

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

APPROVING THE SETTLEMENT OF A LAWSUIT STYLED TAP PILAM COAHUILTECAN NATION, ET AL. V. ALAMO TRUST, INC., ET AL., CAUSE NO. 5:19-CV-1084; TAP PILAM, COAHUILTECAN NATION, ET AL. V. DOUGLASS W. MCDONALD, CEO OF THE ALAMO TRUST, ET AL., CAUSE NO. 20-50908; AND TAP PILAM COAHUILTECAN NATION, ET AL. V. ALAMO TRUST, INC., ET.AL., CAUSE NO. D-1-GN-20-005131 IN THE 98TH DISTRICT COURT, TRAVIS COUNTY, TEXAS RELATED TO SPECIFIC TERMS AS THEY PERTAIN TO THE CITY FOR THE ALAMO PLAN, ALAMO PLAZA, AND ALAMO COMPLEX.

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WHEREAS, the Tap Pilam Coahuiltecan Nation (“TPCN”) San Antonio Mission Cemetery Association (“SAMCA”) and Raymond Hernandez brought claims against the City and Alamo Trust, Inc. relating to the Alamo Plan; and

WHEREAS, the City owns Alamo Plaza and entered into a Lease Agreement, a Cooperative Agreement, and an Amended and Restated Ground Lease and Management Agreement for Alamo Plaza with the GLO to oversee and manage the property in Alamo Plaza including the Cenotaph for the Alamo Plan; and

WHEREAS, the parties have been communicating and working together to find an amicable resolution to the claims and these efforts have resulted in a proposed settlement agreement between the parties; and

WHEREAS, although the City of San Antonio has vigorously contested this matter, the matter is pending in the 98th District Court, Travis County, Texas as well as an ongoing Appeal with the 5th Circuit Court of Appeals; and

WHEREAS, it is in the City's best interest to settle this matter to avoid the uncertainties and risks associated with further litigation as it pertains to the Alamo Plan, Alamo Complex, and the area owned by the City in Alamo Plaza; and

WHEREAS the parties have reached an agreement to settle the claims as noted in Section 5 of the Settlement Agreement and Mutual Release ("Agreement") in exchange for a full release and dismissal with prejudice except as any noted in the Agreement, **NOW THEREFORE:**

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

SECTION 1. The Settlement Agreement and Mutual Release attached hereto as "**Exhibit A**" related to *Tap Pilam Coahuiltecan Nation, et al. v. Alamo Trust, Inc., et al.*, Cause No. 5:19-CV-1084; *Tap Pilam, Coahuiltecan Nation, et al. v. Douglass W. McDonald, CEO Of The Alamo Trust, et al.*, Cause No. 20-50908; and *Tap Pilam Coahuiltecan Nation, et al. v. Alamo Trust, Inc., et al.*, Cause No. D-1-GN-20-005131 in the 98th District Court, Travis County, Texas, is hereby approved in its entirety, and the City agrees to the terms of the Agreement, and specifically to the terms as they pertain to the City as noted in Section 5.

SECTION 2. The Mayor and/or his designee may take any action necessary to execute the Agreement and any other actions to effectuate all terms of the Agreement as necessary.

SECTION 3. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____ day of June, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Interim City Clerk

Andrew Segovia, City Attorney

SG
06/16/22
Item No. ##

EXHIBIT “A”

Settlement Agreement and Mutual Release