

NO. 17-0423

In the Supreme Court of Texas

HAYS STREET BRIDGE RESTORATION GROUP,
Petitioner

V.

CITY OF SAN ANTONIO,
Respondent

On Petition for Review from the Fourth Court of Appeals at San Antonio,
Cause No. 04-14-00886 and the 73rd District Court for Bexar County,
Honorable David A. Canales, Cause No. 2012-CI-19589

**BRIEF OF AMICUS CURIAE
SAN ANTONIO CONSERVATION SOCIETY
IN SUPPORT OF PETITIONER,
HAYS STREET BRIDGE RESTORATION GROUP**

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STATEMENT OF INTEREST

Pursuant to Texas Rule Appellate Procedure 11, amicus curiae San Antonio Conservation Society (the "Conservation Society") respectfully submits this brief in support of the Hays Street Bridge Restoration Group.

The Conservation Society was founded in 1924 and is one of the first community preservation groups in the United States. Its mission is to preserve and protect San Antonio's cultural, natural and architectural heritage. The Conservation Society is a Texas Non-Profit Corporation.

The Conservation Society was instrumental in preserving the four Spanish Missions in San Antonio and a leader in the successful efforts to make the Missions a State Park in 1941, a National Historic Park in 1978, and a World Heritage site in 2015.

The Conservation Society protected many building and sites in San Antonio including the Southwest School of Art, the Rand Building, the Aztec Theater, Casa Navarro, and the Maverick Building. The famed San Antonio River Walk was an architect's idea first presented to the Conservation Society in the 1920's, and Hemisfair became the first World's Fair to utilize historic buildings in 1968, thanks to the Conservation Society. La Villita, Brackenridge Park, and Ellis Alley would not exist in the manner preserved today without the efforts and financial support of the Conservation Society. The

Conservation Society has additionally dedicated funds towards the preservation of the Hays Street Bridge.

In addition to its efforts to preserve cultural, architectural and cultural heritage sites, the Conservation Society provides free historic site visits for over 2,000 fourth graders each Fall, operates two historic house museums that educate thousands, and through its volunteers coordinates hundreds of programs and supports countless conservation efforts.

The San Antonio Conservation Society has paid all legal fees and costs associated with this brief. The San Antonio Conservation Society is located at 107 King William Street, San Antonio, Texas 78204.

PURPOSE OF AMICUS CURIAE BRIEF

The Conservation Society joins in and adopts the Statement of the Case, Statement of Jurisdiction, Statement and Facts and Argument contained in Petitioner Hays Street Bridge Restoration Group's Brief on the Merits. The Conservation Society writes separately to emphasize the cultural and historic nature and importance of the Hays Street Bridge and the Hays Street Bridge Restoration Project, and the ramifications of the Court of Civil Appeal's actions in this case.

CULTURAL, HISTORICAL AND ARCHITECTURAL HERITAGE OF HAYS STREET BRIDGE

The Hays Street Bridge is a precious historic and cultural treasure. The Hays Street Bridge was erected in 1910 by the Galveston, Harrisburg, and San Antonio Railway as the railroad company was expanding westward from the City of San Antonio. The railroad company planned two active parallel north/south tracts that would effectively block passage along Hays Street and adjoining east west streets, isolating the east side neighborhoods and creating a dangerous crossing for pedestrians, horse drawn carriages, and later motor vehicles. To provide safe access across the tracts, the railroad company was required to construct a bridge.

To construct the bridge the railroad company moved a narrow-gauge iron truss from a bridge built over the Nueces River in southwest Texas to San Antonio and joined it with another similar section. One of the trusses was a wrought iron Murphy-Whipple 225-ft span with Phoenix columns made by the famous Phoenix Iron Company. The Hays Street Bridge is only one of very few remaining bridges composed of wrought iron Whipple truss with Phoenix Columns.

The bridge was closed by the City in 1982, and for years neglected by the City, and then marked for demolition by the Union Pacific Railroad. Local

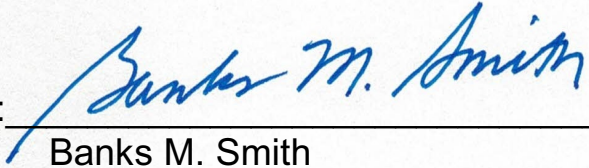
citizens, eastside activists, engineers and preservationists including the Conservation Society joined together to convince the City to preserve and restore the bridge. The Hays Street Bridge Restoration Group was subsequently formed and entered into negotiations with the City to preserve the bridge and the contiguous 803 N. Cherry Street property. From these negotiations the City of San Antonio and the Hays Street Bridge Restoration Group entered into the agreement dated June 4, 2002 setting forth the component parts of the Hays Street Bridge Restoration Project (the "Project"). The San Antonio Conservation Society contributed significant funds toward the restoration beginning in 2005.

PRAYER

The San Antonio Conservation Society respectfully requests this Court to grant the Petition for Review filed by Petitioner, reverse the court of appeals' judgment, and affirm the judgment entered by the District Court.

Respectfully,

Schoenbaum, Curphy & Scanlan, PC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Brief of Amicus Curiae has been delivered via e-mail transmission on this 6th day of September, 2018, to the following attorneys:

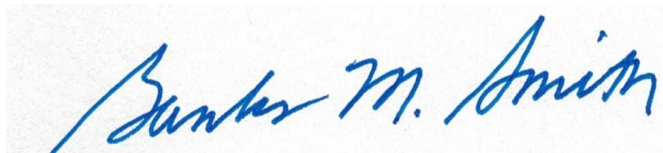
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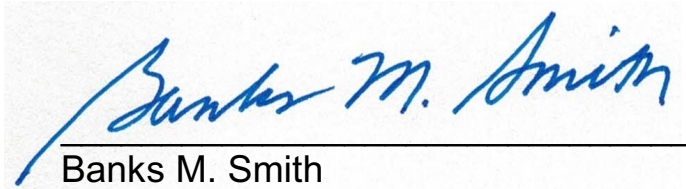
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CERTIFICATE OF COMPLIANCE

Pursuant to Tex. R. App. P. 9.4(i)(3), I certify that this computer generated document contains 1,054 words and is typed in 14-point font. In making this Certificate of Compliance, I am relying on the word count provided by the software used to prepare the document.



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