



MEDIA CONTACT: Lewis Vetter, President
The Conservation Society of San Antonio
210-621-7872 (cell) 210-224-6163 (office)

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CONSERVATION SOCIETY FILES APPEAL TO STOP ITC DEMOLITION

The Conservation Society of San Antonio lawsuit to temporarily halt demolition of the Texas Pavilion/Institute of Texan Cultures building has reached the 15th Court of Appeals. The Society's original lawsuit was filed March 26, but the District Court granted "pleas to jurisdiction" from the University of Texas at San Antonio (UTSA) and the City of San Antonio. That meant that the arguments were not heard, and demolition continued.

"We continue to try to make our voice heard, and to temporarily halt demolition so our arguments can be heard" said Lewis Vetter, President of the Conservation Society. "We are asking the 15th Court of Appeals to allow us to show evidence demonstrating that UTSA and COSA did not follow the law regarding this demolition."

Multiple wall panels have been removed since the original lawsuit was filed, and recently the bridge connecting the facility to the parking area was demolished, along with the iconic fountain that symbolized how Texas' identity converged from many cultural influences. UTSA had claimed that work was only remediation, but within a week of the lawsuit, crews were removing giant concrete wall panels with a backhoe. Notably, neither UTSA, the City of San Antonio nor Texas Historical Commission allowed a public comment period regarding the decision to demolish this major historic resource which belongs to the Taxpayers of Texas.

UTSA and the City see demolition of this historic structure as required piece of the multi-billion-dollar Project Marvel. The Conservation Society of San Antonio has repeatedly said that the structure could be a part of Project Marvel.

The Conservation Society, founded in 1924, has been pushing for public hearings on the future of the building since 2022, and successfully listed it on the National Register of Historic Places and as a State Antiquities Landmark in 2024. Those designations mean that certain procedures need to be followed, and UTSA has not played by those rules," said Vetter.

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BACKGROUND

The original suit, filed in District Court on Wednesday, March 26, asks for a halt to the demolition being undertaken by the University of Texas at San Antonio following the administrative approval of a demolition permit last December by the Texas Historical Commission. The petition claims that the demolition violates the original 1967 deed that transferred the property from the City of San Antonio to the State of Texas and that a required federal review of the demolition did not occur. The legal action references the City's statement about Project Marvel, which will utilize federal funding, and UTSA statements about "monetizing" the ITC site.

"UTSA and the City of San Antonio have moved forward with the demolition of the Texas Pavilion without following the requirements of the Texas Antiquities Code and those of the National Historic Preservation Act," said Lewis Vetter, President of the 100-year-old Conservation Society of San Antonio. "The Texas Pavilion should be part of Project Marvel," he added.

On Monday, April 14, the court granted 'Pleas to the Jurisdiction' filed by COSA and UTSA, meaning those entities could not be sued due to their sovereign immunity and that the district court did not have jurisdiction. Ten lawyers for UTSA and the City were present in the courtroom on that day.

The Conservation Society began in 1924 and was pivotal in the preservation of the San Antonio Missions beginning with restoration of the San Jose Granary in 1933, creation of a National Park in 1978 and nomination as World Heritage Site beginning in 2006. The Society was instrumental in the creation of the River Walk and has preserved hundreds of sites, including Casa Navarro, the Aztec Theatre, Ursuline College, the Rand Building and Yturri-Edmunds House and Mill. The Society provides over \$100,000 in building and educational grants to San Antonians each year, has over 1100 members and offers a range of educational programming and resources.

Historically, the Conservation Society has taken legal action to protect nationally significant historic sites such as the River Walk, Travis Park, Main and Alamo Plazas, and the San Juan acequia, resulting in positive change.

There are several public policy issues regarding the demolition of the Texas Pavilion that have not been resolved, including public financing; the existing Spurs lease at the Frost Bank Center; tepid public support for Project Marvel; and the potential for state and federal transportation funds for the project.