

For Immediate Release

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Contact:

Amy Kastely, 210-216-3241

Gary Houston, 210-240-9645

Texas Supreme Court takes on Hays St. Bridge Case!



San Antonio, TX - On Friday, the Texas Supreme Court granted the Hays Street Bridge Restoration Group's Petition for Review, agreeing to review the court of appeals' 2017 decision dismissing the Restoration Group's breach of contract claim against the City. Even though a jury decided that the City's attempt to transfer ownership of 803 N. Cherry to Eugene Simor violated its contract with the Restoration Group, the court of appeals said that the City had "governmental immunity," and therefore could not be held responsible for the breach of contract. The Restoration Group looks forward to the Texas Supreme Court correcting the court of appeals' mistaken decision following oral argument this Fall.

The Restoration Group solicited and arranged for the donation of 803 N. Cherry to the Hays Street Bridge Hike and Bike Project, to be used as a community and visitor center, housing educational exhibits about the historic bridge and the eastside community of railroad workers who helped to build San Antonio and providing refreshment, restroom, and parking facilities. Without these amenities, the Historic Hays Street Bridge remains unfinished and inaccessible to many San Antonio residents and our visitors.

At the time of the donation, the City promised to hold the land in trust for the project, until funding for the necessary improvements was raised. The Bridge itself was reopened in 2010 and the Restoration Group turned its focus to fundraising for 803 N. Cherry. In a series of backroom meetings, however, Eugene Simor, a close personal friend of former Mayor Hardberger sought ownership of 803 N. Cherry, as a site for his Alamo Beer Company. Simor was buttressed in these efforts by former Hardberger staff and supporters, including Trey Jacobson, who is now Chief of Staff for Mayor Nirenberg. Despite initial approval of the Alamo Beer Package (including 803 N. Cherry, some additional land, a skywalk to the Bridge, use of the Bridge itself for a private restaurant) in 2012, transfer of the land was delayed and Alamo Beer Brewery and Beer Hall was built at 415 Burnet St.

In September 2012, the Federal Department of Transportation, which had funded a \$2.9 million grant to renovate the Bridge, informed the City that if it did allow Alamo Beer to use the Bridge

for a private restaurant, the City would have to return the \$2.9 million to the government.

In December 2014, Lori Houston, then Director of the Center City Development & Operations Department and currently an Assistant City Manager, told City Council that Alamo Beer still needed the land at 803 N. Cherry for “the restaurant and parking facilities” and the Council voted to reaffirm the Alamo Beer Package, including transfer of the land at 803 N. Cherry to the Alamo Beer Company. Later that day, Assistant City Attorney Carlos Contreras signed a deed transferring the land to the Simor Texas Land Company, not to the Alamo Beer Company as Council had been told.

The Hays Street Bridge Restoration Group and their many allies and supporters, including the 19,000 signors to a petition, look forward to the Texas Supreme Court reversing the Court of Appeals. At that time, the District Court will finally hold a hearing on whether the transfer of 803 N. Cherry to the Simor Texas Land Company violated the Court’s Judgment (a hearing that has been stayed since December 2014). The Restoration Group expects the District Court will find that the City did violate its Judgment and will invalidate the transfer, returning ownership of the land to the City, to hold in trust for the Hays Street Bridge community and visitor center.

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