



**CITY OF SAN ANTONIO
OFFICE OF THE CITY ATTORNEY
Interdepartmental Correspondence**

TO: Sheryl Sculley, City Manager
COPIES: Mayor and City Council
FROM: Andy Segovia, City Attorney *AS*
SUBJECT: Decision regarding HDRC Case - 803 N Cherry
DATE: July 3, 2018

You asked for a legal opinion on whether your decision to approve or disapprove the HDRC recommendation is impacted by the recent litigation filed by plaintiffs seeking to suspend the issuing of permits for the proposed Hayes Street Bridge project at 803 N Cherry. The answer is no.

On June 12, 2018, the plaintiffs in the Hays Street Bridge lawsuit filed an emergency motion in State District Court seeking "additional security pending appeal." As you are aware, the matter that is currently pending before the Texas Supreme Court concerns immunity. The plaintiffs sought an order from the trial court judge that would restrain the City from taking any action with respect to the 803 N. Cherry St. property until the Supreme Court issues its opinion. Specifically, the plaintiffs proposed an order that the City would not be allowed to issue any "certifications, permits, approval, or other authorizations, that will permit construction to begin."

The Motion was held before the Honorable Judge Laura Salinas on June 15, 2018. Judge Salinas has not issued any order to date. Therefore, the City is in no way restrained from proceeding with issuing any decision with respect to the property.