

AN ORDINANCE **9 6 9 4 4**

GRANTING A TEN (10) YEAR LICENSE AGREEMENT TO 214 TRAVIS PARK LOFTS PROPERTY OWNERS ASSOCIATION, INCORPORATED, TO USE AIR RIGHTS OVER E. TRAVIS STREET AND AN IMPROVED ALLEY, BOTH BEING PUBLIC RIGHTS OF WAY, ADJACENT TO 214 E. TRAVIS STREET BETWEEN N. ST. MARY'S STREET AND NAVARRO STREET AND OVER AN IMPROVED ALLEY BETWEEN 214 E. TRAVIS STREET AND 217 E. HOUSTON STREET FOR THE CONSTRUCTION, INSTALLATION, USE, MAINTENANCE, AND OPERATION OF TWENTY (20) BALCONIES LOCATED WITHIN NEW CITY BLOCK 407 AND ACCEPTING A TWENTY FIVE PERCENT (25%) REDUCTION OF THE LICENSE FEE DUE TO THE CREATION OF NEW DOWNTOWN HOUSING FOR THE AMOUNT OF \$12,787.50, TO BE PAID OVER A TEN-YEAR PERIOD.

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WHEREAS, the Petitioner, **214 Travis Park Lofts Property Owners Association, Incorporated**, has requested a License Agreement to use air rights over 214 E. Travis Street between N. St. Mary's Street and Navarro and an improved alley between 214 E. Travis Street and 217 E. Houston, both being public rights of way of the City of San Antonio, for the construction, installation, use, maintenance, and operation of the following:

- Twelve (12) balconies (four columns of three) on the west side of the building
- Six (6) balconies (two columns of three) on the north side of the building and
- Two (2) balconies (one column of two) on the east side of the building; and

WHEREAS, the purpose of the construction and installation of the twenty (20) balconies is to renovate the building into apartments for downtown housing and a fitness center; and

WHEREAS, the City is agreeable to granting the Petitioner a License Agreement for a ten (10) year term to use the public right of way for construction, installation, use, maintenance, and operation of twenty (20) balconies within New City Block 407; and

WHEREAS, due to the creation of new downtown housing, City staff is recommending that the license fee be reduced to \$12,787.50, to be paid over a ten-year period, and representing a twenty five percent (25%) reduction of the license fee; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, Development Services, Parks and Recreation, and City Public Service through a Letter Agreement dated November 6, 2002; **NOW THEREFORE**,

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

SECTION 1. A License Agreement is hereby authorized between the City of San Antonio and **214 Travis Park Lofts Property Owners Association, Incorporated**, as Licensee, for a term of ten (10) years to use air rights over 214 E. Travis Street between N. St. Mary's Street and Navarro and an improved alley between 214 E. Travis Street and 217 E. Houston, at the locations shown on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes for construction, installation, use, maintenance, and operation of twenty (20) balconies and for a license fee of \$12,787.50, reduced by twenty-five percent (25%), due to the creation of new downtown housing, and to be paid over a ten-year period. The City Manager or City Manager's designee is hereby authorized to execute a License Agreement, a copy of which is attached hereto as **Exhibit "B"** and incorporated herein verbatim for all purposes.

SECTION 2. The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a Letter Agreement, a copy of which is attached hereto as **Exhibit "C"** attached hereto and incorporated herein verbatim for all purposes and is further contingent upon payment of each of the three payments within the time periods set forth in the License Agreement.

SECTION 3. The proceeds of the agreement shall be deposited into Fund No. 11-000 entitled "General Fund," Index Code 012732, entitled "License Agreements- Use of ROW."

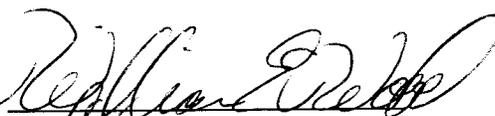
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance

SECTION 5. This ordinance shall take effect on the 29th day of December, 2002.

PASSED AND APPROVED this 19th day of December, 2002.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney