

RESOLUTION NO. 2017-R63

A RESOLUTION OF THE CITY OF BOERNE AUTHORIZING THE USE OF REAL PROPERTY OWNED BY THE CITY OF BOERNE AND DESIGNATED AS PARKLAND; CONFIRMING PROPER NOTICE OF AN OFFICIAL DETERMINATION TO USE THE REAL PROPERTY; CONDUCTING A PUBLIC HEARING PRIOR TO APPROVAL OF USE OF SAID PROPERTY FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE USE AND THAT THE PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE REMAINING PARKLAND; AND AUTHORIZING THE CITY MANAGER TO ENGAGE IN FURTHER NEGOTIATIONS REGARDING THE USE OF PARK PROPERTY.

WHEREAS, City of Boerne ("City") owns .4426 acres of land located at 513 E. San Antonio; and

WHEREAS, the City has determined that a portion of the .4426 acres of land would be well suited for a trailhead plus a community parking lot (the "Project"); and

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code requires that anytime a municipality has a project requiring the use of public land designated as a park, the municipality may not approve the project that requires the use of the parkland unless the municipality, acting through its duly authorized governing body or officer, determines that: (1) there is no feasible and prudent alternative to the use; and (2) the project includes all reasonable planning to minimize harm to the land, as a park resulting from the use; and

WHEREAS, the City published the required notice in the San Antonio Express News (a copy of the Notice is attached as Exhibit B and appeared in the July 28th, August 4th and August 11th publications); and

WHEREAS, on August 22, 2017 the City, after holding a properly noticed public hearing, found there is no feasible and prudent alternative to the use of a portion of the parkland for the trailhead plus a community parking lot Project; and

WHEREAS, on August 22, 2017 the City determined that the construction of the trailhead and the community parking lot Project on a portion of the parkland will include all reasonable planning to minimize harm to the remaining parkland.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

1. That the City posted notice of a public hearing as required by Chapter 26 of the Texas Parks and Wildlife Code and Chapter 551 of the Texas Government Code to discuss the use of parkland property for the purpose of constructing a trailhead

plus a parking lot.

2. That it is hereby found, determined and declared that sufficient written notice of the date, time, place and subject of the meeting of the City Council of the City at which this Resolution was adopted was posted at a place convenient and readily accessible at all times to the general public as required by law preceding this meeting, and this meeting has been open to the public at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon.
3. The City has held the noticed public hearing as required by Chapter 26 of the Texas Parks and Wildlife Code.
4. The City recognizes, as required by Chapter 26 of the Texas Parks and Wildlife Code and following the public hearing, the following: a. that there was no other suitable property for the construction of the trailhead and a parking lot for this portion of the trail; and b. the construction of the trailhead and the parking lot on the City Property includes all reasonable planning to minimize harm to the remaining parkland resulting from the use.
5. As a result of the above findings, the City Manager is hereby authorized to engage in further negotiations concerning a Use Agreement with the R.S. Thornton, L.P. authorizing the use of a portion of the City Property in exchange for constructing a trailhead plus a parking lot.

PASSED and APPROVED on this the ____ day of August, 2017.

APPROVED:

Mayor

ATTEST:

City Secretary

Exhibit A

