

AN ORDINANCE

98433

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING MACK-CALI TEXAS PROPERTY, L.P., THE RIGHT TO USE SURFACE AND SUBSURFACE PORTIONS OF SOLEDAD STREET PUBLIC RIGHT OF WAY TO MAINTAIN AND OPERATE SIX (6) EXISTING LANDSCAPE PLANTERS, FOUR (4) EXISTING FLAG POLES AND AN EXISTING SIDEWALK ELEVATOR IN THE SUBSURFACE OF SOLEDAD STREET LOCATED AT THE RIVERVIEW TOWERS, 111 SOLEDAD STREET, ADJACENT TO NCB 909, FOR A TEN (10) YEAR TERM, AND A LICENSE FEE OF \$5,000.00; AND PROVIDING FOR THE ASSIGNMENT OF THE LICENSE AGREEMENT TO A BUYER OF THE ADJACENT PROPERTY WITHIN ONE (1) CALENDAR YEAR OF THE EFFECTIVE DATE OF THE LICENSE AGREEMENT, WITH THIRTY (30) DAYS' PRIOR WRITTEN NOTICE TO THE CITY.

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WHEREAS, Mack-Cali Texas Property, L.P., is the owner of certain improvements which are currently encroaching on City public right of way located at 111 Soladad; and, as Petitioner, the owner has requested that the City grant a License allowing the right to use such public right of way for the improvements; and

WHEREAS, the property is under contract to be sold and the License Agreement provides for the assignment of the License to the buyer within one calendar year of the effective date of the License Agreement with thirty (30) days' prior written notice to the City; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, is hereby authorized to execute said License Agreement, Memorandum of License Agreement, and any other related instruments, as first reviewed and approved by the City Attorney, with Mack-Cali Texas Property, L.P., as Licensee, granting the right to use surface and subsurface portions of Soledad Street public right of way to maintain and operate six existing landscape planters, four existing flag poles and an existing sidewalk elevator in the subsurface of Soledad Street, located at the Riverview Towers, 111 Soledad Street, adjacent to NCB 909, for a ten (10)-year term and for a License Fee of \$5,000.00. Copies of the License Agreement and Memorandum of License Agreement are both attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes. Said use is further shown on **Exhibit "B"** attached hereto and incorporated herein for all purposes.

SECTION 2. Licensee is granted the right to assign the License Agreement to a buyer of the adjacent property within one (1) calendar year of the effective date of the License Agreement, with thirty (30) days' prior written notice to the City.

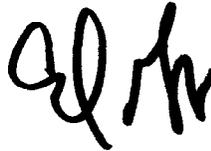
SECTION 3. The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a letter agreement, a copy of which is attached hereto as **Exhibit "C"** and incorporated herein verbatim for all purposes.

SECTION 4. The proceeds of the License Agreement shall be deposited in Fund No. 11-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement – Use of ROW."

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Number as necessary to carry out the purpose of this Ordinance.

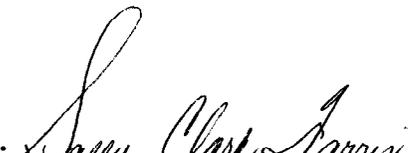
SECTION 6. This ordinance shall take effect on the 23rd day of November 2003.

PASSED AND APPROVED this 13th day of November 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney