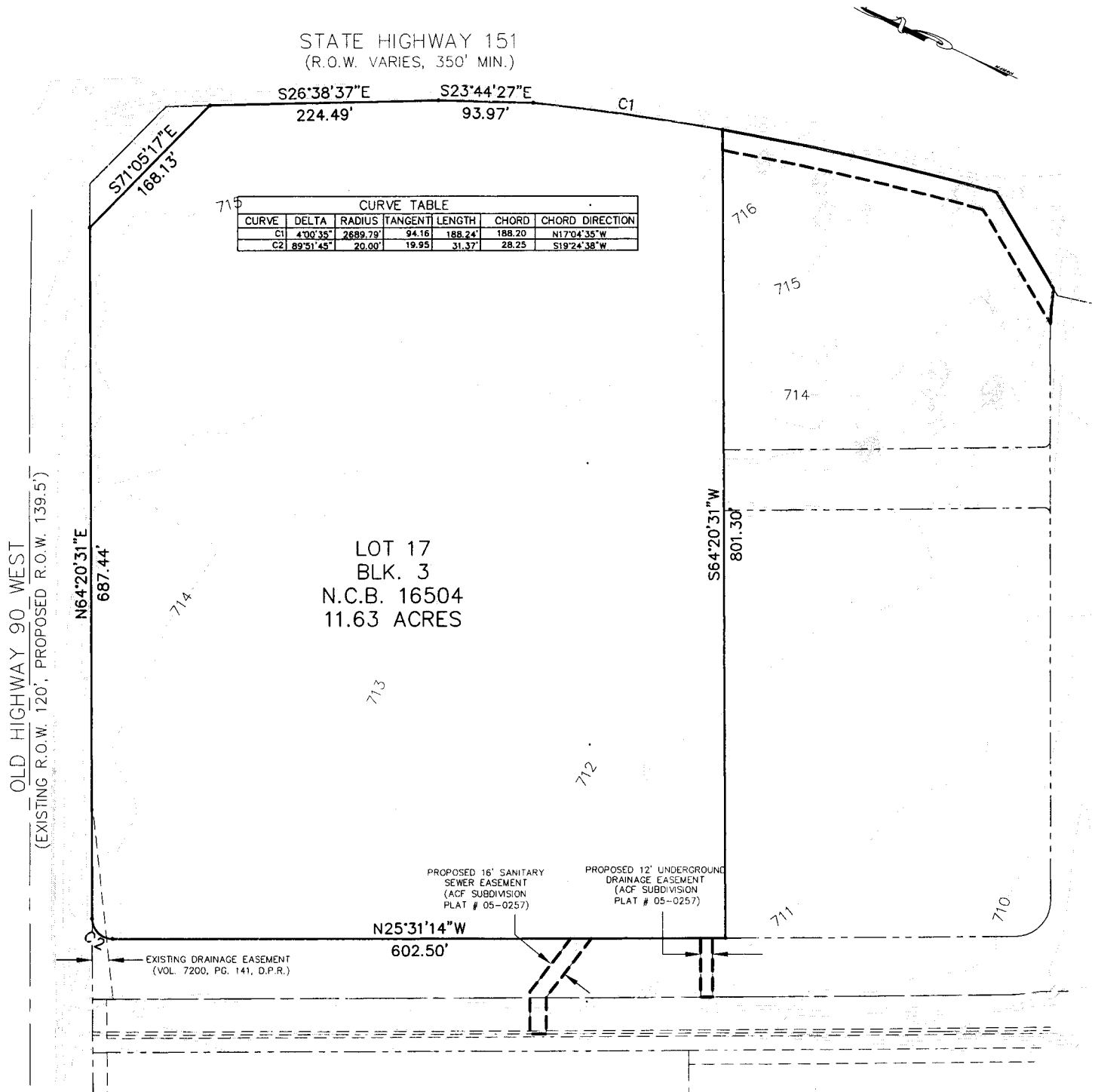
Erik J. Warsh  
Assistant City Manager

Approved for Council Consideration:



Sheryl Sculley  
City Manager

# EXHIBIT A



**City of San Antonio**  
**Discretionary Contracts Disclosure**

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity<sup>1</sup> that is a **party** to the discretionary contract:

N/A

(2) Identify any individual or business entity which is a **partner**, **parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

<sup>1</sup> 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. A sole proprietor should list the name of the individual and the d/b/a, if any.

**(5) Political Contributions**

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):



No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:

**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

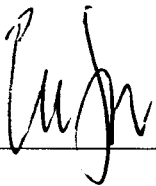


Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

Signature:



Title: *Executive Director*

Company or D/B/A:

Date: *2/8/06*

<sup>2</sup> 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.