

ORDINANCE NO. 2020-75

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS DEDICATING APPROXIMATELY 30 ACRES OF LAND IN THE VICINITY OF CENTERPOINT ROAD AND GREGSONS BEND AS PARKLAND IN CONNECTION WITH THE DEVELOPMENT OF THE CITY'S NEW MULTI-PURPOSE SPORTSPLEX FACILITY; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. The City Council previously approved a Purchase and Sale Agreement dated December 2, 2019 with Pursuant Ventures Development, LLC (as amended, the "Sportsplex PSA") as providing for the construction of an outdoor sports and recreation facility consisting of multi-purpose athletic fields that will accommodate various outdoor sports, such as baseball, softball, lacrosse, flag football and others, together with concession areas, covered seating and community play space (the "Sportsplex"), all to be located on approximately 30 acres of land in the vicinity of Centerpoint Road and Gregsons Bend (the "Sportsplex Land").

2. The City Council wishes to dedicate said Sportsplex Land as parkland for said development and use of the Sportsplex and other parks and recreation uses. Said Sportsplex Land is further described in Exhibit A, attached hereto and made a part hereof for all purposes, with the final size and configuration of such Sportsplex Land to be shown on the final subdivision plat.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Subject to Section 6 hereof, the Sportsplex Land is hereby dedicated as parkland for development and use of the Sportsplex and any other lawful parks and recreation purposes and uses.

SECTION 2. The dedication of the Sportsplex Land in Section 1 is subject to that certain Commercial Lease of Real and Improved Property between the City and SM Baseball Investments, LLC ("SMBI"), as contemplated by the Sportsplex PSA (the "Sportsplex Lease"), as may be amended or assigned (including any collateral assignments of the leasehold interest to a lender), together with any renewals and extensions thereof, or any substitute or replacement leases.

SECTION 3. There is also reserved and excepted from such dedication a blanket easement across the Sportsplex Land for any and all utilities, including drainage utilities, and any other easements and restrictions of record. The City further reserves the right to install park roads and parking lots, and other facilities and amenities that support lawful park purposes, subject to the terms of the Sportsplex Lease.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in full force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance will take effect two (2) business days after each of the following have occurred: a) its passage, approval and adoption on second reading; and b) the City acquires the Sportsplex Land pursuant to the Sportsplex PSA, and c) the duly authorized execution of the Sportsplex Lease by both the City and SMBI and the simultaneous closing of any loan between SMBI and any holder of a Leasehold Mortgage (as defined in the Sportsplex Lease) in connection therewith.

PASSED AND APPROVED on first reading on September 1, 2020.

PASSED, APPROVED AND ADOPTED on second reading on September 15, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael Cosentino
City Attorney

EXHIBIT A
Description of Property Dedicated for Park Purposes

That certain Land as described in the Sportsplex Lease and as shown on the final subdivision plat, a preliminary depiction of which is identified below as the “Sportsplex Land.”

